

City of Gainesville

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



Meeting Minutes

Monday, March 24, 2003

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- 1:07 PM**ROLL CALL**

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

INVOCATION**Dr. Robert Battles, Jr., First Presbyterian Church****CONSENT AGENDA**

*Commissioner Domenech moved and Mayor-Commissioner Pro Tem Nielsen seconded to adopt the Consent Agenda with the following modifications:
(VOTE: 4-0, Commissioner Chestnut - Absent, MOTION CARRIED)*

MODIFICATIONS:

1. FILE # 021005 - Purchase Order - Professional Services Consulting Service related to the SPROUT Project and remediation of Manufactured Gas Plant Residuals - Pull from the Consent Agenda and place on the Regular Agenda for discussion.

2. FILE # 021006 - Request for additional funds - Professional Services Legal Assistance required by SPROUT Project - Pull from the Consent Agenda and place on the Regular Agenda for discussion.

Chair Bussing recognized Stephen Boyes and GRU Strategic Planning Engineer David Richardson who spoke to the matter.

Chair Bussing recognized Officer Jeff McAdams who made comments relating to Consent Item # 020987 Amendment to Personnel Policy: Policy 12, Military Training.

CITY MANAGER, CONSENT AGENDA ITEMS**020987 Amendment to Personnel Policy: Policy 12, Military Training. (B)**

RECOMMENDATION *The City Commission ratify this time extension amendment to City of Gainesville Policy 12, Military Training.*

This Matter was Approved as Recommended on the Consent Agenda.

020988 Grant Application - Florida Exotic Pest Plant Council (B)

RECOMMENDATION *The City Commission: 1) authorize the City Manager or his designee to submit a grant application to the Florida Exotic Pest Plant Council; and 2) execute the application, contract and other grant-related documents, if awarded.*

This Matter was Approved as Recommended on the Consent Agenda.

020989 US Fire Administration Grant for Firefighter Health and Safety (NB)

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply for the Federal FIRE Grant of up to \$286,000, and if awarded; 2) execute the grant award contract, pending approval by the City Attorney as to form and legality; and 3) if awarded, approve payments for expending the grant funds.*

This Matter was Approved as Recommended on the Consent Agenda.

020320 Request to Dispose of Surplus Property - Tax Parcel 11249-1 Located at 2219 East University Avenue (B)

RECOMMENDATION *The City Commission authorize the Mayor to execute, and the Clerk to attest, a Special Warranty Deed to convey the property located at 2219 East University Avenue, Tax Parcel 11249-1, to the successful bidder upon completion of the bid process.*

This Matter was Approved as Recommended on the Consent Agenda.

020990 Conveyance of Conservation Easement to St. Johns River Water Management District (B)

RECOMMENDATION *The City Commission authorize the Mayor to execute, and the Clerk to attest the Conservation Easement, as required in the St. Johns River Water Management District permit for the reconstruction of NW 45th Avenue between NW 13th Street and the 2100 block.*

This Matter was Approved as Recommended on the Consent Agenda.

020991 Acceptance of Blues Creek, the Gardens, Roadways for Maintenance by City (B)

RECOMMENDATION *The City Commission: 1) authorize the acceptance of the roadways from the Gardens of Blue's Creek; and 2) authorize the City Manager to prepare and record the deed for public rights-of-way for the roadways in the Gardens of Blue's Creek*

into public record.

This Matter was Approved as Recommended on the Consent Agenda.

020482 First Amendment to Contract and Release with Charles Perry Construction, Inc. (B)

RECOMMENDATION *The City Commission approve the First Amendment to Contract and Release with Charles Perry Construction, Inc.*

This Matter was Approved as Recommended on the Consent Agenda.

020993 Transfer Federal Assets for Fareboxes from Central Florida Regional Transit Authority to the Regional Transit System (NB)

RECOMMENDATION *The City Commission authorize the City Manager or designee to approve transfer of Federal assets from Central Florida Regional Transit Authority to the City Regional Transit System.*

This Matter was Approved as Recommended on the Consent Agenda.

021009 Support Letter for Restoration of Petroleum Program Funding (B)

RECOMMENDATION *The City Commission: Authorize Mayor Bussing to send a letter to the appropriate state representatives requesting support for passage of legislation funding the state petroleum cleanup program.*

This Matter was Approved as Recommended on the Consent Agenda.

002522 First Extension of Sports Booking Agent Services (B)

RECOMMENDATION *The City Commission: 1) approve the first extension to the contract with William Bonson, for Youth Sports Booking; 2) authorize the City Manager or his designee to execute the contract, subject to the approval of the City Attorney as to form and legality; and 3) approve the issuance of purchase orders for the first extension of the contract for the period March 31, 2003 through March 31, 2004, in an amount not to exceed \$26,000.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

021003 Underground Electric Distribution Installation Services Contract (B)

RECOMMENDATION *The City Commission: 1) authorize the General Manager or his designee, to execute a contract with Pike Electric Inc. for the installation of underground electric distribution facilities for a period of two (2) years, subject to the approval of the City Attorney as to form and legality and 2) approve the issuance of a purchase order to Pike Electric Inc. for each year of the two (2) year term, not to exceed budgeted amounts, subject to the final appropriation of funds for these services in each year of the contract.*

This Matter was Approved as Recommended on the Consent Agenda.

021004 Change Order #2 to SEMCO Contract for Card Access Equipment (NB)

RECOMMENDATION *The City Commission approve a change order to the contract with SEMCO Integrated Systems for the installation of additional card access equipment in GRU facilities in the amount of \$65,000 (new not-to-exceed amount of \$210,000).*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS**020999 ROYAL GAINESVILLE II LIMITED PARTNERSHIP V. BELLSOUTH TELECOMMUNICATIONS, INC., V. CITY OF GAINESVILLE; UNITED STATES DISTRICT COURT; CASE NO.: 1:02-CV-124-MMP (B)**

RECOMMENDATION *The City Commission authorize the City Attorney, and special counsel if insurance coverage is available, to represent the City in the case styled Royal Gainesville II Limited Partnership v. Bellsouth Telecommunications, Inc., v. City of Gainesville; United States District Court; Case No.: 1:02-CV-124-MMP.*

This Matter was Approved as Recommended on the Consent Agenda.

021000 WOODLAND PARTNERS, INC. V. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT CASE NO. 01-01-CA-2286 (B)

RECOMMENDATION *The City Commission 1) approve the terms of the settlement; and 2) authorize the City Attorney to settle the claim of Woodland Partners, Inc. v. City of Gainesville; Alachua*

County Circuit Case No. 01-01-CA-2286 on behalf of the City.

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

020936 Resignation - Nature Centers Commission (B)

RECOMMENDATION *The City Commission accept the resignation of member Edwin Geers from the Nature Centers Commission effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

020939 Resignation - City Beautification Board (B)

RECOMMENDATION *The City Commission accept the resignations of members Melissa Montilla and Rina J. Patel from the City Beautification Board effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

020951 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of February 24, 2003 (Regular Meeting); and February 27, 2003 and March 3, 2003 (Special Meetings), as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

021002 Memorial Day Meeting (NB)

RECOMMENDATION *The City Commission re-schedule the meeting of Monday, May 26, 2003 to Tuesday, May 27, 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT**PUBLIC RECREATION BOARD, CONSENT****020994 Revision of the Public Recreation Board's By-laws to Add Two New Subcommittees (B)**

RECOMMENDATION *The City Commission approve: 1) the creation of the Sign Policy Committee and the Accreditation Committee; 2) refer this matter to the Recreation and Cultural Affairs Committee for discussion; and 3) approve the revision to the Public Recreation Board's bylaws to include these two new committees.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT**020533 Underage Drinking in Nightclubs (NB)**

RECOMMENDATION *Community Development Committee to the City Commission: Remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

000238 Coordination of Police, Code Enforcement and the Neighborhoods (NB)

RECOMMENDATION *Community Development Committee to the City Commission: Remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

ADOPTION OF THE REGULAR AGENDA

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

(VOTE: 4-0, Commissioner Chestnut - Absent, MOTION CARRIED)

MODIFICATION:

New Item - Resolution - File # 021024 - Resolution of Support for United States Military Personnel

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

021008 Budget Meetings (B)

MOTION: Approve the recommendation and direct the Clerk of the Commission to look for additional times for additional meetings between July 7, 2003 and July 28, 2003.

NOTE: Commissioner Chestnut entered the meeting room at 1:25 PM.

RECOMMENDATION *The City Commission tentatively approve the budget calendar.*

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

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

CITY MANAGER

021028 Transportation Issues (B)

RECOMMENDATION *The City Commission direct the Clerk of the Commission to schedule a special workshop meeting of the City Commission on Thursday, March 27, 2003 to be held in Room 16 at 4:00 PM.*

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

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

020995 Reichert House Program Update (NB)

Black on Black Crime Task Force Chair Mrs. Rosa Williams, GPD Captain Tony Jones, State Attorney Bill Cervone, Officer Myers and Ms. Reeves who gave presentations.

RECOMMENDATION *The City Commission hear a report and update from Mrs. Rosa Williams, Chair of the Black on Black Crime Task Force, on the Reichert House program.*

Heard

020996 Historic Railroad Depot Contractor (B)

City of Gainesville Community Development Director Tom Saunders and Facilities Management Director Larry Abbott gave presentations.

RECOMMENDATION *The City Commission: 1) hear a presentation by staff; 2) Award bid to Anglin Cavallino Construction for the base bid and Alternate 2 (Managing Waste Stream) in the amount of \$341,700 plus 5% contingency of \$17,085 for a grand total of \$358,785; and 3) authorize the City Manager to execute and sign a contract with the approved firm.*

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

020813 Staff Report on the Lockwood Greene Study (B)

City of Gainesville Economic Development Director Erik Bredfeldt and Chamber of Commerce Representative Brent Christensen gave presentations.

MOTION: Direct the City Manager to schedule a City Commission Workshop regarding Economic Development as soon as feasible in Room 16 of City Hall.

RECOMMENDATION *The City Commission hear a report from City staff and a representative of the Gainesville Area Chamber of Commerce.*

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

020997 Request to Consider Approving a Position Statement Regarding the Proposed Wetland Charter Amendment (B)

City of Gainesville Public Works Director Teresa Scott and GRU Strategic Planning Engineer David Richardson gave presentations.

MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to 1) Approve the "Wetlands Charter Amendment Fact Sheet" and "GRU Issue Brief"; 2) authorize the City staff to distribute this Fact Sheet and Issue Brief to the public; and 3) including placing this on the City's Website in HTML format, if necessary. (VOTE: 4-1, Mayor Bussing - No, MOTION CARRIED)

Chair Bussing recognized Citizens Dian Deevey, Jack Hughes, Doris Bardon, Marilyn Walker, Phil Emmer, Harold Saive, Bonnie O'Brien, Forest Lisle, Florence Clements and Francine Robinson who spoke to the matter.

SECOND MOTION: Commissioner Domenech moved and Commissioner Braddy seconded that the City Commission take a formal position to vote No on Charter Amendment 2. (VOTE: 4-1, Mayor Bussing - No, MOTION CARRIED)

Chair Bussing recognized Citizens Harold Saive, Phil Emmer, Florence Clements, Marilyn Walker, Francine Robinson, Stephen Boyes and Forest Lisle who spoke to the matter.

RECOMMENDATION *That the City Commission: 1) hear report from staff; 2) approve the "Wetlands Charter Amendment Fact Sheet" and "GRU Issue Brief"; and 3) authorize City staff to distribute this Fact Sheet and Issue Brief to the public.*

Approved, as shown above

WAIVER OF RULES

Commissioner Braddy moved and Commissioner Domenech seconded to: 1) Waive the rules to alter the agenda in order to hear File # 020998 Fire Services Merger Report immediately following the Proclamations; and 2) hear File # 020580 Landlord Permit Point System immediately before Ordinance #020638 "Landlord Permit Fees". (VOTE: 5-0, MOTION CARRIED)

GENERAL MANAGER FOR UTILITIES

021005 Purchase Order - Professional Services Consulting service related to the SPROUT Project and remediation of Manufactured Gas Plant Residuals (NB)

NOTE: This item was continued to the Special Meeting scheduled for March 27, 2003 at 4:00 PM.

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Robert S. Cohen, PG for consulting services*

associated with the SPROUT Project and remediation of Manufactured Gas Plant (MGP) residuals in an amount not to exceed \$40,000.

Continued

021006 Request for additional funds - Professional Services Legal Assistance required by SPROUT Project (NB)

NOTE: This item was continued to the Special Meeting scheduled for March 27, 2003 at 4:00 PM.

RECOMMENDATION *The City Commission approve \$35,000 in additional funds to the existing purchase order to Akerman Senterfitt and Eidson, PA for legal services associated with the SPROUT Project and the remediation of impacts from the operation of the Gainesville Gas Manufactured Gas Plant. This increase would adjust the total amount of the existing purchase order such that expenditures are not to exceed \$90,000.*

Continued

CITY ATTORNEY

CITY AUDITOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC WORKS COMMITTEE

PUBLIC SAFETY COMMITTEE

COMMUNITY DEVELOPMENT COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS

MAYOR TOM BUSSING

Introduced Steve Kalishman and Federal Judges from Russia.

RECESS - 5:10 PM

RECONVENE - Approximately 5:40 PM

CITIZEN COMMENT

Jerry Williamson

Police Issues

Debbie Martinez

Citizen Comment Timing Issues

Margie Bowers

Renaming SE 2nd Avenue - Louis Pennisi Street

See following file #021029.

021029 Louis Pennisi Street - SE 2nd Street (B)

RECOMMENDATION *The City Commission hear a presentation and accept a petition regarding naming SE 2nd Street from SE 4th Avenue to SE Depot Avenue "Louis Pennisi Street", in honor of 106 year old Louis Pennisi owner of Louis Lunch.*

Heard

Jeff Hale

Apartment Development in East Gainesville - Funding Request

Community Development Director Tom Saunders made comments.

Scherwin Henry

East Gainesville Apartment Development

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)**Brownie Troop #923 and Junior Troop #201****PROCLAMATIONS/SPECIAL RECOGNITIONS****021014 Crime Victims Rights Week - April 6-12, 2003 (B)**

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

Placed on File

CITY MANAGER - (Continued)**020998 Fire Services Merger Report (NB)**

City of Gainesville Office of Management and Budget (OMB) Director Becky Rountree, Deputy Fire Chief Bill Northcutt, Fire Chief Richard Williams gave presentations.

Chair Bussing recognized Jeff Lane, Toya Bower, Van Elmore, Scottie Taylor and James Bendel who spoke to the matter.

RECOMMENDATION *The City Commission receive a report from City Manager (Office of Management and Budget and Gainesville Fire Rescue) staff regarding a combined fire services merger proposal.*

Heard

PUBLIC HEARINGS**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****020590 LAND DEVELOPMENT CODE AMENDMENT - MIXED-USE ZONING DISTRICTS (B)****ORDINANCE NO. 0-03-19; PETITION NO. 116TCH-02 PB**

An ordinance of the City of Gainesville, Florida, amending the mixed-use zoning district regulations to be consistent with the City of Gainesville 2000-2010

Comprehensive Plan; amending section 30-23 of the Land Development Code to include a new definition; amending section 30-64 (mixed-use low intensity district (MU-1)) of the Land Development Code modifying the objectives of the district, eliminating differing regulations for parcels less than three acres in size, providing conditions for neighborhood shopping centers, providing dimensional requirements for projects of less than 30,000 square feet, eliminating a special buffer requirement between residential and nonresidential uses, reducing minimum allowed density, and modifying permitted uses; amending section 30-65 (mixed-use medium intensity district (MU-2)) of the Land Development Code modifying the objectives of the district, eliminating differing regulations for parcels less than three acres in size, adding differing requirements for developments of less than 50,000 square feet and 50,000 square feet and over, reducing minimum allowed density, and amending permitted uses; amending section 30-67 of the Land Development Code correcting a reference to section 30-64; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Planning Manager Ralph Hilliard and Planner John Wachtel gave presentations.

Chair Bussing recognized Clay Denney representing the Denney Family who spoke to the matter.

RECOMMENDATION *The City Commission (1) approve Petition No. 116TCH-02 PB, and (2) adopt the proposed ordinance.*

A motion was made by Commissioner Domenech, seconded by Commissioner Chestnut, that this matter be Approved (Petition) and 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

COMMUNITY DEVELOPMENT COMMITTEE - (Continued)

020580 Landlord Permit Point System (B)

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

MOTION: Direct the City Attorney to draft and the Clerk of the Commission to advertise an ordinance regarding the Landlord Permit Point System.

Chair Bussing recognized Citizens Mark Goldstein and Ted Nichols who spoke to the matter.

RECOMMENDATION *The Community Development Committee to the City Commission: Consider the landlord Permit Point System.*

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

ORDINANCES, 1ST READING (Continued)

020638 LANDLORD PERMIT FEES (B)

Ordinance No. 0-03-34

An ordinance of the City of Gainesville, Florida, amending Appendix A of the Code of Ordinances to increase landlord permit fees and provide for fee reduction for rental of property located in the enterprise zone; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date; and providing a schedule for fees to take effect.

Chair Bussing recognized Citizen Arnall Downs who spoke to the matter.

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

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 First Reading (Ordinance). The motion carried by the following vote:

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

020718 HOME DEPOT REZONING (B)

Ordinance No. 0-03-22, Petition No. 132ZON-02PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from the Alachua County zoning category of "BH, business, highway" to the City of Gainesville zoning category of "BUS: General business district"; located in the vicinity of 7107 Northwest 4th Blvd; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission: 1) approve Petition 132ZON-02PB; and 2) adopt the proposed ordinance.*

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Nielsen, that this matter be Approved (Petition) and 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

**020720 COMPREHENSIVE PLAN AMENDMENT - UPDATE OF 5-YEAR
SCHEDULE OF CAPITAL IMPROVEMENTS (B)**

Ordinance No. 0-03-20; Petition No. 126CPA-02 PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Capital Improvements Element of the City of Gainesville 2000-2010 Comprehensive Plan; adopting the annual update of the 5-Year Schedule of Capital Improvements; amending Policy 1.8.1, relating to Gainesville Regional Utilities debt management policy, providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission (1) approve Petition No. 126CPA-02 PB, and (2) adopt the proposed ordinance.*

A motion was made by Commissioner Domenech, seconded by Commissioner Chestnut, that this matter be Approved (Petition) and 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

**020721 COMPREHENSIVE PLAN AMENDMENT - POTABLE WATER AND
WASTEWATER ELEMENT (B)**

ORDINANCE NO. 0-03-21; PETITION NO. 127CPA-02 PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Potable Water and Wastewater Element of the City of Gainesville 2000-2010 Comprehensive Plan; amending Policy 1.1.1 changing the LOS standard for potable water storage capacity; amending Policy 1.2.1 changing the completion date and upgrade size for the Kanapaha Water Reclamation Facility; deleting Policies 1.2.2 and 1.2.3 to reflect completion of projects listed in the 5-Year Schedule of Capital Improvements; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission (1) approve Petition No. 127CPA-02 PB, and (2) adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Nielsen, seconded by Commissioner Chestnut, that this matter be Approved (Petition) and 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

**020901 DECISIONS OF THE EMPLOYEE PENSION PLAN BOARD OF TRUSTEES
(B)**

Ordinance No. 0-03-37

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances to reflect the increase in number of trustees of the employee pension plan board of trustees (City Commissioners serving ex officio) from five to seven; amending section 2-527(e) of the Code of Ordinances providing that at least four votes are necessary for decisions of the board of trustees of the employees' pension plan; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

020903**HANDICAP ACCESS RESTRICTIONS (B)****ORDINANCE NO. 0-03-30**

An ordinance of the City of Gainesville, Florida, amending Section 26-47(a)(1) of the Code of Ordinances, clarifying handicap restrictions relating to the stopping, standing or parking of a vehicle in a designated and marked access area; amending Appendix A, Schedule of Fees, Rates and Charges by establishing a fine for illegally parking in an access area; 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 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**020900****BUDGET AMENDMENT FY 2002-2003 (B)****ORDINANCE NO. 0-03-18**

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; AMENDING ORDINANCE NO. 020351, 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 Final Reading (Ordinance). The motion carried by the following vote:

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

020948 WALNUT CREEK PLANNED DEVELOPMENT - EXTENSION OF TIME PERIODS (B)

ORDINANCE NO. 0-03-31

An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "Walnut Creek" located in the vicinity of the 2500 block of Northwest 39th Avenue, south side; by amending City of Gainesville Ordinance No. 991267 by extending the time periods for obtaining final plat or conditional plat approvals; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Bussing recognized Citizen Brian Wilcox, Attorney for the Developer Ron Carpenter and Citizen Paula Stahmer who spoke to the matter.

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 and Warren Nielsen
Nay: Tom Bussing

RESOLUTIONS- ROLL CALL REQUIRED

021012 A Resolution of the City of Gainesville, Florida, recognizing the Alachua Regional Juvenile Assessment Center (JAC) in need for recurring state funding (B)

RECOMMENDATION *The City Commission adopt the resolution.*

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

021013 Resolution for Conveying Temporary Easement along NW 36th Street to FDOT (B)

RECOMMENDATION *The City Commission adopt the 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

021024 Resolution of Support for United States Military Personnel (B)

*FIRST MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to reconsider the original Proclamation that was before the City Commission last week (Commissioner Braddy's Proclamation submitted at the March 17, 2003 City Commission meeting).
(NO VOTE)*

Chair Bussing recognized Citizens Rob Brinkman and Debbie Martinez who spoke to the matter.

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

*SUBSTITUTE MOTION: Mayor Bussing moved and Commissioner Chestnut seconded that the City Commission approve the text of the resolution submitted by the Mayor and change it to a proclamation; in addition, that the next to the last paragraph, the statement "therefore be it resolved" be changed to "therefore be it proclaimed" that the "City Commission of Gainesville Florida is united" rather than "City of Gainesville is united".
(NO VOTE)*

NOTE: Commissioner Chestnut left the meeting room at 10:04 PM.

*Commissioner Domenech moved to call the previous question.
(NO SECOND, MOTION FAILED)*

*Mayor Bussing moved and Commissioner Braddy seconded that the City Commission take no action on this item.
(VOTE: 4-0, Commissioner Chestnut - Absent, MOTION CARRIED)*

RECOMMENDATION *The City Commission adopt the proposed resolution.*

No Action Taken

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS**SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****PUBLIC WORKS COMMITTEE - (Continued)****002002 Pedestrian Street Lighting (B)**

NOTE: Mayor Bussing reassumed the gavel.

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

MODIFICATION: 1) Approve the plan for putting in the Renaissance Street Light fixtures throughout the entire Main Street project; and 2) refer to the CRA for short term planning of funding to replace the current light fixtures with the Renaissance fixtures.

(VOTE: 4-0, Commissioner Chestnut - Absent, MOTION CARRIED)

Chair Bussing recognized Citizen Arnall Downs who spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear a presentation from staff on street lights for the Main Street Reconstruction Project; 2) approve the use of the Renaissance Street Light fixtures on Main Street excluding the portion of S 4th Avenue to N 2nd Avenue; 3) refer to CRA for long term planning of funding to replace the current light fixtures with the Renaissance fixtures in the portion of Main Street from S 4th Avenue to N 2nd Avenue so that the lighting would be the same throughout the whole corridor; and 4) take action as necessary.*

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

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

PUBLIC SAFETY COMMITTEE - (Continued)**020534 Teen Curfews (B)**

RECOMMENDATION *The City Commission 1) not implement a teen curfew, allowing staff to strengthen the education of existing teen laws*

and programs through dissemination of materials to parents, neighborhoods and the media, 2) and support the continued funding of the local Juvenile Assessment Center through Commission Resolution.

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, Warren Nielsen and Tom Bussing
Absent: Chuck Chestnut

MEMBERS OF THE CITY COMMISSION - (Continued)

021011 Mayor Tom Bussing (NB)

MOTION: Direct the Clerk of the Commission to assign a time certain on the agenda for Alachua County Sheriff Steve Olerich and St. Francis House Director Mr. Boggs.

RECOMMENDATION *The City Commission discuss the scheduling of special presentations/outside agencies.*

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

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

020938 Annual Performance, Salary and Benefits Review - City Auditor (NB)

NOTE: This item was postponed to the April 14, 2003, Regular City Commission Meeting.

RECOMMENDATION *As required by the City Auditor's employment agreement, the City Commission conduct the annual performance, salary and benefits review.*

Postponed

COMMISSION COMMENT

WAIVER OF RULES

Commissioner Domenech moved and Commissioner Braddy seconded to waive the rules to extend the meeting until 11:15 PM.

(VOTE: 4-0, Commissioner Chestnut - Absent, MOTION CARRIED)

Commissioner Braddy

Equal Opportunity Charter Officer Committee Appointee Resignation

Commissioner Braddy appointed Officer Jeff McAdams to replace Mr. Robert Woody.

See following file #021025.

021025 Equal Opportunity Charter Officer Committee Appointee Resignation and Reappointment (NB)

RECOMMENDATION *The City Commission approve the newly constituted Equal Opportunity Charter Officer Committee with the appointment of Officer Jeff McAdams as Commissioner Braddy's new appointee.*

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

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

Mayor Bussing

Recreation Issues

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

See following file #021026.

021026 Recreation Issues (NB)

RECOMMENDATION *The City Commission direct staff to work with the School Board, the University of Florida, Santa Fe Community College and all other entities as are useful to establish as soon as possible, the feasibility to implement increased recreation opportunities in our middle schools as an after school activity and support it in whatever way the City can.*

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

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

CITIZEN COMMENT

Ted Nichols

United Gainesville Community Development Corporation funding issues.

See following file # 021027.

021027 United Gainesville Community Development Corporation Funding (B)

RECOMMENDATION *The City Commission requested that this item be placed on the agenda for the Thursday, March 27, 2003, Special City Commission Meeting.*

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

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

ADJOURNMENT - 11:17 PM

Kurt M. Lannon, Clerk of the Commission