

City of Gainesville

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



Meeting Minutes

Monday, July 14, 2003

1:00 PM

City Hall Auditorium

City Commission

*Mayor Tom Bussing (At-Large)
Commissioner Warren Nielsen (At Large)
Commissioner Rick Bryant (At Large)
Mayor-Commissioner Pro Tem Chuck Chestnut (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Tony Domenech (District 3)
Commissioner Craig Lowe (District 4)*

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: 06 PM

ROLL CALL

Present: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

INVOCATION

The City Commission had a moment of silence.

CONSENT AGENDA

*Mayor-Commissioner Pro Tem Chestnut moved and Commissioner Domenech seconded to adopt the Consent Agenda with the following modifications:
(VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)*

- 1. File # 030150 - Refunding of Utilities System Revenue Bonds - Remove from the Consent Agenda and place on the Regular Agenda under the Resolution Category as a Resolution.*
- 2. File # 030149 - Proposed Amendment to Chapter 27, Code of Ordinances - Remove from the Consent Agenda and place on the Regular Agenda under the General Manager for Utilities Category for discussion.*

CITY MANAGER, CONSENT AGENDA ITEMS

030137 First Extension of the Thomas Center Grounds Maintenance Agreement (B)

RECOMMENDATION *The City Commission: 1) approve the first extension of the contract with Oasis Landscape Services, Inc. for grounds maintenance at the Thomas Center; and 2) approve the issuance of a purchase order for the period October 1, 2003 through September 30, 2004, in an amount not to exceed \$25,752.*

This Matter was Approved as Recommended on the Consent Agenda.

030138 Interlocal Agreement with Alachua County for Base Level Transit Service (B)

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute the Interlocal Agreement with Alachua County for base level transit service for the period of October 1, 2002, through September 30, 2003, and any other necessary documents.*

This Matter was Approved as Recommended on the Consent Agenda.

030139 Interlocal Agreement with Alachua County for Enhanced Transit Service, Route 75 (B)

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute the Interlocal Agreement with Alachua County for enhanced transit service, Route 75, for the period of October 1, 2002 through September 30, 2003 and any other necessary documents.*

This Matter was Approved as Recommended on the Consent Agenda.

001112 Intergovernmental Agreement Between Alachua County and the City of Gainesville for the Acquisition and Management of the Beville Creek Property (B)

RECOMMENDATION *The City Commission: 1) Authorize the City Manager to sign the proposed Intergovernmental Agreement between Alachua County and the City of Gainesville, the present Intergovernmental Agreement supercedes the Intergovernmental Management Agreement approved by the City Commission on June 23, 2003 and 2) authorize the City Manager to execute the Option Agreement for Sale and Purchase, contingent upon the County Commission signing the Intergovernmental Agreement, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

030140 Settlement of Worker's Compensation - Reginald Johnson (NB)

RECOMMENDATION *The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Reginald Johnson, in the amount of \$60,000.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

030148 Contract to Furnish and Install the Site and Electrical Improvements for the Landfill Gas to Energy Project (B)

RECOMMENDATION *The City Commission authorize the General Manager or his*

designee to execute a contract with Joyner Construction, Inc. to furnish and install the site and electrical improvements for the Landfill Gas to Electric Project, subject to the approval of the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

030145 GABE KAIMOWITZ, ESQUIRE V. GAINESVILLE, FLORIDA, AND THE GAINESVILLE SUN; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-03-CA-2400 (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 Gabe Kaimowitz, Esquire v. Gainesville, Florida, and the Gainesville Sun; Alachua County Circuit Court; Case No.: 01-03-CA-2400.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

030132 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of May 29, June 23, and June 26, 2003, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

030141 Staff Assistant Series Reclassification Appeals (B)

RECOMMENDATION *The City Commission approve the two staff assistant job series reclassifications, effective April 14, 2003, the initial date of the Staff Assistant Series implementation.*

This Matter was Approved as Recommended on the Consent Agenda.

PUBLIC SAFETY COMMITTEE, CONSENT

021164 Stephen Foster Neighborhood Traffic Concerns (NB)

RECOMMENDATION *The Public Safety Committee recommends the City Commission remove this item from the committee's pending referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

030045 Proposed Gainesville Police Department Comprehensive Drug Plan Funding from Federal LECFTF (B)

RECOMMENDATION *The City Commission authorize the Gainesville Police Department to appropriate and expend an amount not to exceed \$308,000.00 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the Comprehensive Drug Plan as detailed in the explanation.*

This Matter was Approved as Recommended on the Consent Agenda.

030049 Federal LECFTF Funding for GPD Property Building and Front Desk Renovation (B)

RECOMMENDATION *The City Commission approve the appropriation of an amount not to exceed \$420,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the renovation of the GPD Property building and the Front Desk area, and the purchase of a digital fingerprint scanner for the Gainesville Police Department.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA**

ADOPTION OF THE REGULAR AGENDA

*Commissioner Domenech moved and Mayor-Commissioner Pro Tem Chestnut seconded to adopt the Regular Agenda with the following modification:
(VOTE: 6-0, MOTION CARRIED)*

1. File # 030143 - Award of Proposal for Design, Construction & Management of a Skate Park at Depot Park - City Manager Category - Remove from the agenda.

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

030133 City Commission Referral List (B)

NOTE: Commissioner Braddy entered the meeting room at 1:11 PM.

City of Gainesville Community Development Director Tom Saunders, Equal Opportunity Director Jimmie Williams, and Public Works Director Teresa Scott gave presentations.

MOTION: Remove the items from the Referral List as indicated by the City Manager and the various committees. (Remove 6 referrals from the City Manager's list; 2 referrals from the EO Committee's list; and refer 1 back to the City Manager - File #000374).

RECOMMENDATION *The City Commission review the attached Referral List and take appropriate action.*

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

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

030147 Florida League of Cities Conference (B)

MOTION: Nominate Commissioner Chestnut as the voting delegate for the Florida League of Cities conference.

RECOMMENDATION *The City Commission elect a voting delegate for the Florida League of Cities conference.*

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

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

CITY MANAGER

030142 University Park Traffic-Calming Plan (B)

City of Gainesville Public Works Traffic Engineering Manager Brian Kanely, Deputy Fire Chief Bill Northcutt and Police Chief Norm Botsford gave presentations.

MOTION: Approve staff's recommendation and approve this traffic calming plan with the addition of a speed table on NW 7th Place and also a third speed table at NW 5th Avenue.

Chair Bussing recognized Citizens Mark Goldstein, Joe Schmidt, Richard Dolder and Sarah Poll who spoke to the matter.

RECOMMENDATION *The City Commission approve the traffic-calming plan for the University Park neighborhood.*

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

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

030126 Sorrento Subdivision Surface Water Violations (B)

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

REFERRAL: Commissioner Nielsen moved and Commissioner Lowe seconded to adopt the staff recommendation that the City Commission authorize the City Attorney to work with the Public Works Department (City Manager) to amend Section 30-311 - Violations, enforcement and penalty subsection (a) stormwater management to provide effective means of dealing with enforcement activities and providing a tiered system for penalties and add a subsection to deal with land clearing activities. Subsection (b) surface water and wetlands district has been recommended for revision in association with the recent land development regulations related to wetlands and surface waters.

(VOTE: 7-0, MOTION CARRIED)

Commissioner Chestnut moved and Commissioner Domenech seconded to move the previous question.

(VOTE: 6-1, Mayor Bussing - No, MOTION CARRIED)

WAIVER OF RULES: Commissioner Braddy moved and Commissioner Domenech seconded to waive the rules to give Emmer Development Corporation up to an hour

to give a presentation.

(VOTE: 5-2, Mayor Bussing and Commissioner Lowe - No, MOTION CARRIED)

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

Chair Bussing recognized Development and Construction Director for Emmer Development Tom Harl, Creative Environmental Solutions Representative Carl Salifrio and Osteen Brothers Representative Ron Osteen who gave presentations.

RECOMMENDATION The City Commission hear a brief presentation from City staff reviewing the June 27, 2003 report and receive a request from Emmer Development Corporation.

A motion was made by Commissioner Nielsen, seconded by Commissioner Lowe, that this matter be Referred to the City Attorney, due back on January 14, 2004 The motion carried by the following vote:

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

030143 Award of proposal for Design, Construction and Management of a Skate park at Depot Park (B)

RECOMMENDATION The City Commission: 1) approve the selection of Fluid Skate Shop, Inc; 2) authorize the City Manager or his designee to initiate contract negotiations for the design, construction and management of a skate park at Depot Park, which will include a 10-year lease, with an option for a year to year extension of the contract based on performance for a minimum of another 5 years; and 3) approve the City's contribution, in the not to exceed amount of \$200,000, for the construction of the skate park.

Withdrawn

GENERAL MANAGER FOR UTILITIES

030149 Proposed Amendment to Chapter 27, Code of Ordinances (NB)

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

RECOMMENDATION That the City Commission authorize the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance amending miscellaneous provisions of Chapter 27 and Appendix A, Electricity, of the Gainesville Code of Ordinances relating to customer relations, including, but not limited to, customer deposits, forms of payment, calculation of winter maximum, business partners and flex rate riders, and cross connections.

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

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

CITY ATTORNEY

CITY AUDITOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

COMMUNITY REDEVELOPMENT AGENCY

021114 Treatment for the Intersection of University Avenue and Main Street (NB)

Community Redevelopment Manager Karen Slevin, Frank Bellomo of Bellomo Herbert Landscape Architects, Traffic Engineering Manager Brian Kanely and Public Works Engineer Ron Barlow gave presentations.

AMENDMENT: Use Concept 1 color scheme.

RECOMMENDATION *CRA to the City Commission: 1) Hear a presentation from staff on recommended intersection treatment design; 2) approve the recommended treatment; and 3) request the City Commission approve the final design.*

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

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

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 4:44 PM

RECONVENE - Approximately 5:35 PM

CITIZEN COMMENT (5:30pm)

Raquel Garcia

Public Access TV

Doris Bardon

Public Access TV

See following file # 030169.

030169

Public Access Television (B)

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

Placed on File

Reverend Hudson Williamson

Public Access TV

Ellen Huntley

Public Access TV

Jerry Williamson

GPD Complaints

Gabe Kaimowitz

Public Access TV

COMMISSION COMMENTS

Mayor Tom Bussing

Mayor Bussing presented a proclamation for Specialist Jeffrey Wershow

See following item # 030170.

030170 Proclamation for Specialist Jeffrey Wershow (NB)

Chair Bussing recognized Rachel Garcia who spoke to the matter.

RECOMMENDATION *The City Commission expand Mayor Bussing's proclamation to include: 1) Awards that Specialist Wershow has received; 2) issues that Dr. Sasser brought up (honorary degrees from Santa Fe Community College and University of Florida Levin College of Law; and 3) begin the process of renaming SE 1st Street in honor of Specialist Wershow.*

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

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

PLEDGE OF ALLEGIANCE (6:00pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

021196 LAND DEVELOPMENT CODE AMENDMENT RELATING TO LISTING OF HISTORIC PROPERTIES (B)

ORDINANCE NO. 0-03-62; PETITION 51TCH-03 PB

An ordinance of the City of Gainesville, Florida; amending section 30-112(d)(3)b., Land Development Code of the City of Gainesville; increasing the number of commissioners needed to list historic properties on the local register of historic places; amending section 30-347.7(c), Land Development Code of the City of Gainesville; increasing the number of commissioners needed to waive the required 12-month period in which the City Plan Board cannot review petitions related to the same property for which the City Commission previously denied

land use or rezoning; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Planner Jason Simmons and Community Development Director Tom Saunders gave presentations.

RECOMMENDATION *The City Commission (1) approve Petition 51TCH-03 PB and (2) adopt the proposed ordinance.*

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

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

030146

ANNEXATION - SW 20th AVENUE AREA (B)

ORDINANCE NO. 0-03-66

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area generally described as follows: bounded on the south by the northern boundary of SW 24th Avenue as extended west to the western boundary of Interstate 75, bounded on the east by the City limits and the eastern boundary of Southwest 34th Street, bounded on the west by the western boundary of Interstate 75 and the City limits, and bounded on the north by the City limits; providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan and zoning regulations; providing for enforcement of Alachua County land use plan, zoning and subdivision regulations; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.

City Manager Wayne Bowers gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

030094

DISABILITY PENSION PLAN (B)

Ordinance No. 0-03-69

An ordinance of the City of Gainesville, Florida, amending Division 6 of Chapter 2 of the Code of Ordinances relating to the Disability Pension Plan, relating to eligibility for both retirement and disability payments and offsets to disability payments; 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 Nielsen, seconded by Commissioner Domenech, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

ORDINANCES 2ND READING- ROLL CALL REQUIRED**030011 BUDGET AMENDMENT - FY 2003 (B)****ORDINANCE NO. 0-03-63**

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, 2002 AND ENDING SEPTEMBER 30, 2003; AMENDING ORDINANCE NO. 020351 AS AMENDED BY ORDINANCE NO. 020900 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 Mayor-Commissioner Pro Tem Chestnut, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

021036 VISION TRIANGLE (B)**ORDINANCE NO. 0-03-53; PETITION 37TCH-03PB**

An ordinance of the City of Gainesville, Florida, amending section 30-341 of the Land Development Code, relating to vision triangle regulations; 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 Domenech, seconded by Commissioner Nielsen, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

021037

BOARD OF ADJUSTMENT POWERS, DUTIES AND JURISDICTION (B)

ORDINANCE NO. 0-03-54; PETITION 38TCH-03PB

An ordinance of the City of Gainesville, Florida, amending section 30-354 of the Land Development Code, relating to the powers, duties, and the jurisdiction of the Board of Adjustment in handling administrative appeals; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

SCHEDULED EVENING AGENDA ITEMS - 7:00pm or Immediately after the Ordinances

030152

Ad Hoc Charter Officer Equal Opportunity Advisory Committee (B)

Ad Hoc Charter Officer Equal Opportunity Advisory Committee Chair Pegeen Hanrahan and Interim Equal Opportunity Director Jimmie Williams gave presentations.

REFERRAL: Commissioner Nielsen moved and Commissioner Domenech seconded to direct the City Manager, the Interim EO Director and the City Auditor to assess the costs and management implications of having our external Equal Opportunity issues handled by the County vs. handled by the new Charter Officer of Equal Opportunity.

Chair Bussing recognized Gabe Kaimowitz who spoke to the matter.

RECOMMENDATION *The City Commission review whether the authority and funding that is currently committed to the County for the*

purpose of handling external complaints should instead be under the administrative control of the new Charter Officer.

A motion was made by Commissioner Nielsen, seconded by Commissioner Domenech, that this matter be Referred to the City Manager, due back on January 14, 2004. The motion carried by the following vote:

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

021038

OFF-STREET PARKING AND LOADING REGULATIONS (B)

ORDINANCE NO. 0-03-55; PETITION 39TCH-03PB

An Ordinance of the City of Gainesville, Florida; amending sections of Division 2, Article IX, Chapter 30, the Land Development Code, regarding off-street parking and loading regulations; amending section 30-329; clarifying the definition of the term compound use; providing a maintenance requirement for joint use parking; clarifying standards for off-street parking; amending section 30-330; clarifying design requirements for vehicular parking; stating supplemental provisions for vehicles and equipment display and storage; amending section 30-332; allowing for additional parking; amending table to require additional parking for certain uses; deleting parking requirements for development within the mixed use district; amending section 30-333; prohibiting excess parking in the Transportation Concurrency Exception Area; amending sections 30-331, 30-334 and 30-335; providing for editorial changes; providing conforming changes throughout the ordinance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Planner Jason Simmons and Community Development Director Tom Saunders gave presentations.

FIRST MOTION (MAIN MOTION): Commissioner Nielsen moved and Mayor-Commissioner Pro Tem Chestnut moved to adopt Ordinance # 021038 on Second Reading by title only.

*SECOND MOTION: Commissioner Braddy moved and Commission Nielsen seconded to table this item in order to hear File # 030152 Ad Hoc Charter Officer Equal Opportunity Advisory Committee presentation first.
(VOTE: 7-0, MOTION CARRIED)*

*THIRD MOTION: Commissioner Domenech moved and Commissioner Nielsen seconded to take this item from the table.
(VOTE: 7-0, MOTION CARRIED)*

NOTE: Chair Bussing passed the gavel to Commissioner Nielsen in order to second the following motion.

FOURTH MOTION: Mayor-Commissioner Pro Tem Chestnut moved and Mayor

Bussing seconded to move the previous question.

(2-5, Commissioners Lowe, Domenech, Nieslen, Braddy and Bryant - No, MOTION FAILED)

Chair Nielsen recognized David Russ who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

030166 Bicycle Parking Requirements (B)

Chair Bussing recognized Citizens Mr. Otis and David Russ who spoke to the matter.

RECOMMENDATION *The City Commission Refer the issue of bicycle parking to the Public Works Committee.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Domenech, that this matter be Referred to the Public Works Committee, due back on January 14, 2004. The motion carried by the following vote:

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

RESOLUTIONS- ROLL CALL REQUIRED

030144 Resolution for Granting a Temporary Easement Along State Road 329 (Main Street) to FDOT (B)

RECOMMENDATION *The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute, and the Clerk to attest, a temporary easement to FDOT for a parcel located at the southeast corner of the intersection of Depot Avenue and State Road 329 (Main Street), for the purpose of a staging area for equipment and for the construction of the roundabout.*

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

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

030150 Refunding of Utilities System Revenue Bonds, 1993 Series A & B and 1996 Series A, Other Financing Items (B)

Gainesville Regional Utilities (GRU) Finance Director Kim Simpson gave a presentation.

RECOMMENDATION *The City Commission: 1) Authorize the termination of the interest rate swap with JPMorgan Chase Bank entered into in March, 2003 in anticipation of the refunding of the Utilities System Revenue Bonds, 1993 Series A & B (1993 Series A & B Bonds); 2) Approve the addition of Morgan Keegan & Company, Inc. as Co-Manager for the fixed-rate refunding; 3) Approve the deletion of AG Edwards & Sons Inc. from the refunding team; 4) Authorize the advance refunding of a portion of the Utilities System Revenue Bonds, 1996 Series A (1996 Series A Bonds) on a fixed-rate basis; 5) Adopt a Resolution (Authorizing Resolution) incorporating by reference and adopting, and authorizing the execution and delivery of a Thirteenth Supplemental Utilities System Revenue Bond Resolution (Supplemental Resolution) for the purposes of (a) authorizing the issuance, sale, execution and delivery of not to exceed \$125,000,000 of the City of Gainesville, Florida's Utilities System Revenue Bonds, 2003 Series C (2003 Series C Bonds) in order to provide a portion of the moneys necessary to refund certain of the City's outstanding Utilities System Revenue Bonds, 1993 Series A, 1993 Series B and 1996 Series A and delegating the authority to determine certain matters in connection therewith and (b) making certain amendments to the Amended and Restated Utilities System Revenue Bond Resolution adopted by the City on January 30, 2003; approving the negotiated sale of the 2003 Series C Bonds and approving the form, and authorizing the execution and delivery, of a contract of purchase and delegating the authority to determine certain matters in connection therewith; approving the form, and authorizing the execution and delivery, of a continuing disclosure certificate; approving the form, and authorizing the execution and delivery, of an escrow deposit agreement; authorizing the deposit of bond proceeds and certain other amounts into the escrow account to be established pursuant to the escrow deposit agreement and the investment of such moneys in United States Treasury Securities - State and Local Government Series and ratifying the subscription therefor; delegating the authority to procure municipal bond insurance for all or a portion of the 2003 Series C Bonds; authorizing the authentication and delivery of the 2003 Series C Bonds; approving form and use of the preliminary official statement and the official statement relating to the 2003 Series C Bonds and authorizing the execution and delivery of said official statement; authorizing the registration or qualification of the 2003 Series C Bonds under the blue sky laws of various*

states; authorizing certain City officials to take other actions in connection with the issuance, sale and delivery of the 2003 Series C Bonds; providing a severability clause and providing an effective date; and 6) Authorize the Clerk of the Commission, the General Manager and other Authorized Officers to execute such documents as may be necessary to proceed with the transactions authorized above and on December 9, 2002, and to take such other actions as may be necessary or advisable to proceed with the issuance of the 2003 Series C Bonds in accordance with this City Commission authorization.

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

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

UNFINISHED BUSINESS

COMMISSION COMMENT

COMMISSIONER WARREN NIELSEN

030167 Board of Adjustment Attendance Issues (NB)

RECOMMENDATION *The City Commission direct the Clerk of the Commission to notify all the quasi-judicial boards that they must mark "present or absent" instead of "no quorum (nq)" on their meeting attendance rosters; and ask the City Manager to have staff to address the need for certain boards.*

A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Referred to the City Manager, due back on January 14, 2004. The motion carried by the following vote:

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

030168 Living Wage Ordinance Changes (NB)

RECOMMENDATION *The City Commission refer Living Wage Ordinance language regarding health benefits to the P & O Committee.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Lowe, that this matter be Referred to the Personnel and Organizational Structure Committee, due back on January 14, 2004. The motion carried by the following vote:

Votes: Aye: Tom Bussing, Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

CITIZEN COMMENT

David Russ

Sorrento Subdivision - Mayor ruled Citizen Comment out of order.

ADJOURNMENT - 9:14 PM

Kurt M. Lannon, Clerk of the Commission