

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, November 26, 2001**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Tom Bussing (At-Large)  
Commissioner Warren Nielsen (At-Large)  
Commissioner Chuck Chestnut (District 1)  
Commissioner John R. Barrow (District 2)  
Mayor-Commissioner Pro Tem Pegeen Hanrahan (District 3)*

**CALL TO ORDER - 1:05 PM****INVOCATION**

*Mayor Bussing called for a moment of silence.*

**ROLL CALL**

Present: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

**CONSENT AGENDA**

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

*File # 002145 - General Manager Category - Security Services - (Remove from the agenda).*

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

**CITY MANAGER, CONSENT AGENDA ITEMS****002128 Award of Bid - Waldo Road/NW 39th Avenue Landscape Contract (B)**

**RECOMMENDATION** *The City Commission: 1) approve the ranking of the firms as presented; 2) authorize the City Manager, or his designee, to negotiate a contract for Landscaping at Waldo Road/NW 39th Avenue; and 3) authorize the City Manager, or his designee, upon successful negotiation, to execute the contract.*

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

**002129 Award of Bid - Anglin Cavallino Construction in an amount not to exceed \$102,000 (B)**

**RECOMMENDATION** *The City Commission approve the issuance of a Purchase Order to Anglin Cavallino Construction Company for \$88,970 and approve a 15 percent contingency amount (\$13,345) for any change orders.*

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

**002130 Amendment to Section 6-3 Code of Ordinances, Administrative Section for the Florida Building Code (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an amendment to the Code of Ordinances.*

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

**002132 Adoption of the Wind Speed Line for the City of Gainesville (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an amendment to the Code of Ordinances amending Chapter 6 to include a section establishing the 100 MPH and 110 MPH wind line.*

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

**002133 Grant Application to the State Division of Cultural Affairs for General Support (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the application by the City's Department of Cultural Affairs, for a grant in an amount not to exceed \$60,000 per grant year; and 2) authorize the City Manager or his designee to execute the grant application and subsequent agreement on behalf of the City.*

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

**002134 State Emergency Medical Services Matching Grant (B)**

**RECOMMENDATION** *The City Commission authorize the City Manager to: 1) apply to the State of Florida under the State Emergency Medical Services Matching Grant for purchase of replacement EKG monitor/defibrillators; and if awarded, 2) bring back to the Commission a financial plan for identifying the matching funds requirement prior to executing the grant award contract.*

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

**002135 Ratification of Agreement between the City of Gainesville and Florida State Lodge, Fraternal Order of Police Bargaining Unit for October 1, 2001, through September 30, 2004. (NB)**

**RECOMMENDATION** *The City Commission ratify the Agreement for the Florida State Lodge, Fraternal Order of Police covering the period of*

*October 1, 2001, through September 30, 2004, between the City of Gainesville and the Florida State Lodge, Fraternal Order of Police, a copy of which is on file with the Clerk of Commission. After November 26, 2001, the Agreement will be on file in the Human Resources Department.*

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

**002136 Contract Renewal Correction - Group 5 & Associates, Inc. (B)**

**RECOMMENDATION** *The City Commission authorize the City Manager or designee to approve the issuance of a purchase order to Group 5 & Associates, Inc., for Public Education for Curbside Recycling and Reduction of Solid Waste and Yard Trash, not to exceed \$57,273 for FY 01-02, subject to the availability of funds.*

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

**002148 Renewal of Contract with WCJB TV 20 for Police Beat Television Show (B)**

**RECOMMENDATION** *The City Commission approve the issuance of a purchase order totaling \$41,500 to Diversified Broadcasting, Inc., D/B/A as WCJB TV 20, of Gainesville, Florida, for the continuation of funding of eleven episodes of the Police Beat television show, and authorize the City Manager or his designee to enter into an agreement with WCJB TV 20 for the same.*

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

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

**002144 Pole Attachment Agreement (B)**

**RECOMMENDATION** *The City Commission authorize the General Manager for Utilities to execute a new Pole Attachment Agreement with BellSouth Telecommunications, Inc., subject to approval of the City Attorney as to form and legality.*

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

**002145 Extension of Contract for Security Services (NB)**

**RECOMMENDATION** *The City Commission 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 for a period of twelve months, through November 30, 2002, subject to the approval of the City Attorney as to form and legality and approve the issuance of purchase orders to Barkley Security in amounts not to exceed \$480,000 for the second extension period.*

**Withdrawn**

**002146 Trunked Radio System Service Agreement (NB)**

**RECOMMENDATION** *The City Commission 1) Authorize the General Manager or his designee to enter into a Service Agreement for Fiscal Year 2002 with Motorola, Inc., for the repair, maintenance and service needs of the GRUCom Trunked Radio System, subject to the approval of the City Attorney as to form and legality; and 2) Approve the issuance of a purchase order to Motorola, Inc. in an amount not to exceed the budgeted amount for these services.*

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**002140 KAREN SNYDER - EEOC/FCHR CHARGE NO. 150A20237**

**RECOMMENDATION** *The City Commission authorize the City Attorney's Office to represent the City in the case styled Karen Snyder v. City of Gainesville, EEOC/FCHR Charge No. 150A20237.*

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

**002141 TECHNICAL AMENDMENTS TO CITY OF GAINESVILLE EMPLOYEES PENSION PLAN AND THE CONSOLIDATED POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN (NB)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the City of Gainesville Employees Pension Plan and the Consolidated Police Officers and Firefighters Retirement Plan, to comply with technical requirements of the Economic Growth and Tax Relief Reconciliation act of 2001.*

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

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT AGENDA ITEMS**

**002110 Fourth Amendment to the Agreement for the Development and Disposition of Property (B)**

**RECOMMENDATION** *The CRA to the City Commission: Approve the Fourth Amendment to the Agreement for the Development and Disposition of Property.*

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

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**PUBLIC WORKS COMMITTEE, CONSENT**

**PUBLIC SAFETY COMMITTEE, CONSENT**

**RECREATION AND CULTURAL AFFAIRS COMMITTEE, CONSENT**

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

**002099 Resignation - Public Recreation Board (B)**

**RECOMMENDATION** *The City Commission accept the resignation of member Bill Richards from the Public Recreation Board effective immediately.*

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

**002131 City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of November 5, 2001-(two sets), November 6, 2001, and November 13, 2001, as circulated.*

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

**Passed The Consent Agenda**

**A motion was made by Commissioner Barrow, 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: Chuck Chestnut, Warren Nielsen, John R. Barrow and Tom Bussing  
Absent: Pegeen Hanrahan

## ADOPTION OF THE REGULAR AGENDA

*Commissioner Nielsen moved and Commissioner Barrow seconded to adopt the Regular Agenda with the following modifications:*

- 1. File # 002152 - Outside Agencies Category - Alachua County Sheriff's Office - (Waive Rules and move to the 1:00 PM portion of the agenda).*
- 2. File #002124 - Ordinance - North Florida Regional Annexation - (Additional back-up submitted)*
- 3. File # 001912 - Ordinance - Southwest Area (Route 35) Annexation - (Additional back-up submitted)*
- 4. File # 001660 - Petition 69SUB-01DB - (Additional back-up submitted)*

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

## OUTSIDE AGENCIES

### 002152 Alachua County Sheriff's Office (NB)

*NOTE: Commissioner Hanrahan entered the meeting room at 1:11 PM.*

*Alachua County Sheriff Stephen Oelrich, Captain Gainey and City of Gainesville Police Chief Norman Botsford gave presentations.*

**RECOMMENDATION** *The City Commission hear a presentation from Sheriff Stephen Oelrich.*

**Heard**

## CLERK OF THE COMMISSION

### 002150 Special Meetings (NB)

*AMENDMENT: The City Commission amended the recommendation as follows:*

*a) Second Reading - 13th Street Moratorium - December 20, 2001 at 5:00 PM.*

*c) Goal Setting Retreat - February 4, 2002 10:30 AM - 6:30 PM - Ironwood Golf Course.*

**RECOMMENDATION** *The City Commission schedule special meetings as follows:  
a) 2nd Reading - 13th Street Moratorium - December 20th (if needed) at 5:00 or 6:00pm. Other options include January*

14, 2002, regular meeting or other dates prior to January 14, 2002.

b) Rules of City Commission - January 7, 2002, 3:00 - 5:00pm

c) Goal Setting Retreat - February 4, 2002, 9:00am - 5:00pm  
(place to be determined)

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

**Votes:** Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

## CITY MANAGER

### 002137 Environmental Protection Agency - Brownfield Project Awards (NB)

*City of Gainesville Brownfield Project Coordinator Matt Dube' and USEPA's Brownfield Project Manager Marilyn Allen gave presentations.*

**RECOMMENDATION** *The City Commission: 1) hear a presentation from Ms. Marilyn Allen, USEPA's Brownfield Project Manager; and 2) accept the EPA Winner's Circle and RBI Awards on behalf of the City of Gainesville.*

**Heard**

### 002138 Review of the City's Mission Statement by Leadership General Government III (B)

*Leadership General Government III Representatives Neva Holder, Gene Prince and Ron Barlow gave presentations.*

*MOTION: To adopt the mission statement (Option I) as recommended by the Leadership General Government Class III, with the amendment changing "customer satisfaction" to "citizen and customer satisfaction".*

**RECOMMENDATION** *The City Commission: 1) hear a presentation from Neva Holder and Gene Prince representing Leadership General Government III; 2) discuss the mission statement options; and 3) take appropriate action.*

**A motion was made by Mayor-Commissioner Pro Tem Hanrahan, 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, Pegeen Hanrahan, John R. Barrow and Tom Bussing



**002149 Southwest 13th Street Special Area Plan (NB)**

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

*MOTION: Authorize the allocation of up to \$12,500 from the City Commission Contingency Fund to initiate a design charrette for the SW 13th Street Special Area Plan and ask the Alachua County Commission to participate.*

*Chair Bussing recognized Citizen Mark Robinson who spoke to the matter.*

**RECOMMENDATION** *The City Commission hear a presentation from staff about two alternative timelines and provide direction on funding.*

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

**Votes:** Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

**GENERAL MANAGER FOR UTILITIES****CITY ATTORNEY****002151 BILL AMENDING THE GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY (B)**

*City Attorney Marion Radson gave a presentation.*

*MOTION: Authorize the City Attorney to communicate to the Legislative Delegation that the Gainesville-Alachua County Regional Airport Authority should be composed of one member of the Board of Alachua County Commissioners, two members of the Gainesville City Commission, one member of the University of Florida (president or designee) and one member appointed by the Governor.*

*Chair Bussing recognized Citizens Liz Fetty and Harold Saive who spoke to the matter.*

**RECOMMENDATION** *Hear a report from the City Attorney.*

**A motion was made by Mayor-Commissioner Pro Tem Hanrahan, 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, Pegeen Hanrahan and John R. Barrow  
Nay: Tom Bussing

**CITY AUDITOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)****PUBLIC WORKS COMMITTEE****PUBLIC SAFETY COMMITTEE****001081 Citizens Review Board for the Police Department (B)**

*NOTE: The Clerk was asked to remove this item from the City Manager's Referral List at the May 9, 2002, Special City Commission Meeting.*

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

*FIRST MOTION (REFERRAL): Mayor Bussing moved and Commissioner Nielsen seconded to direct the City Manager to: 1) Report back to the City Commission on the feasibility and cost of possibly hiring a consultant; and 2) the City Manager also come back with a report on the feasibility of establishing an alternate routing of complaints about the Police Department.  
(VOTE: 5-0, MOTION CARRIED)*

*Chair Pro Tem Hanrahan recognized Citizens Liz Fetty, Charles Grapski, Pam Armagost, and Jeff McAdams who spoke to the matter.*

*City of Gainesville Chief of Police Norman Botsford gave a presentation.*

*NOTE: Mayor Bussing re-assumed the gavel after the previous motion.*

*SECOND MOTION: Commissioner Nielsen moved and Mayor-Commissioner Pro Tem Hanrahan seconded to allow the continuation of dialogue of Commissioner Chestnut's draft document, entitled "Citizen Advisory Review Board" by retaining this referral with the Public Safety Committee (Recommendation 2).*

*The Chair recognized Citizen Charles Grapski who spoke to the matter.  
(VOTE: 5-0 - MOTION CARRIED)*

**RECOMMENDATION** *The Public Safety Committee recommends: 1) The City Commission hire an outside consultant to conduct a comprehensive review of the Gainesville Police Department's performance and procedures; 2) at the same time, allow the continuation of dialogue of Commissioner Chestnut's draft document entitled "Citizen Advisory Review Board" by retaining this referral with the Public Safety Committee; and 3) allow the consultants report to be brought back to the Public Safety Committee for discussion, prior to further action with regard to the "Citizens Advisory Review Board" proposal.*

**A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Referred to the City Manager, due back on May 26, 2002. The motion carried by the following vote:**

**Votes:** Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

## RECREATION AND CULTURAL AFFAIRS COMMITTEE

### COMMUNITY REDEVELOPMENT AGENCY

#### 001955 Retail Spaces in the City Parking Garage (NB)

*City of Gainesville CRA Manager Karen Slevin gave a presentation.*

*Chair Bussing recognized Downtown Redevelopment Advisory Board Member Liz Fetty who spoke to the matter.*

**RECOMMENDATION** *CRA to the City Commission: Recommend that retail be the top priority and the focus for the first floor of the parking garage, with office space being the last resort and reserved only to the southwest quadrant (which would be on Southwest 2nd Avenue).*

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

**Votes:** Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

## ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

#### 002139 Gator Bowmen Request for Funding (B)

*City of Gainesville Recreation and Parks Director Cliff Crawford gave a presentation.*

*Chair Bussing recognized Gator Bowmen Archery Club Secretary/Treasurer Tim Austin who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) hear a presentation from the Public Recreation Board; and 2) refer this matter to the Recreation & Cultural Affairs Committee.*

**A motion was made by Commissioner Barrow, seconded by Commissioner Chestnut, that this matter be Referred to the Recreation and Cultural Affairs Committee, due back on May 26, 2002. The motion carried by the following vote:**

**Votes:** Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**RECESS - 5:11 PM**

**RECONVENE - 5:43 PM**

**CITIZEN COMMENT**

**Jim Konish**

*GRU Rate Issues*

**Ralph & Bonnie Cameron**

*Red Cross Fundraiser/Bikers on Parade*

**Kali Blount**

*Public Safety Issues*

**Richard W. Brown**

*GPD Issue*

**Susan Lawrence**

*Mobile Food Cart - See following item # 002153.*

**002153      Mobile Food Cart Vendors (NB)**

**RECOMMENDATION**    *The City Commission ask the City Manager to review the Mobile Food Cart Vendor Ordinance and to come back with recommendations on how to regulate same product vendors.*

**A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Chestnut, that this matter be Referred to the City Manager, due back on December 10, 2001. The motion carried by the following vote:**

**Votes:** Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

**Dorrie Farley - Property Manager**

*Apartment complex concerns*

**Natalie Hanan - University of Florida Lobby Director**

*Student/Community Public Safety Issues*

**Officer Jeff McAdams - FOP President**

*Ratification of Agreement between the City and the Fraternal Order of Police (FOP)*

**Marilyn Walker**

*Public Involvement Issues*

**COMMISSION COMMENTS (if time available)**

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

**Scout Troop #164**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**002112 Pearl Harbor Remembrance Day - December 7, 2001 (B)**

**RECOMMENDATION** *Gator Detachment Marine Corps League Commandant Bob Gasche, Jr. Vice Commandant Gary Powers, and Senior Commandant Major Shawn Engle to receive the Proclamation.*

**Heard**

**002113 Civil Air Patrol Month - December 2001 (B)**

**RECOMMENDATION** *Civil Air Patrol Gainesville Composite Squadron Captain Tom Beukelman to receive the Proclamation.*

**Heard**

**002122 NAACP Day - December 1, 2001 (B)**

**RECOMMENDATION** *Alachua County Branch of the NAACP President Mike Bowie and Vice President Evelyn Foxx to receive the Proclamation.*

Heard

## PUBLIC HEARINGS

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

TIME CERTAIN - 7:00 PM

### DEVELOPMENT REVIEW BOARD PETITIONS

**001660**      **Petition 69SUB-01DB, Quasi-Judicial. Eng, Denman & Assoc., agent for Larry Ross Builders, Inc. Design plat review for 10 lots on approximately 6.26 acres. Blues Creek Unit 5 - Phase I. Zoned : PUD (Alachua County). Located in the 7800 block of Northwest 80th Avenue. (B)**

*City of Gainesville Community Development Director Tom Saunders, Planner Bedez Massey, Alachua County Environmental Protection Specialist Michael Drummond and Agent for the Developer Ralph Eng gave presentations.*

*Chair Bussing recognized Citizens Bill Emerson, David Cohen, Don Morrow, Paula Stahmer and Sally Scott who spoke to the matter.*

*FIRST MOTION (MAIN MOTION): Commissioner Chestnut moved and Mayor-Commissioner Pro Tem Hanrahan seconded that the City Commission approve the recommendation.*

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

*SUBSTITUTE MOTION: Mayor Bussing passed the gavel to Mayor-Commissioner Hanrahan to make a substitute motion to continue this item.*

*(NO SECOND)*

*Prior to voting on the first motion Commissioner Chestnut moved and Commissioner Barrow seconded to move the previous question.*

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

*SECOND MOTION: Commissioner Hanrahan moved and Commissioner Nielsen seconded to direct staff to meet with Mr. Ross or his designee regarding future plans of this development and also include Alachua County staff.*

*The Chair recognized Citizens David Cohen, Bill Emerson, Mary Helen Wheeler, Paula Stahmer and Don Morrow who spoke to this item.*

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

*Prior to voting on the previous motion Commissioner Chestnut moved and Mayor-Commissioner Pro Tem Hanrahan seconded to move the previous question.*

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

**RECOMMENDATION** *Development Review Board to City Commission - The City Commission approve Petition 69SUB-01DB subject to the staff conditions and recommendation that sidewalks be provided within the development. Vote 5-0.*

*Staff to Development Review Board - The Design Plat is approvable subject to the staff conditions and recommendation that sidewalks be provided within the development.*

**A motion was made by Commissioner Chestnut, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Approved as Recommended with Conditions and Amendments (Petition). The motion carried by the following vote:**

**Votes:** Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan and John R. Barrow  
Nay: Tom Bussing

## **ORDINANCES, 1ST READING-ROLL CALL REQUIRED - (continued)**

### **002124 NORTH FLORIDA REGIONAL ANNEXATION - LOT 3 (B)**

#### **ORDINANCE NO. 0-01-59**

**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 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 located on Lot 3, North Florida Regional Doctors Office Park Subdivision, located at 1201 NW 64th Terrace; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.**

*City of Gainesville Statagic Planner Heidi Lannon gave a presentation.*

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

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

**Votes:** Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

### **002125 AD VALOREM TAX EXEMPTION FOR HISTORIC PROPERTIES - 220 SE 7TH STREET (B)**

**ORDINANCE NO. 0-01-61**

**An ordinance of the City of Gainesville, Florida, finding that property located in the vicinity of 220 SE 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, 2002, 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 (1) approve the "Part 2-Request for Review of Completed Work" application; (2) adopt the proposed ordinance; and (3) authorize the Mayor and Clerk of the Commission to sign a the Historic Preservation Property Tax Exemption Covenant, subject to approval by the City Attorney as to form and legality.*

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

**Votes:** Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

**002126****AD VALOREM TAX EXEMPTION FOR HISTORIC PROPERTIES - 633 NE 10TH AVENUE (B)****ORDINANCE NO. 0-01-62**

**An ordinance of the City of Gainesville, Florida, finding that property located in the vicinity of 633 NE 10th Avenue, 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, 2002, 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 (1) approve the "Part 2-Request for Review of Completed Work" application; (2) adopt the proposed ordinance; and (3) authorize the Mayor and Clerk of the Commission to sign a the Historic Preservation Property Tax Exemption Covenant, subject to approval by the City Attorney as to form and legality.*

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

**Votes:** Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing



**002142 DOWNTOWN EXPANSION DISTRICT BOUNDARIES AND TRUST FUND (B)**

**ORDINANCE NO. 0-01-67**

**An ordinance of the City of Gainesville, Florida, amending Division 9 of Chapter 2 of the Code of Ordinances of the City of Gainesville relating to Community Redevelopment, amending Section 2-410 by defining the boundaries of the Downtown Expansion District redevelopment area; amending Section 2-412 relating to the trust fund for the Downtown Expansion District redevelopment area; 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 Nielsen, seconded by Commissioner Chestnut, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

**002143 EASTSIDE DISTRICT BOUNDARIES AND TRUST FUND (B)**

**ORDINANCE NO. 0-01-68**

**An ordinance of the City of Gainesville, Florida, amending Division 9 of Chapter 2 of the Code of Ordinances of the City of Gainesville relating to Community Redevelopment; creating the Eastside District trust fund; creating the boundaries of the Eastside District Redevelopment Area; 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 Hanrahan, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing

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

**001912 SOUTHWEST AREA (ROUTE 35) ANNEXATION (B)**

**ORDINANCE NO. 0-01-57**

**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 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 located generally north of Williston Road, east of Interstate 75, south of the city limits in the vicinity of Archer Road and west of the city limits in the vicinity of SW 23rd Terrace; containing approximately 2 square miles; providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan and zoning regulations; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.

*City of Gainesville Strategic Planner Heidi Lannon, Assistant Alachua County Attorney David Schwartz, Alachua County Planners Ken McMurray and Ken Zeichner and Assistant City Attorney Liz Waratuke gave presentations.*

*AMENDMENT: The Idylwild-Serenola Special Study Area will be enforced.*

*Chair Bussing recognized Citizens Mark Goldstein, Paula Stahmer, Dian Deevey, Jo Beatty, Harold Saive, and UF Lobby Director Natalie Hanan who spoke to the matter.*

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

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

**Votes:** Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan and John R. Barrow  
Nay: Tom Bussing

## **EXTENSION OF THE MEETING**

*Mayor-Commissioner Pro Tem Hanrahan moved and Commissioner Chestnut seconded to extend the meeting to 11:30 PM.  
(VOTE: 4-1, Commissioner Barrow - No - MOTION CARRIED)*

*Chair Bussing recognized Citizen Mark Goldstein who spoke to the matter.*

*NOTE: Commissioner Barrow left the meeting room at 11:03 PM*

## **RESOLUTIONS- ROLL CALL REQUIRED**

**000870** **Petition 167SUB-00DB, Legislative Matter No. 000870. Eng, Denman & Assoc., agent for Harvey Pleiman. Final plat approval of East Side Oaks, Eighteen (18) lots on 4.58 acres more-or-less, having a density of 5.24 dwelling units per acre. Zoned: RMF-5 (12du/ac). Located in the vicinity of Northeast 21st Terrace and East University Avenue, north side. (B)**

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

**RECOMMENDATION** *Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the final plat of "New Gainesville, a Replat of a portion of Lot 49 to be known as "East Side Oaks," located in the vicinity of Northeast 21st Terrace and East University Avenue, north side, Gainesville, Florida; authorizing the Mayor and Clerk of the Commission to execute a Tri-Party Agreement; and providing an immediate effective date.*

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

**Votes:** Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan and Tom Bussing  
Absent: John R. Barrow

002123

**RESOLUTION AUTHORIZING MODIFICATION TO SHANDS TEACHING HOSPITAL AND CLINICS, INC. HEALTH FACILITIES REVENUE NOTE (B)**

**A Resolution of the City of Gainesville, Florida authorizing the modification of its Health Facilities Revenue Note, Series 2000 (Shands Teaching Hospital and Clinics, Inc.); authorizing execution and delivery of an Omnibus Agreement that amends the documents pursuant to which such Series 2000 Note was issued; and providing an effective date.**

**RECOMMENDATION** *The City Commission: 1)hear an explanation from Shands' representatives; and 2) adopt the proposed Resolution.*

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

**Votes:** Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan and Tom Bussing  
Absent: John R. Barrow

## PLAN BOARD PETITIONS

001763

**Petition 93TCH-01 PB. Legislative Matter No. 001763. City of Gainesville. Amend the City of Gainesville Land Development Code to allow "Individual and Family Social Services" in the I-1 (limited industrial district) and I-2 (general industrial district) Zoning Districts. (B)**

*MOTION: Continue to this item to the next regular City Commission meeting, December 10, 2001.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission*

*deny Petition 93TCH-01 PB. Plan Board vote 4-1.*

*Staff to Plan Board - The City Plan Board consider allowing the use by Special Use Permit.*

**A motion was made by Commissioner Chestnut, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Continued (Petition) for December 10, 2001. The motion carried by the following vote:**

**Votes:** Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan and Tom Bussing  
Absent: John R. Barrow

## **SCHEDULED EVENING AGENDA ITEMS**

### **UNFINISHED BUSINESS**

### **COMMISSION COMMENT**

### **CITIZEN COMMENT (If time available)**

### **RECESS - 11:23 PM**

*Mayor-Commissioner Pro Tem Hanrahan moved and Commissioner Chestnut seconded to continue this meeting until tomorrow night (Tuesday, November 27, 2001) @ 7:00 PM.*

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

*Chair Bussing recognized Citizens Paula Stahmer and Stuart Cullen who spoke to the matter.*

### **RECONVENE - 7:05 PM - Tuesday, November 27, 2001**

### **ORDINANCES, 1ST READING-ROLL CALL REQUIRED - (continued)**

#### **001917 CHANGES TO PERMITTED USES IN I-1 AND I-2 DISTRICTS & GENERAL PERFORMANCE STANDARDS (B)**

##### **ORDINANCE NO. 0-01-63, PETITION NO. 106TCH-01PB**

**An ordinance of the City of Gainesville, Florida, amending Section 30-69 of the Land Development Code by repealing certain uses permitted by right, and by clarifying the findings for special use permits in the "I-1: Limited industrial district"; amending Section 30-70 of the Land Development Code by repealing certain uses permitted by right, by changing certain uses to uses permitted by special use permit, and by clarifying the findings for special use permits in the**

**"I-2: General industrial district"; amending Section 30-345 of the Land Development Code entitled "General Performance Standards" by changing the standards of performance for all uses and activities in all zoning districts of the City; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Water and Air Research Representative Bill Zegel, City of Gainesville Planning Manager Ralph Hilliard, Community Development Director Tom Saunders and GRU Strategic Planning Engineer Rob Clemmons gave presentations.*

*Chair Bussing recognized Chamber of Commerce Representative Kinnon Thomas, Attorney Dick Jones, Clariant Site Director Helen Miyasaki, Watson Construction Attorney Patrice Boyes, Citizens Dian Deevey, Leonard Eisenberg, Alan Fischer, Nina Postlethwaite-Saive, Anita Heard, Busy Shires, Everett Wilcox and Paula Stahmer who spoke to the matter.*

*REVISIONS: The City Commission made the following revisions to the draft ordinance:*

*1) Page 5, Item (2) - "Uses by Special use permit" Add language at the end of the sentence "in accordance with the procedures provided in Section 30-204 of this Chapter with the findings of Section 30-233".*

*2) Page 9, Item (2) - "Uses by special use permit": Add language at the end of the sentence "in accordance with the procedures provided in Section 30-204 of this Chapter with the findings of Section 30-233".*

*3) Page 11, Item (5) "Vibration" - Delete and replace with attachment as provided by Planning Manager Ralph Hilliard.*

*4) Page 13, Items (11) & (12) - add language to the end of each paragraph "or any other governmental entity with regulatory jurisdiction, whichever standards are more stringent".*

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

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

**Votes:** Aye: Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Tom Bussing  
Nay: Chuck Chestnut

**000882**

**COMPREHENSIVE PLAN AMENDMENT - CONSERVATION,  
GROUNDWATER RECHARGE AND OPEN SPACE ELEMENT (B)**

**ORDINANCE NO. 0-01-18; PETITION NO. 175CPA-00PB**

**An ordinance of the City of Gainesville, Florida, amending the Conservation,  
Open Space and Groundwater Recharge Element of the City of Gainesville**

**1991-2001 Comprehensive Plan; revising policies on wetlands; adding provisions concerning the Alachua County Forever program; adding provisions concerning the Alachua County Murphree Wellfield Protection Code; adding provisions concerning Floridan aquifer recharge areas; providing for an Environmentally Significant Land and Resources map series within the Future Land Use Map Series; adding Tumblin Creek and Hogtown Creek to the priority list for improving water quality; removing outdated provisions; amending provisions concerning NPDES permitting; making minor amendments throughout; providing directions to the City Manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.**

*City of Gainesville Community Development Director Tom Saunders, Chief of Comprehensive Planning Dean Mimms, GRU Strategic Planning Engineer David Richardson gave presentations.*

*Mayor-Commissioner Pro Tem Hanrahan moved and Commissioner Barrow seconded to adopt the ordinance on first reading.  
(NO VOTE)*

*Mayor-Commissioner Pro Tem Hanrahan moved and Commissioner Chestnut seconded to table this item.  
(VOTE: 5-0 - MOTION CARRIED)*

*Commissioner Nielsen moved and Mayor-Commissioner Pro Tem Hanrahan seconded to take this item off the table. (Tuesday, November 27, 2001).  
(VOTE: 5-0 - MOTION CARRIED)*

*Commissioner Nielsen moved and Mayor-Commissioner Pro Tem Hanrahan seconded to move the previous question.*

*Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Hanrahan.  
(VOTE: 0-5 - MOTION FAILED)*

*NOTE: Commissioner Chestnut left the meeting room at 11:00 PM.*

*Commissioner Barrow moved and Commissioner Nielsen seconded to continue the meeting until it was determined how to dispose of the matter.  
(4-0, Commissioner Chestnut - Absent - MOTION CARRIED)*

*Mayor Bussing moved and Commissioner Barrow seconded that this item be continued to the next regular City Commission meeting, December 10, 2001, and re-advertise as necessary.  
(VOTE: 3-1, Commissioner Nielsen - No, Commissioner Chestnut - Absent - MOTION CARRIED)*

**RECOMMENDATION** *The City Commission (1) approve Petition 175CPA-00 PB, with modifications; and (2) adopt the proposed ordinance, as revised.*

*STAFF REPORT*

*The updated Conservation, Open Space and Groundwater Recharge Element of the proposed 2000-2010 Comprehensive Plan reflects recommendations from the Evaluation and Appraisal Report adopted in 1998 and subsequent public input. This element was the subject of City Plan Board workshops on September 28, 2000 and November 30, 2000. The City Plan Board held a public hearing on the proposed updated Element on January 31, 2001, and the Board recommended approval with modifications by a vote of 6-0. The element was also presented at the February 12, 2001 meeting of the City Commission, and at comprehensive plan workshops on June 20, 2001 and July 26, 2001. On November 13, 2001, the City Commission voted to combine three exhibits to create the final draft of the Conservation, Open Space and Groundwater Recharge Element for review on November 26, 2001. The final draft is the combined recommendation of the Plan Board, Staff, and a proposal by Commissioner Nielsen after extensive public workshops.*

*The overall revisions proposed for the Conservation, Open Space and Groundwater Recharge Element include one new and several amended objectives, one amended goal, deletion of several policies that have been met or are no longer pertinent, plus various new and amended policies. The new objective addresses coordination with Alachua County on the Alachua County Forever program and other potential funding sources, and has an associated policy. Other new policies address aquifer recharge area maps and protection of recharge areas, wellfield protection, sedimentation problems in Hogtown Creek, water quality in Tumblin Creek, State requirements regarding lawn sprinkler systems, establishing a Green Building Program, coordinating with other governmental entities regarding pollution problems, and protecting heritage and champion trees. In Objective 4.2, priority for improving the quality of water entering creeks has been expanded to include Hogtown Creek and Tumblin Creek. Objective 2.4 and an associated policy have been expanded to address conservation of listed and candidate species; changes to other objectives are relatively minor. Goal 3 regards the urban forest, and it has been expanded to state that the City's commitment to preservation of the urban forest and street trees is a defining feature of our community.*

*Proposed policy revisions include changes to standards and guidelines for protection of environmentally sensitive resources. Proposed changes include updating creek protection provisions to better reflect adopted land development regulations, increased setbacks from lakes, revising wetlands protection provisions by striking the 'no net*

*loss of on-site wetland acreage and function' requirement, and proposing provisions that address mitigation and reflect much of the wetlands protection language that was recommended earlier this year to the City Commission by the Water Management Advisory Committee (WMAC).*

**A motion was made by Mayor Bussing, seconded by Commissioner Barrow, that this matter be Continued (1st Reading) for December 10, 2001. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, John R. Barrow and Tom Bussing  
Nay: Warren Nielsen  
Absent: Chuck Chestnut

## **ADJOURNMENT**

*The meeting adjourned Tuesday, November 27, 2001, at approximately 11:20 PM,*

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Kurt M. Lannon, Clerk of the Commission