

City of Gainesville

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



Meeting Minutes

Monday, April 12, 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**John P. Fairless, First Baptist Church****CONSENT AGENDA**

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

(VOTE: 6-0, Mayor Bussing - Absent)

- 1. File #031124 - Bid Award for Evergreen Cemetery Grounds Maintenance - (Withdraw from the Agenda).*
- 2. File #031125 - Bid Award for Police Motorcycles - (Change the bid price in the "Explanation" from \$14,199 to \$14,119 per motorcycle).*

CITY MANAGER, CONSENT AGENDA ITEMS**031122 Award of Contract for Parking Revenue and Access Control System for SW 2nd Street Parking Garage (NB)**

RECOMMENDATION *The City Commission: 1) approve the ranking of the firms as recommended by the selection committee; 2) authorize the City Manager to negotiate and execute a contract and any related documents with the top ranked firm for the purchase, installation, and maintenance of the parking revenue and access control system for the SW 2nd Street Parking Garage; and 3) if unable to agree on a contract with the top ranked firm, authorize the City Manager or designee to negotiate and execute a contract and any related documents with the second ranked firm.*

This Matter was Approved as Recommended on the Consent Agenda.

031123 Bid Award for Rock Veneer for the Duck Pond Project (B)

RECOMMENDATION *The City Commission: 1) approve the bid award to Anglin Construction for rock veneer and rock for the streambed; and 2) authorize the City Manager or designee to execute a contract with Anglin Construction in the amount of \$63,000, and any other necessary documents.*

This Matter was Approved as Recommended on the Consent Agenda.

031124 Bid Award for Evergreen Cemetery Grounds Maintenance (B)

RECOMMENDATION *The City Commission: 1) award the contract for grounds maintenance at Evergreen Cemetery to Oasis Landscape Services, Inc. for a three-year period with the option of two one-year extensions; 2) authorize the City Manager or his designee to execute the contract; and 3) approve the issuance of a purchase order for each of the three years of the contract in an amount not to exceed \$53,351.25, per fiscal year, subject to funding availability.*

Withdrawn

031125 Bid Award for Police Motorcycles (NB)

RECOMMENDATION *The City Commission approve the purchase of two (2) motorcycles from Gainesville Harley Davidson for a total cost of \$28,238.*

This Matter was Approved as Recommended on the Consent Agenda.

031126 RTS and Center for Independent Living of North Central Florida Contracts (B)

RECOMMENDATION *The City Commission: 1) approve the contracts with the Center for Independent Living of North Central Florida for a one-year period; and 2) authorize the City Manager or designee to execute the contracts with the Center of Independent Living of North Central Florida, and any other related documents.*

This Matter was Approved as Recommended on the Consent Agenda.

031127 Add New Positions to Regional Transit System for Enhanced Service to the University of Florida (B)

RECOMMENDATION *The City Commission approve the addition of the new full time positions and increases in budget to operate this service,*

effective August 16, 2004.

This Matter was Approved as Recommended on the Consent Agenda.

031129 Amendment to the Fiscal Year 2003-04 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Budgets (B)

RECOMMENDATION *The City Commission approve the amendment to the fiscal year 2003-04 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) budgets, as presented.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

031141 SETTLEMENT CLAIM OF CHRISTOPHER SNODGRASS (B)

RECOMMENDATION *The City Commission authorize the City Attorney's Office to settle the claim of Christopher G. Snodgrass on behalf of the City, and execute the Settlement Agreement and General Release.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

031143 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of March 22, 2004 (Workshop) March 29, 2004 (Regular Meeting).*

This Matter was Approved as Recommended on the Consent Agenda.

031137 Resignation of Mary Anderson from Citizens Advisory Committee for Community Development (B)

RECOMMENDATION *The City Commission accept the resignation of Citizens Advisory Committee for Community Development member Mary Anderson effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****AUDIT & FINANCE COMMITTEE, CONSENT**

031042 **The Basic Financial Statements, Supplemental Information and Independent Auditors' Report of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2003; Financial Statements and Independent Auditors' Report on the Employees' Pension Fund of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2003; Financial Statements and Independent Auditors' Report on the Consolidated Police Officers and Firefighters Retirement Plan of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2003; the Independent Auditors' Management Letter and Single Audit Reports for the Fiscal Year Ended September 30, 2003; and management's written response (B) A copy is on file in the Office of the Clerk of the Commission**

RECOMMENDATION *The Audit and Finance Committee recommends that the City Commission: a) accept the subject financial statements and audit reports; b) receive the Independent Auditors' Management Letter and Single Audit Reports; and c) receive and accept management's written response.*

This Matter was Approved as Recommended on the Consent Agenda.

031051 **Pay Study Review (B): A copy is on file in the Office of the Clerk of the Commission**

RECOMMENDATION *The Audit and Finance Committee recommends that the City Commission: 1) Accept the City Auditor's report and the written response from the City Manager and the General Manager for Utilities; and 2) Instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit and Finance Committee.*

AND

The Audit and Finance Committee recommends that the City Commission direct the Charter Officers to: 1) draft written policies providing guidance for future pay studies and submit to the City Commission for review and approval including the following: a) policies should address the timing of pay study reviews, general methodologies to be followed and how future pay studies will compare City salaries to the external market,

taking into account geographic indexing, industry type and organization size; b) consideration should be given to whether future pay studies are completed in-house or by an outside consultant; c) consideration should also be given to how to include Charter Officers in the process, i.e., which Charter Officers, what are their roles and how and when they are to be involved; and 2) provide the Commission with reports on salary increases on an annual basis, including averages over the various categories of employees and other significant issues such as redlining and one-time adjustments.

This Matter was Approved as Recommended on the Consent Agenda.

031053 Semi-Annual Report on the Status of Outstanding Audit Recommendations for March 2004 (B) A copy is on file in the Office of the Clerk of the Commission

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

This Matter was Approved as Recommended on the Consent Agenda.

031055 Fiscal Year 2004 Operating Funds Quarterly Monitoring Report - Quarter Ending December 31, 2003 (B) A copy is on file in the Office of the Clerk of the Commission

...Explanation

The City's General Government Budget Policy requires staff to prepare and submit a quarterly budget compliance report in substantially the same form as the final budget document, for all major operating funds, including the status of General Fund fund balances, to the Audit and Finance Committee.

...Recommendation

The Audit and Finance Committee reviewed and recommends that the City Commission receive the quarterly budget monitoring report for the quarter ended December 31, 2003.

RECOMMENDATION *The Audit and Finance Committee reviewed and recommends that the City Commission receive the quarterly budget monitoring report for the quarter ended December 31, 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

031057 GRU Quarterly Financial Report as of December 31, 2003 (B) A copy is on file in the Office of the Clerk of the Commission

RECOMMENDATION *The Audit and Finance Committee reviewed and recommends that the City Commission receive the GRU Quarterly Financial Report as of December 31, 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

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

(VOTE: 6-0, Mayor Bussing - Absent, MOTION CARRIED)

1. File #031151 - City Manager Item - Settlement of Worker's Compensation Claim - Rick Watson (New Item).

2. File #031152 - City Manager Item - Charter Officer Update - Recreation Committee Appointment (New Item).

NOTE: Mayor Bussing entered the meeting room at 1:06 PM and assumed the gavel.

CHARTER OFFICER UPDATES

031152 Charter Officer Update- Recreation Committee Appointment (NB)

MOTION: Appoint Commissioner Bryant to the new Recreation Committee.

RECOMMENDATION *The City Commission hear an update from the City Manager regarding a Recreation Committee Appointment.*

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

CLERK OF THE COMMISSION

CITY MANAGER

031130 Purchase of Firefighter Combat Challenge Tower (B)

City of Gainesville Fire Chief Richard Williams, Gainesville Sports Organizing Committee Director Jack Hughes, and Firefighter Tim Bowen gave presentations.

RECOMMENDATION *The City Commission: 1) hear a report from Jack Hughes of the Gainesville Sports Organizing Committee and Gainesville Fire Rescue staff; 2) approve Sky-Hi, Inc. as a specified sole source for the Firefit Training Tower, and 3) allocate \$25,000 from the General Fund undesignated fund balance.*

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

031151 Settlement of Worker's Compensation Claim - Rick Watson (NB)

RECOMMENDATION *The City Commission authorize Special Counsel to rescind the tentative settlement of the Worker's Compensation claim of Rick Watson, in the amount of \$105,000.*

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

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

030651 Advisory Boards and Committees (B)

RECOMMENDATION *The City Commission discuss the concept of eliminating the term limits for all advisory boards and committees.*

No Action Taken

PUBLIC SAFETY COMMITTEE

030770 Alcohol Establishments - Nuisance Abatement Ordinance (B)

City of Gainesville Police Chief Norm Botsford gave a presentation.

RECOMMENDATION *The City Commission 1) authorize the City Attorney to draft a resolution that the City support enabling amendments to Florida State Statute, Chapter 893.138, related to Nuisance Abatement, 2) present this resolution to the Florida League of Cities and the City's Legislative Delegation, and 3) remove this item from the Public Safety Committee referral list.*

A motion was made by Commissioner Braddy, 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, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

030785 Regulation of Unwanted Advertisements, Handbills and Circulars on Private Property (B)

City of Gainesville Assistant City Attorney Dana Crosby, City Attorney Extern Ken Poole, Police Captain Richard Hanna and Police Sergeant Rob Koehler gave presentations.

Chair Bussing recognized Property Manager Marsha Wolfe who spoke to the matter.

RECOMMENDATION *The City Commission 1)authorize the City Attorney to draft an ordinance and the Clerk of the Commission to advertise an ordinance, in substantially the same form as submitted, and 2) remove this item from the Public Safety Committee referral list.*

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

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS

Commissioner Tony Domenech

RC Zoning Regulations - See following item #031157.

031157 RC Zoning Regulations (NB)

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

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

RECOMMENDATION *The City Commission initiate a petition to amend the Land Development Code to allow for 4 unrelated residents instead of 3 in the RC Zoning District.*

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

Commissioner Chuck Chestnut

Richard Selwach Property by the Airport - See following item #031019.

031019 Airport Stormwater Problems on Selwach Property (B)

RECOMMENDATION *The City Commission authorize the Mayor to write a letter to the Airport Authority urging resolution regarding the wetland issue at the Selwach Property as quickly as possible.*

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

RECESS - 3:54 PM**RECONVENE - 5:32 PM****CITIZEN COMMENT****Gabe Kaimowitz**

EO Office and Public Record Requests Issues

Jape Taylor Representing the Sierra Club

Naming of Nature Preserve on Newberry Rd (Glikes Property) after John Mahon.

Robert W. Simons Representing Alachua Audubon Society

Naming of Nature Preserve on Newberry Rd (Glikes Property) after John Mahon.

Joshua C. Dickinson, III

Naming of Nature Preserve on Newberry Rd (Glikes Property) after John Mahon.

031158 Newberry Road Nature Preserve Naming (B)

Chair Bussing recognized Citizen Susan Wright of the Sugarfoot Neighborhood who spoke to the matter.

RECOMMENDATION *The City Commission refer the issue of naming the Newberry Road Nature Preserve (Glikes Property) after John Mahon to the Recreation and Cultural Affairs Committee.*

A motion was made by Commissioner Lowe, seconded by Commissioner Bryant, that this matter be Referred to the Recreation and Cultural Affairs Committee, due back on October 12, 2004. The motion carried by the following vote:

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

Karen Edwards for Doris Edwards

Tiger Bay Development - See following item #031162.

031162 Tiger Bay Development (B)

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

Placed on File

Edward Earl Young

5th Avenue Arts Festival Location

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

MOTION: Mayor Bussing moved and Commissioner Nielsen seconded to continue

holding the 5th Avenue Arts Festival where it's been held since 2001.

NOTE: The City Commission moved to the Time Certain items (See File # 031159 "Fifth Avenue Arts Festival Location" after the Proclamations).

PLEDGE OF ALLEGIANCE (6:00pm)

Cub Scout Pack #127

PROCLAMATIONS/SPECIAL RECOGNITIONS

031138 National Crime Victims Rights Week 2004 - April 18-24, 2004 (B)

RECOMMENDATION *Peaceful Paths Victim Advocate Molly McGowan to accept the proclamation.*

Heard

031139 The Great American Cleanup Day - April 17, 2004 (B)

RECOMMENDATION *Keep Alachua County Beautiful Executive Director Jeanne Rochford to accept the proclamation.*

Heard

031140 National Community Development Week - April 12-18, 2004 (B)

RECOMMENDATION *City of Gainesville Block Grant Manager Jim Hencin and Citizens Advisory Committee for Community Development Chair Dikassa Dixon to accept the proclamation.*

Heard

031144 Bike, Hike and Bus Week - April 19-25, 2004 (B)

RECOMMENDATION *Bicycle/Pedestrian Advisory Board Bike, Hike and Bus Week 2004 Subcommittee Chair Crystal Goodison to accept the proclamation.*

Heard

031145 Holocaust Remembrance Day - April 18, 2004 (B)

RECOMMENDATION *Jewish Council of North Central Florida Holocaust Rememberance Committee Member Rachael Channing to accept the proclamation.*

Heard

031146 Child Abuse Prevention Month - April 2004 (B)

RECOMMENDATION *Child Abuse Prevention Task Force Member Doug Hornbeck to accept the proclamation.*

Heard

SPECIAL PRESENTATION

Task Force 8

City of Gainesville Fire Chief Richard Williams gave a presentation.

CITIZEN COMMENT - (Continued)

031159 Fifth Avenue Arts Festival Location (NB)

Chair Bussing recognized Gabe Kaimowitz and Fifth Avenue Pleasant Street Advisory Board Member Pamela Thomas who spoke to the matter.

RECOMMENDATION *The City Commission approve holding the Fifth Avenue Arts Festival in the location where it's been held for the past several years.*

A motion was made by Mayor Bussing, seconded by Commissioner Nielsen, 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
Nay: Edward Braddy

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

031054 FY 2004 BUDGET AMENDMENT (B)

Ordinance No. 0-04-34

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, 2003 and ending September 30, 2004; amending ordinance no. 030344, adopted September 22, 2003, by making certain adjustment to the general operating and financial 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 Nielsen, that this matter be 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

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**020461 LAND DEVELOPMENT CODE AMENDMENT FOR STREET TREES, WETLANDS AND SURFACE WATER REQUIREMENTS (B)****Ordinance No. 0-03-70; Petition No. 95TCH-02PB**

An ordinance of the City of Gainesville, Florida; amending the Land Development Code, Chapter 30, relating to requirements for street trees, wetlands and surface waters; amending section 30-23, Land Development Code, deleting the definition of wetlands designated, providing a definition for wetland function, and amending the definition of wetlands; amending section 30-251, Land Development Code, clarifying street plantings should be uniform, clarifying approval may be by a board; amending section 30-300, Land Development Code, repealing obsolete definitions; amending section 30-301, Land Development Code, clarifying regulated surface waters and wetlands; amending section 30-302, Land Development Code, amending, clarifying and updating general requirements and procedures regarding surface waters, wetlands and buffers; creating section 30-302.1, Land Development Code, specifying criteria and conditions for the avoidance of loss or degradation of wetlands; amending section 30-303, Land Development Code, amending criteria and requirements for special permits for certain single family lots; amending section 30-304, Land Development Code, amending, conforming, and updating exemptions of the provisions of the surface waters and wetlands sections of the Code; amending section 30-311, Land Development Code, amending penalties for violations of the provisions of the surface waters and wetlands section of this Code to include City Manager authority to revoke a permit or issue a cease and desist order under certain conditions; amending the Gainesville Tree List, Land Development Code, conforming change to clarify street plantings should be uniform; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Bussing recognized Carol Higman, Dr. Willa Drummond, Doris Bardon, Dian Deevey, Paula Stahmer, Monica Cooper, Marilyn Walker, Mark Goldstein, Francine Robinson, Stuart Cullen and Mary Helen Wheeler who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Braddy, 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: Tony Domenech, Chuck Chestnut, Warren Nielsen and Rick Bryant
Nay: Tom Bussing and Craig Lowe
Absent: Edward Braddy

030758 REZONING - NORTH FLORIDA REGIONAL DOCTOR'S OFFICE PARK (B)

Ordinance No. 0-04-23, Petition No. 169ZON-03PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property recently annexed into the City from the Alachua County zoning category of "AP, Administrative/Professional" to the City of Gainesville zoning category of "MD: Medical services district"; located in the vicinity of NW 64th Terrace and NW 9th Boulevard and NW 11th Place, North Florida Regional Doctor's Office Park; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Nielsen, 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

030760 COLLEGE PARK SPECIAL AREA PLAN (B)

Ordinance No. 0-04-24; Petition 171TCH-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; increasing the building height from 4 stories to 5 stories for Type I buildings; establishing a maximum numerical height limit for each building type; providing a provision for row house lots; prohibiting specified encroachments into the right-of-way; incorporating required compliance for expansions, renovations, and repairs; removing inconsistencies in the Plan; making minor changes to the Plan for clarification; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Planning Manager Ralph Hilliard and Community Development Director Tom Saunders gave presentations.

AMENDMENT: Page 22, under "Building Height" strike the last line "The maximum

building height shall not exceed 65 feet".

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

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

A motion was made by Commissioner Domenech, 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, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe
Nay: Tom Bussing

**030913 DEVELOPMENT REVIEW PROCESS - AFFORDABLE HOUSING
CONCEPT REVIEW AND APPROVAL (B)**

Ordinance No. 0-04-28; Petition 26TCH-04 PB

An Ordinance of the City of Gainesville, Florida; amending subsection 30-160(b) of Article VII, Chapter 30, the Land Development Code, regarding the development review process; providing for conceptual review approval for affordable housing developments; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Bussing recognized Stefan Davis who spoke to the matter.

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

RESOLUTIONS- ROLL CALL REQUIRED

**031142 RESOLUTION ACCEPTING THE REPORT OF THE BOARD OF
CANVASSERS FOR THE CITY OF GAINESVILLE, FLORIDA, RUN-OFF
ELECTION HELD MARCH 30, 2004 (B)**

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

031131 Resolution for Extension of Temporary Easement Along SR 26 (University Avenue) to FDOT (B)

RECOMMENDATION *The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute and the Clerk to attest a temporary easement to FDOT for a parcel lying between SR 26 and SR 26-A and located on the south side of SR 26 for the purpose of transitioning and harmonizing driveways and walkways along University Avenue.*

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

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

PLAN BOARD PETITIONS

030903 Petition 9LUC-04 PB. Amend the City of Gainesville Future Land Use Map from O (Office), RM (Residential Medium Density, 8-30 units per acre) and MUL (Mixed-Use Low Intensity, 8-30 units per acre) to PUD (Planned Use District) for multiple-family development located in the 1200-1300 block between Northwest 7th and 8th Avenues. Related to Petition 10PDV-04 PB. (B)

City of Gainesville Chief of Current Planning Lawrence Calderon, Agent for the Petitioner Gerry Dedenbach and Principal Engineer Rory Causseaux gave presentations.

Chair Bussing recognized Mark Goldstein who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 9LUC-04 PB, with staff conditions as modified. Plan Board vote 6-0*

Staff to Plan Board - Approve, with staff conditions.

A motion was made by Commissioner Domenech, seconded by Commissioner Nielsen, that this matter be Approved (Petition) with Staff Conditions as Modified. The motion carried by the following vote:

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

030904 (Quasi-Judicial) Petition 10PDV-04 PB. Rezone property from OF (general office), MU-1 (mixed-use low intensity 10-30 du/acre), and RMF-8 (multiple-family medium density residential 8-30 du/acre) to PD (planned development) for a 225-unit multiple-family apartment complex located in the

1200-1300 block between Northwest 7th and 8th Avenues. Related to Petition 9LUC-04 PB. (B)

City of Gainesville Chief of Current Planning Lawrence Calderon, Agent for the Petitioner Gerry Dedenbach, Principal Engineer Rory Causseaux and Planning Manager Ralph Hilliard gave presentations.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 10PDV-04 PB, with staff conditions, as modified. Plan Board vote 6-0*

Staff to Plan Board - Approve, with staff conditions.

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Approved (Petition) with Staff Conditions as Modified. The motion carried by the following vote:

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

030905

(Quasi-Judicial) Petition 11PDV-04 PB. Rezone property from RMF-5 (residential low density 12 du/acre) to PD (planned development) with PD layout plan for a 316-unit multi-family development located at 1609 Northwest 29th Road. (B)

City of Gainesville Senior Planner Carolyn Morgan and Agent for the Petitioner Gerry Dedenbach, Project Engineer Robert Walpole gave presentations.

Chair Bussing left the meeting room and passed the gavel to Mayor-Commissioner Pro Tem Chestnut.

Chair Pro Tem Chestnut recognized Citizen Ryan Baker who spoke to the matter.

RECOMMENDATION *Plan Board to City Commission - The City Commission approve Petition 11PDV-04 PB, with staff conditions and Plan Board modifications. Plan Board vote 3-1*

Staff to Plan Board - Approve, with staff conditions.

A motion was made by Commissioner Bryant, seconded by Commissioner Nielsen, that this matter be Approved (Petition) with Staff Conditions and Plan Board Modifications. The motion carried by the following vote:

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

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

031073 (Quasi-Judicial) Appeal of Historic Preservation Board action regarding petition for approval of a six-foot aluminum fence in the front yard at 206 N.E. 2nd Avenue. (B)

City of Gainesville Neighborhood Planning Coordinator John Wachtel and Community Development Director Tom Saunders gave presentations.

Chair Pro Tem Chestnut recognized Petitioner Art Boulanger, Historic Preservation Board Member Joan Gowan, Fence Express Builders Representative Dan Wilcoxon and Historic Preservation Board Chair Dennis Egan who spoke to the matter.

MOTION: Deny the Petition to appeal and uphold the decision of the Historic Preservation Board.

RECOMMENDATION *The City Commission hear the appeal from the decision of Historic Preservation Board.*

A motion was made by Commissioner Bryant, seconded by Commissioner Nielsen, that this matter be Denied (Appeal). The motion carried by the following vote:

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

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT - 10:52 PM

Kurt M. Lannon, Clerk of the Commission