

City of Gainesville

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



Meeting Minutes

Tuesday, May 27, 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 - 1:03 PM

ROLL CALL

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

INVOCATION

Captain Henry Hudson, Salvation Army

BOARD OF TRUSTEES

*Commissioner Domenech moved and Mayor-Commissioner Pro Tem Chestnut seconded to adopt the Board of Trustees Agenda.
(VOTE: 7-0, MOTION CARRIED)*

021238 **Large Cap Growth Manager Selection for the General Employees' Pension Plan (NB)**

City of Gainesville Finance Director Mark Benton gave a presentation.

RECOMMENDATION *The Board of Trustees for the General Employees' Pension Plan: 1) select INTECH as the Large Cap Growth Manager for the General Employees' Pension Plan; and 2) authorize the City Manager as Trust Administrator to execute all related documents.*

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

END OF BOARD OF TRUSTEES AGENDA

CONSENT AGENDA

*Mayor-Commissioner Pro Tem Chestnut moved and Commissioner Domenech seconded to adopt the Consent Agenda.
(VOTE: 7-0, MOTION CARRIED)*

CITY MANAGER, CONSENT AGENDA ITEMS

021232 Phoenix Area Summer Recreational Program (B)

RECOMMENDATION *The City Commission authorize the City Manager to take the appropriate action to allocate funds in the amount of \$16,000 to the Recreation and Parks Department for the establishment of a summer program for the Phoenix area.*

This Matter was Approved as Recommended on the Consent Agenda.

021233 Department of Justice Homeland Security Overtime Program (NB)

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply to the U.S. Department of Justice Office of Community Oriented Policing Services for \$43,746 in grant funds; and if awarded, 2) appropriate \$14,582 from the Federal Law Enforcement Contraband Fund Trust Fund for the match; and 3) execute the grant agreement and any other necessary documents, pending review by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**021240 Diversity and Team Building Consulting Services (NB)**

RECOMMENDATION *The City Commission 1) authorize the General Manager and the City Manager or their designees to negotiate and 2) execute a professional services agreement for diversity and team building consulting services with the Marlow Group through September 30, 2004 for an amount not to exceed \$50,000.*

This Matter was Approved as Recommended on the Consent Agenda.

021241 Purchase Order for Line-Stop Equipment (NB)

RECOMMENDATION *The City Commission authorize the issuance of a purchase order to Porter Associates in the amount of \$40,000 for the purchase and delivery of line stop equipment.*

This Matter was Approved as Recommended on the Consent Agenda.

021242 Contract with Seminole Electric Cooperative for Wholesale Electric Service to the Farnsworth Substation (NB)

RECOMMENDATION *The City Commission authorize the General Manager or his designee to negotiate and execute a ten-year agreement for wholesale electric service to the Farnsworth Substation with Seminole Electric Cooperative Inc. ("Seminole").*

This Matter was Approved as Recommended on the Consent Agenda.

021243 Change Order For The Rental Of Aerial Trucks (NB)

RECOMMENDATION *The City Commission authorize the General Manager or his designee to execute a change order to Global Rental Co., Inc. for the rental of two (2) 50 Foot Aerial Trucks in the amount of \$25,000 (new not to exceed amount of \$50,000.00).*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

021192 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of April 28, 2003 and May 12, 2003 (regular meetings); and two special meetings on May 5, 2003, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC SAFETY COMMITTEE, CONSENT

021186 Law Enforcement Investigation Equipment from Federal Law Enforcement Forfeiture Trust Funds (NB)

RECOMMENDATION *The City Commission approve the appropriation and expenditure of \$77,600 from the Federal Law Enforcement Contraband Trust Fund to specified source vendor Innovative Surveillance Technology, Coral Springs, Florida for law enforcement investigative equipment.*

This Matter was Approved as Recommended on the Consent Agenda.

021206 Gainesville Police Department Wireless/Technology Project (NB)

RECOMMENDATION *The City Commission authorize the Gainesville Police Department to appropriate and expend an amount not to exceed \$852,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the purchase of wireless/technology related projects as detailed in the explanation.*

This Matter was Approved as Recommended on the Consent Agenda.

021171 State LECFTF Funding for the Alachua County School Board's 2003-2004 Safe and Drug-Free Calendar (B)

RECOMMENDATION *The City Commission approve the appropriation and expenditure of \$5,000 from the State Law Enforcement Contraband Forfeiture Trust Fund to the School Board of Alachua County for the printing and issuance of the 2003-2004 Safe and Drug-Free Calendar.*

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: 7-0, MOTION CARRIED)*

MODIFICATION: File # 021251 - New Proclamation - Civility Month.

CHARTER OFFICER UPDATES**CLERK OF THE COMMISSION**

CITY MANAGER**021234 Proposed Teen Zone Program Presentation (NB)**

City of Gainesville Recreation Supervisor Sheryl Ryan gave a presentation.

RECOMMENDATION *The City Commission hear a brief presentation on the proposed Teen Zone Program.*

Heard**021235 Request for Reallocation of Recreational Projects Funded by the First Florida Governmental Financing Commission (FFGFC) 2002 Bond Issue (NB)**

Assistant City Manager Carl Harness and Recreation Senior Executive Assistant Laurie Copeland gave presentations.

MOTION: Approve the recommendation and ask the City Manager to report back on the aspect of the wildlife corridor usage on this project.

RECOMMENDATION *The City Commission approve the reallocation of \$60,000 from the Westside Tennis Pro Shop FFGFC 2002 bond proceeds; \$50,000 for the relocation of the Archery Range on the Wacahoota property and \$10,000 for the Westside Park Tennis Court Light project.*

A motion was made by Commissioner Nielsen, 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

021236 Bio-Diesel Fuel Use In Curbside Solid Waste Collection Program (NB)

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

RECOMMENDATION *The City Commission approve the request for a fuel adjustment to Waste Management, Inc. of Florida for the use of bio-diesel fuel in the solid waste, recycling and yard trash collection vehicles in the City of Gainesville's curbside collection program.*

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, 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

021237 Neighborhood Planning Program Update (B)

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

RECOMMENDATION *Staff to the City Commission: 1) hear an update from staff regarding the Neighborhood Planning Program; and 2) add the Oakview and the North Lincoln Heights neighborhoods to the Neighborhood Planning Program.*

A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Approved as Recommended. 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

021245 Plan East Gainesville (NB)

City of Gainesville Community Development Director Tom Saunders, Planning Manager Ralph Hilliard and Regional Transit System (RTS) Director Jeff Logan gave a presentation.

RECOMMENDATION *Hear a brief presentation from staff and accept the study.*

A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, 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

GENERAL MANAGER FOR UTILITIES

021244 Contracts to Design, Provide and Install and Maintenance Services for the Engine-Generator Equipment for the Landfill Gas to Energy Project (B)

GRU Strategic Planning Analyst Mark Spiller gave a presentation.

RECOMMENDATION *The City Commission: 1a) Authorize the General Manager or his designee to execute a contract with Ring Power Corporation for the design, provision, installation and a fifteen (15) year buy-back guarantee for the Caterpillar engine-generator equipment for the Landfill Gas to Energy project, subject to the approval of the City Attorney as to form*

and legality; and 1b) Approve the issuance of a purchase order to Ring Power Corporation for the design, provision and installation of the engine-generator equipment in an amount not to exceed \$1,727,887; and 2a) Authorize the General Manager or his designee to execute a ten-year contract with Caterpillar Corporation for maintenance of the engine-generator equipment for the GRU Landfill Gas to Energy project, subject to the approval of the City Attorney as to form and legality; and 2b) Approve the issuance of a purchase order in an amount not to exceed \$301,410 and purchase orders in the subsequent nine years to the authorized Caterpillar Corporation facility for maintenance of the equipment, subject to approval of funds.

A motion was made by Commissioner Nielsen, seconded by Commissioner Domenech, 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)

PUBLIC SAFETY COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

021249 State Senate Bill 676 - Transportation - Mayor Tom Bussing (B)

RECOMMENDATION *The City Commission hear a report from Mayor Bussing regarding Senate Bill 676 and a letter sent to Governor Jeb Bush.*

Discussed

COMMISSION COMMENTS (if time available)

MAYOR TOM BUSSING

- 1. Public Works Week Competition*
- 2. Pension Review Committee Meeting*

MAYOR-COMMISSIONER PRO TEM CHESTNUT

Providing Staff Meals

City Manager working on report.

RECESS - 3:46 PM

RECONVENE - 5:33 PM

CITIZEN COMMENT

Frederick Peterkin

- 1. Thank you to City Commission for supporting veterans*
- 2. High Rise on Sixth Street*

John Carr

Danger of Bicycles on Sidewalks

John Morris

Airport Authority - Introduction to new Commissioners

Alex Goldman

Fifth Avenue Area Summer Recreation Program

See following item # 030002

Cynthia Montgomery Gainey

Fifth Avenue Area Summer Recreation Program

Joe Reeves

Fifth Avenue Area Summer Recreation Program

Nkwanda Jah

Fifth Avenue Area Summer Recreation Program

Dennis Franklin

Fifth Avenue Area Summer Recreation Program

Ruth Brown

Fifth Avenue Area Summer Recreation Program

030002 Summer Recreation Program for Children in the Fifth Avenue Area (B)

RECOMMENDATION *The City Commission asked the City Manager to: 1) Assess the information that has been brought forward regarding the recreation deficiencies on Fifth Avenue; 2) suggest options that the City may have to address the problems; 3) suggest options we have with respect to our funding sources; and 4) bring this information back to the next City Commission meeting.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Bryant, 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

COMMISSION COMMENTS (if time available)**PLEDGE OF ALLEGIANCE (6:00pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****021246 National Homeownership Week - June 1-8, 2003 (B)**

RECOMMENDATION *Alachua County Housing Coalition President Gale Sanders and City of Gainesville Block Grant Financial Analyst Deneace Joshua to accept the proclamation.*

Heard

021247 Small Business Development Week - June 1-7, 2003 (B)

RECOMMENDATION *Small Business Development Director Arline Hampton to accept the proclamation.*

Heard

021251 Civility Month (B)

RECOMMENDATION *City Attorney Marion Radson to accept the proclamation.*

Heard

SPECIAL RECOGNITIONS**030005 National Association of Fleet Administrators (B)**

RECOMMENDATION *The City Commission recognize City of Gainesville Fleet Manager Milton Reid for being elected President of the National Association of Fleet Administrators.*

Heard

030006 Firefighter Combat Challenge Regional Competition (May 16-18, 2003)

RECOMMENDATION *The City Commission recognize City of Gainesville Firefighter Combat Challenge Members, Tim Bowen, Scott Dillon, Sean Campbell, Mike Tringali, Pat Hartley, Mike Sykes and Team Captain District Fire Chief Tim Hayes.*

Heard

WAIVER OF RULES

*Commissioner Braddy moved and Mayor-Commissioner Pro Tem Chestnut seconded to waive the rules in order to continue Citizen Comment.
(VOTE: 7-0, MOTION CARRIED)*

CITIZEN COMMENT - (Continued)**Jerry Williamson**

GPD Complaint - Thank you to Commissioners

Officer Jeff McAdams

1. *Recreational Assistance for Fifth Avenue*
2. *Law Enforcement Memorial Service - Commission Support*
2. *Wal-Mart Incident - Police Officer attacked*
3. *Citizen complaints against Police Officers*

John Hudson

Bivens Branch Preservation Project

See following item # 030004.

030004 Bivens Branch Preservation Project (B)

Chair Bussing recognized Pegeen Hanrahan who spoke to the matter.

RECOMMENDATION *The City Commission authorize the Mayor to write a letter of support to the Florida Communities Trust along with the land acquisition application regarding the Bivens Branch Preservation Project. The letter should also include that the City agrees to maintain the land which is adjacent to the City owned Biven's Arm Nature Park; and that this acquisition is consistent with the City's Comprehensive Plan.*

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

PUBLIC HEARINGS

ADOPTION READING-ROLL CALL REQUIRED

020716 NORTH FLORIDA REGIONAL DOCTORS OFFICE PARK - LAND USE CHANGE (B)

Ordinance No. 0-03-41, Petition No. 130LUC-02PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain properties annexed into the City from the Alachua County Land Use category of "OFF/M; office/medical" to the City of Gainesville Land Use category of "Office"; located in the vicinity of 1131 and 1201 N.W. 64th Terrace; providing a severability clause; providing a repealing clause; and providing an effective date.

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

020717 NORTH FLORIDA REGIONAL DOCTORS OFFICE PARK - REZONING (B)

Ordinance No. 0-03-42, Petition No. 131ZON-02PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties annexed into the City from the Alachua County zoning category of "AP, administrative/professional" to the City of Gainesville zoning category of "MD: Medical services district"; located in the vicinity of 1131 and 1201 N.W. 64th Terrace; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Approved and Adopted on Adoption Reading (Ordinance). 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

021161 UF FOUNDATION - LAND USE CHANGE (B)

Ordinance No. 0-03-45, Petition No. 130LUC-02PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property annexed into the City from the Alachua County land use category of "Recreation" to the City of Gainesville land use category of "Conservation"; located in the vicinity of N.W. 53rd Avenue and N.W. 51st Street, a/k/a Property Appraiser's Parcel ID Number 06023-003-004; providing a severability clause; providing a repealing clause; and providing an effective date.

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Nielsen, that this matter be Approved and Adopted on Adoption Reading (Ordinance). 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

021162 UF FOUNDATION - REZONING (B)

Ordinance No. 0-03-46, Petition No. 131ZON-02PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property annexed into the City from the Alachua County zoning category of "A, agricultural district" to the City of Gainesville zoning category of "CON: conservation district"; located in the vicinity of N.W. 53rd Avenue and N.W. 51st Street, a/k/a Property Appraiser's Parcel ID Number 06023-003-004; 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 Nielsen, seconded by Commissioner Domenech, that this matter be Approved and Adopted on First Reading (Ordinance). 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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

021123 2004 ELECTION DATES (B)

Ordinance No. 0-03-57

An ordinance of the City of Gainesville, Florida, setting March 9 as the date for the 2004 regular city election and March 30 as the date for the 2004 run-off election, if necessary; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by 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

021144 OAK HAMMOCK AREA - URBAN SERVICES REPORT (B)**Ordinance No. 0-03-56**

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

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

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 and Craig Lowe
Absent: Rick Bryant

RESOLUTIONS- ROLL CALL REQUIRED

021205 A Resolution of the City Commission of the City of Gainesville, Florida, requesting the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area to recommend that the Florida Department of Transportation revise their plans to acquire right-of-way on State Road 26, a/k/a University Avenue, within the area of North/South Drive and N.W. 23rd Street in the City of Gainesville, Florida, relating to Project ID 207790-1-52-01, referred to as the State Road 26A Project; providing directions to the Clerk of the Commission; and providing an immediate effective date. (B)

RECOMMENDATION *The City Commission adopt the resolution.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Lowe, 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

021239 Resolution Accepting Deed from FDOT for Conveyance of Land Located in the 3400 Block of East University Avenue for Fred Cone Park (B)

RECOMMENDATION *The City Commission adopt the Resolution requesting the*

Florida Department of Transportation convey property to the City by deed, accepting the right-of-way so conveyed, and providing that the right-of-way so conveyed will be used for the public interest and welfare.

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

021034 **Petition 29LUC-03 PB. Eng, Denman & Associates, Inc., agent for S. Wayne Floyd. Amend the 2000-2010 Gainesville Future Land Use Map from PUD (planned unit development) for assisted living facility to PUD (planned use district) for a residential development of up to six units per acre. Located at 1804 Northwest 34th Street. Related to Petition 30PDV-03PB. (B)**

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

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 29LUC-03 PB, with staff conditions and amended staff conditions. Plan Board vote 4-0.*

Staff to Plan Board - Approve

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

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

021035 **(Quasi-Judicial) Petition 30PDV-03 PB. Eng, Denman & Assoc. Inc., agent for S. Wayne Floyd. Rezone property from RSF-1 (3.5 du/acre single-family residential) to PD (planned development district) for a residential development of up to six units per acre with associated PD Layout plan. Located at 1804 Northwest 34th Street. Related to Petition 29LUC-03PB. (B)**

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 30PDV-03 PB. Plan Board vote 4-0.*

Staff to Plan Board -The proposed Planned Development rezoning with associated PD Plan Report and Development Layout Plan be approved with staff conditions.

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

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

021033

Petition 17LUC-03 PB. Wal-Mart Stores East, Inc., agent for Michael S. Hartman. Amend the Future Land Use Map of the 2000-2010 City of Gainesville Comprehensive Plan from C (Commercial), SF (Single-Family, up to 8 units per acre), RL (Residential Low-Density, up to 12 units per acre), RM (Residential Medium-Density, 8-30 units per acre), and CON (Conservation) to PUD (Planned Use District) on 91.7 acres for a Wal-Mart Supercenter with gas station, residential, office and retail development. Located at the southwest corner of Northwest 53rd Avenue and US 441 intersection. Related to Petition 18PDV-03 PB. (B)

City of Gainesville Chief of Comprehensive Planning Dean Mimms and Alachua County Environmental Protection (ACEP) Senior Environmental Specialist Michael Drummond gave presentations.

Chair Bussing recognized Jimmy Massey who made comments.

*FIRST MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to invite the individuals to come speak at this time, followed by the legal representation for affected parties, followed by the petitioner's legal representative, followed by individuals.
(NO VOTE)*

Chair Bussing recognized Attorney David Russ, Mack McCuller, Sarah Poll, Harold Saive and Attorney for the Petitioner Ron Carpenter who spoke to the previous motion.

SUBSTITUTE MOTION: Commissioner Nielsen moved and Commissioner Lowe seconded to hear some of the individuals first; offer the petitioner 60 minutes; followed by 40 minutes from each of the two oppositions; and 15 minutes for rebuttal from the petitioner; and then followed by the rest of the individuals. (VOTE: 4-3, Commissioner Domenech, Mayor-Commissioner Pro Tem Chestnut and Mayor Bussing - No, MOTION CARRIED)

PUBLIC COMMENT: Chair Bussing recognized Citizens John Hudson, Linda Pollini, Beverly Thomas, Rob Brinkman, Jimmy Massey, Jonathan Weibold, Neil Drake, Chris Rainwater, Harold Saive, Amy Richard, Dan Millsaps and William Mosby who spoke to the matter.

PETITIONER'S PRESENTATION: Attorney for the Petitioner Ron Carpenter, Southeast Area Community Affairs Manager for Wal-Mart Daphne Moore; Attorney with Fowler, White, Boggs and Baker Linda Shelly; Ecological Consulting Firm Lotspeich and Associates Representative Carl Lotspeich; CPH Engineers Civil Engineer Peter Sutch, P.E.; and Urban Forester Steve Clark gave presentations.

OPPOSITION PRESENTATION: Smith Hulsey & Busey Representative Mack McCuller; Solin and Associates Professional Planner Les Solin; Fishkind and Associates Dr. Hank Fishkind; Attorney representing certain opposing parties David Russ; and President of GeoSolutions Hydrogeologist Steve Boyes gave presentations.

PETITIONER'S REBUTTAL: Attorney for the Petitioner Ron Carpenter gave a presentation.

WAIVER OF RULES: Commissioner Domenech moved and Mayor-Commissioner Pro Tem Chestnut seconded to waive the rules to extend the meeting until 12:00 AM. (VOTE: 7-0, MOTION CARRIED)

ADDITIONAL PUBLIC COMMENTS: Chair Bussing recognized Citizens Robert Ackerman, Sue Grant, Jackie Fralick, Carolyn Lewis, Doris Bardon, Brian McNab, Dave Bruderly, David Gold, Evelyn Hartman, Mark Vinzke, Eddie Davis, Sarah Poll, Warren Wohlgemty and Virginia Seacrest who spoke to the matter.

WAIVER OF RULES: Commissioner Domenech moved and Commissioner Braddy seconded to waive the rules to extend the meeting until 12:30 AM. (VOTE: 6-1, Mayor Bussing - No, MOTION CARRIED)

MAIN MOTION: Commissioner Nielsen moved and Commissioner Lowe seconded to deny the petition.

ROLL CALL:

Commissioner Lowe - Yes

Commissioner Domenech - No

Mayor-Commissioner Pro Tem Chestnut - No

Commissioner Nielsen - Yes

Commissioner Braddy - No

Commissioner Bryant - Yes

Mayor Bussing - Yes

(VOTE: 4-3, MOTION CARRIED)

RECOMMENDATION *City Plan Board to City Commission - The City Commission deny Petition 17LUC-03 PB. Plan Board vote 3-1.*

Staff to Plan Board - Planning Division staff recommends approval of Petition 17LUC-03 PB, subject to conditions of approval.

A motion was made by Commissioner Nielsen, seconded by Commissioner Lowe, that this matter be Denied (Petition). The motion carried by the following vote:

Votes: Aye: Tom Bussing, Warren Nielsen, Rick Bryant and Craig Lowe

Nay: Tony Domenech, Edward Braddy and Chuck Chestnut

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Chuck Chestnut

City Commission Rules

CITIZEN COMMENT

Sarah Poll

Taxing Issues

Anneter Heard

- 1. GRU Wireless Communication Building - (5th Avenue)*
- 2. Electric wires shocking and killing trees*
- 3. Frequent power surges*

David Bruderly

Energy - Hydrogen Business Initiatives

ADJOURNMENT - 12:28 AM

Kurt M. Lannon, Clerk of the Commission