City of Gainesville

City Hall 200 East University Avenue Gainesville, Florida 32601



Meeting Minutes

Monday, March 11, 2002

1:00 PM

City Hall Auditorium

City Commission

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

CALL TO ORDER - 1:04 PM

INVOCATION

Father Roland Julien, Saint Patrick's Church

ROLL CALL

Present: Chuck Chestnut, John R. Barrow and Tom Bussing

Absent: Warren Nielsen and Pegeen Hanrahan

CONSENT AGENDA

Commissioner Barrow moved and Commissioner Chestnut seconded to approve the Consent Agenda with the following modifications:

File No. - 002396 - General Purpose Financial Statements - MOVE TO REGULAR AGENDA.

File No. - 002407 - GRU Quarterly Financial Report as of December 31, 2001 - MOVE TO REGULAR AGENDA.

(VOTE: 3-0, Mayor-Commissioner Pro Tem Hanrahan and Commissioner Nielsen - Absent - MOTION CARRIED)

CITY MANAGER, CONSENT AGENDA ITEMS

001717 Gator Trails Interlocal Agreement (B)

RECOMMENDATION

The City Commission: 1) approve the revised Interlocal Agreement between the City of Gainesville and Alachua County for the Gator Trails project; and 2) authorize the City Manager or his designee to execute the Agreement for this program.

This Matter was Approved as Recommended on the Consent Agenda.

O02451 Amendment to Contract for Professional Consulting Services - East Gainesville SPROUT Project (B)

RECOMMENDATION

The City Commission: 1) authorize issuance of the Sixth Amendment to the Environmental Consulting Technology, Inc., contract; and 2) approve amending the purchase order to Environmental Consulting Technology, Inc., to an amount not to exceed \$1,184,188.

This Matter was Approved as Recommended on the Consent Agenda.

002452 Release of Property to Open Door Ministries (B)

RECOMMENDATION The City (

The City Commission: 1) approve the release of any claimed rights to the property; 2) approve the issuance of a Quit Claim Deed to Open Door Ministries; and 3) authorize the City Manager to execute the Quit Claim Deed.

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

002461 Partial Release of Easement - 6900-7100 Block NW 11th Place (B)

RECOMMENDATION

The City Commission: 1) approve the partial release of a public utility easement; and 2) authorize the Mayor and Clerk of the Commission to execute the Partial Release of Easement, substantially in the form on file, subject to approval by the City Attorney.

This Matter was Approved as Recommended on the Consent Agenda.

Deed from City to the University Athletic Association, Inc. (B)

RECOMMENDATION

The City Commission: 1) approve the granting of a Quit-Claim Deed to The University Athletic Association, Inc.; and 2) authorize the Mayor and Clerk of the Commission to execute the Quit-Claim Deed, subject to approval as to form and legality by the City Attorney.

This Matter was Approved as Recommended on the Consent Agenda.

002463 Partial Release of Easement - 739 NE 11th Avenue (B)

RECOMMENDATION

The City Commission: 1) approve the partial release of public utilities easement reserved by the City of Gainesville per Ordinance 2968; and 2) authorize the Mayor and Clerk of the Commission to execute the Partial Release of Easement document, subject to approval by the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

002464 Purchase of Two Heavy Duty Transport Truck Tractor Chassis (B)

RECOMMENDATION T

The City Commission approve the issuance of a purchase order in the amount of \$163,424 to Tom Nehl Truck Company for the purchase of two heavy duty transport truck tractor chassises for the Water Reclamation Facilities and the Wastewater Collection Department.

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

002445 MARY MARTIN V. JAMIE MICHELLE WOMACK AND CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-02-CA-619 (B)

RECOMMENDATION The City Commission authorize the City Attorney to represent

the City in the case styled Mary Martin v. Jamie Michelle Womack and City of Gainesville, Case No. 01-02-CA-619

This Matter was Approved as Recommended on the Consent Agenda.

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

AUDIT & FINANCE COMMITTEE, CONSENT

002395 Review of Block Grant (B)

RECOMMENDATION The Audit and Finance Committee recommends that the City

Commission:

1) Accept the City Auditor's report and the City Manager's

response; and

2) Instruct the City Auditor to follow-up on recommendations

made and report the results to the Audit and Finance

Committee.

This Matter was Approved as Recommended on the Consent Agenda.

002405 Fiscal Year 2002 Operating Funds Quarterly Monitoring Report - Quarter

Ending December 31, 2001 (B)

... 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, 2001.

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, 2001.

This Matter was Approved as Recommended on the Consent Agenda.

RECREATION AND CULTURAL AFFAIRS COMMITTEE, CONSENT

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

002448 City Commission Minutes (B)

RECOMMENDATION The City Commission approve the minutes of February 18, 2002 and February 25, 2002, as circulated.

This Matter was Approved as Recommended on the Consent Agenda.

002449 Resignation - Wetlands Ad Hoc Committee (B)

RECOMMENDATION The City Commission accept the resignation of member Mark

T. Brown from the Wetlands Ad Hoc Committee effective

immediately.

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

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

END OF THE CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Commissioner Barrow moved and Commissioner Chestnut seconded to approve the Regular Agenda with the following modification:

1. NEW ITEM - File No. 002490 - Discuss House Bill 757.

(VOTE: 3-0, Mayor-Commissioner Pro Tem Hanrahan and Commissioner Nielsen - Absent - MOTION CARRIED)

CLERK OF THE COMMISSION

002453 Scheduled Meeting (NB)

MOTION: Commissioner Barrow moved and Commissioner Chestnut seconded to direct the Clerk of the Commission to reschedule the Regular City Commission Meeting of May 27, 2002 to May 28, 2002 on an as needed basis.

RECOMMENDATION The City Commission discuss the meeting scheduled for May 27, 2002, and take action deemed appropriate.

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

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

CITY MANAGER

O02454 Annual Affirmative Action Plan Update (B)

Affirmative Action Officer Steve Malu, Affirmative Action Task Force Chair Lieutenant Lonnie Scott and City Manager Wayne Bowers gave presentations.

RECOMMENDATION The City Commission hear the annual update on the City's Affirmative Action Plan from the Affirmative Action Task

Force.

Heard

002455 Metropolitan Transportation Planning Organization (MTPO) (NB)

City Manager Wayne Bowers and Public Works Director Teresa Scott gave presentations.

RECOMMENDATION

March 14, 2002 meeting of the Metropolitan Transportation Planning Organization (MTPO).

002456 Cultural Tourism Plan (B)

Cultural Tourism Plan Committee Chair Mitzi Calvert gave a presentation.

RECOMMENDATION The City Commission: 1) hear a brief report by Mitzi Calvert,

Chair of the Cultural Tourism Plan Committee; and 2)

approve the revised Cultural Tourism Plan.

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

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

GENERAL MANAGER FOR UTILITIES

002465 TEA (The Energy Authority) Status Report (B)

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

RECOMMENDATION The City Commission hear a brief presentation from staff on

the financial operating results of the Utility's partnership in

The Energy Authority (TEA).

Heard

CITY ATTORNEY

CITY AUDITOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION AND CULTURAL AFFAIRS COMMITTEE

001075 Signage in Public Parks and Athletic Fields (B)

Recreation Manager Jeff Moffitt and Recreation Athletic Supervisor Brian Shea gave presentations.

Chair Bussing recognized Citizens Sara Poll and Mary Anderson who spoke to the

matter.

RECOMMENDATION

The City Commission: 1) adopt the recommendations on public park and athletic field signage as proposed by the Recreation and Cultural Affairs Committee, and 2) direct staff to place the petition back on the City Commission agenda for a public hearing.

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

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

AUDIT AND FINANCE COMMITTEE

002396

The General Purpose Financial Statements, Supplemental Information and Independent Auditors' Report of the City of Gainesville, Florida for Fiscal Year Ended September 30, 2001; Financial Statements and Independent Auditors' Report on the Employees' Pension Fund of the City of Gainesville, Florida for Fiscal Year Ended September 30, 2001; Financial Statements and Independent Auditors' Report on the Consolidated Police Officers and Firefighters Retirement Plan of the City of Gainesville, Florida for Fiscal Year Ended September 30, 2001; the Auditors' Management Letter and Single Audit Reports for Fiscal Year Ended September 30, 2001; and Management's written response (B)

GRU Finance Director Kim Simpson and Strategic Planning Director Ed Regan gave presentations.

RECOMMENDATION

The Audit and Finance Committee recommends that the City Commission receive and accept:

a) the subject financial statements and audit reports;

b) the Independent Auditors' Management Letter and Single Audit Reports; and

nual Reports, and

c) Management's written response.

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

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

002407

Gainesville Regional Utilities Quarterly Financial Report as of December 31, 2001 (B)

...Explanation

The quarterly financial report for Gainesville Regional Utilities as of December

31, 2001 is attached. GRU Staff is prepared to make a brief presentation reviewing the report.

...Recommendation

The Audit and Finance Committee reviewed and recommends that the City Commission receive the quarterly financial report for GRU as of December 31, 2001.

GRU Finance Director Kim Simpson and General Government Finance Director Mark Benton gave presentations.

RECOMMENDATION

The Audit and Finance Committee reviewed and recommends that the City Commission receive the quarterly financial report for GRU as of December 31, 2001.

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

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

APPOINTMENT OF MAYOR-COMMISSIONER PRO TEM

Commissioner Chestnut nominated Commissioner Barrow to act as Mayor-Commissioner Pro Tem for the remainder of the meeting.

(VOTE: 3-0, Mayor-Commissioner Pro Tem Hanrahan and Commissioner Nielsen - Absent - MOTION CARRIED)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

002457 Art in Public Places Trust Report on Parking Garage (B)

Art in Public Places Trust Chair Bobby Hom gave a presentation.

RECOMMENDATION The City Commiss

The City Commission: 1) hear a brief presentation by Art in Public Places Trust Chair Bobby Hom; and 2) approve the recommendation from the Trust regarding use of funds generated from construction of the new Parking Garage.

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

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

OUTSIDE AGENCIES

Community Redevelopment Agency

002382 Extension of Boundaries for Alcohol Consumption During Events Downtown (NB)

Community Redevelopment Agency Manager Karen Slevin and Cultural Affairs Manager Coni Gesualdi gave presentations.

Chair Bussing recognized Citizen Debbie Martinez who spoke to the matter.

RECOMMENDATION

Community Redevelopment Agency to the City Commission: Request that the City Commission consider permitting an extension of boundaries for alcoholic beverages during special events.

A motion was made by Commissioner Barrow, seconded by Commissioner Chestnut, that this matter be Referred to the Public Safety Committee, due back on September 11, 2002. The motion carried by the following vote:

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

MEMBERS OF THE CITY COMMISSION

Commissioner Warren Nielsen

NOTE: Commissioner Nielsen requested that the City Commission discuss this bill.

002490 House Bill 757 (B)

MOTION: Authorize the Mayor to write a letter to the Legislative Delegation expressing concerns about House Bill 757 and any other bills relating to outdoor advertising.

RECOMMENDATION The City Commission discuss House Bill 757.

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

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

COMMISSION COMMENTS (if time available)

Mayor Tom Bussing

002491 Hippodrome Funding (B)

RECOMMENDATION

The City Commission authorize the Mayor to write a letter to Representative Russell, substantially in the form presented, requesting the State of Florida Legislature support the Corporations and Cultural Institutions Trust Funds for the Hippodrome.

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

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

COMMISSIONER CHUCK CHESTNUT

Reichert House Funding

NOTE: City Manager to return with more information.

MAYOR TOM BUSSING

CCA Treated Playground Equipment Removal/Replacement

RECESS - 4:19 PM

RECONVENE - 5:31 PM

CITIZEN COMMENT (5:30pm)

Sam Harvey

University of Florida Golf Course - Wooded Area - Safety Issues

Debbie Martinez

Thomas Center - Kirby Smith Center

Edward Lavagnino - Hoops Galore Event

See following item # 002492.

002492 Co-Sponsorship of Hoops Galore (NB)

RECOMMENDATION The Committee: 1) listen to the report; and 2) take

appropriate action.

A motion was made by Commissioner Barrow, seconded by Commissioner Chestnut, that this matter be Referred to the Recreation and Cultural Affairs Committee, due back on March 25, 2002. The motion carried by the following vote:

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

COMMISSION COMMENTS (if time available)

RECESS - 5:51 PM

RECONVENE - 6:00 PM

PLEDGE OF ALLEGIANCE (6:00pm)

Junior Girl Scout Troop #332

PROCLAMATIONS/SPECIAL RECOGNITIONS

002473 Marion J. Caffey Day - March 22, 2002 (B)

RECOMMENDATION Broadway Director Marion J. Caffey to receive the Proclamation.

Heard

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

001839 ELECTRIC UTILITY RATES (B)

ORDINANCE NO. 0-02-11

An ordinance revising rates and charges for electricity; creating an inverted block rate for the general service nondemand class; eliminating transmission service rates; eliminating the power correction factor; and creating a schedule of unbundled rates.

GRU Strategic Planning Director Ed Regan and Utilities Analyst II Tom Kamhoot gave presentations.

Chair Bussing recognized Citizens Jim Konish, Sara Poll, Ken Lowman and President and CEO for the Alliance of Economic Development Brent Christiansen who spoke to the matter.

NOTE: A referral was made during the discussion of this ordinance - see following item # 002495.

MOTION: Continue this ordinance to the next City Commission Meeting.

RECOMMENDATION The City Commission adopt the proposed ordinance.

A motion was made by Commissioner Barrow, seconded by Commissioner Chestnut, that this matter be Continued (1st Reading) for March 25, 2002. The motion carried by the following vote:

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

002495 School Power Discount Rate (NB)

Chair Bussing recognized Citizen Sara Poll who spoke to the matter.

<u>RECOMMENDATION</u> The City Commission refer the concept of the School Power Discount Rate to the Regional Utilities Committee.

A motion was made by Commissioner Barrow, seconded by Commissioner Chestnut, that this matter be Referred to the Regional Utilities Committee, due back on September 11, 2002. The motion carried by the following vote:

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

002404 FIRST BUDGET AMENDMENT - FY 2001-2002 (B)

ORDINANCE NO. 0-02-07

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 Adopted September 24, 2001, 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 Barrow, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

ORDINANCES 2ND READING- ROLL CALL REQUIRED

002393 BLUES CREEK AREA ANNEXATION (B)

ORDINANCE NO. 0-02-08

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, as amended by Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area located generally north of NW 73rd Avenue and Sterling Place subdivision, east of the city limits, south of the city limits and west of the city limits in the vicinity of NW 43rd Street; providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan and zoning regulations; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.

RECOMMENDATION The City Commission adopt the proposed ordinance.

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

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

002394 BUCKRIDGE ANNEXATION (B)

ORDINANCE NO. 0-02-09

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended, by Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area generally north of NW 23rd Avenue, east of NW 51st Street, south of NW 39th Avenue and west of the city limits in the vicinity of NW 43rd Street; providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan and zoning regulations; providing for enforcement of Alachua County land use plan, zoning and subdivision regulations; providing for persons engaged in any occupation,

business, trade or profession; providing a severability clause; and providing effective dates.

RECOMMENDATION The City Commission adopt the proposed ordinance.

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

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

RESOLUTIONS- ROLL CALL REQUIRED

002446 BOARD OF CANVASSERS REPORT - REFERENDUM ELECTION (B)

A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, annexation referendum held February 26, 2002, and providing an immediate effective date.

RECOMMENDATION The City Commission adopt the proposed resolution.

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

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

002458

Petition 107SUB-01CD, Kris Ann Gath, Agent for Meryl Klein. Final single-lot replat approval of Lot 12, Kingswood Fourth Addition. Located at 1804 Northwest 51st Terrace. (B)

Chief of Current Planning Lawrence Calderon gave a presentation.

RECOMMENDATION

Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the final replat of "Lot 12, Kingswood Fourth Addition, Replat" located at 1804 Northwest 51st Terrace, Gainesville, Florida; and providing an immediate effective date.

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

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

SCHEDULED EVENING AGENDA ITEMS

City Commission Meeting Minutes March 11, 2002

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT - 8:10 PM

Kurt M. Lannon, Clerk of the Commission