

City of Gainesville

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



Meeting Minutes

Monday, October 14, 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

NOTE: Commissioner Braddy entered the meeting room at 1:07 PM.

ROLL CALL

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

INVOCATION**Father Roland Julien, St. Patrick's Church****CONSENT AGENDA**

*Commissioner Chestnut moved and Commissioner Braddy seconded to adopt the Consent Agenda.
(VOTE: 5-0, MOTION CARRIED)*

CITY MANAGER, CONSENT AGENDA ITEMS**020468 Transfer of City-Owned Lot - 2405 Northeast 6th Avenue (B)**

RECOMMENDATION *The City Commission: 1) declare the property located at 2405 NE 6th Avenue surplus property; 2) authorize the transfer of the City-owned lot, located at 2405 N.E. 6th Avenue to Arrie Bell French; 3) accept the transfer of property from Ms. French located at 927 N.E. 19th Street; 4) authorize the Housing Division to execute the required construction contract, purchase and sale agreement, grant or subsidy agreements and any other certifications or assurances required to consummate the transaction, subject to approval by the City Attorney as to form and legality; and 5) authorize the Mayor and Clerk of the Commission to execute the warranty deed required to transfer title to Arrie Bell French.*

This Matter was Approved as Recommended on the Consent Agenda.

020469 Application for Innovative Recycling/Waste Reduction Grants Program (NB)

RECOMMENDATION *The City Commission authorize the City Manager or his designee to submit to the Florida Department of Environmental Protection the FY 2003-04 Innovative Recycling/Waste Reduction Grants Program application, as developed by the University of Florida's Center for*

Construction and Environment.

This Matter was Approved as Recommended on the Consent Agenda.

020470 Hogtown Creek Restoration Project Cooperative Cost-Share Grant Application (B)

RECOMMENDATION *The City Commission: 1) authorize the City Manager or designee to prepare and submit an application with the St. Johns River Water Management District by November 29, 2002, for the Hogtown Creek Restoration Demonstration Project; and 2) execute any and all related documents pertaining to the grant, if awarded.*

This Matter was Approved as Recommended on the Consent Agenda.

020471 U. S. Environmental Protection Agency - 2002-2003 Innovative Project Solicitation (B)

RECOMMENDATION *The City Commission: 1) authorize the City Manager or designee to submit a Proposal to the Office of Solid Waste and Emergency Response; and 2) execute all other documents related to the OSWER grant, if a grant award is made to the City.*

This Matter was Approved as Recommended on the Consent Agenda.

020472 Emergency Work for a Failed Culvert on Sweetwater Branch (B)

RECOMMENDATION *The City Commission: 1) affirm the waiving of purchasing procedures for this emergency action issued by the City Manager's Office on August 30, 2002; 2) accept the City Manager's issuance of an emergency purchase order in an amount not to exceed \$90,000 to Moran Environmental, Inc., for the emergency culvert removal on Sweetwater Branch; 3) authorize the City Manager to amend the scope of services with Golder Associates to include the removal and additional areas tasks and increase compensation by \$78,191; 4) authorize the City Manager to execute all documents related to these authorizations for the emergency culvert removal project; and 5) authorize all necessary budget amendments, including the transfer of funds from the Solid Waste Fund balance, up to a total of \$1,250,000, for the original project and the emergency work.*

This Matter was Approved as Recommended on the Consent Agenda.

020473 Agreement Between The City of Gainesville and The Greater Gainesville Park Development Group, Inc. (B)

RECOMMENDATION *The City Commission authorize the City Manager or his designee to execute the agreement and other related documents.*

This Matter was Approved as Recommended on the Consent Agenda.

020474 Agreement with Florida Department of Juvenile Justice for Gainesville Regional Juvenile Assessment Center (B)

RECOMMENDATION *The City Commission authorize the City Manager to execute the agreement with the Florida Department of Juvenile Justice and authorize the issuance of a purchase order in an amount not to exceed \$70,000.00 for this agreement.*

This Matter was Approved as Recommended on the Consent Agenda.

020475 City-County Traffic Engineering Services Agreement for FY 2002-2003 (B)

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute the Traffic Engineering Services Agreement between the City and Alachua County for the period of October 1, 2002 to September 30, 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

020476 Interlocal Agreement Between the University of Florida and the City of Gainesville for Transit Service (B)

RECOMMENDATION *The City Commission authorize the City Manager to execute the Interlocal Agreement between the University of Florida and the City for the period of August 19, 2002 through August 18, 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

020477 Contract with ATC Paratransit for Regional Transit System ADA Service for Fiscal Year 2003 (B)

RECOMMENDATION *The City Commission approve the agreement with ATC Paratransit for the period of October 1, 2002 through September 30, 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

020478 Third Amendment for Group 5 Advertising - Residential Recycling and Waste Reduction Education (B)

RECOMMENDATION *The City Commission: 1) authorize the City Manager to execute the Third Amendment to the agreement with Group 5 & Associates, Inc., extending the term from October 1, 2002 through September 30, 2003; and 2) approve the issuance of a purchase order to Group 5 & Associates, Inc., in an amount not to exceed \$63,695 for FY 2002-2003, subject to the appropriation of funds.*

This Matter was Approved as Recommended on the Consent Agenda.

020479 Purchase of Street Sweepers (NB)

RECOMMENDATION *The City Commission approve the purchase of (3) three street sweepers, based on the Coral Gables, Florida bid (dated August 30, 2001), from Florida Municipal Equipment, Inc. at a cost not to exceed \$380,222 (net after trade-in of \$40,000 for (2) used street sweepers) and authorize the City Manager or his designee to execute the agreement for the sweepers.*

This Matter was Approved as Recommended on the Consent Agenda.

020480 Ordinance Relating to Public Urination (NB)

RECOMMENDATION *The City Commission instruct the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 17 of the Code of Ordinances to include a section titled Urinating or Defecating, prohibiting persons from urinating or defecating in, or in view of, a public place other than one set aside and designated for that particular purpose; and further to define public place as any place where the conduct may reasonably be expected to be viewed or could be viewed by others.*

This Matter was Approved as Recommended on the Consent Agenda.

020481 Annexation of St. Elizabeth's Greek Orthodox Church (B)

RECOMMENDATION *The City Commission: 1) receive the petition for annexation; and make findings that it contains the signatures of the property representative; 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.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

020487 Trunked Radio System Service Agreement (B)

RECOMMENDATION *The City Commission authorize the General Manager or his designee to execute a renewal of the Service Agreement with Motorola Inc. for the recurring repair, maintenance and service needs of the GRUCom Trunked Radio System during FY 2003, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

020488 Contract for GRU Customer Bulletin (B)

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to execute a three year contract with Print Marketing/Direct Mail, subject to approval of the City attorney as to form and legality, for printing the GRU Customer Bulletin and approve the issuance of a purchase order to Print Marketing Direct Mail in an amount not-to-exceed \$72,000 per year, subject to the final appropriation of funds.*

This Matter was Approved as Recommended on the Consent Agenda.

020490 ConnectFREE Pilot Program (NB)

RECOMMENDATION *The City Commission authorize the Mayor and Clerk of the Commission to execute a contract with the Alachua County Board of County Commissioners, subject to the approval of the City Attorney as to form and legality, substantially in the form on file, to provide water service to low to and very low income families residing on a single street bordered by East University Avenue to the north and SE 4th Avenue to the south, for an amount not to exceed \$75,000.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS**COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****020023 Students Working Against Tobacco (SWAT) Proposal (B)**

RECOMMENDATION *Community Development Committee to the City Commission:
1) The City Commission authorize the City Attorney to finalize the ordinance for first reading and the Clerk to advertise the ordinance; and 2) remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

020018 Northeast Special Area Plan (B)

RECOMMENDATION *Community Development Committee to the City Commission:
1) The City Commission direct Planning staff to contact community leaders in this area and encourage formation and registration of more neighborhood organizations in this area;
2) direct Planning staff to contact the neighborhoods within this area prior to the next cycle for approval of two new neighborhoods into the Neighborhood Planning Program;
3) request an assessment from Public Works of what upgrades are needed to lighting in this area;
4) give special consideration to including neighborhoods in this area during the next neighborhood planning cycle; and 5) remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**020466 City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of the regular meeting of September 23, 2002; and two special meetings of September 30, 2002 and October 3, 2002; as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**020413 Request for a Change in Commerce Project Development Agreement (B)**

RECOMMENDATION *CRA to the City Commission: Recommend that the City Commission approve the reduction of the bond amount from \$535,000 to \$390,000.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

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

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Commissioner Nielsen moved and Commissioner Chestnut seconded to approve the Regular Agenda with the following modifications:

- 1. FILE # 020510 - City Manager Category - Alachua County Poverty Reduction Advisory Commission - Withdraw from the Agenda.*
- 2. FILE # 020527 - New Item - Report from Advisory Boards/Committees - Report from the Water Management Committee.*
- 3. FILE # 020507 - Members of the City Commission Category - Mayor Tom Bussing - Additional back-up submitted.*
- 4. FILE # 001117 - Resolution - Bottom of Page 32 - Scrivener's Error - (Change the word Former to Formal).*
- 5. FILE # 020486 - Resolution - Elder Affairs Support - Consider moving the Resolution to after the Proclamations.*

Citizen Comment to the Motion:

Chair Bussing recognized Attorney Sam Mutch who spoke to the matter.

*AMENDMENT TO MAIN MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to add an additional modification that File #'s 001117 and 020125 (Walnut Creek) not be taken up before 8:30 PM.
(VOTE: 5-0, MOTION CARRIED)*

CLERK OF THE COMMISSION

020506 City Commission Retreat (NB)

RECOMMENDATION *The City Commission schedule a City Commission workshop on Rules of the City Commission for November 4 from 1:00-6:00 or 3:00-8:00pm.*

Possible locations include:

*Room 16, City Hall
Ironwood Clubhouse
Boulware Springs
Library Headquarters Meeting Room A
Thelma Boltin Center
T.B. McPherson Recreation Center
Westside Recreation Center
Savannah Grande Reception Hall - \$350.*

A motion was made by Commissioner Braddy, seconded by Commissioner Domenech, that this matter be Tabled. The motion carried by the following vote:

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

CITY MANAGER

002570 Temporary Homeless Shelter Program (B)

Alachua County Coalition for the Homeless and Hungry Chair Teresa Harrison gave a presentation.

Chair Bussing recognized Citizens Vivian Filer, Doris Edwards, Anne Orlando and Debbie Martinez who spoke to the matter.

RECOMMENDATION *The City Commission hear a report from City staff and representatives of the Alachua County Coalition for the Homeless and Hungry regarding a plan to establish a temporary homeless shelter program for the 2002-2003 winter months and take action as appropriate.*

Note: Additional materials may be available in the Clerk's Office by Friday at 12:00 noon.

Heard

020482 Award of Bid: Downtown Southwest Quadrant Parking Garage (B)

City of Gainesville Public Works Transportation Manager Brian Kanely, Community Development Director Tom Saunders, Rolando Llanes of the Corradino Group, and Greg Slaybaugh of Wilbur Smith Associates gave presentations.

*MOTION: Commissioner Domenech moved and Commissioner Nielsen seconded that the City Commission fund the Courthouse Garage Project using staff's presentation Funding Option 3-D.
(VOTE: 5-0, MOTION CARRIED)*

Chair Bussing recognized Downtown Redevelopment Advisory Board Chair Linda McGurn, Ken McGurn and Tower Group Owner Tony Burke who spoke to the matter.

ADDITIONAL MOTION: Commissioner Domenech moved and Commissioner Chestnut seconded to: 1) Award the construction contract for the Downtown SW Quadrant Parking Garage to Charles Perry Construction with all of the alternates; 2) authorize the City Manager to execute all appropriate contract documents; 3) authorize the City Manager to negotiate a loan agreement with the First Florida Governmental Financing Commission; and 4) also instruct the City Manager to work with the Contractor in all areas of the project to attempt to control and reduce the overall cost of the project.

(VOTE: 5-0, MOTION CARRIED)

RECOMMENDATION *The City Commission: 1) receive a presentation from the consultant team on architectural options for the Downtown Southwest Quadrant Parking Garage; 2) award the construction contract for the Downtown Southwest Quadrant Parking Garage to the Tower Group at their low bid price of \$9,355,500, which includes Additive alternates 1,4,5,6,7,8; 3) authorize the City Manager to execute all appropriate contract documents; and 4) authorize the City Manager to negotiate a loan agreement with the First Florida Governmental Financing Commission.*

Approved, as shown above

020233

Ad Hoc Committee on University Neighborhoods Implementing Recommendations (NB)

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

FIRST MOTION: Commissioner Nielsen moved and Commissioner Chestnut seconded to refer item 6 to the Community Development Committee for expeditious action.

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

Chair Bussing recognized Citizens Mark Goldstein, Brian Leslie, University Park Neighborhood Association Representative Larry Schnell and Darlene Pifalo who spoke to the matter.

NOTE: This was a dual referral:

First Motion - Community Development Committee - Item 6

Second Motion - Public Works Committee - Item 5

RECOMMENDATION *Hear a presentation by staff regarding the possible staffing, code and program changes; provide direction on whether these are the program changes and ordinances to pursue; if so, direct staff to begin on each, including directing the City Attorney to prepare an ordinance and the Clerk to advertise it regarding the increased landlord fees; refer the issue of changes to the parking decal program to the Public Works Committee; and evaluate the effectiveness of these changes one year from now and consider other options at that point.*

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 April 14, 2003. The motion carried by the following vote:

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

Nay: Tom Bussing

*SECOND MOTION: Commissioner Chestnut moved and Commissioner Domenech seconded to refer item 5 to the Public Works Committee.
(VOTE: 5-0, MOTION CARRIED)*

*NOTE: This was a dual referral:
First Motion - Community Development Committee - Item 6
Second Motion - Public Works Committee - Item 5*

RECOMMENDATION *Hear a presentation by staff regarding the possible staffing, code and program changes; provide direction on whether these are the program changes and ordinances to pursue; if so, direct staff to begin on each, including directing the City Attorney to prepare an ordinance and the Clerk to advertise it regarding the increased landlord fees; refer the issue of changes to the parking decal program to the Public Works Committee; and evaluate the effectiveness of these changes one year from now and consider other options at that point.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Domenech, that this matter be Referred to the Public Works Committee, due back on April 14, 2003. The motion carried by the following vote:

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

020483 Hoggetowne Medieval Faire 2nd Place as Florida's Best Cultural Festival (B)

City of Gainesville Cultural Affairs Manager Coni Gesualdi gave a presentation.

RECOMMENDATION *The City Commission be notified of this national recognition.*

Heard

001911 Summer Playground Update (B)

RECOMMENDATION *The City Commission hear a presentation from staff on the Summer Playground program.*

Withdrawn

020510 Alachua County Poverty Reduction Advisory Commission (B)

RECOMMENDATION *The City Commission discuss the request and take appropriate action.*

Withdrawn

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY**CITY AUDITOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****RECREATION AND CULTURAL AFFAIRS COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****020259 Application for Disability Retirement - Tuesday Harris, Transit Operator (B)**

Chair Bussing recognized Mrs. Francis Harris who spoke to the matter.

RECOMMENDATION *It is the recommendation of the Disability Review Committee that the City Commission disapprove the submitted application for disability retirement for Tuesday Harris, for the reasons stated above.*

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

020527 Report from the Water Management Committee (B)

MOTION: Authorize the Mayor to draft a letter and send to the St. John's River Water Management District.

RECOMMENDATION *The City Commission hear a report from the Water Management Advisory Committee.*

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

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

OUTSIDE AGENCIES**020511 United Gainesville Community Development Corporation (B)**

Vice Chair Roland Daniels and Executive Director for United Gainesville Community

Development Corporation Appie Graham gave presentations.

RECOMMENDATION *The City Commission hear a presentation.*

Heard

COMMUNITY REDEVELOPMENT AGENCY

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 5:19 PM

RECONVENE - 5:46 PM

CITIZEN COMMENT (5:30pm)

Ed Cooper

Underage Drinking Issues

Ernesto Martinez

Hispanic Community Events

Gabe Kaimowitz

- 1. Hispanic Contributions*
- 2. Apply for Affirmative Action Director*

Jack Hughes

Gainesville Sports Organizing Authority - Gainesville Senior Games

See following File # 020535.

020535 Senior Games Funding Request (B)

RECOMMENDATION *The City Commission hear a presentation from Executive Director Jack Hughes of the Gainesville Sports Organizing Authority and place documents submitted on file.*

Placed on File

Germaine Ferguson

- 1. *EEO Charter Officer Issues*
- 2. *Charter Officer Written Evaluations*

Annie Pais - Executive Director of the Artists Alliance of North Florida

Kick-off Party for the Artists Alliance of North Florida Calendar Contest

Debbie Martinez

Black on Black Crime Task Force - Dancehall Ordinance Enforcement

Anthony Gordon

Charter Officer Written Evaluations

Kali Blount

Public Housing Issues

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

020491 Delta Epsilon Chi Week - October 13-19, 2002 (B)

RECOMMENDATION *Distribution Education Clubs of America Gainesville
President Ashley Manning to accept the proclamation.*

Heard

020492 Five Points of Life Day - October 16, 2002 (B)

RECOMMENDATION *LifeSouth Community Blood Center Donor Consultant
Carolyn Quintanilla to accept the proclamation.*

Heard

020493 Gay and Lesbian Pride Week - October 20-27, 2002 (B)

RECOMMENDATION *Pride Celebration of Gainesville Co-Chair Terry Fleming to accept the proclamation.*

Heard

020494 United Nations Day - October 24, 2002 (B)

RECOMMENDATION *United Nations Association President Carol Willis to accept the proclamation.*

Heard

020495 White Cane Safety Day - October 15, 2002 (B)

RECOMMENDATION *Alachua County Council of the Blind President Maxine Stallings to accept the proclamation.*

Heard

PUBLIC HEARINGS

020486 A Resolution of the City of Gainesville, Florida, supporting the State Department of Elder Affairs' Initiative to work towards making Florida's communities "Elder Ready" and providing an immediate effective date. (B)

Director of the Office of Senior Services Alachua County Department of Community Support Services Rebecca Filman gave a presentation.

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

RECOMMENDATION *The City Commission hear a brief presentation from the Director of the Office of Senior Services, Alachua County Department of Community Support Services, and adopt the proposed resolution.*

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

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

02075 Public Hearing on Roads in Cedar Grove II Subdivision (B)

City of Gainesville Public Works Transportation Manager Brian Kanely, Police Chief Norm Botsford, Police Captain Tony Jones, Public Works Director Teresa Scott,

Housing Manager Jackie Richardson and Housing Division Specialist Judy Raymond gave presentations.

Chair Bussing recognized Citizens Jack Carter, Simon Harris, Bette Harris, Ruth Brown, Edward Miles, Warren McCluney, Bobby Johnson, Brian Word, Reverend Ernestine B. Butler, Joanna Bell, Edward Jennings, Sr., Ruby Wimberly, Bettye Dickerson, Coretha Bostick, Margaret Miles, Lillian Walls, Beverly Craig, and Angelia Perry who spoke to the matter.

*MOTION: Commissioner Chestnut moved and Commissioner Braddy seconded to leave all of the streets open.
(NO VOTE)*

*SUBSTITUTE MOTION (MAIN MOTION): Commissioner Nielsen moved and Commissioner Braddy seconded to move the Public Works Department recommendation which included: 1) Temporarily maintain the structures on NE 22 Street and NE 23 Street; 2) open NE 12th Avenue; and 3) lastly as a creative aspect, come up with a one-way traffic management around the park block.
(VOTE: 5-0, MOTION CARRIED)*

RECOMMENDATION *The City Commission hear a presentation, conduct a public hearing, and take appropriate action.*

A motion was made by Mayor-Commissioner Pro Tem 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 and Tom Bussing

020485 Public Hearing to Consider Disposition of Land at Less Than Fair Market Value for West University Avenue Lofts (NB)

Community Redevelopment Agency Manager Karen Slevin gave a presentation.

RECOMMENDATION *City Commission approve the disposition of 605-613 West University Avenue at less than fair market value.*

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

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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

002149 EXTENSION OF SW 13TH STREET CORRIDOR MORATORIUM (B)

ORDINANCE NO. 0-02-57

An ordinance of the City of Gainesville, Florida, amending Ordinance Nos. 002084 and 002574 and extending the time period of the temporary moratorium on zoning permits, development plan approval and any other official action of the City of Gainesville permitting or having the effect of permitting development or use on all real property that is zoned "BUS: General business district", "BT: Tourist-oriented business district" and any commercial use, as more specifically defined in this ordinance, on all real property that is zoned "MU-1: 10-30 units/acre mixed use low intensity", "RMF-5: 12 units/acre single-family/multiple-family residential district", "RMF-6: 8-15 units/acre multiple-family residential district", "RMF-7: 8-21 units/acre multiple-family residential district", "RMF-8: 8-30 units/acre multiple-family residential district", "OR: 20 units/acre office residential district", "RH-1: 8-43 units/acre residential high density district", and "RH-2: 8-100 units/acre residential high density district"; located within the S.W. 13th Street Corridor, as more specifically described in this Ordinance, generally bounded on the North by SW Archer Road, and on the South by the city limits, and located generally north of Williston Road; providing a procedure for extraordinary hardship; 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 Mayor-Commissioner Pro Tem Nielsen, seconded by Commissioner Domenech, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

020368 INVESTMENT OF CITY FUNDS (B)

ORDINANCE NO. 0-02-62

An ordinance of the City of Gainesville, Florida, amending Section 2-438, Article VI, Chapter 2 of the Code of Ordinances, relating to investment of funds of the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

020375 CODE ENFORCEMENT AMENDMENTS (B)

ORDINANCE NO. 0-02-63

An ordinance of the City of Gainesville, Florida, amending s. 13-19 of the Code of Ordinances, by adding definitions for abandoned vehicle and vehicle; amending s. 26-140 of the Code of Ordinances, relating to the release of impounded vehicles to correct a scrivener's error; amending s. 13-171(c) of the Code of Ordinances, by requiring the removal of dead or hazardous trees, limbs and debris from residential property; 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 as amended.*

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

020464 GENERAL EMPLOYEES PENSION PLAN (B)

ORDINANCE NO. 0-02-38

An ordinance of the City of Gainesville, Florida, amending section 2-523 of the Code of Ordinances of the City of Gainesville relating to the General Employees Pension Plan; relating to eligibility and limited participants and purchase of prior service; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Bussing recognized Sam Mutch who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

ORDINANCES 2ND READING- ROLL CALL REQUIRED

020345 THIRD BUDGET AMENDMENT - FY 2001-2002 (B)

ORDINANCE NO. 0-02-61

An ordinance of the City Commission of the City of Gainesville, Florida; Relating to its General Government Budget for the Fiscal Year Beginning October 1, 2001 and Ending September 30, 2002; Amending Ordinance No.

001784 As Amended by Ordinance Nos. 002404 and 020011, 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 Commissioner Braddy, 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

001117 **Petition 142SUB-00PB (Phase I), (Formal) Quasi-Judicial). 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)**

Chair Bussing recognized Attorney for certain affected parties Sam Mutch who submitted objections and requested ex-parte communication disclosure from the Commissioners.

*Commissioner Ed Braddy - No ex-parte communications
Commissioner Chestnut - No ex-parte communications
Commissioner Domenech - No ex-parte communications
Mayor-Commissioner Pro Tem Nielsen - No ex-parte communications
Mayor Tom Bussing - No ex-parte communications*

Chair Bussing recognized Attorney for the Petitioner Ron Carpenter who gave a presentation.

FIRST MOTION: Commissioner Domenech moved and Commissioner Nielsen seconded to: 1) Allow the Developer to revise the plans to meet the JEA standards as stated in the report that's a part of the record of the City in this matter; 2) that those plans be brought back to the City Commission for review and approval at a public meeting; and 3) to the extent that the Developer can receive stipulated approvals, consents on those plans, including City staff, it would be preferred for the extent that stipulations be obtained.

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

Chair Bussing recognized Citizen Brian Wilcox who spoke to the matter.

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

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

Chair Bussing passed the gavel to Chair Pro Tem Nielsen in order to make the following motion.

*SECOND MOTION: Mayor Bussing moved and Commissioner Domenech seconded that stipulated approvals with affected parties would be preferred also.
(VOTE: 5-0, MOTION CARRIED)*

CLERK'S NOTE: The City Attorney advised that all disagreements regarding stipulations would be returned to the City Commission for adjudication.

*WAIVER OF RULES: Commissioner Chestnut moved and Commissioner Domenech seconded to waive the rules to extend the meeting until 11:15 PM.
(VOTE: 5-0, MOTION CARRIED)*

*THIRD MOTION: Mayor Bussing moved and Commissioner Domenech seconded to ask the Clerk to schedule a Special Meeting for November 4th, 2002 at 6:00 PM. to deal with the topic of Mr. Mutch's objections and also stipulated that there be a timely submission of additional items.
(VOTE: 5-0, MOTION CARRIED)*

NOTE: After completion of this item, Mayor Bussing re-assumed the gavel.

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."*

Approved, as shown above

020125 **Petition 142SUB-00PB (Phase II) (Formal Quasi-Judicial). 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)**

See File # 001117.

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."*

020509 **Charter Office of Equal Opportunity (B)**

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

RECOMMENDATION *The City Commission adopt the resolution.*

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

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

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

020484 Annual Performance, Salary, and Benefits Review for the City Manager (NB)

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

Continued

020507 Mayor Tom Bussing (B)

RECOMMENDATION *The City Commission appoint a member to the Alachua County Transportation Coordinating Committee and direct staff to transmit the City's "wish list" of transportation projects to County staff.*

Discussed

ORDINANCES 2ND READING- ROLL CALL REQUIRED - (CONTINUED)

001835 GAINESVILLE GREEN BUILDING PROGRAM (B)

ORDINANCE NO. 0-02-05

An ordinance of the City of Gainesville, Florida, creating a new Section in

Chapter 6, consisting of sections 6-5 through 6-15 inclusive; and adding said sections to the Code of Ordinances of the City of Gainesville, relating to the "Gainesville Green Building Program;" providing for definitions; providing for the intent and purpose of the Program; providing for designation of responsibility for the administration and implementation of the Program; providing for voluntary and mandatory participation in the Program; providing for scope of the program; providing for Program standards; providing for incentives to use the Program; providing for certification; providing for training; providing for review of the Program; providing for resolution of disputes; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Commissioner Nielsen moved and Commissioner Braddy seconded to table this item.
(VOTE: 5-0)*

Chair Bussing recognized Brad Guy who spoke to the matter.

*Commissioner Chestnut moved and Commissioner Domenech seconded to take this item from the table.
(VOTE: 5-0)*

REVISION: Page 3, Lines 14-16: "It is expected that City-owned civic or office construction projects will follow the program guidelines upon review by the City Commission. This program will be voluntary for all others".

ADDITION: Page 4, Line 14: After the word "cost", "Example: Time, function or funding" to help explain what cost means.

Chair Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen in order to make the following motion.

ADDITIONAL MOTION (REVISION): Mayor Bussing moved and Commissioner Chestnut seconded to strike item 5 on page 7 "articles in the local news media" from the ordinance.

NOTE: After completion of this item Mayor Bussing re-assumed the gavel.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

COMMISSION COMMENT

WAIVER OF RULES: Commissioner Chestnut moved and Commissioner Domenech seconded to waive the rules to extend the meeting to 11:32 PM.

(VOTE: 5-0, MOTION CARRIED)

COMMISSIONER CHUCK CHESTNUT

See following two referral items.

020533 Underage Drinking in Nightclubs (NB)

RECOMMENDATION *The City Commission refer the issue of underage drinking in nightclubs, where the drinking age is 21 to the Public Safety Committee.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Braddy, that this matter be Referred to the Public Safety Committee, due back on April 14, 2003. The motion carried by the following vote:

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

020534 Teen Curfews (NB)

RECOMMENDATION *The City Commission refer the issue of looking at a teen curfew to the Public Safety Committee.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Braddy, that this matter be Referred to the Public Safety Committee, due back on April 14, 2003. The motion carried by the following vote:

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

COMMISSIONER ED BRADDY

Teenage Dancehall Issues (permitting, adults being present, etc.) - City Manager to report back to the City Commission.

CITIZEN COMMENT (If time available)**ADJOURNMENT - 11:32 PM**

Kurt M. Lannon, Clerk of the Commission