

City of Gainesville

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



Meeting Minutes

Monday, March 15, 2004

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 - 1:04 PM**ROLL CALL**

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

INVOCATION**Reverend Robinsky Reed, Mount Pleasant United Methodist Church****CONSENT AGENDA**

Commissioner Domenech moved and Commissioner Lowe seconded to adopt the Consent Agenda.

(VOTE: 5-0, Mayor-Commissioner Pro Tem Chestnut and Commissioner Nielsen - Absent, MOTION CARRIED)

CITY MANAGER, CONSENT AGENDA ITEMS**030987 Award of Contract for Employee Assistance Program (EAP) (B)**

RECOMMENDATION *The City Commission approve the selection of Clinical Psychology Associates of North Florida, Inc. for the provision of the EAP program services for City employees and authorize the City Manager or his designee to negotiate and enter into an agreement for three years starting from the date of execution, with the possibility of two (2) additional one-year extensions.*

This Matter was Approved as Recommended on the Consent Agenda.

030988 US Fire Administration Grant for Firefighter Health and Safety (NB)

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply for the Federal FIRE Grant of up to \$326,004, and if awarded; 2) execute the grant award contract.*

This Matter was Approved as Recommended on the Consent Agenda.

030989 Florida Exotic Pest Plant Council Grant Application (B)

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

designee to: 1) submit a grant application to the Florida Exotic Pest Plant Council; and 2) execute the application, contract and other grant-related documents, if awarded.

This Matter was Approved as Recommended on the Consent Agenda.

030990 Land and Water Conservation Fund Grant Application (B)

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply to the Florida Department of Environmental Protection for up to \$200,000 in Land and Water Conservation grant funds; and if awarded, 2), encumber the \$200,000 required matching funds; and 3) execute the grant agreement and any required contracts.*

This Matter was Approved as Recommended on the Consent Agenda.

030991 Fee Waiver for Use of Westside Center (B)

RECOMMENDATION *The City Commission approve the fee waiver for the use of the Westside Center on May 22, 2004, by the University of Florida, IFAS extension services.*

This Matter was Approved as Recommended on the Consent Agenda.

030992 Fee Waiver for Use of the Martin Luther King, Jr. Center for Alachua County Administrative Services (B)

RECOMMENDATION *The City Commission: 1) approve the fee waiver for Alachua County's Administrative Services Offices for the use of the Martin Luther King, Jr. Center on March 24, 2004; and 2) refer the discussion of the new fee waiver policy for Recreation and Parks facilities to the Recreation and Cultural Affairs Committee for discussion and a final recommendation to the City Commission.*

This Matter was Approved as Recommended on the Consent Agenda.

030993 Request Purchase Approval of Tax Parcel 11117-000-000 Located at 600 block of NE 24th Street for Duval Stormwater Park (B)

RECOMMENDATION *The City Commission: 1) authorize staff to offer the appraised value for the acquisition of property located at 600 block of NE 24th Street (Tax Parcel 11117-000-000); and 2) authorize the City Manager to execute a Purchase and Sale Agreement and perform all stipulations of the Agreement*

related to the purchase of the property.

This Matter was Approved as Recommended on the Consent Agenda.

030860 2004 City Commission Goals and Objectives (B)

RECOMMENDATION *The City Commission adopt the 2004 Goals and Objectives.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

031000 Executive Search Firm (B)

RECOMMENDATION *The City Commission authorize the General Manager, or a designee, to negotiate and execute a professional services agreement for executive search services for two positions with Mycoff & Associates in the amount of \$65,000 plus expenses.*

This Matter was Approved as Recommended on the Consent Agenda.

031001 Settlement of Insurance Claims for MGP Clean-Up AEGIS Insurance Services Group, Inc. (NB)

RECOMMENDATION *The City Commission authorize the General Manager to execute such documents as are approved by the City Attorney as to form and legality to implement the settlement of any and all claims the City may have against AEGIS Insurance Services, Inc. and its affiliates arising out of the former MGP site.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

031003 EEOC CHARGE NO. 150-2004-01501 STEVE T. MALU VS. THE CITY OF GAINESVILLE (B)

RECOMMENDATION *The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to represent the City in the case styled Steve T. Malu vs. the City of Gainesville; EEOC Charge No.: 150-2004-01501.*

This Matter was Approved as Recommended on the Consent Agenda.

031004 FCHR CHARGE NO. 200421291 EEOC CHARGE NO. 15DA400585 DANA D. RIPLEY VS. CITY OF GAINESVILLE/GAINESVILLE POLICE DEPARTMENT (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 Dana D. Ripley vs. City of Gainesville/Gainesville Police Department; FCHR Charge No. 200421291; EEOC Charge No.: 15DA400585.*

This Matter was Approved as Recommended on the Consent Agenda.

031005 Housing Discrimination Complaints HUD Case No. 04-04-0420-8 and 6 Hubert S. Hunt v. Kennedy Homes; HUD Case No. 04-04-0421-8 and 6 Mildred Battle v. Kennedy Homes; HUD Case No. 04-04-0422-8 and 6 Mary J. Wright v. Kennedy Homes; HUD Case No. 04-04-0423-8 and 6 Brenda West v. Kennedy Homes; HUD Case No. 04-04-0424-8 and 6 Dorothy West v. Kennedy Homes; HUD Case No. 04-04-0426-8 and 6 Tammy M. Jenkins v. Kennedy Homes; HUD Case No. 04-04-0425-8 and 6 Tara West v. Kennedy Homes; HUD Case No. 04-04-0450-8 and 6 Belinda Adkins v. Kennedy Homes; HUD Case No. 04-04-0449-8 and 6 Mozella C. Anderson v. Kennedy Homes; HUD Case No. 04-04-0471-8 and 6 William and Latrail Denson v. Kennedy Homes; HUD Case No. 04-04-0490-8 Theresa L. Daniel v. Kennedy Homes; HUD Case No. 04-04-0480-8 Yvonne L. Kinsey v. Kennedy Homes; HUD Case No. 04-04-0485-8 Steven Scott v. Kennedy Homes; HUD Case No. 04-04-0486-8 Jessica L. Strowbridge v. Kennedy Homes; HUD Case No. 04-04-0487-8 and 6 Kabbie M. Wilson v. Kennedy Homes; HUD Case No. 04-04-0451-8 and 6 Latressa L. Barber v. Kennedy Homes; HUD Case No. 04-04-0453-8 and 6 Dorothy Bessent v. Kennedy Homes; HUD Case No. 04-04-0452-8 and 6 Rosalind Brown v. Kennedy Homes; HUD Case No. 04-04-0454-8 and 6 Robin T. Brunner v. Kennedy Homes; HUD Case No. 04-04-0469-8 and 6 Valencia N. Boykin v. Kennedy Homes; HUD Case No. 04-04-0470-8 and 6 Tawanna Carmen v. Kennedy Homes; HUD Case No. 04-04-0482-8 Henree Nicole Marlow v. Kennedy Homes; HUD Case No. 04-04-0481-8 Deloris Moore v. Kennedy Homes; HUD Case No. 04-04-0483-8 Kimberly L. Owens v. Kennedy Homes; HUD Case No. 04-04-0484-8 Barbara E. Palmer v. Kennedy Homes; HUD Case No. 04-04-0489-8 Lashanda R. Young v. Kennedy Homes; HUD Case No. 04-04-0488-8 Kenyatta L. Wims v. Kennedy Homes; HUD Case No. 04-04-0474-8 and 6 Gloria L. Davis v. Kennedy Homes; HUD Case No. 04-04-0473-8 and 6 Lashonda Davis v. Kennedy Homes; HUD Case No. 04-04-0472-8 and 6 Anginella Donaldson v. Kennedy Homes; HUD Case No. 04-04-0476-8 and 6 Patrina Jackson v. Kennedy Homes; HUD Case No. 04-04-0475-8 and 6 Deborah Hargrove v. Kennedy Homes; HUD Case No. 04-04-0479-8 and 6 Elizabeth King v. Kennedy Homes; HUD Case No. 04-04-478-8 and 6 Joanne Johnson v. Kennedy Homes

RECOMMENDATION *The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to*

represent the City in Housing Discrimination Complaints HUD Case No. 04-04-0420-8 and 6 Hubert S. Hunt v. Kennedy Homes; HUD Case No. 04-04-0421-8 and 6 Mildred Battle v. Kennedy Homes; HUD Case No. 04-04-0422-8 and 6 Mary J. Wright v. Kennedy Homes; HUD Case No. 04-04-0423-8 and 6 Brenda West v. Kennedy Homes; HUD Case No. 04-04-0424-8 and 6 Dorothy West v. Kennedy Homes; HUD Case No. 04-04-0426-8 and 6 Tammy M. Jenkins v. Kennedy Homes; HUD Case No. 04-04-0425-8 and 6 Tara West v. Kennedy Homes; HUD Case No. 04-04-0450-8 and 6 Belinda Adkins v. Kennedy Homes; HUD Case No. 04-04-0449-8 and 6 Mozella C. Anderson v. Kennedy Homes; HUD Case No. 04-04-0471-8 and 6 William and Latriail Denson v. Kennedy Homes; HUD Case No. 04-04-0490-8 Theresa L. Daniel v. Kennedy Homes; HUD Case No. 04-04-0480-8 Yvonne L. Kinsey v. Kennedy Homes; HUD Case No. 04-04-0485-8 Steven Scott v. Kennedy Homes; HUD Case No. 04-04-0486-8 Jessica L. Strowbridge v. Kennedy Homes; HUD Case No. 04-04-0487-8 and 6 Kabbie M. Wilson v. Kennedy Homes; HUD Case No. 04-04-0451-8 and 6 Latressa L. Barber v. Kennedy Homes; HUD Case No. 04-04-0453-8 and 6 Dorothy Bessent v. Kennedy Homes; HUD Case No. 04-04-0452-8 and 6 Rosalind Brown v. Kennedy Homes; HUD Case No. 04-04-0454-8 and 6 Robin T. Brunner v. Kennedy Homes; HUD Case No. 04-04-0469-8 and 6 Valencia N. Boykin v. Kennedy Homes; HUD Case No. 04-04-0470-8 and 6 Tawanna Carmen v. Kennedy Homes; HUD Case No. 04-04-0482-8 Henree Nicole Marlow v. Kennedy Homes; HUD Case No. 04-04-0481-8 Deloris Moore v. Kennedy Homes; HUD Case No. 04-04-0483-8 Kimberly L. Owens v. Kennedy Homes; HUD Case No. 04-04-0484-8 Barbara E. Palmer v. Kennedy Homes; HUD Case No. 04-04-0489-8 Lashanda R. Young v. Kennedy Homes; HUD Case No. 04-04-0488-8 Kenyatta L. Wims v. Kennedy Homes; HUD Case No. 04-04-0474-8 and 6 Gloria L. Davis v. Kennedy Homes; HUD Case No. 04-04-0473-8 and 6 Lashonda Davis v. Kennedy Homes; HUD Case No. 04-04-0472-8 and 6 Anginella Donaldson v. Kennedy Homes; HUD Case No. 04-04-0476-8 and 6 Patrina Jackson v. Kennedy Homes; HUD Case No. 04-04-0475-8 and 6 Deborah Hargrove v. Kennedy Homes; HUD Case No. 04-04-0479-8 and 6 Elizabeth King v. Kennedy Homes; HUD Case No. 04-04-478-8 and 6 Joanne Johnson v. Kennedy Homes.

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

030974 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of February 16, 2004, February 27, 2004 (Special Meetings); February 23, 2004 (Regular Meeting); and March 1, 2004 (Workshop); as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

031010 Resignation of Laura L. Collopy (B)

RECOMMENDATION *The City Commission accept the resignation of Board of Adjustment member Laura L. Collopy effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

031011 Resignation of Michael J. Cook (B)

RECOMMENDATION *The City Commission accept the resignation of Gainesville Code Enforcement Board member Michael J. Cook effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****PUBLIC SAFETY COMMITTEE, CONSENT****030056 Noise Ordinance -Boom Box Issues (NB)**

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

This Matter was Approved as Recommended on the Consent Agenda.

REGIONAL UTILITIES COMMITTEE, CONSENT**002622 Regional Utilities Committee Referral Item #002622 - Underground Utility Districts (NB)**

RECOMMENDATION *The City Commission: 1) remove item #002622 -*

Underground Utility Districts from the Regional Utilities Committee referral list; 2) retain as a new item the feasibility of modifying the existing land development code to prohibit construction of overhead utility infrastructure in areas that have been constructed underground; 3) direct the City Manager and General Manager to evaluate any needed modifications to the land development code that may be necessary to implement this requirement; and 4) return to the Regional Utilities Committee with a report.

This Matter was Approved as Recommended on the Consent Agenda.

EAST GAINESVILLE SPROUT PROJECT TASK FORCE, CONSENT

030994 County-Designated Member to the East Gainesville SPROUT Project Task Force (NB)

RECOMMENDATION *The City Commission contact the Alachua County Board of County Commissioners to request a nominee for appointment to the East Gainesville SPROUT Project Task Force for a two-year term.*

This Matter was Approved as Recommended on the Consent Agenda.

030995 Appointment of Linda McGurn to the East Gainesville SPROUT Project Task Force (NB)

RECOMMENDATION *The City Commission appoint Linda McGurn to the East Gainesville SPROUT Project Task Force for a two-year term.*

This Matter was Approved as Recommended on the Consent Agenda.

030996 East Gainesville SPROUT Project Task Force - Main Street Reconstruction Project (NB)

RECOMMENDATION *The City Commission authorize the Mayor to write to the Florida Department of Environmental Protection and Alachua County Environmental Protection to express concern that the cleanup of contaminants under Main Street occur simultaneously with the Main Street reconstruction, rather than afterwards.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Domenech, seconded by Commissioner Lowe, 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, Rick Bryant and Craig Lowe
Absent: Chuck Chestnut and Warren Nielsen

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

*Commissioner Domenech moved and Commissioner Lowe seconded to adopt the Regular Agenda with the following modifications:
(VOTE: 5-0, Mayor-Commissioner Pro Tem Chestnut and Commissioner Nielsen - Absent, MOTION CARRIED)*

MODIFICATION:

File # 030998 - Resolution for Extension of Temporary Easement Along SR 26 (University Avenue) to FDOT - (Withdraw from the Agenda).

ADDITIONAL BACK-UP:

File # 031006 - Resolution Accepting the Report of the Board of Canvassers for the City of Gainesville, Florida Election Held March 9, 2004 - (back-up submitted.)

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

SPECIAL PRESENTATION

City of Gainesville Economic Development Director Erik Bredfeldt introduced the new Director of the GTEC Facility Booker Schmidt.

030997 Metropolitan Transportation Planning Organization (MTPO) (NB)

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

NOTE: Mayor-Commissioner Pro Tem Chestnut entered the meeting room at 1:09 PM.

RECOMMENDATION *The City Commission hear a report from staff regarding the March 16, 2004 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

Heard

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR**EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****Recreation and Cultural Affairs Committee****030432 Proposed FY 2004 Summer Playground Fees (B)**

City of Gainesville Recreation and Parks Director Rodney Stokes and Recreation Manager Jeffrey Moffitt gave presentations.

RECOMMENDATION *The City Commission: 1) hear the Summer Program presentation; 2) approve the proposed FY 2004 Summer Playground Fee Structure; 3) direct Budget staff to establish a revenue recovery structure to return pool fees to Aquatics; and 4) authorize the City Manager, or designee, to provide additional funding for the Summer Playground Program based on the generation of additional program fees.*

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, Rick Bryant and Craig Lowe
Absent: Warren Nielsen

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****031009 Commissioner Edward Braddy - Gainesville Chamber Orchestra (B)**

FIRST MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to use \$5,000.00 from the City Commission Contingency Fund in support of the Gainesville Chamber Orchestra Outreach Program.

(VOTE: 5-0, Mayor Bussing and Commissioner Nielsen - Absent, MOTION CARRIED)

Chair Bussing recognized Board President of the Chamber Orchestra Liz Getz, former Executive Director Lynn Knoffsinger, current Executive Director Jason Hibbard, Board Member Bob Atkins, former Chamber Board President Rebecca Micha, and Board Member Doris Bardon who spoke to the matter.

Chair Bussing passed the gavel to Mayor-Commissioner Pro Tem Chestnut in order to make the following substitute motion.

SUBSTITUTE MOTION: Mayor Bussing moved and Commissioner Domenech seconded that the 1) City Commission ask the City Manager to reallocate \$20,000 from the GRU Incentive Fund and that this \$20,000 be for arts enhancement in the City's budget; and 2) as a first allocation because of special circumstances that the Downtown Pops on the Plaza is a joint sponsored project with the City and that \$5,000 be allocated from the \$20,000 to the Gainesville Chamber Orchestra to defray costs associated with that concert.

(VOTE: 1-5, Mayor Bussing-Yes; Mayor-Commissioner Pro Tem Chestnut, Commissioners Lowe, Domenech, Braddy and Bryant - No, Commissioner Nielsen - Absent, MOTION FAILED)

RECOMMENDATION *The City Commission hear a presentation and take appropriate action.*

Approved, as shown above (First Motion)

COMMISSION COMMENTS (if time available)

RECESS - 2:43 PM

RECONVENE - 5:31 PM

CITIZEN COMMENT

Richard Selwach

Drainage from the Airport onto Private Property

See following item #031019.

031019 Airport Stormwater Problems on Selwach Property (B)

RECOMMENDATION *The City Commission hear a presentation from Richard Selwach and place the documents submitted on file.*

Placed on File

Susan Poston

Council for Exceptional Children Event - Permit Fees

Ron Carpenter

Savannah Grande Parking

See following item #031016.

031016 Savannah Grande Parking Issues (NB)

NOTE: Commissioner Nielsen asked that this item be placed on the next Public Works Committee Agenda.

RECOMMENDATION *The City Commission refer the issue of Savannah Grande Parking to the Public Works Committee.*

A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Referred to the Public Works Committee, due back on September 15, 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

Juan Harrington

Eden Park Apartments at Ironwood Golf Course Village Subdivision

See following item #031020.

Greg Norman

Eden Park Apartments at Ironwood Golf Course Village Subdivision

See following item #031020.

031020 Eden Park Apartments at Ironwood Village Subdivision (B)

RECOMMENDATION *The City Commission hear a presentation from Juan Harrington and Greg Norman and place the documents submitted on file.*

Placed on File

Mark Billman

Hogtown Creek Overflow - Mason Manor Flooding

See item #031017.

031017 Mason Manor Flooding (NB)

RECOMMENDATION *The City Commission refer the issue of flooding at Mason Manor (NW 10th Avenue and NW 8th Avenue) to the Public Works Committee.*

A motion was made by Commissioner Bryant, seconded by Commissioner Domenech, that this matter be Referred to the Public Works Committee, due back on September 15, 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

Sarah Poll

Handicapped Parking and Roam Towing Fees

See item #031018.

031018 Handicapped Parking and Roam Towing Fees (NB)

RECOMMENDATION *The City Commission refer the issue of handicapped parking and roam towing fees to the Public Safety Committee.*

A motion was made by Commissioner Braddy, seconded by Commissioner Domenech, that this matter be Referred to the Public Safety Committee, due back on September 15, 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

COMMISSION COMMENTS

PLEDGE OF ALLEGIANCE (6:00pm)

Boy Scout Troop #454

PROCLAMATIONS/SPECIAL RECOGNITIONS

031015 Suicide Prevention Day 2004 - March 23, 2004 (B)

RECOMMENDATION *Alachua County Crisis Center Director Marshall Knudson and Survivors of Suicide Member Judy Bousquet to accept the*

proclamation.

Heard

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

001261 LOCAL PREFERENCE POLICY (B)

Ordinance No. 0-04-26

An ordinance of the City of Gainesville, Florida, creating Article X of Chapter 2 of the Code of Ordinances of the City of Gainesville relating to local preference in purchasing, making findings, providing for definitions, preference and exceptions, providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a prospective effective date and sunset provisions.

City of Gainesville Administrative Services Director Glenda Currie gave a presentation.

Chair Bussing recognized Floyd Gipson of Gipson and Associates, Todd Cooper, Jim Beaty of R W Beaty Restaurant and Supply Company, Creative Director Damian Laslow and Vice-President Suzanne Bachus of Group 5 and Associates; and Bill Sutherland of Office Concepts 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 Nielsen, 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

030622 STREET VACATION (B)

Ordinance No. 0-04-21, Petition 127SVA-03PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way known as S.W. 7th Terrace located south of S.W. 5th Avenue, adjacent to and east of tax parcel no. 13432-000-000 and starting at a point on the south right-of-way line of S.W. 5th Avenue, extending south to the southeast corner of tax parcel no. 13432-000-000; reserving a public utilities easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

030978 CANVASSING BOARD SUBSTITUTE MEMBERS (B)

Ordinance No. 0-04-27

An Ordinance of the City of Gainesville, Florida; amending Section 9-14 of the City of Gainesville Code of Ordinances; providing for substitute members to the board of canvassers in the event that a member or members of the city commission are unable or not qualified to serve; 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 Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Lowe, 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 and Craig Lowe
Absent: Rick Bryant

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

030584 PANHANDLING RESTRICTIONS (B)

Ordinance No. 0-04-25

An ordinance of the City of Gainesville relating to panhandling; creating and adding Section 19-79 to the Code of Ordinances by providing legislative findings; amending Section 19-80 of the Gainesville Code of Ordinances by prohibiting panhandling, begging or aggressive begging in certain public places; 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 Braddy, 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

030621 REZONING - NORTHWOOD INDUSTRIAL PARK (B)**Ordinance No. 0-04-14, Petition No. 135ZON-03PB**

An Ordinance of the City of Gainesville, Florida; amending the Zoning Map Atlas and Rezoning Certain Properties within the City from the zoning category of "CON: Conservation District" to "I-2: General Industrial District"; located in the vicinity of 2339 Northwest 66th Court; providing a severability clause; providing a repealing clause; and providing an effective date.

Chair Bussing recognized Citizen Marilyn Walker who spoke to the matter.

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by 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, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe
Absent: Edward Braddy

030624 REZONING - NORTH MAIN STREET (B)**Ordinance No. 0-04-16, Petition No. 158ZON-03PB**

An ordinance of the City of Gainesville, Florida, amending the zoning map atlas and rezoning certain properties within the city from the zoning category of "MU-2: 12-30 units/acre mixed use medium intensity" to "BA: Automotive-oriented business district"; located in the vicinity of the 2500 block of North Main Street; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

030625 LAND DEVELOPMENT CODE AMENDMENT - OFF-STREET PARKING (B)**Ordinance No. 0-04-17; Petition No. 154TCH-03 PB**

An ordinance of the City of Gainesville, Florida, amending paragraph 30-56(c)(4) of the Land Development Code, amending off-street parking regulations in the University of Florida Master Plan Context Area to clarify and

add additional requirements; 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 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

RESOLUTIONS- ROLL CALL REQUIRED

030854 Resolution Authorizing the Airport Industrial Park - Sidewalk Installation Policy (B)

RECOMMENDATION *The City Commission: 1) approve the resolution formalizing the Airport Industrial Park - Sidewalk Installation Policy; and 2) authorize the Mayor and Clerk of the Commission to execute the resolution.*

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

030998 Resolution for Extension of Temporary Easement Along SR 26 (University Avenue) to FDOT (B)

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

Withdrawn

030999 Resolution for Extension of Temporary Easement Along SW 36th Street to FDOT (B)

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

walkways along SW 36th Street.

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

031002 Resolution Urging the USEPA to Expedite Remediation Efforts at the Koppers Superfund Site (B)

GRU Strategic Planning Engineer David Richardson gave a presentation.

RECOMMENDATION *The City Commission: 1) hear a brief presentation from staff; 2) approve the proposed resolution; and 3) authorize the General Manager for Utilities to send copies of the resolution to USEPA and other parties as indicated in the resolution.*

A motion was made by Commissioner Lowe, seconded by Commissioner Bryant, that this matter be Adopted (Resolution). 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

031006 RESOLUTION ACCEPTING THE REPORT OF THE BOARD OF CANVASSERS FOR THE CITY OF GAINESVILLE, FLORIDA, ELECTION HELD MARCH 9, 2004 (B)

RECOMMENDATION *The City Commission adopt the proposed resolution.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Bryant, that this matter be Adopted (Resolution). 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

031007 CITY COMMISSION EX PARTE COMMUNICATIONS (B)

A Resolution amending Rule XXI of the Rules of Procedure of the City Commission of the City of Gainesville, Florida; removing the prohibition against ex parte communications and establishing a process to disclose such communications; and providing an immediate effective date.

City Attorney's Office Extern Kenneth Poole and Community Development Director Tom Saunders gave presentations.

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

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

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

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

PLAN BOARD PETITIONS

020461 Amend the City of Gainesville Land Development Code, Article VIII (Environmental Management) to Implement Adopted Gainesville Comprehensive Plan Requirements for Street Trees, Wetlands and Surface Waters. Petition 95TCH-02 PB (B)

City of Gainesville Chief of Comprehensive Planning Dean Mimms gave a presentation.

Chair Bussing recognized Gainesville Water Management Committee Chair James Higman, Engineer Dink Henderson, Citizens Marilyn Walker and Francine Robinson who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission: Approve the petition.*

Staff to City Commission: Approve the petition with Plan Board recommended edits and additional subsequent staff edits.

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

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

030759 Amend the City of Gainesville Land Development Code Regarding Communication Towers and Antennas, Petition 170TCH-03 PB (B)

City of Gainesville Planner Jason Simmons, Telecommunications Consultant Mr. Arthur Peters and Planning Manager Ralph Hilliard gave presentations.

Chair Bussing recognized Citizen Carol Higman, Alachua County Plan Board Chair James Higman, Verizon Wireless Representative Linda Bellflower, T-Mobile Attorney Mary Doty and Citizen Sarah Poll who spoke to the matter.

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

approve Petition 170TCH-03 PB, with Plan Board modifications. Plan Board vote 5-0.

Staff to Plan Board - Approve

A motion was made by Commissioner Lowe, 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

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Mayor Tom Bussing

- 1. Letter of support for Santa Fe Community College for the Planetarium Project.*
- 2. Back yard parking - problem in the University Context Area - Community Development Director Tom Saunders made comments.*
- 3. League of Cities - Prosecution of Local Ordinance Violations - Article 5 Senate Bill.*
- 4. Landlord Fee Schedule - Revisit the issue - See following item #031022.*
- 5. League of Cities Bulletin - League of Cities supporting a Citizens Constitutional Amendment - "Floridians Against Inequities in Rates" (FAIR Amendment) - This amendment would require the Legislature to review one at a time most of the sales tax exemptions every 10 years.*
- 6. Legislative Bulletin - Commissioner Wheat E-Mail regarding Senate Bill - 0152- Water Study Commission - See following item #031023.*

031023

Water Study Committee for 2020 - Senate Bill 0152 (B)

NOTE: Commissioner Lowe left the meeting room at approximately 10:15 PM.

RECOMMENDATION *The City Commission direct the City Manager, the City Attorney and their staff to review Senate Bill 0152 - Water Study Committee for 2020 and come back with a report.*

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

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

031022 Landlord Licensing Fee Schedule (NB)

RECOMMENDATION *The City Commission refer the issue of revisiting the Landlord Licensing Fee to the Community Development Committee.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Domenech, that this matter be Referred to the Community Development Committee, due back on September 15, 2004. The motion carried by the following vote:

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

Commissioner Warren Nielsen

Direction to the City Manager to help plan and organize a trip to New Haven and Norfolk.

See following item #031021.

031021 New Haven and Norfolk Visit (NB)

NOTE: Chair Bussing passed the gavel to Mayor-Commissioner Pro Tem Chestnut in order to make the following substitute motion.

SUBSTITUTE MOTION: Mayor Bussing moved and Commissioner Braddy seconded to lay this item on the table.

(VOTE: 2-3, Mayor Bussing and Commissioner Braddy - Yes, Commissioners Nielsen, Chestnut and Bryant - No; and Commissioners Lowe and Domenech - Absent; MOTION FAILED).

RECOMMENDATION *The City Commission: 1) Direct the City Manager to plan and organize a task force to visit New Haven and Norfolk; 2) direct that the task force membership would include willing City Commissioners and the Mayor, the City Manager and selected staff to include the Directors of Community Development, Public Works and Economic Development; 3) invite County Commissioners, University of Florida and Santa Fe leadership, local business leadership and local press; and 4) charge to task force - draft a public report and action plan outlining potential opportunities for Gainesville.*

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

CITIZEN COMMENT

Sarah Poll

- 1. Electric Workshops and Commissioner Nielsen's presentation on TV.*
- 2. Water Issues and Wetland Issues/Development.*
- 3. Sewer systems east of City Hall.*

ADJOURNMENT- 10:59 PM

Kurt M. Lannon, Clerk of the Commission