

City of Gainesville

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



Meeting Minutes

Monday, October 28, 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 1:03 PM

ROLL CALL

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

INVOCATION

Reverend Thomas A. Wright, Mount Carmel Baptist Church

CONSENT AGENDA

NOTE: Commissioner Chestnut entered the meeting room at 1:06 PM.

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

- 1. File # 020550 - Amendment to Personnel Policy: Policy 12, Military Leave - Modified Back-up submitted.*
- 2. FILE #020056 - MTPO Citizens Advisory Committee - Pull from the Consent Agenda and place on the Regular Agenda for discussion.*
- 3. FILE # 020542 - Appointment - Pension Review Committee - Pull from the Consent Agenda and place on the Regular Agenda for discussion.*
- 4. FILE # 020545 - Appointment - Water Management Committee - Pull from the Consent Agenda and place on the Regular Agenda for discussion.*
- 5. FILE # 020521 - Changes to Parking Garage Design - Pull from the Consent Agenda and place on the Regular Agenda for discussion.*

CITY MANAGER, CONSENT AGENDA ITEMS

020548 Contract for Full Custodial Services at City Recreation Centers (B)

...Explanation

The Purchasing Division broadcast a Request for Proposals (RFP) on Demand Star for the custodial services at the City's seven recreation centers. Twenty-seven vendors received the RFP. On September 4, a mandatory pre-bid meeting and site inspection tour was conducted. A total of nine vendors were present at the meeting. Proposals were received from six vendors. An evaluation team reviewed the submitted proposals using the following criteria: base cost for normal weekday custodial services; cost per square foot for

additional carpet cleaning above routine care; cost per square foot for additional hard-floor care above routine care; cost per hour for on-call personnel during normal working hours; cost per hour for on-call personnel for emergency custodial services on nights and weekends; quality of carpet cleaning equipment; experience of personnel; and utilization of MBE/SBE contractors, subcontractors and/or suppliers. Based on these items, First Choice Cleaning Services was ranked first using the evaluation criteria. The term of the contract will be for two years, with the option of three, one-year extensions, subject to funding and written consent of both parties. The two-year term will expire on September 30, 2004.

...Fiscal Note

Funds have been budgeted and set aside for this purpose in the FY 2003 and FY 2004 Recreation Centers budget. The base cost for normal custodial services is \$45,000. However, since this is the first year of offering this service, we are estimating that we will spend close to the full amount budgeted (\$60,000). This is for anticipated extra services (carpet cleaning & hard floor care) and for the services of on-call custodial staff, especially during the summer months when the summer camp programs are taking place in the centers. The daily use of the centers from a high number of camp participants will necessitate additional custodial services to maintain the cleanliness of the facilities.

...Recommendations

The City Commission: 1) authorize the award of the contract and purchase order for the full custodial services of the recreation centers for two years in a not to exceed amount of \$60,000 per year to First Choice Cleaning Services; and 2) authorize the City Manager or designee to execute the option to extend for three additional 12-month periods.

RECOMMENDATION *The City Commission: 1) authorize the award of the contract and purchase order for the full custodial services of the recreation centers for two years in a not to exceed amount of \$60,000 per year to First Choice Cleaning Services; and 2) authorize the City Manager or designee to execute the option to extend for three additional 12-month periods.*

This Matter was Approved as Recommended on the Consent Agenda.

020549

Award of Bid: Construction of Morningstar Sanitary Sewer Lift Station, Force Main, and Water Main (B)

RECOMMENDATION *The City Commission: 1) award the construction contract for the Morningstar lift station, force main, and water main to O'Steen Brothers, Inc.; 2) authorize the City Manager or designee to execute the contract in the amount of \$210,340; and 3) authorize the issuance of a purchase order to O'Steen Brothers, Inc., in an amount not to exceed \$226,840.*

This Matter was Approved as Recommended on the Consent Agenda.

020550 Amendment to Personnel Policy: Policy 12, Military Leave. (B)

RECOMMENDATION *The City Commission ratify the amendment to City of Gainesville Policy 12, Military Leave to extend the active military benefits an additional six months to April 1, 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

020551 Purchase of Tax Parcel 13413-1 Located at 703 SW 7th Avenue (B)

RECOMMENDATION *The City Commission authorize the City Manager to execute a Purchase Agreement and perform all stipulations of the Agreement related to the purchase of Tax Parcel 13413-1, located at 703 Southwest 7th Avenue for use in the 5th Avenue Stormwater Basin Project.*

This Matter was Approved as Recommended on the Consent Agenda.

020552 Purchase of Tax Parcel 13402 located at 610 SW 7th Avenue (B)

RECOMMENDATION *The City Commission: 1) authorize the City Manager to execute a Purchase Agreement and perform all stipulations of the Agreement related to the purchase of Tax Parcel 13402, located at 610 Southwest 7th Avenue; and 2) authorize the Mayor to execute a Special Warranty Deed to Blossie Ferguson Jones upon the receipt of a Certificate of Occupancy for the house constructed on Lot 13 of the Colclough Addition to Porter's Neighborhood.*

This Matter was Approved as Recommended on the Consent Agenda.

020553 Award of Bid - Athletic Uniforms and Equipment (B)

RECOMMENDATION *The City Commission: 1) authorize the award of a two year contract and purchase order for baseball uniforms and football equipment, in the not to exceed amount of \$40,000 per year, to University Sports Shop; and 2) authorize the City Manager or designee to execute the option to extend for three additional 12-month periods.*

This Matter was Approved as Recommended on the Consent Agenda.

020554 Consulting Services for Cable Franchise Renewal Process (B)

RECOMMENDATION *The City Commission authorize the City Manager or Designee to execute a three-party contract among the City of Gainesville, Alachua County, and Rice Williams Associates, Inc. for consulting services in connection with the Cox Communications franchise renewal.*

This Matter was Approved as Recommended on the Consent Agenda.

020535 Funding Request for Senior Games by Gainesville Sports Organizing Committee (B)

RECOMMENDATION *The City Commission authorize the City Manager to provide \$5,000 in funding from its Commission Contingency Fund to the GSOC and \$5,000 in-kind services from the Recreation and Parks Department.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

020561 FLORIDA RSA #8, INC., A DELAWARE CORPORATION (U.S. CELLULAR) VS. THE CITY OF GAINESVILLE, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AND PETER POLSHEK, BRAD GUY, ROBERT PEARCE, DAVID GOLD, WILLIAM ANDREWS, AND FRED RWEBYOGO IN THEIR OFFICIAL CAPACITIES AS THE CITY PLAN BOARD; UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF FLORIDA GAINESVILLE DIVISION; CASE NO. 1:02CV126 (B)

RECOMMENDATION *The City Commission authorize the City Attorney, and/or Special Counsel if insurance coverage is available, to represent the City in the case styled Florida RSA #8, Inc., a Delaware Corporation (U.S. Cellular) vs. the City of Gainesville, a political subdivision of the State of Florida, and Peter Polshek, Brad Guy, Robert Pearce, David Gold, William Andrews, and Fred Rwebyogo in their official capacities as the City Plan Board; United States District Court Northern District of Florida Gainesville Division; Case No.: 1:02CV126.*

This Matter was Approved as Recommended on the Consent Agenda.

020562 DUSTIN HART VS. THE CITY OF GAINESVILLE, FLORIDA; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-02-CA-4058 (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled Dustin Hart vs. the City of Gainesville, Florida; Alachua County Circuit Court; Case No.: 01-02-CA-4058.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

020536 Appointment - Art In Public Places Trust (NB)

RECOMMENDATION *The City Commission re-appoint Bobby Hom to the Art in Public Places Trust to expire September 30, 2005.*

*Commissioner Braddy - Bobby Hom
Commissioner Chestnut - Bobby Hom
Commissioner Domenech - Bobby Hom
Mayor-Commissioner Pro Tem Nielsen - Bobby Hom
Mayor Bussing - Bobby Hom*

This Matter was Approved as Recommended on the Consent Agenda.

020537 Appointment - The City Beautification Board (NB)

RECOMMENDATION *The City Commission appoint Jason D. Keltz to the City Beautification Board, term to expire November 1, 2005.*

*Commissioner Braddy - Jason D. Keltz
Commissioner Chestnut - Jason D. Keltz
Commissioner Domenech - Jason D. Keltz
Mayor-Commissioner Pro Tem Nielsen - Jason D. Keltz
Mayor Bussing - Readvertise*

This Matter was Approved as Recommended on the Consent Agenda.

020538 Appointments - Gainesville/Alachua County Cultural Affairs Board (NB)

RECOMMENDATION *The City Commission appoint John K. Carmean and*

re-appoint Beatrice Blossom Das and Doug Diekow to the Gainesville/Alachua County Cultural Affairs Board, terms to expire September 30, 2005.

*Commissioner Braddy - John K. Carmean, Beatrice Blossom Das and Doug Diekow
Commissioner Chestnut - John K. Carmean, Beatrice Blossom Das and Doug Diekow
Commissioner Domenech - John K. Carmean, Beatrice Blossom Das and Doug Diekow
Mayor-Commissioner Pro Tem Nielsen - John K. Carmean, Beatrice Blossom Das and Doug Diekow
Mayor Bussing - Beatrice Blossom Das, Doug Diekow and Readvertise*

This Matter was Approved as Recommended on the Consent Agenda.

020539

Appointment - Gainesville Code Enforcement Board (NB)

RECOMMENDATION *The City Commission appoint James C. Hahn to the Code Enforcement Board, term to expire August 1, 2003.*

*Commissioner Braddy - Hugh D. Rhea
Commissioner Chestnut - Zachary D. Andrews
Commissioner Domenech - James C. Hahn
Mayor-Commissioner Pro Tem Nielsen - James C. Hahn
Mayor Bussing - James C. Hahn*

This Matter was Approved as Recommended on the Consent Agenda.

020540

Appointment - Gainesville Energy Advisory Committee (NB)

RECOMMENDATION *The City Commission re-appoint Jonathan L. Heise to the Gainesville Energy Advisory Committee, term to expire September 30, 2005.*

*Commissioner Braddy - Jonathan L. Heise
Commissioner Chestnut - Jonathan L. Heise
Commissioner Domenech - Jonathan L. Heise
Mayor-Commissioner Pro Tem Nielsen - Jonathan L. Heise
Mayor Bussing - Readvertise*

This Matter was Approved as Recommended on the Consent Agenda.

020541

Appointment - Nature Centers Commission (NB)

RECOMMENDATION *The City Commission appoint Richard Stepp to the Nature*

Centers Commission, term to expire November 1, 2005.

*Commissioner Braddy - Jason D. Keltz and Richard Stepp
Commissioner Chestnut - Jason D. Keltz and Richard Stepp
Commissioner Domenech - Richard Stepp and Readvertise
Mayor-Commissioner Pro Tem Nielsen - Richard Stepp and
Readvertise
Mayor Bussing - Richard Stepp and Readvertise*

This Matter was Approved as Recommended on the Consent Agenda.

020544 Appointment - Public Recreation Board (NB)

RECOMMENDATION *The City Commission appoint Gina van Blokland to the Public Recreation Board, term to expire June 1, 2003.*

*Commissioner Braddy - Gina van Blokland
Commissioner Chestnut - Gina van Blokland
Commissioner Domenech - Gina van Blokland
Mayor-Commissioner Pro Tem Nielsen - Gina van Blokland
Mayor Bussing - Gina van Blokland*

This Matter was Approved as Recommended on the Consent Agenda.

020546 Appointments - Gainesville Housing Authority (NB)

RECOMMENDATION *The City Commission confirm Mayor Thomas D. Bussing's appointments of John V. Carlson and Vanessa I. Gordon to the Gainesville Housing Authority, terms to expire August 1, 2006.*

This Matter was Approved as Recommended on the Consent Agenda.

020566 Board and Committee Student Adjunct Appointments (NB)

RECOMMENDATION *Approve the following individuals to serve in a Student Adjunct position to the following Boards.
Art in Public Places Trust - Jocelyn Kauffman
Bicycle/Pedestrian Advisory Board - Andrea Amparo
Board of Adjustment - Ryan Hillary
Citizens' Advisory Committee for Community Development - Basil Parris
The City Beautification Board - Jonathon Benator
Development Review Board - Troy Finnegan
Fire Safety Board of Adjustment - David Odige
Gainesville/Alachua County Cultural Affairs Board - Anna Avery*

Gainesville Energy Advisory Board - Matthew Klein
Gainesville Enterprise Zone Development Agency - Ashley Girolamo
Gainesville Human Rights Board - John Barfield
Historic Preservation Board - Colin Colverson
Nature Centers Commission - Sarah Cabarcas
Pension Review Committee - John Dicks
Public Recreation Board - Assaf Regev
Regional Transit System Advisory Board - Rachel Luxenberg
Tree Advisory Board - Jeffrey Simon
Tree Board of Appeals - Josh Aubuchon
Water Management Committee - John Hooker

This Matter was Approved as Recommended on the Consent Agenda.

020543 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of October 14, 2002, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

020520 New ADA Requirements for Parking (B)

RECOMMENDATION *Community Redevelopment Agency to the City Commission: 1) request that the City Commission send a letter to the appropriate office to express their concern regarding the impact of the new regulation; and 2) request that the City Commission refer this item to the City Lobbyist.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

END OF THE CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

*Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Domenech seconded to approve the Regular Agenda with the following modification:
(VOTE: 4-0, Commissioner Braddy - Absent, MOTION CARRIED)*

FILE # 020507 - Mayor Tom Bussing - Additional Back-up submitted.

CLERK OF THE COMMISSION

CITY MANAGER

020555 ARTSREACH Exhibits (NB)

RECOMMENDATION *The City Commission hear a brief presentation by Donna Born Drake, ARTSREACH Coordinator for the Department of Cultural Affairs, introducing the exhibitions of Art in City Hall, Art in the Alachua County Administration Building and Art in the Airport.*

020556 Town and Gown Task Force (B)

Chair Bussing recognized Co-Chair Town Gown Task Force Ed Poppell; Associate Vice President of Student Affairs Dr. Mike Rollo; Vice-President of Student Affairs Dr. Jim Scott; Student Body President Nicole Fried; Co-Chair Town Gown Task Force Dr. Jane Brockman; and Town Gown Task Force Staff Person Linda Dixon gave presentations.

NOTE: Commissioner Braddy entered the meeting room at 1:43 PM.

MOTION: Approve in concept the Neighborhood Action Plan from the Town Gown Task Force and request that the City send letters of appreciation to the participants.

RECOMMENDATION *The City Commission hear a report from the Town and Gown Task Force on its Neighborhood Action Plan.*

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

001911 Summer Playground Update (B)

City of Gainesville Recreation Manager Sheryl Ryan gave a presentation.

REFERRAL: Review parameters for granting scholarships to those on free/reduced lunch by considering using a sliding scale and refer this to the Recreation and Parks Advisory Board and the Recreation and Cultural Affairs Committee.

NOTE: This item was a dual referral.

RECOMMENDATION *The City Commission hear a presentation from staff on the Summer Playground program.*

A motion was made by Commissioner Braddy, seconded by Commissioner Domenech, that this matter be Referred to the Public Recreation Board, due back on April 28, 2003. The motion carried by the following vote:

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

RECOMMENDATION *The City Commission hear a presentation from staff on the Summer Playground program.*

A motion was made by Commissioner Braddy, seconded by Commissioner Domenech, that this matter be Referred to the Recreation and Cultural Affairs Committee, due back on April 28, 2003. The motion carried by the following vote:

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

020510 Alachua County Poverty Reduction Advisory Commission (B)

MOTION: Commissioner Domenech was appointed to serve on the Alachua County Poverty Reduction Advisory Commission.

RECOMMENDATION *The City Commission discuss the request 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, Warren Nielsen and Tom Bussing

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

City/County Economic Development Committee

020558 Interlocal Agreement for Coordination of Economic Development Functions (B)

RECOMMENDATION *The City Commission: 1) approve the Interlocal Agreement for Coordination of Economic Development Functions between the City of Gainesville and Alachua County and authorize the City Manager or his designee to execute the agreement; 2) support the proposed City County Summit on Entrepreneurship and Innovation; and 3) discuss revising or reformatting of the City County Economic Development Committee to meet future needs.*

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
Nay: Chuck Chestnut

020056 MTPO Citizens' Advisory Committee (NB)

MTPO Citizens Advisory Committee Representative Cindy Smith and City of Gainesville Public Works Director Teresa Scott gave presentations.

RECOMMENDATION *Personnel & Organizational Structure Committee recommend the City Commission approve sending a letter to the MTPO-CAC declining the request to serve as an advisory board to the City Commission.*

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 and Tom Bussing
Nay: Warren Nielsen

020542 Appointments - Pension Review Committee (NB)

Chair Bussing recognized CWA President Tom Bolduc who spoke to the matter.

MOTION: Appoint Neil Rosin and Sam N. Holloway, Jr. to the Pension Review Committee terms to expire July 1, 2003 and July 1, 2004 respectively.

NOTE: Chair Bussing passed the gavel to Mayor-Commissioner Pro Tem Nieslen in order to divide the question.

(NO SECOND)

RECOMMENDATION *The City Commission appoint Timothy A. Good and Sam N. Holloway, Jr. to the Pension Review Committee, terms to expire July 1, 2003 and July 1, 2004 respectively.*

Commissioner Braddy - Timothy A. Good and Sam N. Holloway, Jr.

Commissioner Chestnut - Timothy A. Good and Neil Rosin

Commissioner Domenech - Timothy A. Good and Sam N. Holloway, Jr.

Mayor-Commissioner Pro Tem Nielsen - Timothy A. Good and Neil Rosin

Mayor Bussing - Timothy A. Good and Sam N. Holloway, Jr.

A motion was made by Commissioner Domenech, 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

020545 Appointment - Water Management Committee (NB)

NOTE: Chair Bussing re-assumed the gavel.

MOTION: Re-advertise for the vacancy on the Water Management Committee.

RECOMMENDATION *The City Commission appoint Dian R. Deevey to the Water Management Committee, term to expire August 1, 2004.*

Commissioner Braddy - Dian R. Deevey

Commissioner Chestnut - Dian R. Deevey

Commissioner Domenech - Readvertise

Mayor-Commissioner Pro Tem Nielsen - Readvertise

Mayor Bussing - Dian R. Deevey

A motion was made by Commissioner Braddy, 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 and Warren Nielsen
Nay: Tom Bussing

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

020560 Thomas Center Associates (B)

Thomas Center Associates, Inc. Representative Caroline P. Normann gave a presentation.

RECOMMENDATION *The City Commission hear an update from the Thomas Center*

Associates.

Heard

MEMBERS OF THE CITY COMMISSION

020521 Changes to Parking Garage Design (NB)

Chair Bussing recognized Citizens Ken McGurn and Angela Pate who spoke to the matter.

FIRST MOTION (MAIN MOTION): Approved as recommended.

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

SECOND MOTION: Commissioner Braddy moved and Mayor Bussing seconded to direct the City Manager to come back to the City Commission with pros and cons of having the garage located at a larger site, i.e., Option 3; and that it be within close proximity of the Courthouse.

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

RECOMMENDATION *Community Redevelopment Agency to the City Commission: Direct the City Manager to work with the contractor to evaluate different methods to reduce costs including discussions regarding the solar screen and the decorative grill.*

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

COMMISSION COMMENTS (if time available)

RECESS - 5:15

RECONVENE - 5:52 PM

CITIZEN COMMENT

Mark Goldstein

Proposed Development in University Estates

See following item # 020569.

020569 Proposed Development in University Estates (B)

RECOMMENDATION *The City Commission hear a presentation from Dr. Mark Goldstein and place letter from Hudson & Company, Inc., on file.*

Placed on File

Suman Srinivasan

Chinese Art Exhibition

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Gator Detachment of Marine Corps League

Commandant Bob Gasche, Sr.

PROCLAMATIONS/SPECIAL RECOGNITIONS

020559 Special recognition of GRU Student Art Contest Winners Services (NB)

RECOMMENDATION *The City Commission to recognize the fifteen overall winners of the recent GRU Student Art Contest for the GRU 2003 Customer Calendar.*

Heard

020563 Veterans Day - November 11, 2002 (B)

RECOMMENDATION *Gator Detachment Marine Corps League Commandant Bob Gasche, Sr. Vice Commandant Gary Powers, and Jr. Vice Commandant Dick Lester to accept the proclamation.*

Heard

020564 Bikers on Parade for the USA - November 10, 2002 (B)

RECOMMENDATION *Bikers on Parade for the USA Organizers Ralph and Bonnie Cameron, Gainesville Police Department Lieutenant Don*

Dennis and Gainesville Fire Rescue Assistant Chief Elmond Taylor to accept the proclamation.

Heard

020565 Crop Walk Day - November 3, 2002 (B)

RECOMMENDATION *CROP Walk Planning Committee Representative Reverend Lynwood Walters to accept the proclamation.*

Placed on File

020557 The Florida Labor Management Conference Labor-Management Committee of the Year Award for Labor-Management Cooperation (B)

RECOMMENDATION *The City Commission accept the award and recognize interest based bargaining team participants.*

Heard

CITIZEN COMMENT - (Continued)

Robert Brinkman

- 1. Police Officer - Accident in patrol car follow-up*
- 2. 1113 NW 5th Avenue - Sidewalk Issue*

Debbie Martinez

Election Issues - Susan Carter

Harold Saive

5 or 7 Commissioners - Ballot Issues

Gabe Kaimowitz

EO Issues

Alison Law

Recreation Issues

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED**020480 PROHIBITION OF CERTAIN ACTIVITIES IN PUBLIC PLACES (B)****ORDINANCE NO.: 0-02-64**

An ordinance of the City of Gainesville, Florida, amending Article I., Section 17 of the Code of Ordinances by adding a new section titled Urinating or Defecating, proscribing urinating or defecating in, or in view of, a public place other than one set aside and designated for that particular purpose; defining public place; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Police Lieutenant Lonnie Scott gave a presentation.

Chair Bussing recognized Citizens Harold Saive, Debbie Martinez and Ray Bennett who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Braddy, 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

020023 TOBACCO PRODUCT PLACEMENT (B)**Ordinance No. 0-02-53**

An ordinance of the City of Gainesville, Florida, creating a new section in Chapter 14.5, Miscellaneous Business Regulations, Article II, consisting of sections 14.5-15 through 14.5-20, inclusive; and adding said sections to the Code of Ordinances of the City of Gainesville relating to sale and possession of tobacco by minors; providing legislative findings; creating s. 14.5-15, establishing the intent to prevent the sale to and possession of tobacco products by minors; creating s. 14.5-16, providing definitions; creating s. 14.5-17, prohibiting self-service merchandising of tobacco products to persons under the age of 18; creating 14.5-18, designation of enforcement official; creating 14.5-19, providing no liability for city officers, or employees; creating Section 14.5-20, providing guidelines for service of notice of violation; amending Section 2-377, providing for the Gainesville Code Enforcement Board to have jurisdiction to hear and decide cases in which a violation of this ordinance is alleged; amending Section 2-399, authorizing enforcement by the civil citation process; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Students Working Against Tobacco (SWAT) Team gave a presentation.

Chair Bussing recognized Citizens Harold Saive and Ray Bennett who spoke to the matter.

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

ORDINANCES 2ND READING- ROLL CALL REQUIRED

002149 EXTENSION OF SW 13TH STREET CORRIDOR MORATORIUM (B)

ORDINANCE NO. 0-02-57

An ordinance of the City of Gainesville, Florida, amending Ordinance Nos. 002084 and 002574 and extending the time period of the temporary moratorium on zoning permits, development plan approval and any other official action of the City of Gainesville permitting or having the effect of permitting development or use on all real property that is zoned "BUS: General business district", "BT: Tourist-oriented business district" and any commercial use, as more specifically defined in this ordinance, on all real property that is zoned "MU-1: 10-30 units/acre mixed use low intensity", "RMF-5: 12 units/acre single-family/multiple-family residential district", "RMF-6: 8-15 units/acre multiple-family residential district", "RMF-7: 8-21 units/acre multiple-family residential district", "RMF-8: 8-30 units/acre multiple-family residential district", "OR: 20 units/acre office residential district", "RH-1: 8-43 units/acre residential high density district", and "RH-2: 8-100 units/acre residential high density district"; located within the S.W. 13th Street Corridor, as more specifically described in this Ordinance, generally bounded on the North by SW Archer Road, and on the South by the city limits, and located generally north of Williston Road; providing a procedure for extraordinary hardship; 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 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

020368 INVESTMENT OF CITY FUNDS (B)**ORDINANCE NO. 0-02-62**

An ordinance of the City of Gainesville, Florida, amending Section 2-438, Article VI, Chapter 2 of the Code of Ordinances, relating to investment of funds of the City; 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

020464 GENERAL EMPLOYEES PENSION PLAN (B)**ORDINANCE NO. 0-02-38**

An ordinance of the City of Gainesville, Florida, amending section 2-523 of the Code of Ordinances of the City of Gainesville relating to the General Employees Pension Plan; relating to eligibility and limited participants and purchase of prior service; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Administrative Services Director Glenda Currie gave a presentation.

Chair Bussing recognized Citizen Bill Howard 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

020375 CODE ENFORCEMENT AMENDMENTS (B)**ORDINANCE NO. 0-02-63**

An ordinance of the City of Gainesville, Florida, amending s. 13-19 of the Code of Ordinances, by adding definitions for abandoned vehicle and vehicle; amending s. 26-140 of the Code of Ordinances, relating to the release of impounded vehicles to correct a scrivener's error; amending s. 13-171(c) of the Code of Ordinances, by requiring the removal of dead or hazardous trees, limbs

and debris from residential property; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Code Enforcement Officer James Garrett and Community Development Director Tom Saunders gave presentations.

Chair Bussing recognized Citizen Frederick Peterkin who spoke to the matter.

FIRST MOTION: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Domenech seconded to approve this ordinance on second reading, as revised, by title only.

(NO VOTE)

SECOND MOTION: Commissioner Braddy moved to take no action on this ordinance to give staff time to incorporate better language and to be more specific.

(NO SECOND)

THIRD MOTION (MAIN MOTION): Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Braddy seconded to continue this ordinance for second reading to the next Regular City Commission Meeting, November 12, 2002, and have staff re-word Section 3 of the ordinance.

(VOTE: 5-0, MOTION CARRIED)

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

A motion was made by Mayor-Commissioner Pro Tem Nielsen, seconded by Commissioner Braddy, that this matter be Continued (2nd Reading) for November 12, 2002. 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

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

020484 Annual Performance, Salary, and Benefits Review for the City Manager (NB)

FIRST MOTION: Commissioner Domenech moved and Mayor-Commissioner Pro Tem Nielsen seconded that the City Manager receive a 6% pay increase retroactive

to anniversary date.
(NO VOTE)

SUBSTITUTE MOTION (MAIN MOTION): Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Domenech seconded that the City Manager receive a 5% pay increase retroactive to anniversary date.

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

RECOMMENDATION *The City Commission review the salary and benefits of the City Manager and make any changes 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

020507 Mayor Tom Bussing (B)

MOTION: The City Commission nominated Commissioner Tony Domenech to serve on the Alachua County Transportation Coordinating Committee and directed staff to transmit the City's "wish list" of transportation projects to Alachua County staff.

RECOMMENDATION *The City Commission appoint a member to the Alachua County Transportation Coordinating Committee and direct staff to transmit the City's "wish list" of transportation projects to County staff.*

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, Warren Nielsen and Tom Bussing

020567 Mayor Tom Bussing (B)

*NOTE: Commissioner Chestnut moved and Commissioner Domenech seconded to waive the rules to extend the meeting for 30 seconds.
(VOTE: 5-0, MOTION CARRIED)*

RECOMMENDATION *The City Commission discuss the quasi-judicial process.*

Discussed

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT - 11:01 PM

Kurt M. Lannon, Clerk of the Commission