

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, January 27, 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 - 1:08 PM**

*Mayor-Commissioner Pro Tem Nielsen called the meeting to order.*

*Mayor Tom Bussing entered the meeting room at 1:09 PM.*

**ROLL CALL**

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

**INVOCATION****Reverend Larry Dodd, First United Methodist Church****CONSENT AGENDA**

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

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

*1. File # 020811 - Bid Award for the Addition of a Bathroom for the Springhill Garage - Remove from the Consent Agenda.*

**CITY MANAGER, CONSENT AGENDA ITEMS****020804      Records Management System (RMS) Software (NB)**

**RECOMMENDATION**    *The City Commission: 1) approve the awarding of a five-year contract and issuance of a purchase order totaling \$874,650.00 to Open Software Solutions, Incorporated, for the funding of the RMS, Mobile Data, and Mobile Field Reporting System software; and 2) authorize the City Manager to enter into an agreement with OSSI, subject to review and approval by the City Attorney as to form and legality.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**020805      Specific Stop-Loss Insurance for Employee and Retiree Health and Accident Benefits Funds (B)**

**RECOMMENDATION**    *The City Commission: 1) approve the selection of Safeco as the carrier for Specific Stop-Loss coverage as a specified source; 2) authorize the issuance of a purchase order in an*

*amount sufficient to cover the estimated cost of providing this insurance; and 3) authorize the City Manager or his designee to negotiate and execute an agreement for one year, subject to the approval of the City Attorney as to form and legality.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**020806 Continuation of Blue Cross/Blue Shield Administrative Services Contract (B)**

**RECOMMENDATION** *The City Commission: 1) authorize continuing the Administrative Services Contract between the City of Gainesville and Blue Cross and Blue Shield of Florida, Inc. for an additional year as a specified source; 2) authorize the issuance of a purchase order in an amount sufficient to cover applicable charges for the administrative services to Blue Cross and Blue Shield of Florida, Inc.; and, 3) authorize the City Manager or his designee to negotiate and execute the contract extension, subject to approval of the City Attorney as to form and legality.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**020807 Continuation of Employee Bus Pass Program for Downtown City, County and UF Employees (B)**

**RECOMMENDATION** *The City Commission: 1) approve the continuation of the Employee Bus Pass Program for Downtown City Employees; and 2) authorize the City Manager or designee to execute interlocal agreements with the University of Florida and Alachua County for continuation of the Employee Bus Pass Program.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

**020796 Release of Easement to Southeastern Healthcare Foundation, Inc (B)**

**RECOMMENDATION** *The City Commission: 1) approve the release of a public utilities easement to Southeastern Healthcare Foundation, Inc.; and 2) authorize the Mayor and Clerk of the Commission to execute a Release of Easement document, subject to approval as to form and legality by the City Attorney.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**020797 Purchase of Additional Lands at Deerhaven Generating Station from Woodpile Acres Land & Investment Corp. (B)**

**RECOMMENDATION** *The City Commission: 1) approve the purchase of property located east of the Deerhaven Generating Station from Woodpile Acres Land & Investment Corp., as negotiated by staff, and 2) authorize the General Manager or his designee to execute all documents to complete the closing in accordance with the Purchase and Sale Agreement, subject to the approval of the City Attorney as to form and legality.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**020798 Contract Extension All Florida Electric Company (NB)**

**RECOMMENDATION** *The City Commission 1) authorize the General Manager or his designee, to execute a contract extension with All Florida Electric Company, Inc. for the installation of underground electric distribution facilities, fiber network facilities, and miscellaneous electrical installation services for a period of three months, subject to the approval of the City Attorney as to form and legality and 2) approve the issuance of a purchase order to All Florida Electric company for the first three months of the calendar year 2003, in amounts as budgeted.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**020801 TIMOTHY M. PALETTI V. CITY OF GAINESVILLE, FLORIDA AND B. PHILLIP EVANS, JR., INDIVIDUALLY; ALACHUA COUNTY CIRCUIT COURT; CASE NO. 01-03-CA-110 (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney's Office, and/or special counsel if insurance coverage is available, to represent the City in the case styled Timothy M. Paletti v. City of Gainesville, Florida and B. Phillip Evans, Jr., Individually; Alachua County Circuit Court; Case No. 01-03-CA-110.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**020802 GLEN SPRINGS PRESERVATION ASSOCIATION, INC., AND ELIZABETH T. FURLOW V. CITY OF GAINESVILLE, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA; THOMAS D. BUSSING, IN HIS OFFICIAL CAPACITY AS MAYOR OF THE CITY OF**

**GAINESVILLE; WARREN NIELSEN, CHUCK CHESTNUT, ED BRADDDY AND TONY DOMENECH, IN THEIR OFFICIAL CAPACITIES AS CITY COMMISSIONERS OF THE CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 02-CA-4005 (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to respond on behalf of the City to the Writ of Mandamus in the case styled Glen Springs Preservation Association, Inc., and Elizabeth T. Furlow v. City of Gainesville, a municipal corporation of the State of Florida; Thomas D. Bussing, in his official capacity as Mayor of the City of Gainesville; Warren Nielsen, Chuck Chestnut, Ed Braddy and Tony Domenech, in their official capacities as City Commissioners of the City of Gainesville; Alachua County Circuit Court; Case No.: 02-CA-4005.*

**This Matter was Approved as Recommended on the Consent Agenda.**

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

### **PUBLIC WORKS COMMITTEE, CONSENT**

**020808**      **Prioritizing Streets for Resurfacing (NB)**

**RECOMMENDATION** *The City Commission refer to the Public Works Committee for discussion.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**020809**      **Parking on Non-curbed Streets in the Context Area (NB)**

**RECOMMENDATION** *The City Commission refer this matter to the Public Works Committee for discussion.*

**This Matter was Approved as Recommended on the Consent Agenda.**

## **CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

**020793**      **City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of January 13, 2003, as circulated.*

**This Matter was Approved as Recommended on the Consent Agenda.**

## **Passed The Consent Agenda**

**A motion was made by Commissioner Domenech, seconded by Commissioner Braddy, 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, Warren Nielsen and Tom Bussing  
Absent: Chuck Chestnut

## **END OF THE CONSENT AGENDA**

## ADOPTION OF THE REGULAR AGENDA

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

*(VOTE: 5-0, MOTION CARRIED)*

*1. File # 020799 - Clerk of the Commission Category - Add new Language to the recommendation: 1) "and schedule a special meeting on Thursday, January 30th, 2003 at 3:00 PM; RE: Approval of issuance of Bonds and Adoption of Resolution - \$32,270,000\* Utilities System Revenue Bonds, 2003 Series A - Tax Exempt and \$7,605,000\* Utilities System Revenue Bonds, 2003 Series B - Federally Taxable (\*amounts subject to change prior to the meeting); and 2) discuss regular City Commission Meeting dates in March, 2003."*

*2. File # 020482 - Downtown Parking Garage: 1) Modified back-up submitted - 3 documents; 2) change number in the Fiscal Note to \$11,044,003; 3) new recommendation; and 4) continue to evening portion of the agenda.*

*3. File # 020587 - Petition 113TCH-02 PB - Amend the City of Gainesville Land Development Code - Additional back-up submitted (letter).*

## CLERK OF THE COMMISSION

**020799**

### **Joint City/County Commission Meeting Scheduling (B)**

*ADDITIONAL MOTION: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Domenech seconded to add that the City Commission would discuss the National League of Cities and the Florida League of Cities at the Special Meeting on Thursday and this would be added to the call.*

*(VOTE: 4-1, Commissioner Chestnut - No, MOTION CARRIED)*

**RECOMMENDATION** *The City Commission: 1) Schedule a Joint City/County Commission meeting for February 3, 2003, 1:30 p.m., at the County Administration Building, Jack Durrance Auditorium; 2) schedule a special meeting on Thursday, January 30th, 2003 at 3:00 PM; RE: Approval of issuance of Bonds and Adoption of Resolution - \$32,270,000\* Utilities System Revenue Bonds, 2003 Series A - Tax Exempt and \$7,605,000\* Utilities System Revenue Bonds, 2003 Series B - Federally Taxable (\*amounts subject to change prior to the meeting); and 3) discuss changing regular City Commission Meeting dates in March, 2003.*

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

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

**CITY MANAGER****020810 Recognition of the Gainesville Police Department by the Commission for Florida Law Enforcement Accreditation (B)**

*Gainesville Police Chief Norman Botsford and Captain Sadie Darnell gave presentations.*

**RECOMMENDATION** *Hear a presentation by Gainesville Police Chief Norman Botsford on State and National Accreditation.*

**Heard**

*NOTE: File # 020482 Downtown Parking Garage was continued to the evening portion of the agenda under Scheduled Evening Agenda Items.*

**GENERAL MANAGER FOR UTILITIES****CITY ATTORNEY****CITY AUDITOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****PUBLIC WORKS COMMITTEE****EQUAL OPPORTUNITY COMMITTEE****020776 2003 Affirmative Action Plan (B)**

*City of Gainesville Equal Opportunity Director Jimmy Williams gave a presentation.*

*Chair Bussing recognized Gabe Kaimowitz who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) hear the 2003 Affirmative Action Plan from the Affirmative Action Task Force; and 2) approve the 2003 Affirmative Action Plan.*

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

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



**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****020812 Advisory Boards/Committees Annual Appeal (B)**

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

*FIRST MOTION: Commissioner Chestnut moved and Mayor Bussing seconded to approve the appeal.*

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

*SECOND MOTION (REFERRAL): Commissioner Domenech moved and Commissioner Chestnut seconded to refer to the P & O Committee the issue of advisory boards and committees and policies related to that.*

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

**RECOMMENDATION** *The City Commission review the Advisory Boards/Committees Appeal Form submitted by former City Beautification Board Member, E.J. Bolduc, III and take appropriate action.*

**A motion was made by Commissioner Chestnut, seconded by Mayor Bussing, 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

**RECOMMENDATION** *The City Commission review the Advisory Boards/Committees Appeal Form submitted by former City Beautification Board Member, E.J. Bolduc, III and take appropriate action.*

**A motion was made by Commissioner Domenech, seconded by Commissioner Chestnut, that this matter be Referred to the Personnel and Organizational Structure Committee, due back on July 27, 2003. The motion carried by the following vote:**

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

**OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****020772 Commissioner Warren Nielsen (B)**

*FIRST MOTION: Commissioner Domenech moved and Commissioner Chestnut seconded to approve the following:*

*1) A five member committee be appointed by the City Commission (ad hoc Charter*

*Officer Equal Opportunity Advisory Committee, or ad hoc COEAC). One member of the ad hoc COEAC is to be appointed by each commissioner.*

*2) This item will be placed on the next regular City Commission agenda for action.*

*3) The charge of the ad hoc COEAC is to recommend a formal process for hiring a permanent Charter Officer for Equal Opportunity, to include at minimum: a) Assist the City Commission in developing a job description including proposed salary range; b) a national search including the use of an executive recruitment firm; c) a procedural timeline; and d) a commission voting procedure that has precedence in the Charter Officer selection.*

*4) The ad hoc COEAC will sunset upon selection of the permanent Charter Officer for Equal Opportunity.*

*(VOTE: 5-0, MOTION CARRIED)*

*Chair Bussing recognized Gabe Kaimowitz who spoke to the matter.*

*SECOND MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to: 1) Direct staff to work with Jimmy Williams and come back to the next regular City Commission meeting with a recommendation for the interim appointment and salary increment for working out of class; and 2) the agreement from the Charter Officer for whom he works to this interim assignment and leaving his permanent position in place.*

*(VOTE: 4-1, Mayor-Commissioner Nielsen - No, MOTION CARRIED)*

*Chair Bussing recognized Jimmy Williams and Gabe Kaimowitz who spoke to the matter.*

**RECOMMENDATION** *The City Commission discuss the Equal Opportunity Charter Officer selection process.*

**Approved, as shown above**

**020813**

**Commissioner Edward Braddy (B)**

*Commissioner Edward Braddy gave a presentation.*

*FIRST MOTION: The City Commission charge the Chamber of Commerce (in the capacity of Brent Christensen) to develop an outreach strategy to recruit companies within targeted industries.*

*SECOND MOTION: The City Commission direct the City Manager and appropriate staff to provide the City Commission with a report on land currently zoned for the targeted industries and related matters; with a report on land currently zoned for the target industries and related matters including land and building stock.*

*THIRD MOTION: The City Commission direct the City Manager and appropriate staff to work with the Chamber (in the capacity of Brent Christensen) to determine the validity of the competitive disadvantages and advantages and report*

*recommendations back to the City Commission.*

*Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen.*

**RECOMMENDATION** *The City Commission discuss the Lockwood-Greene report and take appropriate action.*

**A motion was made by Commissioner Braddy, 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 and Warren Nielsen

Nay: Tom Bussing

## **COMMISSION COMMENTS (if time available)**

**RECESS - 4:55 PM**

**CITIZEN COMMENT (5:30pm)**

**RECONVENE - 5:33 PM**

### **Mark Goldstein**

*Midtown Development Concerns*

*Community Development Director Tom Saunders made comments.*

*See following referral item #020829.*

### **020829 Midtown Development Traffic Concerns (NB)**

**RECOMMENDATION** *The City Commission ask staff to work with the College Park/University Heights Neighborhood regarding traffic flows around the Midtown Development before site plan approval.*

**A motion was made by Mayor-Commissioner Pro Tem Nielsen, seconded by Commissioner Chestnut, that this matter be Referred to the City Manager, due back on July 27, 2003. The motion carried by the following vote:**

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

### **Debbie Martinez**

*Midtown Development Concerns - Amend Height Restrictions*

## Jean Chalmers - Representing Community Coalition against War and Terrorism

*Resolution on the War in Iraq*

*See following item # 020827.*

### 020827 Resolution on the War in Iraq (B)

**RECOMMENDATION** *The City Commission place this (Resolution) on the agenda for the next regular City Commission Meeting, immediately following the Pledge of Allegiance with a time limit of thirty minutes.*

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

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

### Gabe Kaimowitz

- 1. EO Charter Officer Issues*
- 2. Martin Luther King Holiday Activities*

### Harold Saive

*NW 19th Avenue and 9th Street Stop Sign (Hidden Lake Apartments)*

*City Manager Wayne Bowers made comments.*

*See following referral item # 020828.*

### 020828 Hidden Lake Apartments Traffic Calming (B)

**RECOMMENDATION** *The City Commission refer to the Public Works Committee the issue of traffic calming at the intersection near Hidden Lake Apartments (NW19th Avenue and 9th Street) for review and recommendations.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Chestnut, that this matter be Referred to the Public Works Committee, due back on July 27, 2003. 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)****Junior Girl Scout troop #1367****PROCLAMATIONS/SPECIAL RECOGNITIONS****020814 National Burn Awareness Week - February 3-9, 2003 (B)**

**RECOMMENDATION** *University of Florida Shands Burn Center Director Dr. David Mozingo and Nurse Manager David Hudson and Gainesville Fire/Rescue Department Chief Richard Williams to accept the proclamation.*

**Heard**

**PUBLIC HEARINGS****ORDINANCE, ADOPTION READING - ROLL CALL REQUIRED****020132 LAND USE CHANGE - DESTINY APARTMENTS (B)****ORDINANCE NO. 0-02-42, PETITION 4LUC-02PB**

**An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from "Planned Use District" to "Residential High Density (8-100 units per acre)"; located in the vicinity of 1220 and 1224 Southwest 1st Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.**

*City of Gainesville Planning Manager Ralph Hilliard gave a presentation.*

**RECOMMENDATION** *The City Commission adopt the proposed ordinance.*

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

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

**ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

**020131 PLANNED DEVELOPMENT AMENDMENT - DESTINY APARTMENTS (B)  
ORDINANCE NO. 0-02-41, PETITION NO. 3PDA-02PB (QUASI-JUDICIAL)**

**An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 3213 that adopted a planned development for use as a parking lot; amending the Planned Development to be commonly known as "Destiny Apartments, A Planned Development" located in the vicinity of 1220 and 1224 Southwest 1st Avenue; adopting revised development plan maps and a revised planned development report to allow for a 24 unit apartment complex; amending and adopting additional conditions and restrictions; 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 Braddy, 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

**020746 REPORTING OF CAMPAIGN CONTRIBUTIONS (B)  
ORDINANCE NO. 0-03-10**

**An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-11 (b) of the Code of Ordinances providing that a candidate or political committee shall file reports on funding; 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 Braddy, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:**

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

Absent: Tony Domenech

**020749 CHARTER AMENDMENT - VOTES NECESSARY TO ADOPT AN  
ORDINANCE OR RESOLUTION (B)  
ORDINANCE NO. 0-03-08**

**An ordinance of the City of Gainesville, Florida; approving an amendment to the Charter Laws of the City of Gainesville; amending Article II of the Charter Laws, entitled "City Commission", by changing the number of votes required to adopt an ordinance or resolution from three to four; providing for submission of**

the charter amendment to the voters for approval or disapproval at the April 8, 2003 regular municipal election; approving the question to be placed on the ballot; providing that this charter amendment shall become effective at the first meeting of the seven-member commission in May, 2003 if approved by the voters; 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.

*Chair Bussing left the meeting room and Chair Pro Tem Nielsen assumed the gavel.*

**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 and Warren Nielsen

Absent: Tom Bussing

**020815**

**ST. ELIZABETH GREEK ORTHODOX CHURCH ANNEXATION (B)**

**ORDINANCE NO. 0-03-05**

**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 Chapter 91-382 and Chapter 93-347, 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 known as St. Elizabeth's Greek Orthodox Church, generally located north of Hunters Glen Subdivision, west of the city limits, south of NW 53rd Avenue, and east of Hunters Glen Subdivision; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.**

*City of Gainesville Strategic Planner Heidi Lannon gave a presentation.*

**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, Chuck Chestnut, Warren Nielsen and Tom Bussing

Absent: Edward Braddy

**ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

020789

**ANNEXATION - SOUTHWEST 20TH AVENUE (B)****ORDINANCE NO. 0-03-09**

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, 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 described as follows: bounded on the south by the northern boundary of SW 24th Avenue as extended west to the western boundary of Interstate 75, bounded on the east by the City limits and the eastern boundary of Southwest 34th Street, bounded on the west by the western boundary of Interstate 75 and the City limits, and bounded on the north by the City limits; 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.

*Chair Bussing re-assumed the gavel.*

*Gainesville Police Chief Norm Botsford gave a presentation.*

*Chair Bussing recognized Fraternal Order of Police (FOP) President Jeff McAdams who spoke to the matter.*

**RECOMMENDATION** *The City Commission adopt the proposed ordinance.*

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

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

020460

**ADDITION OF SCHOOL BOARD REPRESENTATIVE TO PLAN BOARD (B)****ORDINANCE NO. 0-03-07; PETITION 94TCH-02PB**

An ordinance of the City of Gainesville, Florida, amending section 30-353 of the Land Development Code, providing for the addition of a school board representative as a non-voting member of the City Plan Board; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**RECOMMENDATION** *The City Commission adopt the proposed ordinance.*



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

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

## **RESOLUTIONS- ROLL CALL REQUIRED**

### **020803 CHARTER AMENDMENT - POLITICAL COMMITTEE INITIATIVE RE: WETLANDS (B)**

**A resolution of the City of Gainesville, Florida, calling a special election to be held April 8, 2003; placing the city charter amendment contained in the initiative petition of the political committee known as "Save Our Wetlands Coalition" on the ballot; reciting the proposed Charter Amendment; specifying the ballot title and summary; providing directions to the codifier and the Clerk of the Commission; and providing an immediate effective date.**

*City Attorney Marion Radson gave a presentation.*

*ORIGINAL MOTION: Commissioner Chestnut moved and Commissioner Braddy seconded to approve this resolution with the following revisions: 1) The Resolution number on line 16 to 020803; and 2) the date on line 20 to April 8, 2003.*

*(VOTE: 2-3, Commissioners Nielsen and Chestnut - Yes; Commissioners Domenech, Braddy and Mayor Bussing - No, MOTION FAILED)*

*Chair Bussing recognized Citizens Francine Robinson, Sarah Poll, Marilyn Walker, December McSherry, Dr. Richard Fry, Karen Orr, and Lee McSherry who spoke to the matter.*

*MOVE THE PREVIOUS QUESTION: Commissioner Domenech moved and Commissioner Chestnut seconded to move the previous question.*

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

*CONTINUATION MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to continue this item to the February 10, 2003 City Commission Meeting.*

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

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

*SUBSTITUTE FOR CONTINUATION MOTION: Mayor Bussing moved to approve the above motion, adding a time certain of 6:30 PM, or as soon thereafter as may be heard.*

*(No second, MOTION FAILED)*

**RECOMMENDATION** *The City Commission adopt the proposed Resolution.*

**A motion was made by Commissioner Domenech, seconded by Commissioner Braddy, that this matter be Continued for February 10, 2003. The motion carried by the following vote:**

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

## PLAN BOARD PETITIONS

**020587      Petition 113TCH-02 PB. Amend the City of Gainesville Land Development Code, Citizen Participation Process, to modify which development applications are required to conduct a neighborhood workshop. (B)**

*Note: Mayor Bussing reassumed the gavel.*

*City of Gainesville Planning Manager Ralph Hilliard and Community Development Director Tom Saunders gave presentations.*

*Chair Bussing recognized Citizen Sarah Poll who spoke to the matter.*

**RECOMMENDATION**      *City Plan Board to City Commission - The City Commission approve Petition 13TCH-02 PB, with the modification to Sec. 30-350(b)(1)(e), changing the number of residential units from 25 units to 10 and that a second workshop shall be required if development plans are not submitted within one year of the first workshop. Plan Board vote 4-0*

*Staff to Plan Board - Approve*

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

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

## DEVELOPMENT REVIEW BOARD PETITIONS

## SCHEDULED EVENING AGENDA ITEMS

**020482      Downtown Parking Garage (B)**

*City Manager Wayne Bowers and Senior Assistant City Attorney Charles Hauck gave presentations.*

*NOTE: This item was continued from the afternoon portion of the agenda to the evening portion.*

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

*Chair Bussing recognized Ken McGurn who spoke to the matter.*

**RECOMMENDATION** *Based on the potential savings of \$2,456,830, the potential to produce a greater number of public parking spaces (594 compared to 508), and the ability to retain Lot 10 for future use, staff recommends that the City Commission approve the Contract and Release of Claims with Charles Perry Construction, Inc. The staff further recommends that the City Commission authorize the advertisement of a Request for Proposals for design and construction of a parking garage in the SW quadrant of downtown Gainesville.*

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

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

**020775 Annual Performance, Salary and Benefits Review - General Manager for Utilities (NB)**

*MOTION: Increase the General Manager for Utilities salary in the amount of 4%, retroactive to his anniversary date.*

**RECOMMENDATION** *As required by the General Manager for Utilities' employment agreement, the City Commission conduct the annual performance, salary and benefits review.*

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

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

## **UNFINISHED BUSINESS**

## **COMMISSION COMMENT**

### **Commissioner Chuck Chestnut**

*Federal Funding for Cone Park Project - Hawkins Letter (Legislative Statement)*

*Assistant City Manager Carl Harness made comments.*

### **Mayor Tom Bussing**

*Front Yard Parking - RV Ordinance*

*WAIVER OF RULES: Commissioner Braddy moved and Commissioner Nielsen seconded to waive the rules to extend the meeting to 11:05 PM.  
(VOTE: 4-1, Commissioner Chestnut, No, MOTION CARRIED)*

*Note: The City Attorney to look at similar ordinances.*

**CITIZEN COMMENT (If time available)**

**Sarah Poll**

- 1. Impact Fees - Budget constraints*
- 2. War with Iraq*
- 3. Notice of Meetings - MTPO/ Fire Merger*
- 4. Citizen Comment - Motions*

**ADJOURNMENT - 11:06 PM**

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Kurt M. Lannon, Clerk of the Commission