

City of Gainesville

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



Meeting Minutes

Wednesday, August 7, 2002

6:00 PM

City Commission Special Meeting

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 - 6:29 PM

ROLL CALL

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

ADOPTION OF THE AGENDA

Commissioner Domenech moved and Mayor-Commissioner Pro Tem Nielsen seconded to adopt the agenda.

(VOTE: 5-0, MOTION CARRIED)

RESOLUTIONS

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

City Attorney Marion Radson gave a presentation.

NOTE: The witnesses that were previously sworn-in at the July 23, 2002 meeting were still considered under oath.

STAFF PRESENTATION:

*Assistant City Attorney Walter Matthews asked that City Exhibit's 11 and 11A - Professional Staff Resume's of Tom Saunders, Carolyn Morgan, Teresa Scott and Rick Melzer be submitted into evidence.
(There were no objections)*

*The City Commission accepted the stipulation that Attorney Deborah Andrews would be representing affected party Ramesh Shah.
(There were no objections)*

*FIRST MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to accept the City staff's resume's (4) as City Exhibit 11, and 11A into evidence.
(VOTE: 5-0, MOTION CARRIED)*

STAFF PRESENTATION:

Assistant City Attorney Walter Matthews called City of Gainesville Public Works Director Teresa Scott as the first witness.

Assistant City Attorney Walter Matthews called Brett Cunningham of Jones Edmunds and Associates (JEA) to make his presentation.

NOTE: JEA representatives Brett Cunningham, John Horvath and Debra Segal stated that they had been sworn-in (July 23, 2002).

The City Commission accepted JEA representatives Brett Cunningham and John Horvath as expert witnesses in stormwater management; and Debra Segal as an expert witnesses in soil.

(There were no objections)

Attorney for certain affected parties Sam Mutch requested that both counsels approach the City Attorney for a conference.

(There were no objections)

RECESS: 7:30 PM

RECONVENE: 7:45 PM

Witness Brett Cunningham of JEA continued presenting his testimony.

Attorney Deborah Andrews cross examined Brett Cunningham.

Attorney Sam Mutch cross examined Brett Cunningham.

Attorney Ron Carpenter cross examined Brett Cunningham.

Assistant City Attorney Walter Matthews called Debra Segal of JEA as an expert witness.

Attorney Sam Mutch cross examined Debra Segal.

Attorney Deborah Andrews cross examined Debra Segal.

Attorney Ron Carpenter cross examined Debra Segal.

Attorney Sam Mutch re-directed questions to Debra Segal.

Attorney Ron Carpenter re-directed questions to Debra Segal.

Assistant City Attorney Walter Mathews called City of Gainesville Public Works Director Teresa Scott to give additional testimony.

Assistant City Attorney Walter Mathews entered the City of Gainesville Subdivision and Site Plan Design Manual as City Exhibit #17 and #17A as evidence.

(There were no objections)

NOTE: Public Works Director Teresa Scott made two amendments to City Exhibit 15: Calculations of the Seasonal High Water Table - change from 5.5 - 5 ft. to 6 - 7 ft. and strike sentence in Paragraph 1 of the Staff's Analysis beginning with "Software Modeling".

(There were no objections)

Attorney Ron Carpenter cross examined Teresa Scott.

Attorney Deborah Andrews cross examined Teresa Scott.

Attorney Sam Mutch cross examined Teresa Scott.

Attorney Sam Mutch entered St. John's River Water Management District (SJRWMD)

Design Manual as Glen Springs Exhibit #5 into evidence.

Attorney Ron Carpenter objected to the questioning.

Attorney Sam Mutch moved to strike Teresa Scott's testimony

Attorney Deborah Andrews moved to strike Teresa Scott's testimony.

Attorney Walter Matthews stipulated that Teresa Scott be called an expert witness in Stormwater Management.

RECESS: 10:00 PM

RECONVENE: 10:28 PM

City Attorney Marion Radson made statements regarding Teresa Scott's expertise as a Professional Engineer and as the City's Public Works Director.

Attorney Sam Mutch re-directed questions to Teresa Scott.

STAFF CONCLUDED PRESENTATIONS AT 10:50 PM

Affected party Jeff Malpass was sworn in by the Clerk.

AFFECTED PARTY PRESENTATIONS:

Chair Bussing recognized affected party Jeff Malpass who gave testimony.

Attorney Deborah Andrews made comments regarding City Commission Quasi-Judicial Rules.

Attorney Sam Mutch made comments regarding City Commission Quasi-Judicial Rules.

Chair Bussing recognized Brian Wilcox who spoke to the matter.

WAIVER OF RULES:

Commissioner Chestnut moved and Commissioner Braddy seconded to waive the rules extend the meeting until 12:00 PM.

(VOTE: 5-0, MOTION CARRIED)

Chair Bussing passed the gavel to Mayor-Commissioner Pro Tem in order to accept evidence from affected party Jeff Malpass.

(NO SECOND, MOTION FAILED)

Chair Bussing re-assumed the gavel.

Affected party Jeff Malpass continued his testimony.

Chair Bussing recognized affected party Brian Trahan.

The Clerk swore in affected party Brian Trahan.

GLEN SPRINGS PRESENTATION:

Attorney Sam Mutch called Stephen Boyes as an expert witness in the field of Geology and Soils.

The Clerk swore in witness Stephen Boyes.

*The City Commission accepted a letter dated March 12, 2002 from Stephen Boyes as Glen Springs Exhibit #6 into evidence.
(There was no objection)*

*Attorney Ron Carpenter cross examined Stephen Boyes.
Attorney Deborah Andrews cross examined Stephen Boyes.
Attorney Sam Mutch re-directed questions to Stephen Boyes.*

WAIVER OF RULES:

*Commissioner Domenech moved and Mayor-Commissioner Pro Tem seconded to waive the rules to continue the meeting until 12:30 AM.
(VOTE: 5-0, MOTION CARRIED)*

Stephen Boyes continued his testimony.

Attorney Sam Mutch called William Reck, PE , as an expert witness.

*The City Commission accepted the letter from William Reck (Exhibit P) as Glen Springs Exhibit #7.
(There was no objection)*

Attorney Deborah Andrews cross examined William Reck.

GLEN SPRINGS PRESENTATION CONCLUDED AT 12:15 AM.

Chair Bussing recognized James Johnson of St. Andrews Episcopal Church who spoke to the matter.

REBUTTAL BY PETITIONER:

None.

REBUTTAL BY STAFF:

None.

WAIVER OF RULES:

*Commissioner Chestnut moved and Commissioner Domenech seconded to waive the rules to continue the meeting until 12:45 AM.
(VOTE: 5-0, MOTION CARRIED)*

MOTION: Commissioner Chestnut moved and Commissioner Braddy seconded to

refer to the Clerk of the Commission to find a date and come back to the City Commission, Monday, August 12, 2002 with a time and a date for a continuance of this item.

(VOTE: 5-0, MOTION CARRIED)

WAIVER OF RULES:

Commissioner Braddy moved and Commissioner Domenech seconded to waive the rules to continue the meeting until 1:00 AM.

(VOTE: 5-0, MOTION CARRIED)

PUBLIC HEARING:

Chair Bussing recognized Citizen Paula Stahmer who spoke to the matter.

MAIN MOTION: Commissioner Domenech moved and Mayor-Commissioner Pro Tem Nielsen seconded to continue Petitions 001117 & 020125 to Monday, August 12, at 1:00 PM, or as soon thereafter as may be heard.

(VOTE 5-0, MOTION CARRIED)

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."

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Nielsen, that this matter be Continued for August 12, 2002. The motion carried by the following vote:

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

020125

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

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."

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Nielsen, that this matter be Continued for August 12, 2002. The motion carried by the following vote:

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

ADJOURNMENT - 12:52 PM

Kurt M. Lannon, Clerk of the Commission