

City of Gainesville

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



Meeting Minutes

Monday, June 24, 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 - 1:08 PM**ROLL CALL**

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

INVOCATION**CONSENT AGENDA**

Commissioner Chestnut moved and Mayor-Commissioner Pro Tem Nielsen seconded to adopt the Consent Agenda with the following modification:

*File No. - 020116 - Award of Bid for Reconstruction of NW 19th Street and 29th Road
- Pull the item from the Agenda.*

(VOTE: 5-0, MOTION CARRIED)

CITY MANAGER, CONSENT AGENDA ITEMS**020096 Proposed Amendment to General Employees' Pension Plan Ordinance (NB)**

RECOMMENDATION *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an amendment to the General Employees' Pension Plan ordinance.*

This Matter was Approved as Recommended on the Consent Agenda.

020097 Acquisition and Sale of 1135 Northeast 23rd Street - Cedar Grove II Lot 4 (B)

RECOMMENDATION *The City Commission: 1) authorize the City Manager or his designee to bid up to \$70,000 to acquire the property located at 1135 N.E. 23rd Street; 2) declare the property located at 1135 N.E. 23rd Street as surplus property; 3) authorize the Housing Division to rehabilitate the property for resale to a low-income family; 4) authorize the sale of the rehabilitated property at market value to a low-income family or household that will be identified at a future date; 5) authorize the Housing Division to provide the grant and /or subsidy required to make the purchase of the property affordable for a low-income family; 6) authorize the City Manager or designee to execute the required construction contract, purchase and sale agreement, grant or subsidy agreements and any other certifications or assurances required to rehabilitate the*

property and transfer ownership to a homebuyer that will be identified at a later date; 7) authorize the Mayor and Clerk of the Commission to execute the warranty deed required to transfer title to a low-income homebuyer that will be identified at a later date; 8) authorize the Housing Division to use the standard Cedar Grove II and Rehabilitation Program subsidy, purchase and sale, and construction documents to consummate the transaction; 9) authorize the issuance of a manual check in an amount not to exceed \$70,000, payable to the Alachua County Clerk of the Court; and 10) authorize the issuance of a purchase order to a contractor to cover any required repairs to the property that will be determined at a later date.

This Matter was Approved as Recommended on the Consent Agenda.

020098 Modifications to Civil Citation Ordinance (B)

RECOMMENDATION *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the civil citation ordinance.*

This Matter was Approved as Recommended on the Consent Agenda.

020099 Multi-Agency Voluntary Cooperation Mutual Aid Agreement with the Florida Department of Law Enforcement for a Combined Drug Task Force (B)

RECOMMENDATION *The City Commission authorize the City Manager to renew the multi-agency mutual aid agreement between the Florida Department of Law Enforcement; the Office of the State Attorney, Eighth Judicial Circuit; the University of Florida Police Department; the Alachua County Sheriff's Office; the Alachua Police Department; the Florida Highway Patrol; and the City of Gainesville Police Department, forming the Combined Drug Task Force, for another period of two years.*

This Matter was Approved as Recommended on the Consent Agenda.

020100 Renewal of Mutual Aid Agreement with the Alachua County Sheriff's Office (B)

RECOMMENDATION *The City Commission authorize the City Manager to renew the Mutual Aid Agreement between the Gainesville Police Department and the Alachua County Sheriff's Office, for a period of two years.*

This Matter was Approved as Recommended on the Consent Agenda.

020101 Approval to Apply for Federal Grant Funds from the U.S. Department of Justice Under the Local Law Enforcement Block Grants Program (NB)

RECOMMENDATION *The City Commission authorize the City Manager 1) to apply to the Department of Justice for \$236,590.00 under this grant program, and if awarded, 2) to execute the grant award contract, pending approval by the City Attorney as to form and legality, and 3) to execute any additional documents that may be necessary.*

This Matter was Approved as Recommended on the Consent Agenda.

020102 Procurement of Police Patrol Vehicles (NB)

RECOMMENDATION *The City Commission authorize the issuance of a Purchase Order in an amount not to exceed \$1,067,001 for the purchase of 54 police patrol vehicles from the Florida Sheriff's contract dealer and authorize the City Manager or his designee to execute all related contractual agreements subject to the approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

020105 Cox Communications' Annual FCC Filing and Rate Adjustments (B)

RECOMMENDATION *The City Commission approve Cox Communications' Tier One rate change, hourly service charge rates, and related service and equipment rental rate changes as filed on FCC Forms 1240, 1235, and 1205 for the projected period of June 01, 2002 through May 31, 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

002304 State of Florida Department of Community Affairs (DCA) Residential Construction Mitigation Program (RCMP) Grant \$55,000 Fiscal Year 2002-2003 (B)

RECOMMENDATION *The City Commission: 1) accept the grant award; 2) authorize the Mayor to execute the RCMP program contract and any additional documents associated with the RCMP program; 3) authorize the City Manager or designee to execute the required RCMP closing documents to approve the grant awards for eligible homeowners; and 4) authorize the Housing Division to use the standard housing program grant and loan closing documents to combine the City's leveraged grant and loan funds with the RCMP program.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

020092 **City of Gainesville, Florida v. The State of Florida and the Taxpayers, Property Owners and Citizens of the City of Gainesville, Florida, Including Nonresidents Owning Property or Subject to Taxation Therein (B)**

RECOMMENDATION *The City Commission authorize the City Attorney's Office to file an appeal to the Florida Supreme Court.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC WORKS COMMITTEE, CONSENT

020106 **Removal of Referrals from Public Works Committee (NB)**

RECOMMENDATION *The City Commission remove the referrals listed above from the Public Works Committee Active Referrals List.*

This Matter was Approved as Recommended on the Consent Agenda.

ADVISORY BOARD/COMMITTEE, CONSENT AGENDA ITEMS

000448 **Depot Use Team (B)**

RECOMMENDATION *Depot Use Team to City Commission: Reduce the membership on the committee to nine members.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

020089 **Resignation - Water Management Committee (B)**

RECOMMENDATION *The City Commission accept the resignation of member Joe D. Wills from the Water Management Committee effective*

immediately.

This Matter was Approved as Recommended on the Consent Agenda.

020094 Appointment - City Beautification Board (NB)

RECOMMENDATION *The City Commission appoint Daniel R. Koslosky and Rina J. Patel to vacancies on the City Beautification Board to expire November 1, 2003.*
Commissioner Ed Braddy - Rina J. Patel
Commissioner Chuck Chestnut - Daniel R. Koslosky and Rina J. Patel
Commissioner Tony Domenech - Daniel R. Koslosky and Rina J. Patel
Mayor-Commissioner Pro Tem Warren Nielsen - Daniel R. Koslosky and Rina J. Patel
Mayor Tom Bussing - Daniel R. Koslosky and Rina J. Patel

This Matter was Approved as Recommended on the Consent Agenda.

020117 Appointment - Gainesville Energy Advisory Committee (NB)

RECOMMENDATION *The City Commission appoint Robert L. Jones to a vacancy on the Gainesville Energy Advisory Committee to expire September 30, 2004.*
Commissioner Ed Braddy - Readvertise
Commissioner Chuck Chestnut - Robert L. Jones and Keith Stegath
Commissioner Tony Domenech - Robert L. Jones and Readvertise
Mayor-Commissioner Pro Tem Warren Nielsen - Robert L. Jones and Keith Stegath
Mayor Tom Bussing - Readvertise

This Matter was Approved as Recommended on the Consent Agenda.

020118 Appointment - Gainesville Enterprise Zone Development Agency (NB)

RECOMMENDATION *The City Commission appoint W. Dwaine Bush to a vacancy on the Gainesville Enterprise Zone Development Agency to expire March 31, 2005 and appoint Lee Calhoun and J. Brent Christensen to vacancies to expire March 31, 2006.*
Commissioner Ed Braddy - W. Dwaine Bush and J. Brent Christensen
Commissioner Chuck Chestnut - W. Dwaine Bush, Lee Calhoun, J. Brent Christensen and Readvertise

*Commissioner Tony Domenech - W. Dwaine Bush, Lee Calhoun, J. Brent Christensen and Readvertise
Mayor-Commissioner Pro Tem Warren Nielsen - W. Dwaine Bush, Lee Calhoun, J. Brent Christensen and Readvertise
Mayor Tom Bussing - Lee Calhoun, J. Brent Christensen and Readvertise*

This Matter was Approved as Recommended on the Consent Agenda.

020119 Appointment - Historic Preservation Board (NB)

RECOMMENDATION *The City Commission reappoint James D. "Jay" Reeves to a term on the Historic Preservation Board to expire June 1, 2005.
Commissioner Ed Braddy - James D. "Jay" Reeves
Commissioner Chuck Chestnut - James D. "Jay" Reeves
Commissioner Tony Domenech - James D. "Jay" Reeves
Mayor-Commissioner Pro Tem Warren Nielsen - James D. "Jay" Reeves
Mayor Tom Bussing - James D. "Jay" Reeves*

This Matter was Approved as Recommended on the Consent Agenda.

020120 Appointment - Public Recreation Board (NB)

RECOMMENDATION *The City Commission reappoint Stephen Anderson, John (Jack) A. Hughes and Alison Law to terms on the Public Recreation Board to expire June 1, 2005.
Commissioner Ed Braddy - Stephen Anderson, John (Jack) A. Hughes and Alison Law
Commissioner Chuck Chestnut - Stephen Anderson, John (Jack) A. Hughes and Alison Law
Commissioner Tony Domenech - Stephen Anderson, John (Jack) A. Hughes and Alison Law
Mayor-Commissioner Pro Tem Warren Nielsen - Stephen Anderson, John (Jack) A. Hughes and Alison Law
Mayor Tom Bussing - Stephen Anderson, John (Jack) A. Hughes and Christopher B. Watson*

This Matter was Approved as Recommended on the Consent Agenda.

020121 Appointment - Regional Transit System Advisory Board (NB)

RECOMMENDATION *The City Commission reappoint Michael E. House to a term on the Regional Transit System Advisory Board to expire June 1, 2005.
Commissioner Ed Braddy - Michael E. House*

*Commissioner Chuck Chestnut - Michael E. House
Commissioner Tony Domenech - Michael E. House
Mayor-Commissioner Pro Tem Warren Nielsen - Michael E.
House
Mayor Tom Bussing - Michael E. House*

This Matter was Approved as Recommended on the Consent Agenda.

020122 Appointment - Tree Advisory Board (NB)

RECOMMENDATION *The City Commission reappoint Joseph Durando to a vacancy on the Tree Advisory Board to expire January 1, 2005.
Commissioner Ed Braddy - Readvertise
Commissioner Chuck Chestnut - Joseph Durando
Commissioner Tony Domenech - Joseph Durando
Mayor-Commissioner Pro Tem Warren Nielsen - Joseph Durando
Mayor Tom Bussing - Joseph Durando*

This Matter was Approved as Recommended on the Consent Agenda.

020093 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of two Special Meetings (June 3, 2002 and June 6, 2002); and the Regular Meeting of June 10, 2002, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Chestnut, seconded by Mayor-Commissioner Pro Tem Nielsen, 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 Chestnut moved and Commissioner Nielsen seconded to adopt the Regular Agenda.

(VOTE: 5-0)

CLERK OF THE COMMISSION

020095 Florida League of Cities (B)

MOTION: Commissioner Chestnut was nominated as voting delegate for the Florida League of Cities Conference.

RECOMMENDATION *The City Commission select a voting delegate for the Florida League of Cities Conference, if deemed appropriate.*

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

001117 Petition 142SUB-00PB (Phase I), (Quasi-Judicial) Jerome Kelly, agent for Luther E. Blake, Jr. and Irene Blake Caudle, final plat of Walnut Creek, a Planned Development, Phase I, 73-lot, single-family residential subdivision. Located in the 2600 Block of Northwest 39th Avenue. (B)

City Planning Manager Ralph Hilliard and Public Works Director Teresa Scott gave presentations.

FIRST MOTION Commissioner Domenech moved and Mayor-Commissioner Pro Tem Nielsen seconded to continue the petition to July 8, 2002.

Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen to make a substitute motion.

SUBSTITUTE MOTION: Mayor Bussing moved and Commissioner Chestnut seconded to refer to the City Attorney to contact the attorney's involved and prepare for an evidentiary hearing and report back to the City Commission when the hearing can be scheduled.

(VOTE: 2-3, Commissioner Chestnut, Commissioner Braddy & Commissioner Domenech, VOTED NO - MOTION FAILED)

Chair Pro Tem Nielsen recognized Attorney for the Developer Ron Carpenter, Affected Party Sharon Dame, Walnut Creek Developer Cotton Fletcher and Citizen Harold Saive who spoke to the matter.

RECOMMENDATION *City Commission continue the petition to July 8, 2002.*

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 and Chuck Chestnut
Nay: Warren Nielsen and Tom Bussing

020125

Petition 142SUB-00PB (Phase II), (Quasi-Judicial) Jerome Kelly, agent for Luther E. Blake, Jr. and Irene Blake Caudle, conditional plat of Walnut Creek, a Planned Development, Phase II, a 62-lot, single-family residential subdivision. Located in the 2600 Block of Northwest 39th Avenue. (B)

RECOMMENDATION *City Commission continue the petition to July 8, 2002.*

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

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

CITY MANAGER

020107

Request from Jennings Development Group, Inc. to Assist Affordable Housing in Mixed-Use Development (B)

Jennings Development Group President Howard Wallace, GRU Strategic Planning Engineer David Richardson, City Administrative Services Director Glenda Currie and City Housing Finance Director Andra Davis gave presentations.

FIRST MOTION:

Commissioner Domenech moved and Mayor-Commissioner Pro Tem Nielsen seconded to instruct the City Manager to develop a package suitable to both the Developer and the City, so that the program deadline can be met.

SUBSTITUTE MOTION (MAIN MOTION):

Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Chestnut seconded to authorize the City Manager to make a \$100,000 loan to come from next years' New Rental Construction Program and the remainder (of the \$100,000 net present value to equal \$100,000) to come from future surcharges on water/wastewater connection charges.

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

RECOMMENDATION *The City Commission hear a request from the developer and provide direction to staff as deemed appropriate.*

A motion was made by Mayor-Commissioner Pro Tem Nielsen, 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 and Warren Nielsen
Nay: Tom Bussing

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

020091 PROPOSED AMENDMENTS TO CHAPTER 9 OF THE CODE OF ORDINANCES RELATED TO ELECTIONS (B)

Assistant City Attorney Elizabeth Waratuke, Supervisor of Elections Beverly Hill and Clerk of the City Commission Kurt Lannon gave presentations.

Approved the following amendments: 1) Change from a 2 week to a 3 week turnaround time between regular and runoff elections; 2) allow paper ballots in annexation elections where the number of registered voters is under 500; 3) change the requirements for publishing the proclamation from 4 times to 1; and 4) authorize the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance.

See following Referral Item # 020138.

RECOMMENDATION *The City Commission (1) receive the reports of the City Attorney, Clerk of the Commission, and Supervisor of Elections related to proposed amendments to the Elections ordinance; and (2) authorize the City Attorney to draft, and the Clerk of the Commission to advertise the proposed ordinance.*

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

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

020138 Financial Reporting of PAC's and Political Parties (NB)

NOTE: This referral was adopted as Ordinance #020746.

RECOMMENDATION *Ask the City Attorney to work with the Supervisor of Elections regarding her proposals with respect to the financial reporting of PAC's and Parties and the timeliness of their reporting and subsequently develop an ordinance to that effect.*

A motion was made by Mayor-Commissioner Pro Tem Nielsen, seconded by Commissioner Chestnut, that this matter be Referred to the City Attorney, due back on December 24, 2002. The motion carried by the following vote:

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

CITY AUDITOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC SAFETY COMMITTEE

000374 #000374, Trespass Towing - Charter Officer Response (B)

Assistant City Auditor Eileen Marzak gave a presentation.

Chair Bussing recognized Citizens Diana Moss, Dorrie Farley, Ben Tecler, Stan Forron of Elite Towing and Gene Watson of Watson Towing who spoke to the matter.

FIRST MOTION:

Commissioner Chestnut moved and Mayor-Commissioner Pro Tem Nielsen seconded to approve the recommendation.

(NO VOTE)

Mayor Bussing passed the gavel in order to make the following substitute motion:

SUBSTITUTE MOTION:

Mayor Bussing moved and Commissioner Domenech seconded to approve the recommendation with the following amendments related to towing: a) Provide towing information on the City's Web site; b) provide periodic PSA's targeted to new residents; c) authorize the City Manager to create a Towing Advisory Board which shall work under his direction to bring back a recommendation on a rate structure for a user fee charged to property owners to fund implementation of referral recommendations; and d) make periodic updates to the Public Safety Committee and the City Commission on towing related information as this is implemented.

(VOTE: 4-1, Commissioner Braddy - NO - MOTION CARRIED)

Chair Pro Tem Nielsen recognized Watson Towing Representative Gene Watson and Diana Moss who spoke to the matter.

RECOMMENDATION

The City Commission 1) hear a presentation from the Charter Officers on the trespass towing referral of May 29, 2001, and 2) approve the recommendation of the Public Safety Committee on Option 2 of the Charter Officer's response to: a) provide towing information on the city's website, b) provide periodic PSA's related to towing c) create a Towing Advisory Board, including as part of the Board's charge to work on a rate structure for implementing a user fee charged to property owners to fund implementation of referral recommendations, and d) direct the Board to make annual presentations to the Public Safety Committee and the City Commission on towing

related information.

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

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

RECESS - 5:19 PM

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

002456 Update of the City Code of Ordinances, Section 2-283, Duties of the Cultural Affairs Board (B)

RECOMMENDATION *The City Commission: 1) hear a brief presentation by the Gainesville/Alachua County Cultural Affairs Board Chair, Doug Diekow; 2) authorize the City Attorney to draft an Ordinance amending Chapter 2, Article V, Division 3, Section 2-283, of the City Code of Ordinances; and 3) authorize the Clerk of the Commission to advertise the Ordinance.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Domenech, that this matter be Continued for July 8, 2002. The motion carried by the following vote:

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

020109 Presentation of Alachua County's Phase I Master Plan for Recreation (NB)

RECOMMENDATION *The City Commission view a Power Point presentation by Robert Avery, Alachua County Parks Superintendent, and Alison Law of the Recreation Open Space Advisory Board, on the Phase I Master Plan for Recreation in Alachua County.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Domenech, that this matter be Continued for July 8, 2002. The motion carried by the following vote:

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

020110 Nature Centers Commission Sign Policy Update (B)

RECOMMENDATION *City Commission hear a report by the Nature Centers Commission and take appropriate action.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Domenech, that this matter be Continued for July 8, 2002. The motion carried by the following vote:

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

OUTSIDE AGENCIES

020111 Community Coalition Against Poverty (B)

RECOMMENDATION *The City Commission hear a fifteen minute presentation from Elizabeth McCulloch of the Community Coalition Against Poverty and take action deemed necessary.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Domenech, that this matter be Continued for July 8, 2002. The motion carried by the following vote:

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

020056 MTPO Citizen's Advisory Committee (B)

RECOMMENDATION *The City Commission refer the request of the MTPO Citizen's Advisory Committee to the Personnel and Organizational Structure Committee for consideration.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Domenech, that this matter be Continued for July 8, 2002. The motion carried by the following vote:

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

MEMBERS OF THE CITY COMMISSION

020023 SWAT Proposals

RECOMMENDATION *Hear a presentation from Lynn Loewenthal, SWAT Coordinator and Students with Alachua County Students Working Against Tobacco.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Domenech, that this matter be Continued for July 8, 2002. The motion carried by the following vote:

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

COMMISSION COMMENTS (if time available)

RECONVENE - 5:48 PM**CITIZEN COMMENT****Mark Goldstein**

Nuisance Abatement - Civil Problems

Jeannie McDonald

Nuisance Abatement - Civil Problems

Karl Hackenbrack

Nuisance Abatement - Civil Problems

See following referral item # 020139

020139 Civil Nuisance Abatement Ordinance (NB)

RECOMMENDATION *The City Commission refer the issue of implementing a Civil Nuisance Abatement Ordinance to the City Attorney and the Community Development Committee.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Domenech, that this matter be Referred to the City Attorney, due back on December 24, 2002. The motion carried by the following vote:

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

RECOMMENDATION *The City Commission refer the issue of implementing a Civil Nuisance Abatement Ordinance to the City Attorney and the Community Development Committee.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Domenech, that this matter be Referred to the Community Development Committee, due back on December 24, 2002. The motion carried by the following vote:

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

Elmo Beville

- 1. Pond on property*
- 2. EEO Charter Officer*

Sandy Levy

Sugarfoot Community Association - Playground Equipment for Park

Jane Hargrave

Sugarfoot Community Association - Playground Equipment for Park

Enid Mahon

Sugarfoot Community Association - Playground Equipment for Park

Debbie Martinez

Corner Drug Store - Regional Drug Summit at the Sheraton Hotel September, 19, 2002.

See following item # 020140.

020140 Regional Drug Summit (B)

RECOMMENDATION *The City Commission hear a presentation from Debbie Martinez and place back-up provided on file.*

Placed on File

Mel Fried

South Main Street Beautification Project (B)

Noel Lake - Landscape Architect

South Main Street Beautification Project (B)

See following item #020134.

020134 South Main Street Beautification Project (B)

NOTE: City Manager to report back as soon as available.

RECOMMENDATION *The City Commission refer to the issue of South Main Street Beautification - Median Landscaping to the City Manager.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Domenech, that this matter be Referred to the City Manager. The motion carried by the following vote:

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

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Gator Detachment of Marine Corps League

PROCLAMATIONS/SPECIAL RECOGNITIONS

020114 Independence Day - July 4, 2002 (B)

RECOMMENDATION *Gator Detachment Marine Corps League Commandant Bob Gasche, Senior Vice Commandant Gary Powers, and Junior Vice Commandant Dick Lester to receive the Proclamation.*

Heard

020115 Jeanne Rochford Day - June 30, 2002 (B)

RECOMMENDATION *Keep Alachua County Beautiful Executive Director and Member Jeanne Rochford to receive the Proclamation.*

Placed on File

020123 Gainesville Association for the Creative Arts Day - June 28, 2002 (B)

RECOMMENDATION *Gainesville Association for the Creative Arts President Angela Terrell to receive the Proclamation.*

Heard

020126 Juneteenth Celebration Day - June 19, 2002 (B)

RECOMMENDATION *University of Florida College of Education Recruitment, Retention and Multicultural Affairs Director Dr. Michael V. Bowie to receive the Proclamation.*

Heard

CITIZEN COMMENT - (Continued)

Dr. Bob Casey

1. *Public Safety Issues*
2. *City Charter - 7 Commissioner's Issue*

Dr. Michael V. Bowie - NAACP

City Charter - 7 Commissioner Issue

James Argento

UF Student Involvement in City Government

Kali Blount

- 1. Sidewalks in "Cottage Block"*
- 2. Public Parks/Gardens - 4th Avenue and 6th Southeast - City Manager will report back.*

Sara Poll

- 1. Northeast Park Stormwater Task Force*
- 2. Cox Communications' Annual FCC Filing and Rate Adjustments - City Manager to come back with a report.*

PUBLIC HEARINGS**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****020021 DISORDERLY CONDUCT WHICH THREATENS PUBLIC SAFETY OR BREACH OF THE PEACE (B)****ORDINANCE NO. 0-02-27**

An ordinance of the City of Gainesville, Florida, amending sections 17-4(a)(9) and 17-4(a)(10) of the Code of Ordinances by proscribing the conduct that threatens the public safety or breach of the peace; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Bussing recognized Dr. Bob Casey who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Commissioner Chestnut moved and Mayor-Commissioner Pro Tem Nielsen seconded to waive the rules to and insert File # 020108 "Report from Combined Emergency

*Services System Transition Board" before the File # 020024 "City of Gainesville Charter Amendment; Equal Opportunity Director Ordinance".
(VOTE: 5-0, MOTION CARRIED)*

020108 Report from Combined Emergency Services System Transition Board (B)

Combined Emergency Services System Transition Board Chair Rodney Long gave a presentation.

*FIRST MOTION: Commissioner Domenech moved and Commissioner Ed Braddy seconded to instruct the City Manager to notify the County Manager that the City of Gainesville is no longer interested in the merging and the allocation of any more time or resources in the merging of Emergency and Fire Services.
(VOTE: 2-3, Commissioner Braddy, Commissioner Chestnut and Commissioner Nielsen - VOTED NO - MOTION FAILED)*

Chair Bussing recognized Citizens Darlene Pifalo, Sara Poll, President of the Metro Firefighters Union Jeff Lane and Dr. Bob Casey who spoke to the matter.

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

*SECOND MOTION: Mayor Bussing moved and Commissioner Braddy seconded to direct the City Manager to contact the County Manager and tell him that the City Commission is no longer interested in the independent taxing authority model for fire merger, and that we wish to re-start any process or discussion about collaboration between Emergency Services from square one.
(NO VOTE)*

*THIRD MOTION: Mayor Bussing moved and Commissioner Braddy seconded to table the previous motion.
(VOTE: 3-2, Commissioner Chestnut moved and Mayor-Commissioner Nielsen - No - MOTION CARRIED)*

*FOURTH MOTION: Commissioner Chestnut moved and Mayor Bussing seconded moved to waive the rules to remove this item from the agenda.
(WITHDRAWN)*

Chair Pro Tem Nielsen recognized Transition Board Chair Rodney Long and Metro Firefighters Union President Jeff Lane who spoke to the matter.

*FIFTH MOTION (MAIN MOTION): Commissioner Braddy moved and Mayor Bussing seconded to take no action on this item.
(VOTE: 4-1, Commissioner Domenech - NO - MOTION CARRIED)*

RECOMMENDATION *The City Commission hear a report from the Transition Board and take action deemed appropriate.*

A motion was made by Commissioner Braddy, seconded by Mayor Bussing, that this matter be Approved, as shown above (Fifth Motion). The motion carried by the following vote:

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

020024

CITY OF GAINESVILLE CHARTER AMENDMENT; EQUAL OPPORTUNITY DIRECTOR (B)

ORDINANCE NO. 0-02-26

An ordinance of the City of Gainesville, Florida; approving certain amendments to the Charter Laws of the City of Gainesville; providing for additional duties of the City internal auditor; providing for creation of the charter officer position entitled "equal opportunity director" to be appointed by the city commission; providing powers and duties of such officer; making the charter officers responsible for implementing the equal opportunity and human relations ordinances and programs in their respective departments; providing for application to persons covered under collective bargaining agreements; providing for submission of the charter amendments to the voters for approval or rejection at the November 5, 2002 special municipal election; approving the question to be placed on the ballot; providing directions to the codifier; providing directions to the clerk of the commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Mayor Bussing re-assumed the gavel.

FIRST AMENDMENT:

Commissioner Domenech moved and Commissioner Braddy seconded to add language relating to the fiscal impact of this position to the ballot.

(VOTE: 2-3, Mayor Bussing, Commissioner Chestnut and Mayor-Commissioner Pro Tem Nielsen - NO - MOTION FAILED)

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

Mayor Bussing moved and Commissioner Domenech seconded to move the previous question.

(VOTE: 4-1, Commissioner Chestnut - NO)

AMENDMENT TO THE MAIN MOTION: Add City Attorney's ordinance language submitted at the meeting.

Chair Pro Tem Nielsen recognized Citizens Kali Blount, Attorney Gabe Kamowitz, Human Rights Board Chair Beverly Thomas, Dr. Bob Casey, Germaine Ferguson, NAACP President Mike Bowie, Ruth Brown and Blue Ribbon Task Force for Equal Opportunity Charter Officer Chair Rodney Long who spoke to the matter.

RECOMMENDATION *The City Commission: 1) receive the City Manager's report*

on the proposed budget; 2) approve the ballot language; and 3) 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, as amended (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

020011 SECOND BUDGET AMENDMENT - FY 2002 (B)

ORDINANCE NO 0-02-25

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 NOS. 001784 AND 002404, BY MAKING CERTAIN ADJUSTMENTS TO THE GENERAL FINANCIAL AND OPERATING PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

NOTE: Mayor Bussing re-assumed the gavel.

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

RESOLUTIONS- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

002469 Petition 21TCH-02PB - An amendment to the City of Gainesville Land Development Code to add compatibility regulations for new medium and high density multi-family development when abutting properties are designated single-family on the Future Land Use map (B)

RECOMMENDATION *City Plan Board to City Commission -The City Commission approve Petition 21TCH-02 PB with the following two amendments: 1) Amend Sec. 30-56(4) to add a provision to remove the requirement for a masonry wall if buildings are 200 or more feet from abutting single-family properties; and 2) amend Sec. 30-55(9) to read, "These buildings shall have*

architecturally interesting roof types, including gabled, hipped, shed, mansard, arched or flat, as appropriate." Plan Board vote 4-1.

Staff to Plan Board - Approve

A motion was made by Commissioner Braddy, seconded by Mayor-Commissioner Pro Tem Nielsen, that this matter be Continued (Petition) for July 8, 2002. The motion carried by the following vote:

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

002674 **Petition 33WSU-02 CC, James Meehan, agent for Pierce Hardy Partnership. Requesting a Wellfield Protection Special Use Permit with Development Plan Review for Construction of Buildings for Sale of Building Materials. Zoned: I-2 (general industrial district). Located at 5045 Northwest 13th Street (B)**

City of Gainesville Senior Planner Carolyn Morgan gave a presentation.

Chair Bussing recognized Agent for the Petitioner James Meehan who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission -The City Commission approve Petition 33WSU-02 PB. Plan Board vote 5-0.*

Staff to Plan Board - Staff recommends approval of the wellfield special use permit with conditions and with the development plan conditions.

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

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

DEVELOPMENT REVIEW BOARD PETITIONS

020112 **Petition 7SUB-02 DB, J.W. Brown, Inc., agent for Blues Creek Limited, Inc. (Quasi-Judicial) Design Plat Review for 38 Lots on 4.86 acres, Blues Creek, Unit 6-H. Located in the Vicinity of Northwest 47th Way and Northwest 80th Avenue. Zoned: PUD (Alachua County PUD) (B)**

City of Gainesville Senior Planner Carolyn Morgan gave a presentation.

Chair Bussing recognized Citizens Selman Hirschfield, Sara Poll, Bill Willis; and Attorney for the Petitioner Patrice Boyes, J.W. Brown Surveyors Representative David Owen, and Developer Scott Ross who spoke to the matter.

Commissioner Chestnut moved and Commissioner Braddy to waive the rules and

continue the meeting until 11:30 PM.

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

NOTE: Commissioner Chestnut moved and Commissioner Domenech seconded to continue the afternoon items that had not been addressed to the next regular City Commission Meeting (July 8, 2002).

(VOTE: 5-0, MOTION CARRIED)

RECOMMENDATION *Development Review Board to City Commission - The City Commission approve Petition 7SUB-02DB with staff comments.*

Staff to Development Review Board - The Design Plat is approvable with conditions as recommended by the Technical Review Committee.

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

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

020113

Petition 8SUB-02 DB, J.W. Brown, Inc., agent for Blues Creek Limited, Inc. (Quasi-Judicial) Design Plat Review for 44 lots on 6.19 acres, Blues Creek, Unit 6-G. Located in the Vicinity of Northwest 51st Drive and Northwest 80th Avenue. Zoned: PUD (Alachua County PUD) (B)

City of Gainesville Senior Planner Carolyn Morgan gave a presentation.

AMENDMENT: Change one lot on the map by the Development Review Board.

Commissioner Domenech moved and Commissioner Chestnut seconded to waive the rules to extend the meeting until 11:45 PM.

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

RECOMMENDATION *Development Review Board to City Commission - The City Commission approve Petition 8SUB-00PB with staff comments and with the understanding that the petitioner will work with staff to redesign lots 213 and 226 to provide adequate buffer, or remove the lots if such buffer cannot be provided.*

Staff to Development Review Board - The Design Plat is approvable with conditions as recommended by the Technical Review Committee.

A motion was made by Commissioner Domenech, seconded by Commissioner Braddy, that this matter be Approved as Recommended with Conditions and Amendments (Petition). The motion carried by the following vote:

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

SCHEDULED EVENING AGENDA ITEMS

000515 Public Hearing Transportation Mobility Element (NB)

RECOMMENDATION *The City Commission hear a presentation from staff regarding possible text changes to the policies and schedule the final adoption hearing for July 8, 2002.*

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

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

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Ed Braddy

Requested that Referral # 001081- "Citizens Review Board for the Police Department" be placed on an upcoming agenda.

Commissioner Chuck Chestnut

*Commissioner Chestnut moved and Commissioner Domenech to amend the rules to move to every Monday night for City Commission Meetings; and to also amend the rules to indicate adjournment at 12:00 PM.
(NO VOTE)*

*MOTION: Commissioner Chestnut moved and Commissioner Domenech seconded to extend the meeting until 11:50 PM.
(VOTE: 3-2, Mayor Bussing and Commissioner Domenech - NO - MOTION CARRIED)*

Chair Bussing recognized Dr. Bob Casey who spoke to the matter.

CITIZEN COMMENT (If time available)

ADJOURNMENT - 11:51 PM

Kurt M. Lannon, Clerk of the Commission