

City of Gainesville

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



Meeting Minutes

Monday, August 26, 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

Captain Debby Hudson, Salvation Army

CONSENT AGENDA

Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Chestnut seconded to adopt the Consent Agenda with the following modifications:

- 1. File #020308 - Pension Review Committee Appointment - Pulled from Consent.*
- 2. File #020340 - Lighting for Korean-Vietnam Veterans Memorial - Pulled from Consent.*
- 3. File # 020298 - Amendment to the Anglin Cavallino Contract for Northwest 17th Street Streetscape Project - Pulled from Consent.*
- 4. File # 020314 - City Commission Meeting Minutes - August 12, 2002 - Pulled from agenda to address the votes of File #'s 020271 and 020272.*
- 5. File # 020314 - City Commission Meeting Minutes - August 7, 2002 - Scrivener's Error - Change 12:45 PM and 1:00 PM to 12:45 AM and 1:00 AM on page 5 and 6 of the minutes.*

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

CITY MANAGER, CONSENT AGENDA ITEMS**020315 Extend Contract for House Demolition and Clean Up Services (B)**

RECOMMENDATION *The City Commission: 1) approve the one-year contract extension for house demolitions to Florida Concrete Recycling, and 2) authorize the City Manager or his designee to execute the contract.*

This Matter was Approved as Recommended on the Consent Agenda.

020316 Competitive Bid Waiver Request for the Wireless Inspection Project (B)

RECOMMENDATION *The City Commission: 1) waive the competitive bid process for the Building Inspection Department's Wireless Inspection Project; and 2) authorize the Building Official to negotiate a contract with Municipal Software Solutions, Inc. and Inline Computing Corporation, not to exceed \$50,000, subject to the approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

020317 Award of Bid: Replacement of Public Works Buildings "D" & "E" Roofs (B)

RECOMMENDATION *The City Commission: 1) approve the issuance of a Purchase Order to Scherer Construction & Engineering of North Florida, LLC in an amount of \$80,400; and 2) allow for a 10 percent contingency, which will bring the total approved funds up to an amount not to exceed \$88,000.*

This Matter was Approved as Recommended on the Consent Agenda.

020318 Increase Purchase Order to Boone Waste Management (NB)

RECOMMENDATION *The City Commission authorize increasing the purchase order to Boone Waste Management by \$275,000.*

This Matter was Approved as Recommended on the Consent Agenda.

020319 Florida Recreation Development Assistance Program Grant Application for Depot Park (NB)

RECOMMENDATION *The City Commission: 1) approve the grant application to the State of Florida, Department of Environmental Protection Florida Recreation Development Assistance Program; 2) authorize the City Manager to execute the application; and 3) authorize the City Manager to execute the grant agreement and other related documents, if awarded.*

This Matter was Approved as Recommended on the Consent Agenda.

020320 Request to Declare Property as Surplus - 2219 East University Avenue (B)

RECOMMENDATION *The City Commission: 1) declare Tax Parcel No. 11249-1, located at 2219 East University Avenue, as surplus; 2) authorize the City Manager to advertise and dispose of said property by established City procedure; and 3) authorize staff to negotiate a Purchase and Sale Agreement with the*

successful bidder based on the bid considered to be in the best interest of the City.

This Matter was Approved as Recommended on the Consent Agenda.

020321 Mutual Aid Agreement Between the City of Gainesville Police Department and Sarasota Sheriff's Office (B)

RECOMMENDATION *The City Commission authorize the City Manager to execute the mutual aid agreement for operational assistance between the City of Gainesville Police Department and the Sarasota Sheriff's Office subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

020325 Rental Rehabilitation Grant to Community Housing Partners for Kennedy Homes (NB)

RECOMMENDATION *The City Commission approve the award of a \$150,000 Rental Rehabilitation grant to Community Housing Partners and authorize the Housing Division to use the standard Rental Rehabilitation Program grant documents to consummate the grant awards.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

020327 Extended Crystal River Unit 3 Outage Claims Settlement (B)

RECOMMENDATION *The City Commission authorize the General Manager or His Designee to Execute a Settlement Agreement and Mutual Release with Florida Power Corporation substantially in the form as attached to resolve all claims arising from an extended outage of the Crystal River Unit 3 electric generating plant.*

This Matter was Approved as Recommended on the Consent Agenda.

020328 Declare Scrap Metals Surplus and Authorize Contract for the Sale of Scrap Metals (B)

RECOMMENDATION *The City Commission: 1) declare scrap materials to become available in the categories listed for a three (3) year period as*

surplus; and 2) authorize the General Manager, or his designee, to execute a contract with Harris Recycling Group, LLC. , subject to the approval of the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

020329 Purchase Order for one each 40', 50' & 65' Aerial Devices (B)

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Telelect East for the purchase of one each of 40', 50' & 65' aerial devices in the amount not to exceed \$170,213.00.*

This Matter was Approved as Recommended on the Consent Agenda.

020330 The Energy Authority, Inc. - Restated and Amended Operating Agreement dated September 1, 2002 (NB)

RECOMMENDATION *The City Commission: 1) authorize the General Manager to execute the Restated And Amended Operating Agreement dated as of September 1, 2002, by and among The Energy Authority, Inc., South Carolina Public Service Authority, JEA, Municipal Electric Authority of Georgia, Nebraska Public Power District, City Utilities of Springfield, Missouri and the City of Gainesville, d/b/a Gainesville Regional Utilities (Operating Agreement) substantially in the form as that certain Operating Agreement on file in the Office of the Clerk, and subject to the approval of the City Attorney as to form and legality; and 2) authorize the General Manager to execute such other documents and take such actions as may be required to comply with the terms and conditions of said Operating Agreement.*

This Matter was Approved as Recommended on the Consent Agenda.

020331 Legal Challenge of Taxes Assessed Upon Assets of Municipal Utility (NB)

RECOMMENDATION *The City Commission authorize the City Attorney to file an action in the Circuit Court, Alachua County, for a) a judgment declaring that non-leased portions of GRU communications towers, as well as the fiber optics system and GRU.Net assets are exempt under law from ad valorem taxation; b) the refund of such ad valorem taxes paid upon said assets up to the date of said order; and c) such other judicial relief as may be necessary to achieve the purpose of this authorization.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

**020324 PATRICIA SYKES MASSIMILLO VS. THE CITY OF GAINESVILLE (RTS);
ALACHUA COUNTY COURT; CASE NO.: 01-02-SC-3593 (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 Patricia Sykes Massimillo vs. the City of Gainesville (RTS); Alachua County Court; Case No.: 01-02-SC-3593.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

020195 Temporary Employees Performing Electrical Work (NB)

RECOMMENDATION *Community Development Committee to City Commission-The City Commission remove this item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

020288 Resignation - Gainesville/Alachua County Cultural Affairs Board (B)

RECOMMENDATION *The City Commission accept the resignation of member Richard A. Jeter from the Gainesville/Alachua County Cultural Affairs Board effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

020282 Resignation - Pension Review Committee (B)

RECOMMENDATION *The City Commission accept the resignation of member William L. Donigan from the Pension Review Committee effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

020283 Resignation - Public Recreation Board (B)

RECOMMENDATION *The City Commission accept the resignation of member Robert D. Klingler from the Public Recreation Board effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

020303 Appointment - Citizens' Advisory Committee for Community Development (NB)

RECOMMENDATION *The City Commission appoint Anneter Heard to a vacancy on the Citizens' Advisory Committee for Community Development to expire November 1, 2003.
Commissioner Ed Braddy - Anneter Heard
Commissioner Chuck Chestnut - Anneter Heard
Commissioner Tony Domenech - Anneter Heard
Mayor-Commissioner Pro Tem Warren Nielsen - Anneter Heard
Mayor Tom Bussing - Anneter Heard*

This Matter was Approved as Recommended on the Consent Agenda.

020304 Appointment - Gainesville/Alachua County Cultural Affairs Board (NB)

RECOMMENDATION *The City Commission appoint Feryle Wright to a vacancy on the Gainesville/Alachua County Cultural Affairs Board to expire September 30, 2003.
Commissioner Ed Braddy - Feryle Wright
Commissioner Chuck Chestnut - Feryle Wright
Commissioner Tony Domenech - Feryle Wright
Mayor-Commissioner Pro Tem Warren Nielsen - Feryle Wright
Mayor Tom Bussing - Stubana "Bana" Bradfield*

This Matter was Approved as Recommended on the Consent Agenda.

020305 Gainesville/Alachua County Regional Airport Authority (NB)

RECOMMENDATION *The City Commission appoint Charlton B. Daniel, Jr. to a term on the Gainesville/Alachua County Regional Airport Authority to expire July 31, 2005.
Commissioner Ed Braddy - Charlton B. Daniel, Jr.
Commissioner Chuck Chestnut - Charlton B. Daniel, Jr.
Commissioner Tony Domenech - Charlton B. Daniel, Jr.
Mayor-Commissioner Pro Tem Warren Nielsen - Charlton B.*

*Daniel, Jr.
Mayor Tom Bussing - W.E. McEachern*

This Matter was Approved as Recommended on the Consent Agenda.

020306 Gainesville Code Enforcement Board (NB)

RECOMMENDATION *The City Commission reappoint Marty R. Eskridge and appoint Willie Ausgood and Vivian Filer to terms on the Gainesville Code Enforcement Board to expire August 1, 2005.
Commissioner Ed Braddy - Willie Ausgood, Marty R. Eskridge and Anneter Heard
Commissioner Chuck Chestnut - Willie Ausgood, Marty R. Eskridge and Vivian Filer
Commissioner Tony Domenech - Marty R. Eskridge, Vivian Filer and David E. Martin
Mayor-Commissioner Pro Tem Warren Nielsen - Willie Ausgood, Vivian Filer and David E. Martin
Mayor Tom Bussing - Willie Ausgood, Vivian Filer and Anneter Heard*

This Matter was Approved as Recommended on the Consent Agenda.

020307 Appointment - Gainesville Enterprise Zone Development Agency (NB)

RECOMMENDATION *The City Commission reappoint James L. Garrett, Sr. to a term on the Gainesville Enterprise Zone Development Agency to expire March 31, 2005 and appoint Jerry M. Painter to a vacancy to expire March 31, 2004.
Commissioner Ed Braddy - James L. Garrett, Sr. and Jerry M. Painter
Commissioner Chuck Chestnut - James L. Garrett, Sr. and Jerry M. Painter
Commissioner Tony Domenech - James L. Garrett, Sr. and Jerry M. Painter
Mayor-Commissioner Pro Tem Warren Nielsen - James L. Garrett, Sr. and Jerry M. Painter
Mayor Tom Bussing - James L. Garrett, Sr. and Readvertise*

This Matter was Approved as Recommended on the Consent Agenda.

020309 Appointment - Water Management Committee (NB)

RECOMMENDATION *The City Commission appoint Jeffrey N. King to a vacancy on the Water Management Committee to expire August, 2003.
Commissioner Ed Braddy - Jeffrey N. King*

*Commissioner Chuck Chestnut - Jeffrey N. King
Commissioner Tony Domenech - Jeffrey N. King
Mayor-Commissioner Pro Tem Warren Nielsen - Jeffrey N. King
King
Mayor Tom Bussing - Jeffrey N. King*

This Matter was Approved as Recommended on the Consent Agenda.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

020297 Request for Additional Construction Staging Area (B)

RECOMMENDATION *CRA to the City Commission - Request that the City Commission allow the Gainesville Commerce Center Limited Partnership to use parcel number 14714 and the remainder of Parcel 14714-1 for construction staging as part of the Regents Park project.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

ADOPTION OF THE REGULAR AGENDA

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

- 1. File # 002149 - Southwest 13th Street Special Area Plan - Interim Status Report - Additional language added to the recommendation; "and authorize the City Attorney to draft and the Clerk of the Commission to advertise".*
- 2. File # 002390 - Sorrento Planned Development - Additional Language added to Ordinance Page 5 Line 18 - "Construction truck access shall be restricted to the Northwest 53rd Avenue entrance for all phases of the development".*

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

WAIVER OF RULES

Commissioner Chestnut moved and Commissioner Domenech seconded to waive the rules and insert item 020298 under City Manager, after the Clerk of the Commission item - File # 020333 "Special City Commission Meetings".

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

CLERK OF THE COMMISSION

020314 City Commission Minutes (B)

NOTE: This action was taken on the Consent Agenda.

MODIFICATIONS:

- 1. File # 020314 - City Commission Meeting Minutes - August 12, 2002 - Pulled from the agenda to address the votes of File #'s 020271 and 020272.*
- 2. File # 020314 - City Commission Meeting Minutes - August 7, 2002 - Scrivener's Error - Change 12:45 PM and 1:00 PM to 12:45 AM and 1:00 AM on page 5 and 6 of the minutes.*

RECOMMENDATION *The City Commission approve the minutes of the Special Meetings of July 15 (Budget - 2 Sets), July 16 (Budget), July 16 (Joint City/County), July 17 (Budget), July 18 (Budget), July 23 (Walnut Creek), August 7 (Charter Review Committee), August 7 (Walnut Creek), and August 12, 2002 Regular City Commission Meeting (10 sets total), as circulated.*

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

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

020333 Special City Commission Meetings (B)

MOTION: Approve the recommendation with the September 12, - 5:00-8:00 PM "Rules of the City Commission" meeting being held in Room 16.

RECOMMENDATION *The City Commission schedule special meetings as follows:*

August 29 - 3:30-5:00pm - City Hall Auditorium - GRU Budget

September 12 - 5:00-8:00pm - Auditorium/Room 16 - Rules of the City Commission

November 18 - 6:00-9:00pm - Auditorium - Disability Retirement Hearing

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

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

CITY MANAGER

020298 Amendment to the Anglin Cavallino Contract for Northwest 17th Street Streetscape Project (NB)

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

Chair Bussing recognized Swamp Restaurant owner Ron Deflippo and Everyday Gourmet Restaurant Owner Lori Hall who spoke to the matter.

REFERRAL: See following item #020341 Referral to the City Manager.

RECOMMENDATION *CRA to the City Commission: Authorize the City Manager to approve a modification to the existing Northwest 17th Street Streetscape construction contract between the City of Gainesville and Anglin Cavallino Construction to include the fabrication of 22 tree wells and increase the subject purchase order by \$25,000, to the amended amount of \$416,700.*

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

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

020341 Northwest 17th Street Streetscape Project Referral (NB)

RECOMMENDATION *Direct the City Manager to report back to the City Commission: 1) The history and the mistakes made by the City or the contractor with regard to this project and the compensation for these mistakes; 2) come back with a time line for completion, including stages for this project after discussion with staff; and 3) bring back to the next City Commission Meeting.*

A motion was made by Mayor-Commissioner Pro Tem Nielsen, seconded by Commissioner Chestnut, that this matter be Referred to the City Manager, due back on September 9, 2002. The motion carried by the following vote:

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

001712 Rental Rehabilitation Grant to Community Housing Partners for Sunset Apartments (NB)

City of Gainesville Community Development Director Tom Saunders, Housing Finance Coordinator Andra Davis and Community Housing Partners Representative Fran James gave presentations.

RECOMMENDATION *The City Commission: 1) authorize the issuance of a purchase order to the Community Housing Partners, in an amount not to exceed \$112,000; and 2) authorize the City Manager or designee to execute a funding commitment in the amount of \$112,000 to be used as back-up for the issuance of the purchase order.*

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

002149 Southwest 13th Street Special Area Plan - Interim Status Report. (NB)

City of Gainesville Community Development Director Tom Saunders and Chief of Comprehensive Planning Dean Mimms gave presentations.

Chair Bussing recognized Citizens Susan Carter and Mac McEachern who spoke to the matter.

MODIFICATION: Add "and authorize the City Attorney to draft and the Clerk of the Commission to advertise", to the recommendation.

RECOMMENDATION *The City Commission hear a brief presentation from staff and authorize the City Attorney to extend the moratorium to February 24, 2003; and authorize the City Attorney to draft and the Clerk of the Commission to advertise this ordinance.*

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

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

020323 Roadway Pavement Management Program (B)

RECOMMENDATION *The City Commission approve the Resurfacing Nominations List as recommended.*

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

020332 Amendment to Airport Industrial Park Covenants and Sale of Lot 7B (B)

Vice President for the Gainesville Council for Economic Outreach Marco Oliveri and City of Gainesville Land Rights Coordinator Sam Bridges gave presentations.

Chair Bussing recognized GAACRA Member Mac McEachern and Citizen Mark Goldstein who spoke to the matter.

NOTE: The City Manager amended his recommendation to change "Option Agreement" to "First Right of Refusal".

RECOMMENDATION *The City Commission: 1) approve amending the Airport Protective Covenants and Restrictions for the Airport Industrial Park: Unit I and Unit II that was approved and recorded in Alachua County Public Records, Book 2107, Page 2049, on April 16, 1997, to allow subdivision of lots and sale less than three acres; 2) authorize the City Attorney to prepare an Amendment to the Declaration of Protective Covenants and Restrictions for the Airport Industrial Park; and 3) authorize the City Manager or designee to prepare and execute a Contract for the Purchase and Sale and First Right*

of Refusal of Lot 7B by Crestwood of Florida, LLC.

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

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

GENERAL MANAGER FOR UTILITIES

020340 Lighting for Korean-Vietnam Veterans Memorial (NB)

RECOMMENDATION *The City Commission: 1) approve funding in an amount not-to-exceed \$2,200 from City Commission Contingency to pay for the installation of surface mounted lighting at the memorial site, and 2) authorize monthly utility services charges to be paid for from the City's Street Lighting Fund within the Public Works Department.*

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 ATTORNEY

CITY AUDITOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

COMMUNITY DEVELOPMENT COMMITTEE

002006 University Heights Special Area Plan (B)

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

Chair Bussing recognized University of Florida Foundation Shands/AGH Representative Bruce DeLaney who gave a presentation.

AMENDMENT: Include Southwest corner of SW 6th Street and SW 2nd Avenue in the zoning change from MD to MU-1.

RECOMMENDATION *The City Commission: 1) hear a presentation from staff; 2) provide direction on initiating a land use and zoning petition; and 3) remove this item from 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
Absent: Edward Braddy

PUBLIC SAFETY COMMITTEE

*File # 002382 Extension of Boundaries for Alcohol Consumption During Events
Downtown - Continued to after Citizen Comment.*

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 5:16 PM

RECONVENE - 5:39 PM

CITIZEN COMMENT (5:30pm)

Vincent Mallet

Drunk Driving

Gabe Kaimowitz

Equal Opportunity Charter Officer

COMMISSION COMMENTS (if time available)

PUBLIC SAFETY COMMITTEE (Continued)

002382

Extension of Boundaries for Alcohol Consumption During Events Downtown (B)

City of Gainesville Police Chief Norm Botsford, Captain Ray Weaver and Cultural Affairs Grants Specialist Margery Maines gave presentations.

RECESS: 4:11 PM

RECONVENE: 4:13 PM

Chair Bussing recognized Citizens Debbie Martinez, Shands at AGH Director of Emergency Services Dr. Matthew Shannon, Dr. Bob Casey, PIPSA Representative Cindy Grant, Reverend Tim Keyes, Mark Goldstein, UF Representative Tavis Glassman, Kinnon Thomas, Jack Hughes, Vincent Mallet, Frances Keyes, D. Stephen Moss, Sarah Poll, Harold Saive, Mac McEachern, GDOT President Mark Sexton, Rick Cain, Sarah Cain and Mary Anderson who spoke to the matter.

*NOTE: Commissioner Chestnut moved and Commissioner Domenech seconded to waive the rules to continue this item to a time certain after Citizen Comment.
(VOTE: 4-0, Commissioner Braddy - Absent - MOTION CARRIED)*

*MAIN MOTION: Extend the boundaries for alcohol consumption during events downtown (six events per year).
(VOTE: 3-1, Mayor Bussing - No, Commissioner Braddy - Absent - MOTION CARRIED)*

*SECOND MOTION: Commissioner Chestnut moved and Commissioner Domenech seconded to authorize the City Attorney to draft and the Clerk of the Commission to advertise the appropriate ordinance.
(VOTE: 3-1, Mayor Bussing voted No; Commissioner Braddy - Absent, MOTION CARRIED)*

Chair Bussing recognized Citizens Vincent Mallet, Tim Keyes, Tavis Glassman, Debbie Martinez, and Mary Anderson who spoke to the matter.

RECOMMENDATION *The City Commission hear a presentation from staff on the Public Safety Committee's proposed guidelines for extension of boundaries for alcohol consumption during events in the downtown area, and take action as appropriate.*

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

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

PLEDGE OF ALLEGIANCE (6:37 PM)**Boy Scout troop #125**

PROCLAMATIONS/SPECIAL RECOGNITIONS**PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****020104 ANNEXATION OF LOT 2, NORTH FLORIDA REGIONAL DOCTORS OFFICE PARK (B)****ORDINANCE NO. 0-02-37**

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area north of the city limits in the vicinity of North Florida Regional Medical Center, west of the city limits and West Hills subdivision, south of the city limits and east of NW 69th Terrace, in particular Lot Two (2), NORTH FLORIDA REGIONAL DOCTORS OFFICE PARK, according to the plat thereof recorded in Plat Book "H", page 81, of the Public Records of Alachua County, Florida; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

City of Gainesville Strategic Planner Heidi Lannon gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

002390 PLANNED DEVELOPMENT - SORRENTO (B)**ORDINANCE NO. 0-02-22, PETITION NO. 84PDA-01PB**

An Ordinance of the City of Gainesville, Florida; adopting a new Development Plan on property that is zoned "Planned Development" commonly known as "Sorrento"; generally located between N.W. 23rd Terrace and N.W. 20th Street

and south of Northwest 53rd Avenue; adopting new development plan maps and a planned development report; adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Mayor-Commissioner Pro Tem Nielsen disclosed an ex parte' communication with the petitioner.

Commissioner Chestnut disclosed an ex parte' communication with the petitioner.

Commissioner Domenech disclosed an ex parte' communication with the petitioner.

City of Gainesville Planner Gene Francis and Community Development Director Tom Saunders gave presentations.

Chair Bussing recognized Agent for the Petitioner Rory Causseaux and Petitioner Phil Emmer who spoke to the matter.

NOTE: Commissioner Braddy entered the meeting room 7:41 PM.

Commissioner Braddy disclosed an ex parte' communication with the petitioner.

FIRST MOTION: Commissioner Braddy moved and Mayor-Commissioner Pro Tem Nielsen seconded to accept Condition 18, as requested.

(VOTE: 5-0, MOTION CARRIED)

SECOND MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to direct the City Attorney to work with the applicant on improved language to clarify Condition 7.

(VOTE: 5-0, MOTION CARRIED)

THIRD MOTION: Commissioner Domenech moved and Commissioner Chestnut seconded to strike Condition 4C .

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

FOURTH MOTION: Mayor-Commissioner Nielsen moved and Commissioner Domenech seconded to adopt Condition A, with lowering the percentage from 70% to 50% for the front porches on detached homes; and maintaining the 25% on the attached homes.

(VOTE: 2-3, Mayor-Commissioner Pro Tem Nielsen and Mayor Bussing voted yes; and Commissioners Braddy, Domenech and Chestnut voted no - MOTION FAILED)

Chair Bussing recognized President of Emmer Development Lori McGriff who spoke to the matter.

FIFTH MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to strike Condition 4A.

(VOTE: 3-2, Commissioners Domenech, Braddy and Chestnut voted yes; and Mayor-Commissioner Pro Tem Nielsen and Mayor Bussing voted no - MOTION CARRIED)

*SIXTH MOTION: Commissioner Domenech moved and Commissioner Braddy seconded to strike Condition 4B.
(VOTE: 3-2, Commissioners Domenech, Braddy and Chestnut voted yes; Mayor-Commissioner Pro Tem Nielsen and Mayor Bussing voted no - MOTION CARRIED)*

MAIN MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to approve this ordinance on first reading by title only. (See final vote)

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

020202

**DISSOLUTION OF THE CONSOLIDATED RETIREMENT PLAN
ADVISORY COMMITTEE (B)**

ORDINANCE NO. 0-02-54

An ordinance of the City of Gainesville, Florida, amending Division 8 of Chapter 2 of the Code of Ordinances of the City of Gainesville, relating to the Consolidated Police Officers and Firefighters Retirement Plan relating to the advisory committee to the Board, providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

020196

CODE ENFORCEMENT BOARD (B)

ORDINANCE NO. 0-02-18

An ordinance of the City of Gainesville, Florida, relating to the Code Enforcement Board; amending Article V, Division 8, of the Code of Ordinances of the City of Gainesville, eliminating redundancies and providing consistencies in accordance with Chapter 162, Florida Statutes, the "Local Government Code Enforcement Boards Act;" amending s. 2-376, to conform with Chapter 162,

Florida Statutes; amending s. 2-378, eliminating a definition; amending s. 2-379, allowing city commission to appoint up to two alternate members for each current board member; amending s. 2-380, to eliminate redundancies and replace part of existing section requiring an appointment of a chair and requirements for a quorum of the board; repealing s. 2-381, to eliminate redundancies; repealing s. 2-382, to eliminate redundancies; amending s. 2-383, providing powers to the board for adoption of rules for the conduct of its hearings; amending s. 2-385, providing code inspector rules and guidelines for enforcement procedures; repealing s. 2-386, to eliminate redundancies; amending 2-387, providing rules and guidelines for hearings conducted by the board and orders of findings issued by the board; repealing s. 2-388, to eliminate redundancies; creating s. 2-388.2, providing for duration of lien, providing for prevailing party to recover all costs, including reasonable attorney's fees in a foreclosure or money judgment action; amending s. 2-389, providing for an appeal of a final administrative decision by the board; amending s. 2-390, providing rules for notices to alleged violator; repealing s. 2-391, to eliminate redundancies; repealing 2-391.1, to eliminate redundancies; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Assistant City Attorney Walter Matthews gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

020245

NATURAL GAS AND MECHANICAL INSPECTIONS (B)

Ordinance No. 0- 02-35

An ordinance of the City of Gainesville, Florida, amending Appendix A, "Schedule of Rates, Fees and Charges," BUILDINGS AND BUILDING REGULATIONS, of the Code of Ordinances; increasing the permit fees for natural gas and mechanical inspections; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

City of Gainesville Building Inspector Doug Murdock gave a presentation.

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

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 and Warren Nielsen
Nay: Edward Braddy and Tom Bussing

002251 FLORIDA FIRE PREVENTION CODE (B)

ORDINANCE NO. 0-02-03

An ordinance of the City of Gainesville, Florida, amending Chapter 10, Article I, by repealing sections 10-7 through 10-11.1; renumbering Sections 10-12 through 10-13; renumbering and amending Chapter 10, Article II, Section 10-30 by adopting the Florida Fire Prevention Code; renumbering and amending Section 10-31 by amending the adopted Florida Fire Prevention Code relating to Fire Hydrants, Fire Protection Systems, and the Fire Safety Board of Adjustment; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

000863 EMERGENCY ACCESS ORDINANCE (B)

ORDINANCE NO. 0-01-11

An ordinance of the City of Gainesville creating a new Article III, under Chapter 10, of the Gainesville Code of Ordinances to require emergency access for emergency vehicles and personnel to new and existing gated communities, certain business occupancies and other locations where vehicle gates and restricted access used for security obstruct emergency access; providing definitions, providing time for compliance; providing directions to the codifier, providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Fire Chief Richard Williams gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

020266 RATES AND CHARGES - ELECTRICITY (B)

ORDINANCE NO. 0-02-47

An ordinance amending Appendix A, Section Utilities (1) f. Electricity of the Gainesville Code of Ordinances by Revising the Rates and Charges for Electricity; Providing a Repealing Clause; Providing Directions to the Codifier; Providing a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.

Chair Bussing recognized Citizen Sarah Poll 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 First Reading (Ordinance). The motion carried by the following vote:

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

020267 RATES AND CHARGES - WASTEWATER (B)**ORDINANCE NO. 0-02-48**

An ordinance amending Appendix A, Section Utilities (4) c Through f. Sewerage of the Gainesville Code of Ordinances by Revising the Rates and Charges for Wastewater; Providing a Repealing Clause; Providing Directions to the Codifier; Providing a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

020268 RATES AND CHARGES - NATURAL GAS (B)**ORDINANCE NO. 0-02-49**

An ordinance amending Chapter 27, Utilities Article VI. Natural Gas Sec. 27-272 and Appendix A, Section Utilities (5) Natural Gas of the Gainesville Code of Ordinances by Creating a Manufactured Gas Plant Cost Recovery Factor; Providing a Repealing Clause; Providing Directions to the Codifier; Providing a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.

GRU Sr. Strategic Planning Engineer David Richardson gave a presentation.

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

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

020247

CHARTER AMENDMENT (B)

ORDINANCE NO. 0-02-43

An ordinance of the City of Gainesville, Florida; approving an amendment to the Charter Laws of the City of Gainesville; amending Article II of the Charter Laws, entitled "City Commission"; keeping the number of commissioners at 5 by repealing the requirement to increase the number of commissioners when the population of the city reaches or exceeds 110,000; keeping the number of election districts at 3 by repealing the requirement to increase the number of districts to 4; providing for submission of these charter amendments to the voters for approval or disapproval at the November 5, 2002 special municipal election; approving the question to be placed on the ballot; providing directions to the codifier; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Bussing recognized Citizens Sarah Poll and Debbie Martinez who spoke to the matter.

WAIVER OF RULES: Commissioner Domenech moved and Commissioner Chestnut seconded to waive the rules to extend the meeting until 11:30 PM.

(VOTE: 5-0, MOTION CARRIED)

AMENDMENT: Commissioner Domenech moved and Commissioner Braddy seconded to amend the ballot language by beginning a new paragraph with the word "shall" and striking the phrase "without regard to the City's population".

(VOTE: 3-2, Commissioner Chestnut and Mayor-Commissioner Pro Tem Nielsen voted no - MOTION CARRIED)

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

020289 CHARTER AMENDMENT (B)**ORDINANCE NO. 0-02-46**

An ordinance of the City of Gainesville, Florida; approving an amendment to the Charter Laws of the City of Gainesville; amending Article II of the Charter Laws, entitled "City Commission", by changing the initial terms of the added at-large seat to two years and the added district seat to one year, with subsequent three-year terms; providing for submission of the charter amendment to the voters for approval or disapproval at the November 5, 2002 special municipal election; approving the question to be placed on the ballot; providing that this charter amendment shall become effective if approved by the voters and if the charter amendment keeping the number of commissioners at 5, as proposed by ordinance no. 020247 is not approved by the voters; providing directions to the codifier; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

ORDINANCES 2ND READING- ROLL CALL REQUIRED**020091 AMENDMENT TO CHAPTER 9, ELECTIONS (B)****ORDINANCE NO. 0-02-36**

An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-2 (a) of the Code of Ordinances providing that runoff elections shall be held on the third Tuesday following the first election; amending Section 9-5 of the Code of Ordinances, providing that the proclamation calling the election shall be published once; amending Section 9-8 of the Code of Ordinances, providing for the use of paper ballots in certain annexation elections; providing directions to the Codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

020154 COMMUNICATIONS SERVICES TAX RATE (B)

ORDINANCE NO. 0-02-31

An ordinance of the City of Gainesville, Florida, amending Chapter 25, Article V, Section 25-81 of the Code of Ordinances of the City of Gainesville, relating to the communications services tax rate; by adjusting the rate of the local communications service tax for specific time periods as more specifically provided in this ordinance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by 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, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

020244 STORMWATER MANAGEMENT UTILITY FEE INCREASE (B)

ORDINANCE NO. 0-02-34

An ordinance of the City of Gainesville, Florida, amending Appendix A, "Schedule of Fees, Rates and Charges," Utilities, (6) Stormwater Management, of the Code of Ordinances by increasing the stormwater management utility fee to \$6.25/ERU (Equivalent Residential Unit) for the period commencing October 1, 2002 through September 30, 2003, and to \$6.50/ERU for the period commencing October 1, 2003 and thereafter; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Nay: Edward Braddy

RESOLUTIONS- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

020308 Appointment - Pension Review Committee (NB)

MOTION: Re-advertise for the Pension Review Committee vacancy.

WAIVER OF RULES: Commissioner Domenech moved and Commissioner Braddy seconded to waive the rules to extend the meeting to 11:35 PM.

(VOTE: 5-0)

NOTE: Commissioner Chestnut left the meeting room at approximately 11:30 PM.

RECOMMENDATION *The City Commission appoint Shaunda L. Clifton to a vacancy on the Pension Review Committee to expire July, 2003.
Commissioner Ed Braddy - Shaunda L. Clifton
Commissioner Chuck Chestnut - Shaunda L. Clifton
Commissioner Tony Domenech - Readvertise
Mayor-Commissioner Pro Tem Warren Nielsen - Shaunda L. Clifton
Mayor Tom Bussing - Readvertise*

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

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

COMMISSION COMMENT

CITIZEN COMMENT

Debbie Martinez

Extension of Boundaries

Sara Poll

- 1. Extension of Boundaries*
- 2. Airport Industrial Park*
- 3. 17th Street Project*

4. *"Ring of Fire" meetings*

ADJOURNMENT - 11:39 PM

Kurt M. Lannon, Clerk of the Commission