

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, January 13, 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****Father Jim Wright****CONSENT AGENDA**

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

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

- 1. File #020766 - Balanced Scorecard - Pull from the Consent Agenda and move to the Regular Agenda for discussion.*
- 2. File # 020533 - Underage Drinking in Nightclubs - Pull from the Consent Agenda and move to the Regular Agenda for discussion.*
- 3. File # 020735 - Citizens Advisory Committee for Community Development (CACCD APPOINTMENT) - Modified recommendation.*

**CITY MANAGER, CONSENT AGENDA ITEMS****020750 Revised Interlocal Agreement with Alachua County for New Programs (B)**

**RECOMMENDATION** *The City Commission: 1) approve the Interlocal Agreement with Alachua County for New Programs; and 2) authorize the City Manager or his designee to execute the agreement and any related documents for this program.*

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

**020751 Amend Contract and Increase Purchase Order for Moran Environmental, Inc. (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the City Manager to amend the contract with Moran Environmental, Inc., and execute all related documents for the emergency culvert removal project; and 2) increase the purchase order by \$37,971.61.*

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

**020752 First Extension to the Contract for Redi-Mix Concrete for FY 2003 (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the City Manager or designee to execute the First Extension to the Contract with Florida Rock Industries for Redi-Mix Concrete, extending the term of the contract from January 1, 2003 to December 31, 2003; and 2) accept the price increase of \$4.00 per cubic yard.*

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

**020753 Issue a Specified Source Purchase Order to Digital Recorders for Installation of Talking Bus System (NB)**

**RECOMMENDATION** *The City Commission: 1) approve designation of Digital Recorders as a sole source; and 2) authorize the issuance of a purchase order to Digital Recorders in the amount of \$123,500.*

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

**020754 US Fire Administration Grant for Critical Firefighter Safety - Personal Protective Equipment (NB)**

**RECOMMENDATION** *The City Commission authorize the City Manager to: 1) accept the Federal FIRE Grant award in the amount of \$193,503; 2) instruct staff to work with the County to draft an interlocal agreement for proportionate funding; and 3) approve the required payments process for expending the grant funds.*

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

**020755 Municipal Competitive Grant Application for Municipal Buildings Protection From Airborne Hazards (NB)**

**RECOMMENDATION** *The City Commission authorize the City Manager to: 1) apply to the Emergency Management Preparedness and Assistance Trust Fund Competitive Grant Program for \$50,000.00, and if awarded; 2) execute the grant agreement, pending review by the City Attorney as to form and legality.*

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

**020756      Emergency Power Retrofit of Critical Facilities/Fire Stations Grant Application (NB)**

**RECOMMENDATION**    *The City Commission authorize the City Manager to: 1) apply to the Emergency Management Preparedness and Assistance Trust Fund Competitive Grant Program for an amount not to exceed \$300,000, and if awarded; 2) execute the grant agreement, pending review by the City Attorney as to form and legality; and 3) approve payments for expending the grant funds.*

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

**020757      Youth Violence Prevention Grant Application (NB)**

**RECOMMENDATION**    *The City Commission authorize the City Manager to: 1) apply to the U. S. Department of Health and Human Services' Youth Violence Prevention Grant Program for up to \$300,000.00, and if awarded; 2) execute the grant agreement; and 3) approve the required payments process for expending the grant funds.*

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

**020758      Urban Forestry Tree Trimming Mitigation Grant Application (NB)**

**RECOMMENDATION**    *The City Commission authorize the City Manager to: 1) apply to the Emergency Management Preparedness and Assistance Trust Fund Competitive Grant Program in the amount of \$235,940, and if awarded; 2) execute the grant agreement, pending review by 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****020765      Change Order to Murphree Water Treatment Plant North Wellfield Expansion - Phase II (NB)**

**RECOMMENDATION**    *The City Commission authorize the General Manager, or his designee, to execute a change order to the purchase order with Diversified Drilling Corporation for an extension of the well pump and diesel engine equipment lease in an amount not to exceed \$23,400 (new not to exceed \$351,440).*

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

**020767 Gainesville Regional Utilities' Administration Building Lobby Renovation (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the General Manager or his designee to execute a contract with George Burns Enterprises, Inc., for the renovation of the Administration Building Lobby, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to George Burns Enterprises, Inc., in the amount of \$98,606.*

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

**020769 Issue Purchase Order - Gravity Sewer Rehabilitation 1200 Block to 1500 Block of NW 8th Avenue (B)**

**RECOMMENDATION** *The City Commission authorize the issuance of a purchase order to American Water Services Underground Infrastructure, Inc. for the rehabilitation of 377 linear feet of 8 inch and 767 linear feet of 10 inch gravity sewer main that contributes to the Hogtown Creek Sewer Interceptor System in an amount not to exceed \$52,000.00.*

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**020745 STEVE MALU VS. THE CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO. 01-02-CA-4744 (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 Steve Malu vs. the City of Gainesville; Alachua County Circuit Court; Case No.: 01-02-CA-4744.*

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

**020746 PROPOSED AMENDMENT TO CHAPTER 9 OF THE CODE OF ORDINANCES RELATED TO ELECTIONS (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to draft, and the Clerk of the Commission to advertise the proposed ordinance.*

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

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

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

### **PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT**

### **PUBLIC SAFETY COMMITTEE, CONSENT**

#### **020681      Legal Office Expenses from State Law Enforcement Contraband Forfeiture Trust Fund (NB)**

**RECOMMENDATION**    *The City Commission authorize the Gainesville Police Department to appropriate \$10,000 from the State Forfeiture Fund balance account (108-2710) into line item 108-810-H105-5210-3910.*

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

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

#### **020733      Resignation - City Beautification Board (B)**

**RECOMMENDATION**    *The City Commission accept the resignation of member James J. Argento from the City Beautification Board effective immediately.*

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

#### **020734      Appointment - Board of Adjustment (NB)**

**RECOMMENDATION**    *The City Commission reappoint Steven A. Reid to a term on the Board of Adjustment to expire November 1, 2005.  
Commissioner Ed Braddy - Steven A. Reid  
Commissioner Chuck Chestnut - Steven A. Reid  
Commissioner Tony Domenech - Steven A. Reid  
Mayor-Commissioner Pro Tem Warren Nielsen - Steven A. Reid  
Reid  
Mayor Tom Bussing - Readvertise*

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

**020735 Appointment - Citizens' Advisory Committee for Community Development (NB)**

**RECOMMENDATION** *The City Commission reappoint Kimberly L. Browne, Mary H. Freeman, Bonnie H. Mott and Royal W. Colbert to terms on the Citizens' Advisory Committee for Community Development to expire November 1, 2005.*  
*Commissioner Ed Braddy - Mary H. Freeman, Bonnie H. Mott and Readvertise*  
*Commissioner Chuck Chestnut - Kimberly L. Browne, Royal W. Colbert, Mary H. Freeman and Bonnie H. Mott*  
*Commissioner Tony Domenech - Kimberly L. Browne, Mary H. Freeman, Bonnie H. Mott and Readvertise*  
*Mayor-Commissioner Pro Tem Warren Nielsen - Kimberly L. Browne, Royal W. Colbert, Mary H. Freeman and Bonnie H. Mott*  
*Mayor Tom Bussing - Kimberly L. Browne, Royal W. Colbert, Mary H. Freeman and Bonnie H. Mott*

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

**020736 Appointment - City Beautification Board (NB)**

**RECOMMENDATION** *The City Commission reappoint Judith A. Davis and appoint Felix M. Berardo to terms on the City Beautification Board to expire November 1, 2005 and appoint Nancy R. Sever to a vacancy to expire November 1, 2004.*  
*Commissioner Ed Braddy - Donald W. Bailey, Judith A. Davis, Nancy R. Sever and Readvertise*  
*Commissioner Chuck Chestnut - Donald W. Bailey, Felix M. Berardo, Judith A. Davis and Nancy R. Sever*  
*Commissioner Tony Domenech - Felix M. Berardo, Judith A. Davis, Nancy R. Sever and Readvertise*  
*Mayor-Commissioner Pro Tem Warren Nielsen - Felix M. Berardo, Judith A. Davis and Nancy R. Sever*  
*Mayor Tom Bussing - Felix M. Berardo, Judith A. Davis, Nancy R. Sever and Readvertise*

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

**020738 Appointment - Development Review Board (NB)**

**RECOMMENDATION** *The City Commission reappoint Pat Polopolus and appoint Troy Wallace Finnegan to terms on the Development Review Board to expire November 1, 2005 and appoint James C. Higman and Joshua Wolf Shatkin to vacancies to expire November 1, 2004 and November 1, 2003 respectively.*  
*Commissioner Ed Braddy - Troy Wallace Finnegan, James C.*

*Higman, Pat Polopolus and Readvertise  
Commissioner Chuck Chestnut - Troy Wallace Finnegan,  
James C. Higman, Pat Polopolus and Joshua Wolf Shatkin  
Commissioner Tony Domenech - Troy Wallace Finnegan,  
James C. Higman, Pat Polopolus and Joshua Wolf Shatkin  
Mayor-Commissioner Pro Tem Warren Nielsen - Troy  
Wallace Finnegan, James C. Higman, Pat Polopolus and  
Joshua Wolf Shatkin  
Mayor Tom Bussing - Pat Polopolus, Joshua Wolf Shatkin and  
Readvertise*

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

**020739 Appointment - Fire Safety Board of Adjustment (NB)**

**RECOMMENDATION** *The City Commission appoint John A. Murdoch to a term on the Fire Safety Board of Adjustment to expire November 1, 2005.*

*Commissioner Ed Braddy - John A. Murdoch  
Commissioner Chuck Chestnut - John A. Murdoch  
Commissioner Tony Domenech - John A. Murdoch  
Mayor-Commissioner Pro Tem Warren Nielsen - John A.  
Murdoch  
Mayor Tom Bussing - John A. Murdoch*

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

**020740 Appointment - Gainesville Energy Advisory Committee (NB)**

**RECOMMENDATION** *The City Commission reappoint Donald W. Denniston to a term on the Gainesville Energy Advisory Committee to expire September 30, 2005.*

*Commissioner Ed Braddy - Donald W. Denniston  
Commissioner Chuck Chestnut - Donald W. Denniston  
Commissioner Tony Domenech - Donald W. Denniston  
Mayor-Commissioner Pro Tem Warren Nielsen - Donald W.  
Denniston  
Mayor Tom Bussing - Donald W. Denniston*

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

**020741 Appointment - Nature Centers Commission (NB)**

**RECOMMENDATION** *The City Commission reappoint Michael A. Campbell, John A. (Jack) Hughes and Charles W. Pedersen to terms on the Nature Centers Commission to expire November 1, 2005 and appoint John J. Confer and Margaret L. Smither-Kopperl to*



*vacancies to expire November 1, 2004 and November 1, 2003 respectively.*

*Commissioner Ed Braddy - Michael A. Campbell, John J. Confer, Charles W. Pedersen, Margaret L. Smither-Kopperl and Readvertise*

*Commissioner Chuck Chestnut - Michael A. Campbell, John J. Confer, John A. (Jack) Hughes, Charles W. Pedersen and Margaret L. Smither-Kopperl*

*Commissioner Tony Domenech - Michael A. Campbell, John J. Confer, John A. (Jack) Hughes, Charles W. Pedersen and Margaret L. Smither-Kopperl*

*Mayor-Commissioner Pro Tem Warren Nielsen - Michael A. Campbell, John J. Confer, John A. (Jack) Hughes, Charles W. Pedersen and Readvertise*

*Mayor Tom Bussing - Michael A. Campbell, John J. Confer, John A. (Jack) Hughes, Charles W. Pedersen and Margaret L. Smither-Kopperl*

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

**020742**

**Appointment - Water Management Committee (NB)**

**RECOMMENDATION** *The City Commission appoint Dian R. Deevey to a vacancy on the Water Management Committee to expire August, 2004.*

*Commissioner Ed Braddy - Mandy L. Parks*

*Commissioner Chuck Chestnut - Dian R. Deevey*

*Commissioner Tony Domenech - Dian R. Deevey*

*Mayor-Commissioner Pro Tem Warren Nielsen - Richard M. Fry*

*Mayor Tom Bussing - Dian R. Deevey*

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

**020759**

**Reappointment of Members to the East Gainesville SPROUT Project Task Force (NB)**

**RECOMMENDATION** *The City Commission approve the reappointment of members Stephen Boyes, Linda Crider, Phillis Filer, Brad Guy, Robert Hutchinson, Kinnon Thomas and Janie Williams to the East Gainesville SPROUT Project Task Force for two more years, expiring January 13, 2005.*

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

**020748**

**City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of December 9,*

*2002, 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, Chuck Chestnut, Warren Nielsen and Tom Bussing

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**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 # 020760 - CITY MANAGER CATEGORY -- Update on Cox Communications Franchise Process - Additional Back-up submitted - (Mark Goldstein's application).*
- 2. File # 020747 - RESOLUTION - Amendments to Airport Industrial Park Covenants - Additional back-up submitted.*
- 3. Commissioner Warren Nielsen - Clean Cities Initiative.*

## CLERK OF THE COMMISSION

### 020773 City Commission Retreat (NB)

*MOTION: The City Commission determined the starting time for the retreat to be 10:00 AM.*

**RECOMMENDATION** *The City Commission schedule a retreat for January 24, 2003, at the Ironwood Golf Course and determine a starting time.*

**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

## CITY MANAGER

### 020760 Update on Cox Communications Franchise Process (B)

*City of Gainesville Revenue Recovery Specialist Audrey Lewis gave a presentation.*

*MOTION: The City Commission appoint Dr. Mark Goldstein to the Connected Communities Task Force.*

**RECOMMENDATION** *The City Commission: 1) hear an update from staff regarding the proposed timeline for franchise renegotiations; 2) review the composition of the Connected Communities Task Force; and 3) make an appointment to the Task Force.*

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

**020761 National Pollutant Discharge Elimination System (NPDES) Update (NB)**

*City of Gainesville Public Works NPDES Program Coordinator Sally Adkins for the Gainesville Urban Area NPDES Partnership gave a presentation.*

**RECOMMENDATION** *The City Commission hear an update on the state of the NPDES Phase II program.*

**Heard**

**020762 Domestic Violence Grant Application (B)**

*City of Gainesville Police Captain Sadie Darnell gave a presentation.*

*Chair Bussing recognized Citizens Robert Plumb, Anneter Heard and Mary Anderson who spoke to the matter.*

**RECOMMENDATION** *The City Commission authorize the City Manager to: 1) apply to the Department of Justice, Office of Justice Programs for the grant in an amount up to \$500,000, and if awarded; 2) execute any grant documents, subject to approval by the City Attorney.*

**A motion was made by Commissioner Braddy, 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

## **GENERAL MANAGER FOR UTILITIES**

**020766 Change Order for William Hendricks for Balanced Scorecard Consulting Services (NB)**

*Chair Bussing recognized Citizen Anneter Heard who spoke to the matter.*

**RECOMMENDATION** *The City Commission approve a change order for additional expenditures to Dr. William Hendricks for Balanced Scorecard consulting services for a new not to exceed amount of \$45,000.*

**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

**CITY ATTORNEY****CITY AUDITOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****COMMUNITY DEVELOPMENT COMMITTEE****002607 Newspaper Racks (B)**

*Community Redevelopment Agency Manager Karen Slevin gave a presentation.*

*AMENDMENT: Recommendation 2: Strike the word "adopt" an ordinance and insert "direct the City Attorney and staff to work on an ordinance".*

*Chair Bussing recognized College Park/University Heights Redevelopment Advisory Board Member Arnall Downs who spoke to the matter.*

**RECOMMENDATION** *The Community Development Committee recommends to the City Commission: 1) the City Commission recommend to the CRA that the CRA purchase uniform-style newspaper racks for pilot locations; 2) the City Commission adopt an ordinance to require newspaper and periodical vendors that sell on rights-of-way and public spaces to use the uniform racks; 3) the ordinance not allow off-premises advertising; 4) direct staff to work out the exact recommendation for timing, management and costs and report back to the CRA; and 5) remove this item from the referral list.*

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

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

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****020533 Underage Drinking in Nightclubs (NB)**

*Chair Bussing recognized Citizen Debbie Martinez who spoke to the matter.*

**RECOMMENDATION** *The City Commission refer, as appropriate to staff or committees 1) zoning density with regard to the number of bars in one area of the city 2) Gainesville Police Department work with the Downtown Redevelopment Advisory Board in*

*dealing with crowd control and enforcement resources needed to effectively staff in downtown and, 3) remove this item from the Public Safety Committee pending referral list.*

**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

**020749 PROPOSED AMENDMENT TO CITY CHARTER RE: COMMISSION VOTING/NEW 7-MEMBER COMMISSION (NB)**

*City Attorney Marion Radson gave a presentation.*

*FIRST MOTION: Commissioner Domenech moved and Commissioner Chestnut seconded to approve the recommendation using the language in Alternative One. (NO VOTE)*

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

*SUBSTITUTE MOTION (MAIN MOTION): Commissioner Domenech moved and Commissioner Braddy seconded to approve the recommendation and use the Charter Review Committees' Alternative 3 with the following modifications: Change the word "should" to "shall"; the word "changed" to "amended"; and in two places change the words "approved" to "adopted".  
(VOTE: 5-0, MOTION CARRIED)*

**RECOMMENDATION** *If the City Commission decides to amend the City Charter, authorize the City Attorney to prepare, and the Clerk of the Commission to advertise, an ordinance amending the City charter subject to referendum election by the voters on Tuesday, April 8, 2003.*

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

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

**WAIVER OF RULES**

*Commissioner Domenech moved and Commissioner Chestnut seconded to waive the rules in order to hear File # 020778 - Supervisor of Elections item immediately after File # 020749.*

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

**OUTSIDE AGENCIES**

020778

**Supervisor of Elections (B)**

*Alachua County Supervisor of Elections Beverly Hill gave a presentation.*

*MOTION: 1) Call a special election regarding the wetlands initiative; 2) set the date for the election for Tuesday, April 8, 2003; and 3) authorize the City Attorney to draft a resolution and ballot language and bring back to the next City Commission Meeting (January 27, 2003).*

*Chair Bussing recognized Citizens Marilyn Walker, Francine Robinson, Sarah Poll and Mark Goldstein who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) discuss the letter from the Supervisor of Elections regarding a special election on the wetlands initiative; 2) set a date for the election, and if appropriate; 3) advise the City Attorney to draft and the Clerk of Commission to advertise an ordinance.*

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

*MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to direct the City Attorney to draft ballot language for a non-binding resolution regarding changing University Avenue from 4 lanes to 2 lanes.*

*This motion was ruled out of order.*

*SECOND MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to waive the rules for discussion to direct the City Attorney to prepare a non-binding referendum question for the ballot of the special election regarding reducing University Avenue from 4 lanes to 2 lanes.*

*This motion was withdrawn.*

*Chair Bussing recognized Marilyn Walker, Mark Goldstein, Officer Jeff McAdams, and Fire Lieutenant Jeff Lane who spoke to the matter.*

**MEMBERS OF THE CITY COMMISSION**

020714

**Commissioner Edward Braddy (NB)**

*Chair Bussing recognized Gainesville Housing Authority Director John Cherry.*

**RECOMMENDATION** *The City Commission hear an update from John Cherry, Executive Director, Gainesville Housing Authority.*

**Postponed**

**COMMISSION COMMENTS (if time available)**

**RECESS - 5:12 PM**

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

**RECONVENE - 5:39 PM**

**Monica Cooper**

- 1. Comp Plan Discussions*
- 2. Building Height Restrictions - DRB*

**Suzanne Schwertley**

*Recreational Vehicle parked in a residential neighborhood front yard.*

*See following item #020787.*

**020787      Recreational Vehicle Parking in Residential Neighborhoods (B)**

**RECOMMENDATION**    *The City Commission hear a presentation from Suzanne Schwertley and place the video tape she submitted on file.*

**Placed on File**

**Nina Postlethwaite**

*Comprehensive Plan, Development Review Board and Public Works Issues*

**Harold Saive**

- 1. Development Review Board Issue - Mid-Town - Height Restrictions*
- 2. Four-Way Stop at Hidden Lake Apartments entrance*

**Lorraine McCosker**

*Height Restrictions for Structures - (Mid-Town)*

**Kali Blount**

- 1. Mid-Town Project*
- 2. Public Housing*



**Curtis Cooper**

*Mid-Town Project*

**Rob Brinkman**

*Mid-Town Project*

**Robert Higman**

*Development Review Board Appointment - Thank you*

**Brad Guy**

*Mid-Town Project*

**Sarah Poll**

1. *Mid-Town Project - Development Review Board*
2. *Depot Park Project - should not tax gas customers for clean-up.*
3. *Notice of Meetings - MTPO*
4. *Elections - change 135 to 136 days for qualifying*
5. *RTS - Free Bus Passes for residents of new development - (Staff to report back)*

**Gabe Kaimowitz**

1. *Mid-Town Project*
2. *Charter Officer Selection - Public Records - See following item # 020788.*

**020788 Public Records Act Request - EO Charter Office (B)**

**RECOMMENDATION** *The City Commission hear a presentation from Gabe Kaimowitz and place back-up submitted on file.*

**Placed on File**

**COMMISSION COMMENTS (if time available)**

**PLEDGE OF ALLEGIANCE (6:00pm)**

**Junior Girl Scout Troop #1106**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**020770 Non-native Invasive Plant Awareness Week - January 26-February 1, 2003 (B)**

**RECOMMENDATION** *Trilogy School Teacher Quinn Wiggins and students to accept the proclamation.*

**Heard**

**020771 Arbor Day 2003 (B)**

**RECOMMENDATION** *City Beautification Board Chair Anita Spring and Arbor Day Chair Judy Davis, Four Seasons Garden Club Chair Nina Ring and Arbor Day Chair Reva Pachevsky, Palm Terrace Neighborhood Representative Dr. Tom Lau, Cedar Creek Tree Huggers Representative Joan Griffin, and City of Gainesville Parks Division Arborist Meg Niederhofer, Urban Forestry Inspector Earline Luhrman and Horticulturist Cerina Lamar to accept the proclamations.*

**Heard**

**PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****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.**

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

*REVISION: Add the sentence that "The School Board Representative shall be a non-voting member."*

*Chair Bussing recognized Citizen Sarah Poll 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 Braddy, that this matter be Adopted on First Reading, as revised (Ordinance). The motion carried by the following vote:**

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

020730

**URBAN SERVICES REPORT - SOUTHWEST 20TH AVENUE (B)****Ordinance No. 0-03-06**

**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 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; 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 Strategic Planner Heidi Lannon and Fire Chief Richard Williams gave presentations.*

*Chair Bussing recognized Citizen Sarah Poll, Metro Firefighters Union President Jeff Lane, Fraternal Order of Police Union President Jeff McAdams and Alachua County Commissioner Penny Wheat who spoke to the matter.*

*REVISIONS: To be added after the last Paragraph of Fire Services (Page 6): Gainesville Fire Rescue will become the authority having jurisdiction for fire inspections, fire education programs and fire investigations. The area to be annexed will result in an estimated 830 inspections and, 60 public education presentations, and 4 investigations. No additional personnel will be added to perform these functions. In addition on Page 8 in the first sentence change "fire codes" to "related codes".*

*SECOND MOTION: Commissioner Braddy moved to direct the City Manager to work with the County Manager to establish a transition phase before this annexation. (NO SECOND, MOTION FAILED)*

*Chair Bussing recognized Metro Firefighter Representative Scott Taylor and OMB Director Becky Rountree who spoke to the matter.*

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

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

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

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**ORDINANCES 2ND READING- ROLL CALL REQUIRED****020680           FOURTH BUDGET AMENDMENT - FY 2001-2002 (B)****ORDINANCE NO. 0-03-03**

**An ordinance of the City Commission of the City of Gainesville, Florida; Relating to its General Government Budget for the Fiscal Year Beginning October 1, 2001 and Ending September 30, 2002; Amending Ordinance No. 001784 As Amended by Ordinance Nos. 002404, 020011, and 020345 by Making Certain Adjustments to the General Financial and Operating Plan Budget; and Providing an Immediate Effective Date.**

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

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

**RESOLUTIONS- ROLL CALL REQUIRED****020747           RESOLUTION APPROVING AMENDMENT TO AIRPORT INDUSTRIAL PARK COVENANTS (B)**

**A Resolution of the City Commission of the City of Gainesville, Florida, amending Resolution No. 961032 that adopted the Amended Declaration of Protective Covenants and Restrictions for the Airport Industrial Park: Units 1 and II, located in the City of Gainesville, Alachua County, Florida; providing directions to the Clerk; and providing an immediate effective date.**

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

**020763           Resolution for State Highway System Lighting, Maintenance, and Compensation Agreement (B)**

**RECOMMENDATION**    *The City Commission approve the Resolution authorizing execution of the State Highway System Lighting, Maintenance, and Compensation Agreement with the Florida*

*Department of Transportation.*

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

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

**PLAN BOARD PETITIONS**

**020586**      **Petition 110PDA-02 PB. Brown and Cullen, Inc., agent for Gainesville Hillel, Inc. Request for an amendment to the Hillel Jewish Student Center PD, Ordinance No. 991266, for an extension of time. Located at 2026 and 2038 West University Avenue. (B)**

*City of Gainesville Planning Manager Ralph Hilliard and Agent for the Petitioner Stuart Cullen gave a presentation.*

**RECOMMENDATION**      *City Plan Board to City Commission - The City Commission approve Petition 110PDA-02 PB. Plan Board vote 4-0*

*Staff to Plan Board - Approve*

**A motion was made by Commissioner Chestnut, seconded by Commissioner Braddy, that this matter be Approved (Petition). The motion carried by the following vote:**

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

**020583**      **Petition 105WSU-02CC. Brown & Cullen, Inc., agent for Painter Masonry, Inc. A special use permit for wellfield protection with associated development plan review for construction of a concrete batch plant. Zoned: I-2 (general industrial district). Located in the 800 block of Northwest 53rd Avenue, north side. (B)**

*City of Gainesville Planner Bedez Massey, Agent for the Petitioner Stuart Cullen and Planning Manager Ralph Hilliard gave presentations.*

**ADDITIONAL MODIFICATION:** *Add condition that the light on the silo only be used occasionally.*

**AMENDMENT:** *Commissioner Domenech moved and Commissioner Braddy seconded to amend the recommendation to remove the reference to hours of operation from the ordinance.*

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

*Chair Bussing recognized Rinker Engineering Director Don Beers and Citizen Sarah Poll who spoke to the matter.*

**RECOMMENDATION**      *City Plan Board to City Commission - The City Commission*

*approve Petition 105WSU-02 PB, with staff conditions as modified. Plan Board vote 4-0.*

*Staff to Plan Board - The petition is approvable with staff conditions.*

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

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

**020584**

**Petition 107LUC-02 PB. Causseaux & Ellington, Inc., agent for City of Gainesville CRA (Community Redevelopment Agency). Amend the City of Gainesville Future Land Use Map from MUL (mixed-use low intensity, 8-30 units per acre) to PUD (planned unit district) to allow retail/commercial, eating places, office, non-profit organizations and residential with a density of up to 50 units/acre. Located at 605 and 613 West University Avenue. Related to Petition 108PDV-02PB. (B)**

*City of Gainesville Planner Gene Francis Agent for the City of Gainesville CRA Rory Causseaux and LB Jax Developer Chris Brown gave presentations.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 107LUC-02 PB. Plan Board vote 3-1.*

*Staff to Plan Board - Approve, with conditions*

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

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

**020585**

**Petition 108PDV- 02 PB. Causseaux and Ellington, Inc., agent for City of Gainesville CRA. Rezone property from MU-1 (mixed-use low intensity, 8-30 du/acre) to PD (planned development district) to allow retail/ commercial, eating places, office, and non-profit organizations and residential with a density of up to 50 units/acre and with associated Planned Development Report and Development Layout Plan for construction of West University Avenue Lofts mixed-use development. Located at 605 and 613 West University Avenue. Related to Petition 107LUC-02PB. (B)**

*City of Gainesville Planner Gene Francis, Agent for the City of Gainesville CRA Rory Causseaux and LB Jax Developer Chris Brown gave presentations.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 108PDV-02 PB. Plan Board vote 3-1*

*Staff to Plan Board - Approve the proposed Planned*

*Development rezoning with associated development layout plan, Petition 108PDV- 02 PB, with staff conditions.*

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

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

**020581**

**Petition 97TCH-02 PB. Amend the City of Gainesville Land Development Code to create a Special Area Plan and Overlay District for Southwest 13th Street. This plan implements special design standards relating to building placement and orientation, the location of parking areas, building height, buffers, signs, trash and recycling receptacles, loading docks, the location of mechanical equipment, sidewalks, landscaping, building materials, and other design elements. Additionally, the plan prohibits the following uses within the corridor: Adult and sexually oriented establishments, bus stations, tattoo parlors, pawnshops, halfway houses, rehabilitation centers, social service centers, recreational vehicle parks/camp sites, car washes, outdoor storage as a principal use, parking lots as a principal use (other than structured parking), outdoor display of automobile/motorized vehicles for sale or rental except for automobile rentals associated with hotels or motels, and crematories. (B)**

*City of Gainesville Neighborhood Planning Coordinator John Wachtel and Community Development Director Tom Saunders gave presentations.*

*Chair Bussing recognized Alachua County Commissioner Penny Wheat who spoke to the matter.*

*AMENDMENT: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Domenech seconded to approve the recommendation to include Commissioner Wheat's suggestions for changes and that staff bring back the changes at First Reading.*

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

*WAIVER OF RULES: Commissioner Domenech moved and Commissioner Braddy moved to waive the rules to extend the time of the meeting until 12:00 midnight.*

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

*Chair Bussing recognized Citizens Sarah Poll and Breck Weingart who spoke to the matter.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 97TCH-02 PB. Plan Board vote 4-0*

*Staff to Plan Board - Approve*

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

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

002469

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

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

*MOTION: Commissioner Nielsen moved to approve the petition.*

*Chair Bussing passed the gavel to Commissioner Chestnut in order to second the motion.*

*WAIVER OF RULES: Commissioner Domenech moved and Mayor Bussing seconded to waive the rules to extend the meeting until 12:15 AM.*

*Chair Pro Tem Chestnut recognized Breck Weingart, Robert Brinkman, Stuart Cullen, Sarah Poll and Anneter Heard who spoke to the matter.*

*WAIVER OF RULES: Commissioner Domenech moved and Commissioner Chestnut seconded to waive the rules to extend the meeting until 12:30 AM.  
(VOTE: 5-0, MOTION CARRIED)*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 21TCH-02 PB with four (4) amendments: 1) amend the language concerning multi-family parcels of two or more acres, such that the two-story height limit applies to multi-family buildings within 100 feet of the abutting single-family designated properties, regardless of acreage size; 2) remove the prohibition on second-story balconies/porches overlooking single-family residential designated properties (Section 30-56(j)(8)); 3) change the language in Sec. 30-56(j)(9) to allow six dwelling units rather than four; and 4) add language to Section 30-56 (j)(4) to allow the appropriate reviewing board to substitute an increased vegetative buffer and tree requirement for the required masonry wall. Plan Board vote 4-1*

*Staff to Plan Board - Approve*

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

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



002562

**Petition 31TCH-02 PB. Amend the Land Development Code to add special review criteria for certain industrial uses to be allowed by Special Use Permit. (B)**

*City of Gainesville Planning Manager Ralph Hilliard and Director of the University of Florida Treeo Center Professor William Engle, Jr., gave presentations.*

**RECOMMENDATION** *Staff recommends the City Commission approve the City Plan Board's recommendation without adding the ISO series environmental management guideline to the submittal requirements.*

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

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

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)**

**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 Mayor-Commissioner Pro Tem Nielsen, seconded by Commissioner Braddy, that this matter be Continued (Petition) for January 27, 2003. The motion carried by the following vote:**

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

## DEVELOPMENT REVIEW BOARD PETITIONS

## SCHEDULED EVENING AGENDA ITEMS

## UNFINISHED BUSINESS

020777

**Alachua County Commission (B)**

*MOTION (MAIN MOTION): Commissioner Nielsen moved and Commissioner Domenech seconded to authorize the Mayor to draft a letter informing the County Commission that the City Commission is interested in an interlocal agreement that*

*includes forming a joint committee (City and County) to create a framework for discussions toward combining emergency services.*

*Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Domenech seconded to table the previous motion:  
(VOTE: 4-1, Mayor Bussing - No)*

*NOTE: This was an afternoon item and was tabled earlier in the meeting.*

*Mayor Commissioner Pro Tem Nielsen moved and Commissioner Domenech seconded to take the item from the table.  
(VOTE: 5-0, MOTION CARRIED)*

*MAIN MOTION: VOTE: 5-0, MOTION CARRIED*

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

**RECOMMENDATION** *The City Commission discuss the request from the Alachua County Commission regarding Combined Emergency Services.*

**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

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

*MOTION: Mayor-Commissioner Pro Tem Nielsen moved to direct the Clerk of the Commission to schedule a Special City Commission Meeting for the General Manager for Utilities annual review (2 hours).  
(VOTE: 4-1, Mayor Bussing - No, MOTION CARRIED)*

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

**Approved, as shown above**

**020772 Commissioner Warren Nielsen (B)**

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

**No Action Taken**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

**ADJOURNMENT - 12:30 PM**

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Kurt M. Lannon, Clerk of the Commission