

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, May 12, 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****Reverend Robinsky Reed, Mount Pleasant United Methodist Church****CONSENT AGENDA**

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

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

*MODIFICATIONS:*

- 1. File # 021192 - April 28, 2003 Minutes - Pull from the agenda.*
- 2. File # 021180 - Scheduling Special Meetings - Pull from the Consent Agenda and place on the Regular Agenda for discussion.*

**CITY MANAGER, CONSENT AGENDA ITEMS****021191 Edward Byrne State and Local Law Enforcement Assistance Youth Alcohol Grant (NB)**

**RECOMMENDATION** *The City Commission authorize the City Manager to: 1) apply to the Edward Byrne Memorial State and Local Assistance Grant Program for \$133,333 in grant funds; and if awarded, 2) appropriate \$33,333 from the Federal Law Enforcement Contraband Fund Trust Fund for the match; and 3) execute the grant agreement and any other necessary documents, pending review by the City Attorney as to form and legality.*

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

**021193 Edward Byrne State and Local Law Enforcement Assistance Computer Crimes Grant (NB)**

**RECOMMENDATION** *The City Commission authorize the City Manager to: 1) apply to the Edward Byrne Memorial State and Local Assistance Grant Program for \$33,334 in grant funds; and if awarded, 2)*

*appropriate \$8,334 from the Federal Law Enforcement Contraband Fund Trust Fund for the match; and 3) execute the grant agreement and any other necessary documents, pending review by the City Attorney as to form and legality.*

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

**021194 Edward Byrne State and Local Law Enforcement Assistance Victim Advocate Grant (NB)**

**RECOMMENDATION** *The City Commission authorize the City Manager to: 1) apply to the Edward Byrne Memorial State and Local Assistance Grant Program for \$39,114 in grant funds; and if awarded, 2) appropriate \$9,779 from the Federal Law Enforcement Contraband Fund Trust Fund for the match; and 3) execute the grant agreement and any other necessary documents, pending review by the City Attorney as to form and legality.*

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

**021195 Florida Department of Environmental Protection Invasive Upland Plant Removal Program Grant (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the City Manager or his designee to submit a grant application to the Florida Department of Environmental Protection Upland Plant Management Program; and if awarded 2) execute the application, contract and other grant-related documents.*

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

**021197 SeniorNet Grant Application (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the City Manager or his designee to apply for the SeniorNet Grant, and if awarded; 2) execute the application, contract and other grant-related documents.*

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

**021198 Proposed False Fire Alarm Ordinance (NB)**

**RECOMMENDATION** *The City Commission refer reduction of false fire alarms to the Public Safety Committee for a recommendation.*

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

**021131 Bid Award for Contract for Phase II Construction of the Duck Pond Project (B)**

**RECOMMENDATION** *The City Commission: 1) award the bid for plantings in the Phase II construction of the Duck Pond Project to Oasis Landscaping Services for plantings; and 2) authorize the City Manager or designee to execute all contract documents and issue a purchase order in a not to exceed amount of \$77,500.*

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

**021138 Surplus Property Sale and Auctioneer Selection (B)**

**RECOMMENDATION** *The City Commission: 1) declare all materials, equipment and vehicles presently stored at the Surplus Lot as surplus property and authorize the sale of such property; 2) award the contract for auctioneer services to Weeks Auction Company, Inc. at the commission rate of 6.25% of gross auction proceeds; and 3) authorize the City Manager or his designee to negotiate and execute a three-year contract with two (2) additional one-year extensions subject to the approval of the City Attorney as to form and legality.*

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

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****021201 Strategic Alliance with Pro Ink (NB)**

**RECOMMENDATION** *The City Commission 1) authorize the General Manager or his designee to negotiate a strategic alliance agreement with Pro Ink for as-needed communication consulting and graphic design services for a three year term in amounts equal to budgeted amounts for these services, subject to the approval of the City Attorney as to form and legality; and 2) issuance of purchase orders in amounts not to exceed and subject to the appropriation of funds for these services in each fiscal year of the alliance.*

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS****021181 Paul G. Riewald, as Personal Representative of the Estate of Brian D. Riewald**

**vs. the City of Gainesville, Alice E. Alexander, as Trustee for the Alice Alexander Living Trust, and John Merrill, Inc.; Alachua County Circuit Court; Case No.: 01-03-CA-1521 (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to represent the City in the case styled Paul G. Riewald, as Personal Representative of the Estate of Brian D. Riewald vs. the City of Gainesville, Alice E. Alexander, as Trustee for the Alice Alexander Living Trust, and John Merrill, Inc.; Alachua County Circuit Court; Case No.: 01-03-CA-1521.*

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

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

**021192 City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of May 1, 2003, as circulated.*

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

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

### **REGIONAL UTILITIES COMMITTEE, CONSENT**

**020632 Wastewater Lateral Policy, RUC Referral #020632 (B)**

**RECOMMENDATION** *The City Commission: 1) Authorize the City Attorney to prepare and the Clerk to advertise an ordinance to modify Sec. 27-178 of the Gainesville Code of Ordinances dealing with the maintenance of wastewater laterals to clarify customer and City responsibilities; and 2) Remove RUC Referral #020632.*

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

## **COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

### **Passed The Consent Agenda**

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

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

## END OF CONSENT AGENDA

## ADOPTION OF THE REGULAR AGENDA

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

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

### *MODIFICATIONS:*

- 1. File # 021001 Alachua County Sheriff's Office - Pull from the agenda.*
- 2. File # 021184 - New Memorial Day Proclamation.*
- 3. File # 021144 - Ordinance 1st Reading - Oak Hammock Urban Services Report - add "as revised" to the recommendation.*

## Time Certain - 1:10pm

### **021001 Alachua County Sheriff's Office (NB)**

**RECOMMENDATION** *The City Commission hear a presentation from Sheriff Stephen Oelrich.*

**Withdrawn**

## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

### **021180 Scheduling Special Meetings (B)**

*FIRST MOTION: Commissioner Domenech moved and Commissioner Chestnut seconded to approve that the Swearing- In ceremony be held at the Savannah Grande.  
(VOTE: 4-0, Commissioner Braddy - Absent, MOTION CARRIED)*

*SECOND MOTION: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Domenech seconded to waive the rules to take up File # 021204 relating to the Swearing-In ceremony during this item.  
(VOTE: 4-0, Commissioner Braddy - Absent, MOTION CARRIED)*

*NOTE: Commissioner Braddy entered the meeting room at 1:28 PM.*

*THIRD MOTION: Mayor Commissioner Pro Tem Nielsen moved and Commissioner Chestnut seconded that the City Commission schedule a special meeting with the Alachua County Commission on June 2, 2003 at 1:30 PM to discuss the Fire Services Merger and Transportation Projects.*

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

**RECOMMENDATION** *The City Commission: 1) Schedule a Swearing In and Election of Mayor-Commissioner Pro-Tem meeting; and 2) A special meeting with the Alachua County Commission on June 2 at 1:00pm to discuss Fire Services Merger and Transportation Projects.*

**Approved, as shown above**

**021204 Mayor Thomas Bussing - Swearing-In Ceremony (NB)**

**RECOMMENDATION** *The City Commission appropriate \$2,000.00 from City Commission contingency to help pay for Swearing-In ceremony.*

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

**CITY MANAGER**

**021199 ARTSREACH Exhibits (NB)**

*ARTSREACH Coordinator for the Department of Cultural Affairs Donna Born Drake gave a presentation.*

**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.*

**Heard**

**020482 SW Quadrant Parking Garage - Response to City Request For Proposal for Design/Build Contract (B)**

*City Manager Wayne Bowers, Assistant Sr. City Attorney Charles Hauck and Public Works Manager Emery Swearingen gave presentations.*

*FIRST MOTION: Mayor Commissioner Pro Tem Nielsen moved and Commissioner Chestnut seconded to accept the Finfrock proposal from the current RFP deemed to be in the best interest of the City.*

*(VOTE: 3-2, Braddy and Domenech - No, MOTION CARRIED)*

*Chair Bussing recognized Downtown Redevelopment Advisory Board (DRAB) Vice-Chair Kinnon Thomas; Citizens Mac McEachern and Harold Saive; Finfrock Representative Bob Finfrock, Downtown Owners and Tenants Association (GDOT) President Mark Sexton; Finfrock Representative Bill Finfrock; Developer Ken McGurn; and Finfrock Attorney Jeff Braswell who spoke to the matter.*

*SECOND MOTION: Commissioner Chestnut moved and Mayor Bussing seconded to rank Finfrock-1, Charles Perry-2, and McGurn-Finfrock-3.*

*(3-1, Commissioner Domenech - No, Commissioner Braddy - Absent, MOTION CARRIED)*

*Mayor passed the gavel to Mayor-Commissioner Pro Tem Nielsen to second the previous motion.*

*THIRD MOTION: Commissioner Chestnut moved and Commissioner Domenech seconded to direct the City Manager to negotiate and execute the contract with the proposer.*

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

**RECOMMENDATION** *The City Commission hear an update from the City Manager and take the action deemed appropriate.*

**Approved, as shown above**

## **GENERAL MANAGER FOR UTILITIES**

## **CITY ATTORNEY**

## **CITY AUDITOR**

## **COMMITTEE REPORTS (PULLED FROM CONSENT)**

## **REGIONAL UTILITIES COMMITTEE**

## **ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

## **OUTSIDE AGENCIES**

## **MEMBERS OF THE CITY COMMISSION**



**021203 Mayor Thomas Bussing - RFP (NB)**

*Gainesville Regional Utilities (GRU) Analyst Mark Spiller gave a presentation.*

**RECOMMENDATION** *The City Commission discuss the Controlled Hydrogen Fleet and Infrastructure Demonstration and Validation Project RFP.*

**Discussed**

**021205 Mayor Thomas Bussing - State Road 26 (NB)**

*Florida Department of Transportation (DOT) Representative Fred Wright and Joe Montalto gave presentations.*

*Chair Bussing recognized Citizen Randy Stout who spoke to the matter.*

*MOTION: Inform the MTPO that because of significant ambiguity regarding right-of-way takings on State Road 26 in the area of North South Drive and NW 23rd Street and because 100% design plans have not been finalized by the FDOT or approved by the MTPO; ask the MTPO to recommend that FDOT revise the right-of-way takings in that specific area.*

**RECOMMENDATION** *The City Commission discuss State Road 26.*

**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 and Warren Nielsen  
Nay: Chuck Chestnut and Tom Bussing

**COMMISSION COMMENTS (if time available)****RECESS - 5:02 PM****RECONVENE - 5:33 PM****CITIZEN COMMENT****Jerry Williamson**

*GPD Administration Issues - Letter from Mayor*

**Mark Dunmore, Sr.**

*GPD towing and impoundment complaint*

*City Manager Wayne Bowers made comments*

**Kali Blount**

*GPD Complaint - Citizens Review Board*

**Bruce DeLaney**

*State Road 26 - One Way Pairs - Support*

**Chuck Woods**

*State Road 26 - Endorse One-Way Pairs*

**Vanessa Anthony**

*Kennedy Homes - Complaint*

**Valerie Price**

*Kennedy Homes - Complaint*

**Evelyn Foxx**

*Kennedy Homes - Code Enforcement*

**Michael Bowie**

*Kennedy Homes Meeting*

**Bob Casey**

- 1. 5-7 Member Commission Planning*
- 2. Road Repair*

**WAIVER OF RULES**

*Commissioner Braddy moved and Commissioner Domenech seconded to waive the rules to continue Citizen Comment immediately after the Pledge of Allegiance.  
(VOTE: 5-0, MOTION CARRIED)*

**COMMISSION COMMENTS (if time available)**

**PLEDGE OF ALLEGIANCE (6:00pm)****Brownie Troop #315****PROCLAMATIONS/SPECIAL RECOGNITIONS****021182 National Public Works Week - May 18-24, 2003 (B)**

**RECOMMENDATION** *City of Gainesville Public Works Director Teresa Scott to accept the proclamation.*

**Heard**

**021183 National and Local Law Enforcement Week - May 11-17, 2003 (B)**

**RECOMMENDATION** *Fraternal Order of Police Gator Lodge 67 President Jeff McAdams to accept the proclamation.*

**Heard**

**021184 Memorial Day - Monday, May 26, 2003 (B)**

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

**Heard**

**021185 24th Annual Fifth Avenue Arts Festival - May 17-18, 2003 (B)**

**RECOMMENDATION** *Cultural Arts Coalition Director Nkwanda Jah to accept the proclamation.*

**Heard**

**021188 Tech Week - May 12-16, 2003 (B)**

**RECOMMENDATION** *Technology Enterprise Center of Gainesville/Alachua County Director Morris Windhorst II to accept the proclamation.*

**Heard**

**CITIZEN COMMENT - (Continued)**

**Nkwanda Jah**

1. *Fifth Avenue Arts Festival - Thank you for the Proclamation*
2. *Kennedy Homes Problems/Meeting*

**Travis Horn**

1. *Parking Garage*
2. *New Wal-Mart Facility*
3. *Oppose Gas Tax*
4. *City Police Force Proclamation - Thank you*

**Edward Earl Young**

1. *Fifth Avenue Arts Festival - Complaint*
2. *Code Enforcement Complaints*

**David Russ**

1. *Public School Concurrency Element*
2. *New Wal-Mart Opposition - Citizen Comment Issues*

**Edward L. Jennings, Sr.**

*City Commission Meetings - Staff Meals*

*The City Manager to get with the Clerk of the Commission to discuss this issue.*

**Kennedy Homes Issue**

*City Manager to bring back a report.*

*General Manager to send someone to check out fence enclosing electrical box.*

**TIME CERTAIN - 6:00PM****001117            WALNUT CREEK PLAT, PHASE I**

**Final Administrative Order in the Matter of Jerome Kelly, Agent for George E. Fletcher and Gloria W. Fletcher, Petitioners - Petition No. 142SUB-00PB, Phase I (Legistar No. 001117); and**

**A Resolution approving the final plat of "Walnut Creek, a Planned Development, Phase I", located in the vicinity of the south side of N.W. 39th Avenue between N.W. 25th Court and N.W. 27th Court; authorizing the Mayor and Clerk of the Commission to execute a Tri-Party Agreement for the**

construction of improvements; and providing an immediate effective date. (B)

**RECOMMENDATION** *The City Commission: 1) authorize the Mayor and Clerk of the Commission to execute the Final Order as prepared by the City Attorney; and 2) adopt the Resolution approving the final plat.*

**A motion was made by Commissioner Domenech, seconded by Commissioner Chestnut, that this matter be Adopted (Resolution) and Final Order approved. The motion carried by the following vote:**

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

## PUBLIC HEARINGS

### 021060 **Public Hearing for Request to Declare as Surplus Property Located at the Intersection of NW 15th Avenue and NW 38th Street (B)**

*City of Gainesville Public Works Director Teresa Scott gave a presentation.*

*Chair Bussing recognized Citizens Joe Little, Martha King, Gerry Coughlin, Dick Gerard, Andrew Lloyd and Mary Lynn Ford who spoke to the matter.*

*FIRST MOTION: Commissioner Domenech moved that lot 13 be declared as surplus and that lot 14 & 15 be landscaped and designated as a neighborhood park. (No second, MOTION FAILED)*

*SECOND MOTION (MAIN MOTION): Commissioner Nielsen moved and Commissioner Chestnut seconded that the City: 1) Retain ownership of the three lots (lots 13, 14 & 15) for City recreation; and 2) ask the City Manager to direct Parks Division staff to engage the neighbors to see if there's anything the City can do to enhance those lots for their performance as passive parks. (VOTE: 4-0, Commissioner Braddy - Absent, MOTION CARRIED)*

**RECOMMENDATION** *The City Commission: 1) hold a public hearing; and 2) take action deemed appropriate.*

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

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

## ORDINANCES, 1ST READING- ROLL CALL REQUIRED

### 021123 **2004 ELECTION DATES (B)**

**Ordinance No. 0-03-57**

**An ordinance of the City of Gainesville, Florida, setting March 9 as the date for the 2004 regular city election and March 30 as the date for the 2004 run-off election, if necessary; 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 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, Chuck Chestnut, Warren Nielsen and Tom Bussing  
Absent: Edward Braddy

021144

**OAK HAMMOCK AREA - URBAN SERVICES REPORT (B)****Ordinance No. 0-03-56**

**An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area generally west of SW 17th Terrace, north of SW 56th Avenue, east of Rocky Point Road, south of Williston Road and the City limits; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, as amended, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.**

*City of Gainesville Office of Management and Budget Director Becky Rountree gave a presentation.*

**REVISIONS:**

- 1. Page 7: Changed the title from "Housing" to "Building Inspection and Code Enforcement".*
- 2. Page 8: Moved from the bottom of Page 8 under "Transportation" to the top of Page 8 under "Street Lighting" the sentence: "The City agrees to install within 180 days of the effective date of the annexation and operate street lights on all City streets based upon current City standards".*
- 3. Page 9: Removed a sentence at the end of the first full paragraph on the page "starting with the subsequent date of the annexation".*
- 4. Under "Financial Impacts", second sentence: Changed the word "result" to "accrue".*

**RECOMMENDATION** *The City Commission adopt the proposed ordinance, as revised.*

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

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

**020588 UNIVERSITY HEIGHTS NEIGHBORHOOD - LAND USE CHANGE (B)**

**Ordinance No. 0-03-35, Petition 114LUC-02PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties within the City from "Office" to "Mixed Use Low Intensity (10-30 units per acre) and "Residential High Density (8-100 units per acre)"; in the area generally bounded on the North by West University Avenue, bounded on the South by S.W. 3rd Avenue, bounded on the East by S.W. 6th Street and bounded on the West by S.W. 10th Street, as more specifically described in the ordinance; 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 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

**021176 SW CONSERVATION AREA - LAND USE CHANGE (B)**

**Ordinance No. 0-03-49, Petition 130LUC-02PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Plan; by changing the land use categories of certain properties annexed into the City from the Alachua County land use categories of "LOW, Low Density Residential" and "CON, Conservation" to the City of Gainesville land use category of "Conservation", as more specifically shown on the maps attached to this ordinance; generally located West of I-75, South and East of SW 30th Avenue and north of the existing City Limits; providing a severability clause; providing a repealing clause; and providing an effective date.**

*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 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

021177

**BUCKRIDGE ANNEXATION - LAND USE CHANGE (B)****Ordinance No. 0-03-51, Petition 130LUC-02PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties annexed into the City from the Alachua County land use categories of "LOW, Low Density Residential", "INST, Institutional", "OFF, Office", and "COMM, Commercial" to the City of Gainesville land use categories of "Single Family (up to 8 units per acre)", "Office", and "Commercial"; as more specifically shown on the maps attached to this ordinance; generally located West of N.W. 43rd Street, North of N.W. 23rd Avenue, South of N.W. 29th Avenue and East of N.W. 49th Terrace; 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, Chuck Chestnut, Warren Nielsen and Tom Bussing  
Absent: Edward Braddy

021178

**BLUES CREEK ANNEXATION - LAND USE CHANGE (B)****Ordinance No. 0-03-47, Petition 130LUC-02PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties annexed into the City from the Alachua County land use categories of "LOW, Low Density Residential" and "CON, Conservation" to "Single Family (up to 8 units per acre)", as more specifically shown on the maps attached to this ordinance; generally located west of N.W. 43rd Street, south of the existing City limits, north of N.W. 69th Lane and NW 73rd Avenue and east of the existing City limits; providing a severability clause; providing a repealing clause; and providing an effective date.**

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

*Chair Bussing recognized Attorney David Russ who spoke to the matter.*

*ADDITIONAL MOTION: Commissioner Chestnut moved and Mayor-Commissioner*



*Pro Tem Nielsen seconded to direct staff to: 1) look into designating and preserving the legal designation of the Conservation Area and a way to protect it in land use; and 2) come back to the City Commission before the adoption hearing with a report. (VOTE: 4-0, Commissioner Braddy - Absent, MOTION CARRIED)*

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

**021179 IRONWOOD ANNEXATION - LAND USE CHANGE (B)**

**Ordinance No. 0-03-39, Petition 130LUC-02PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties annexed into the City from various Alachua County land use categories to various City of Gainesville land use categories, as more specifically shown on the maps attached to this ordinance; generally located North of N.E. 39th Avenue, South of N.E. 53rd Avenue, East of N.E. 15th Street, and West of Waldo Road; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Chair Bussing recognized Attorney David Russ who spoke to the matter.*

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

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

**021190 ARCHER ROAD ANNEXATION - LAND USE CHANGE (B)**

**Ordinance No. 0-03-43, Petition 130LUC-02PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties annexed into the City from various Alachua County land use categories to various City of Gainesville land use categories, as more specifically shown on the maps attached to this ordinance; located generally north of Williston Road, east of Interstate 75, and the vicinity of Archer Road and S.W. 23rd Street; 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 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**

### **020585 PLANNED DEVELOPMENT ZONING - WEST UNIVERSITY AVENUE LOFTS - QUASI-JUDICIAL (B)**

**Ordinance No. 0-03-15, Petition No. 108PDV-02PB**

**An Ordinance of the City of Gainesville, Florida; amending the Zoning Map Atlas and rezoning certain property within the City from "MU-1: 10-30 units/acre mixed use low intensity" to "Planned Development District"; located in the vicinity of 605 and 613 West University Avenue; commonly known as "West University Avenue Lofts"; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an immediate 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 Final Reading (Ordinance). The motion carried by the following vote:**

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

## **RESOLUTIONS- ROLL CALL REQUIRED**

### **021187 RESOLUTION ACCEPTING THE REPORTS OF THE BOARD OF CANVASSERS FOR THE CITY OF GAINESVILLE, FLORIDA, ELECTION HELD APRIL 29, 2003; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. (B)**

**RECOMMENDATION** *The City Commission adopt the proposed 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, Chuck Chestnut, Warren Nielsen and Tom Bussing  
Absent: Edward Braddy

**021067 Resolution for Granting a Temporary Easement Along SW 36th Street to FDOT (B)**

*City of Gainesville Public Works Director Teresa Scott gave a presentation.*

**RECOMMENDATION** *The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute a temporary easement to FDOT for a parcel located on SW 36th Street, between the south side of SR 26 and SR 26-A, for the purpose of tying in driveways and walkways along SW 36th Street.*

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

**021069 Resolution for Granting a Temporary Easement Along SR 26 (University Avenue) to FDOT (B)**

**RECOMMENDATION** *The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute temporary easement to FDOT for a parcel lying between SR 26 and SR 26-A and located on the south side of SR 26 for the purpose of tying in driveways and walkways along University Avenue.*

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

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

**021200 Resolution Amending Local Housing Assistance Plan - Fiscal Year 2002/03-2004/05 (B)**

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

**RECOMMENDATION** *The City Commission: 1) approve increasing the maximum sales price for the New Construction Program to \$120,000; 2) authorize the City Manager or his designee to amend the City of Gainesville Local Housing Assistance Plan for the SHIP Program to reflect the increased maximum sales price for the New Construction Program to \$120,000; 3) approve a Resolution approving the amended City of Gainesville Local*

*Housing Assistance Program for State fiscal years 2002-2003 through 2004-2005; 4) authorize the City Manager to execute the required documents and certifications; and 5) authorize submission of the amended plan for review and approval by the Florida Housing Finance Corporation; and providing an immediate effective date.*

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

**021202 Resolution Modifying Rules of the City Commission (B)**

*Chair Bussing recognized David Russ and Bob Casey who spoke to the matter.*

*MODIFICATIONS: 1) Page 1(Title): Remove "immediate" in front of "effective date" in the title; 2) Page 3 C: Emergency meetings may be held upon written Call signed by three (3) members of the Commission; and 3) Page 20 Line 3: After Robert's Rules of Order add "Newly Revised, 10th Edition".*

**RECOMMENDATION** *The City Commission adopt the resolution.*

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

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

**PLAN BOARD PETITIONS**

**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**Mayor Tom Bussing**

*City Attorney to come up with alternatives on ex parte' communications.*

**CITIZEN COMMENT**

**Bob Casey**

*Florida Flag in Auditorium*

**David Russ**

*Wal-Mart Matter - Public records issues*

**ADJOURNMENT - 9:14 PM**

---

Kurt M. Lannon, Clerk of the Commission