

City of Gainesville

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



Meeting Minutes

Monday, September 23, 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 - 1:04 PM**ROLL CALL**

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

INVOCATION**Reverend Robinsky A. Reed, Mount Pleasant United Methodist Church****CONSENT AGENDA**

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

(VOTE: 5-0, MOTION CARRIED)

CITY MANAGER, CONSENT AGENDA ITEMS

001989 Request for a six-month extension of time in accordance with Section 30-183(j)(2) of the City of Gainesville, Land Development regulations for phases 2 and 3 of the Madera design plat. (B)

RECOMMENDATION *Planning Staff to City Commission - The City Commission approve the requested extension of time, to April 22, 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

020423 Extension of Professional Diet/Nutrition Services Contract with Kathryn Parker, Inc. (B)

RECOMMENDATION *The City Commission authorize the City Manager or designee to negotiate and execute a one-year extension to the contract with Kathryn Parker, Inc., for diet/nutritional services. The term of the contract will be from October 1, 2002 through September 30, 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

020424 Renewal of Lease Agreement for the Depot Building (B)

RECOMMENDATION *The City Commission authorize the City Manager to execute an Addendum to the Lease Agreement for the Depot Building Rail Road Corridor (W.P.I. /Segment No. 2173611, Parcel*

Number 100), by and between the City of Gainesville and the Florida Department of Transportation to extend the lease period for an additional two years.

This Matter was Approved as Recommended on the Consent Agenda.

020425 FY2003 Combined Communications Center Budget (B)

...Explanation

The Interlocal Agreement for the operation of the Combined Communications Center (CCC), between the Alachua County Sheriff's Office and the City of Gainesville requires that the Gainesville City Commission approve the CCC budget if the increase from the prior fiscal year exceeds 5%.

The adopted operations budget for the CCC for FY2002 totaled \$5,244,144. The budget requested and subsequently approved by the Alachua County Commission for FY2003 totaled \$5,510,553. This represents an increase of 5.1%.

...Fiscal Note

The City of Gainesville's FY2003 budget includes \$2,521,516 for its share of expenses related to the CCC. The budgeted amount is based on actual experience in prior years plus estimated calls in the newly annexed area.

...Recommendation

The City Commission approve the FY2003 Budget for the Combined Communications Center.

RECOMMENDATION *The City Commission approve the FY2003 Budget for the Combined Communications Center.*

This Matter was Approved as Recommended on the Consent Agenda.

020426 FY2003 & FY2004 Performance Indicators (B)

RECOMMENDATION *The City Commission accept the revised performance indicators and authorize staff to include the performance indicators in the final budget document for FY2003 & FY2004.*

This Matter was Approved as Recommended on the Consent Agenda.

020427 Ratification of Agreement to amend Article 29-Wages, the Fraternal Order of Police, Florida State Lodge contract for October 1, 2001 - September 30, 2004 (B)

RECOMMENDATION *The City Commission ratify the agreement.*

This Matter was Approved as Recommended on the Consent Agenda.

020428 Award of Contract for Collection and Clinical Laboratory Technical and Professional Services to Doctors Laboratory, Inc. (NB)

RECOMMENDATION *The City Commission: 1) award the contract for Collection and Clinical Laboratory Technical and Professional Services to Doctor's Laboratory, Inc for the period of October 1, 2002 to September 30, 2003, and allow for three additional one year extensions upon satisfactory and faithful performance by Doctors Laboratory, Inc; 2) authorize the City Manager or designee to negotiate and execute a contract with Doctors Laboratory, Inc.; and, 3) authorize the issuance of a Purchase Order in an amount sufficient to cover the applicable charges for collection and laboratory services.*

This Matter was Approved as Recommended on the Consent Agenda.

020429 Increase Purchase Order to Center for Independent Living for RTS Application Services (NB)

RECOMMENDATION *The City Commission authorize increasing the purchase order to the Center for Independent Living in an amount not to exceed \$11,600, subject to the appropriation of funds.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

020441 Murphree Water Treatment Plant North Wellfield Expansion - Wells 12 and 13 Raw Water Pumping Facilities (B)

RECOMMENDATION *The City Commission 1) authorize the General Manager, or his designee, to execute a contract with Rowe Drilling Company, Inc. to construct the permanent pumping facilities required for Wells 12 and 13 in association with the Murphree Water Treatment Plant North Wellfield Expansion, 2) approve the issuance of a purchase order to Rowe Drilling Company, Inc. in an amount not to exceed \$943,845.00, and 3) authorize staff to procure services, equipment and materials, as required, to complete the project as budgeted.*

This Matter was Approved as Recommended on the Consent Agenda.

020442 Professional Engineering Services Contract (NB)

RECOMMENDATION *The City Commission: 1) Authorize the General Manager or his designee to negotiate and execute amendments to the contracts with Black and Veatch Corporation, Causseaux & Ellington, Inc., CH2M Hill, Eng, Denman & Associates, Berryman & Henigar, Inc., and Jones, Edmunds & Associates for Professional Engineering Services, extending the term of the contracts to June 2003, subject to the approval of the City Attorney as to form and legality; and 2) Approve the issuance of purchase orders in amounts not to exceed the budgeted amounts for these services.*

This Matter was Approved as Recommended on the Consent Agenda.

020443 Approval of Contract and Issuance of Purchase Order for Herbicides (B)

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to execute a three-year contract with Helena Chemical Co. for herbicides for GRU's Vegetation Management department for FY 2003, subject to approval of the City Attorney as to form and legality, in an amount not to exceed \$49,000 per year, subject to the final appropriation of funds for FY 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

020444 Approval of Contract and issuance of Purchase Order for Grounds Maintenance (B)

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to execute a three year contract with Lawn Enforcement Agency, Inc., subject to the approval of the City attorney as to form and legality, for grounds maintenance of GRU's lift stations in an amount not to exceed \$28,000 per year, subject to approval of the final appropriation of funds for FY 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

020445 Approval of an Amendment to Contract for Janitorial Services (NB)

RECOMMENDATION *The City Commission: 1) authorize the General Manager, or his designee to execute a contract with the Florida Association of Rehabilitative Facilities, Inc. d/b/a RESPECT of Florida for janitorial services for FY 2003, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to RESPECT of*

Florida in an amount not to exceed \$160,700, subject to the final appropriation of funds for FY 2003.

This Matter was Approved as Recommended on the Consent Agenda.

020446 Amendment to Extend Contracts and Issuance of Purchase Orders - HVAC and Chiller Maintenance and Repair (NB)

RECOMMENDATION *The City Commission: 1) authorize the General Manager, or his designee, to execute amendments to extend the term of the contracts with North Florida Trane, Inc., and Carrier Corporation for HVAC and Chiller preventative maintenance and repairs respectively at various GRU facilities through February 2003, subject to the approval of the City Attorney as to form and legality; and 2) approve issuance of purchase orders in total amounts not to exceed \$50,000 for these services.*

This Matter was Approved as Recommended on the Consent Agenda.

020447 Annual Directional Boring Contract - Balance of FY 2002 and FY 2003 (NB)

RECOMMENDATION *The City Commission 1) approve the issuance of a Change Order to the D&D, Inc. Purchase Order in the amount of \$30,000 to fund payment for work completed during FY 2002; and 2) approve the issuance of a purchase order to D&D, Inc. in an amount not to exceed \$300,000 for the 2003 calendar year, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

FIRE SAFETY BOARD OF ADJUSTMENT, CONSENT

020430 Fire Safety Board of Adjustment Rule Amendments (B)

RECOMMENDATION *The City Commission approve the amendments to the Fire Safety Board of Adjustment's rules, including Section 6 of Article X, Rehearings, which will allow the Board to rehear cases under certain conditions.*

This Matter was Approved as Recommended on the Consent Agenda.

PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

AUDIT & FINANCE COMMITTEE, CONSENT

LEGISLATIVE COMMITTEE, CONSENT

REGIONAL UTILITIES COMMITTEE, CONSENT

RECREATION AND CULTURAL AFFAIRS COMMITTEE, CONSENT

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

020419 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of September 9, and September 12, 2002, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

DISABILITY REVIEW COMMITTEE, CONSENT

Passed The Consent Agenda

A motion was made by Commissioner Chestnut, seconded by Commissioner Domenech, 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 THE CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

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

(VOTE: 5-0, MOTION CARRIED)

1. FILE # 020432 - West 6th Street Rail Corridor - Gainesville Eco-History Design Competition - (Withdraw from the agenda).

2. File #020440 - Resolution Accepting Grant Offer from Federal Aviation Administration - (Waive the Rules to move to the beginning of the afternoon portion of the agenda.)

Chair Bussing recognized Citizen Vivian Filer and Public Works Transportation Manager Brian Kanely who spoke to the matter.

WAIVER OF RULES (RESOLUTION - ROLL CALL REQUIRED)

020440 RESOLUTION ACCEPTING GRANT OFFER FROM FEDERAL AVIATION ADMINISTRATION (B)

A resolution of the City of Gainesville, Florida, accepting grant offer from Department of Transportation, Federal Aviation Administration, and authorizing execution by the Mayor and Clerk of the Commission on behalf of the City of Gainesville; and providing an immediate effective date.

Gainesville Regional Airport Executive Assistant Suzanne Schiemann gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

CLERK OF THE COMMISSION

020450 Holiday Schedules (NB)

RECOMMENDATION *The City Commission reschedule the November 11, 2002 City Commission Meeting to November 12, 2002; and cancel the meeting scheduled for December 23, 2002.*

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

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

020451 National League of Cities (NB)

MOTION: Commissioner Chuck Chestnut was nominated as voting delegate and Commissioner Domenech as alternate for the National League of Cities Meeting, there were no other nominations.

RECOMMENDATION *The City Commission select a voting delegate and alternate for the National League of Cities Meeting.*

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

CITY MANAGER

020431 Proposed Amendment to the Disability Plan Ordinance (B)

City of Gainesville Finance Director Mark Benton, Administrative Services Director Glenda Currie, and Sr. Assistant City Attorney Charles Hauck gave presentations.

RECOMMENDATION *The City Commission hear a report on the estimated fiscal impact of the proposed amendment to the Disability Ordinance and take appropriate action.*

Heard

020432 West 6th Street Rail Corridor - Gainesville Eco-History Design Competition (B)

RECOMMENDATION *The City Commission: 1) hear a presentation from the top three finalists of the Eco-History Trail Design Competition process; 2) approve the ranking of the Eco-History Trail Design Competition finalists; 3) authorize the City Manager or designee to initiate contract negotiations for professional design services; and 4) authorize the City Manager or designee to execute all contracts and other necessary documents related to the design services for the West 6th Street Rail Corridor.*

Withdrawn

020433 Roundabout Construction at Depot Avenue and South Main Street (B)

City of Gainesville Public Works Manager Emery Swearingen gave a presentation.

MOTION: Approve Alternative 1.

RECOMMENDATION *The City Commission: 1) hear a report from staff; and 2) take appropriate action.*

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

020434 Cellular Communication Towers (B)

City of Gainesville Community Development Director Tom Saunders, Planning Manager Ralph Hilliard, Alachua County Growth Management Representative Missy Daniels and Alachua County Principal Planner Steve Lachnicht gave presentations.

RECOMMENDATION *Hear a brief presentation from staff and provide direction as deemed necessary.*

Heard

020435 Metropolitan Transportation Planning Organization (MTPO) (NB)

City of Gainesville Traffic Engineering Manager Brian Kanely gave a presentation.

RECOMMENDATION *The City Commission hear a report from staff regarding the October 10, 2002 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

Heard

GENERAL MANAGER FOR UTILITIES**020448 Joint Development Agreement to Evaluate the Feasibility of a Solid Fuel Electric Power Plant (B)**

Gainesville Regional Utilities Strategic Planning Director Ed Regan gave a presentation.

RECOMMENDATION *The City Commission authorize the General Manager or his designee to negotiate and enter into a Joint Development Agreement with the Florida Municipal Power Agency and other electric generating utilities to participate in and fund up to 25% of a feasibility study related to the siting and*

construction of a solid fuel generation facility.

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, Chuck Chestnut, Warren Nielsen and Tom Bussing

020449 Mutual Aid Agreement for Extended Generation Outages (B)

Gainesville Regional Utilities Strategic Planning Director Ed Regan gave a presentation.

RECOMMENDATION *The City Commission authorize the General Manager or his designee to execute the Mutual Aid Agreement for Extended Generation Outages substantially in the form as attached.*

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, Chuck Chestnut, Warren Nielsen and Tom Bussing

CITY ATTORNEY

020421 STEPHEN M. OELRICH, IN HIS CAPACITY AS THE SHERIFF OF ALACHUA COUNTY, FLORIDA; AND JAMES F. ECKERT AND ALLEN J. WEIKEL, IN THEIR INDIVIDUAL CAPACITIES VS. ALACHUA COUNTY, FLORIDA CASE NO.: 01-02-CA-2682 (B)

City Attorney Marion Radson gave a presentation.

RECOMMENDATION *The City Commission authorize the City Attorney to intervene in the case styled Stephen M. Oelrich, in his capacity as the Sheriff of Alachua County, Florida; and James F. Eckert and Allen J. Weikel, in their individual capacities vs. Alachua County, Florida Case No.: 01-02-CA-2682.*

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

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

RECESS - 3:22 PM

RECONVENE - 3:31 PM

020422

WALNUT CREEK - FINAL ADMINISTRATIVE ORDER (B)**Final Administrative Order In the Matter of Jerome Kelly, Agent for Luther E. Blake, Jr., and Irene Blake Caudle, Petitioners - Petition No. 142SUB-00PB, Phase I (Legistar No.001117); Phase II (Legistar No.020125)**

City of Gainesville Sr. Planner Carolyn Morgan, Planning Manager Ralph Hillard, Community Development Director Tom Saunders, and Public Works Professional Engineer Richard Melzer gave presentations.

Chair Bussing recognized Gloria Fletcher, George Dekle, Bonnie O'Brien, Robert Hartley, Cotton Fletcher, Elizabeth Furlow, Brian Wilcox, Everett Caudle, Francine Robinson, Ramish Shah, Attorney for certain affected parties Sam Mutch and Chris Ott who spoke to the matter.

NOTE: Commissioner's Braddy and Domenech disclosed ex parte' communications.

FIRST MOTION: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Domenech seconded to approve the recommendation.

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

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

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

RECESS - 5:08 PM

RECONVENE - 5:16 PM

THIRD MOTION: Commissioner Chestnut moved and Commissioner Domenech seconded to rescind the previous motion (which is described as the last substantial motion made at the quasi-judicial hearing (August 28, 2002)).

ROLL CALL VOTE:

Commissioner Braddy - Aye

Commissioner Nielsen - Aye

Commissioner Chestnut - Aye

Commissioner Domenech - Aye

Mayor Bussing - No

(VOTE: 4-1, MOTION CARRIED)

FOURTH MOTION: Commissioner Chestnut moved and Commissioner Domenech seconded to continue the pending quasi-judicial resolutions to the next regular City Commission Meeting (October 14, 2002).

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

RECOMMENDATION

Commission to execute the Final Order as prepared by the City Attorney.

A motion was made by Commissioner Chestnut, seconded by Commissioner Domenech, that this matter be Continued for October 14, 2002. The motion carried by the following vote:

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

CITY AUDITOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC WORKS COMMITTEE

PUBLIC SAFETY COMMITTEE

REGIONAL UTILITIES COMMITTEE

RECREATION AND CULTURAL AFFAIRS COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

COMMUNITY DEVELOPMENT COMMITTEE

CHARTER REVIEW COMMITTEE - TIME CERTAIN 4:00 PM (REQUESTED)

020420 Report from the Charter Review Committee on the Three Member and Four Member Proposed District Plans (B)

Charter Review Committee Chair Professor Joe Little and Dr. Kenneth Wald gave presentations.

MOTION: Approve the Charter Review Committee's recommendation and authorize the City Attorney to draft and the Clerk of the Commission to advertise the ordinances.

RECOMMENDATION *The City Commission hear a report from the Charter Review Committee and take appropriate action.*

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

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS

Mayor Tom Bussing

Introduction of Russian Visitors

Introduction of Russian Visitors

Steve Kalishman gave a presentation.

CITIZEN COMMENT (5:30pm)

Gabe Kaimowitz

EEO Charter Officer and related issues

Germaine Ferguson

EEO Issues

PLEDGE OF ALLEGIANCE (6:00pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

020452 Domestic Violence Awareness Month - October 2002 (B)

RECOMMENDATION *Peaceful Paths Domestic Abuse Network of the Alachua County Domestic Violence Task Force Chair Dr. Theresa Harrison to accept the proclamation.*

Heard

020453 Race Equity Week - September 23-29, 2002 (B)

RECOMMENDATION *City of Gainesville Equal Opportunity Director Jimmie Williams to accept the proclamation.*

Heard

020454 Take a Loved One to the Doctor Today - September 24, 2002 (B)

RECOMMENDATION *University of Florida Department of Sociology Dr. Terry L. Mills, PhD to accept the proclamation.*

Heard

PUBLIC HEARINGS

020455 FINAL MILLAGE RATE RESOLUTION (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO THE LEVY OF GENERAL MUNICIPAL PURPOSE AD VALOREM TAXES FOR THE 2002-2003 FISCAL YEAR; ADOPTING THE FINAL MILLAGE RATE; DIRECTING THE TRANSMITTAL OF CERTIFIED COPIES; AUTHORIZING A SPECIFIED ADJUSTMENT TO THE FINAL MILLAGE RATE; PROVIDING FOR THE PUBLICATION OF NOTICE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Administrative Services Director Glenda Currie gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed 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: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

020351 GENERAL GOVERNMENT BUDGET (B)

ORDINANCE NO. 0-02-50

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; ADOPTING THE GENERAL OPERATING AND FINANCIAL PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Chair Bussing recognized Maria Huff Edwards who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

020352 GAINESVILLE REGIONAL UTILITIES BUDGET (B)

ORDINANCE NO. 0-02-55

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE BUDGET FOR THE CITY OF GAINESVILLE REGIONAL UTILITIES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002, AND ENDING SEPTEMBER 30, 2003; PROJECTING REVENUES AND ADOPTING A BUDGET TO PAY FOR PERSONAL SERVICES EXPENSES, OPERATING AND MAINTENANCE EXPENSES AND OTHER EXPENSES, FOR CAPITAL OUTLAY, AND FOR DEBT SERVICE REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

CITIZEN COMMENT - (CONTINUED)

D. J. Ferguson

- 1. Streamlining meetings*
- 2. EEO Function*

Reverend Tim Keyes

City Commission Rules - format of special meeting

Alison Law

Recreation Issues

Robert Pearce

Boom Boxes

Kali Blount

1. Child Care
2. EEO Charter Officer Position
3. West 6th Street Corridor

Ed Cooper - Co-Owner Market Street Pub

Restricting underage drinking

Anthony Gordon

Racial Issues

Michael Bowie - Alachua County Division of NAACP

Racial Issues

Harold Saive

Four district issue - Charter Review Issue

WAIVER OF RULES

*Commissioner Chestnut moved and Commissioner Domenech seconded to move File # 020437 "West 6th Street Corridor - Roadway Intersection Design Options" before First Reading of Ordinances.
(VOTE: 5-0, MOTION CARRIED)*

RECESS - 6:51 PM

RECONVENE - 7:15 PM

SCHEDULED EVENING AGENDA ITEMS

020437 West 6th Street Corridor - Roadway/Intersection Design Options (B)

City of Gainesville Public Works Transportation Manager Brian Kanely, Michael Wallwork, P.E., and Community Development Director Tom Saunders gave presentations.

Chair Bussing recognized Citizens Kali Blount, Nina Poslethwaite, Dottie Faibusy, Fred Cone, David Coffey, Maria Huff Edwards, Brad Guy and Dr. Linda Crider who spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear a presentation on the West 6th Street Corridor Roadway/Intersection Design Options; and 2)*

accept the recommendations.

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, Chuck Chestnut, Warren Nielsen and Tom Bussing

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

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.

City of Gainesville Community Development Director Tom Saunders, GRU Energy and Business Services Manager Steve Stagliano and City Building Official Doug Murdock gave presentations.

Chair Bussing recognized Brad Guy who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

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 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

ORDINANCES 2ND READING- ROLL CALL REQUIRED

020275 DUTIES OF THE CULTURAL AFFAIRS BOARD (B)

Ordinance No. 0-02-56

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article V, Division 3, Section 2-283 of the Code of Ordinances by amending the duties of the Cultural Affairs Board; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

020189 STREET VACATION (B)

ORDINANCE NO. 0-02-44, PETITION 57SVA-02PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way located in the westerly 6 feet of S.W. 1st Street from S.W. 1st Avenue to S.W. 2nd Avenue and the southerly 7 feet of S.W. 1st Avenue from S.W. 1st Street to S.W. 2nd Street; reserving a public utilities easement; 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 Final Reading (Ordinance). The motion carried by the following vote:

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

020190 REZONING (B)**ORDINANCE NO. 0-02-45, PETITION NO. 58ZON-01PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from "RH-1: 8-43 units/acre residential high density district" to "RH-2: 8-100 units/acre residential high density district"; located in the vicinity of 811, 815 and 817 S.W. 11th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

020206 URBAN SERVICES REPORT - INTERSECTION OF SW 34th STREET AND ARCHER ROAD (B)**Ordinance No. 0-02-40**

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area generally located north of the city limits, west of the city limits, south of the SW 34th Street right-of-way, and east of the city limits, more particularly the intersection of Archer Road and SW 34th Street; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, as amended, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

020353 ELECTION DISTRICTS AMENDMENT (B)**ORDINANCE NO. 0-02-60**

An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-1.1(a) of the Code of Ordinances changing the numbers of the election

precincts that comprise the election districts of the City; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

002382

EXTENSION OF BOUNDARIES FOR ALCOHOL CONSUMPTION DURING EVENTS DOWNTOWN (B)

ORDINANCE NO.:0-02-58

An ordinance of the City of Gainesville, Florida, amending Article I, Sections 4-4(b)(1) and 4-4(b)(2) of the Code of Ordinances by providing for the extension of boundaries to allow for consumption of alcohol during certain events in the downtown area; provide a limit on the number of permits that may be issued by the city manager during any calendar year; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Bussing recognized Citizens Reverend Tim Keyes, Tavis Glassman, Heath Wentz, Frances Keyes, Steve Hach, Charles Grapski, Maria Huff Edwards, and Anneter Heard 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 Final Reading (Ordinance). The motion carried by the following vote:

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

020348

RATIFYING POPULATION OF CITY (B)

A Resolution of the City of Gainesville City Commission ratifying the population of the City and the increase in the number of City Commissioners as provided in the City Charter; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

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

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

020438 Resolution for Final Plat of Madera Cluster Development, Phase I (B)

City of Gainesville Public Works Professional Engineer Richard Melzer gave a presentation.

RECOMMENDATION *The City Commission adopt the Resolution approving the Final Plat of Madera Cluster Development, Phase I.*

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

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

020439 Resolution for Joint Participation Agreement - Block Grant Funds for RTS Operating Assistance (B)

RECOMMENDATION *The City Commission approve the Resolution authorizing execution of the Joint Participation Agreement with the Florida Department of Transportation.*

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

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

PLAN BOARD PETITIONS**DEVELOPMENT REVIEW BOARD PETITIONS****UNFINISHED BUSINESS****COMMISSION COMMENT****Mayor Tom Bussing**

- 1. Agenda Process*
- 2. Reports from Commissioners regarding outside meetings*

Commissioner Chuck Chestnut

National League of Cities Leadership Conference

Commissioner Edward Braddy

Development - Infill Policy - Request for a Staff Presentation

Commissioner Warren Nielsen

Infill Policy and Design Issues

CITIZEN COMMENT

Reverend Tim Keyes

Commission decision issues

Nora Gibbons

Underage drinking, rave issues

Anneter Heard

Neighborhood Safety Issues - District 1

Estelle Herget

Commission support

ADJOURNMENT - 10:49 PM

Kurt M. Lannon, Clerk of the Commission