

City of Gainesville

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



Meeting Minutes

Monday, November 10, 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 - 1:04 PM**ROLL CALL**

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

INVOCATION**Reverend Thomas A. Wright, Mount Carmel Baptist Church****CONSENT AGENDA**

*Commissioner Braddy moved and Commissioner Domenech seconded to adopt the Consent Agenda with the following modification:
(VOTE: 6-0, Commissioner Nielsen - Absent, MOTION CARRIED)*

MODIFICATION:

File #030602 - Ratification of Communications Workers of America, Local No. 3170 Contract - (Additional backup submitted).

CITY MANAGER, CONSENT AGENDA ITEMS**030599 Interlocal Agreement with University of Florida to Provide RTS Sunday Service on Campus (B)**

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute the Interlocal Agreement with the University of Florida for the period of August 19, 2003 through August 18, 2004, and any other necessary documents.*

This Matter was Approved as Recommended on the Consent Agenda.

030600 Bid Award for Annual Residential Recycling and Waste Reduction Public Education Campaign (B)

RECOMMENDATION *The City Commission: 1) approve the bid award to Group 5 & Associates, Inc.; and 2) authorize the City Manager or designee to execute a contract with Group 5 & Associates, Inc., for the period of October 1, 2003 through September 30, 2004, and any and all related documents.*

This Matter was Approved as Recommended on the Consent Agenda.

030601 Bid Award for Annual Commercial Recycling and Waste Reduction Public Education Campaign (B)

RECOMMENDATION *The City Commission: 1) approve the bid award to Group 5 & Associates, Inc.; and 2) authorize the City Manager or designee to execute a contract with Group 5 & Associates, Inc., for the period of October 1, 2003 through September 30, 2004, and any and all related documents.*

This Matter was Approved as Recommended on the Consent Agenda.

030602 Ratification of Communications Workers of America, Local No. 3170 Contract (B)

RECOMMENDATION *The City Commission ratify the Agreement.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**030591 Purchase Order for three (3) Jack & Bore Projects (B)**

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Utility Service of Gainesville, Inc. for three (3) Jack and Bore projects in the total amount of \$43,716.10 for the Water/Wastewater Engineering Department.*

This Matter was Approved as Recommended on the Consent Agenda.

030592 Agreement for Natural Gas Trench and Casing Installation Associated With GRU's Energy Delivery (NB)

RECOMMENDATION *The City Commission: 1) Authorize the General Manager or his designee to initiate negotiation of contract terms with various contractors to install road crossings and joint trenches, as required, on an as needed basis for a thirty six (36) month term ending October 31, 2006, subject to the approval of the City Attorney as to form and legality; and 2) Approve the issuance of purchase orders in amounts not exceeding the budgeted amounts for these services, subject to the final appropriation of funds in each future fiscal year of the contracts.*

This Matter was Approved as Recommended on the Consent Agenda.

030593 Purchase of Lube Truck Body and Equipment from Lube Specialists (NB)

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Lube Specialists for a Lube Truck body and equipment in an amount not to exceed \$53,445.00.*

This Matter was Approved as Recommended on the Consent Agenda.

030594 Electric Service Territorial Agreement (NB)

RECOMMENDATION *The City Commission: Authorize the General Manager, City Attorney, and Clerk of the Commission to take those actions required for the City to comply with the terms of the Electric Territorial Agreement dated January 31, 2002, between the City and Clay Electric Cooperative including, but not limited to, the execution and delivery of all necessary grants and assignments of easements.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS**030595 FCHR CHARGE NO. 20-0420144 RONNIE RICKS VS. THE CITY OF GAINESVILLE, PARKS AND RECREATION (B)**

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled Ronnie Ricks vs. the City of Gainesville, Parks and Recreation; FCHR Charge No.: 20-0420144.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**030586 City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of October 13 & 27, 2003 (Regular Meetings) and October 20 & 30, 2003 (Special Meetings); as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

030609 December 22, City Commission Meeting (NB)

RECOMMENDATION *The City Commission cancel the regular meeting scheduled*

for December 22, 2003.

This Matter was Approved as Recommended on the Consent Agenda.

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

030469 Legal Office Expenses from State Law Enforcement Contraband Forfeiture Trust Fund (NB)

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

This Matter was Approved as Recommended on the Consent Agenda.

030508 Federal LECFTF Funding for the Ford Police Interceptor Trunk Packs, the Pro-Gard Universal Rifle Racks, and Tufloc 36-014 Crown Victoria Rifle Drawer (NB)

RECOMMENDATION *The City Commission approve the appropriation of an amount not to exceed \$56,500 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the purchase of Trunk Packs, Pro-Gard Rifle Racks and Tufloc Security Drawers for the Crown Victoria Police Interceptors, and authorize the issuance of a purchase order to Gainesville Ford Mitsubishi, Inc., of Gainesville, Florida, in the amount of \$41,846.84.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Commissioner Domenech moved and Commissioner Bryant seconded to adopt the Regular Agenda with the following modification:

(VOTE: 7-0, MOTION CARRIED)

MODIFICATION:

File #030611 - Commissioner Edward Braddy Sales Tax Proposal - Gainesville's Share - (Additional backup submitted).

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

030604 Proposed Fee Increases for Residential Solid Waste Services (NB)

City of Gainesville Solid Waste Manager Paul Alcantar and Budget Analyst Tom Bird gave presentations.

Chair Bussing recognized Citizen Rob Brinkman who spoke to the matter.

NOTE: Second Reading of this Ordinance will be held at a December 15, 2003, Special City Commission Meeting.

RECOMMENDATION *The City Commission authorize the City Attorney to prepare changes to Appendix A to the Code of Ordinances (Schedule of Fees, Rates and Charges) to reflect the proposed increase in Residential Solid Waste Service Fees.*

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

030605 Depot Avenue Corridor Preliminary Design (B)

City of Gainesville Public Works Manager Emery Swearingen, Kimley-Horn Representative Fred Schwartz and Transportation Manager Brian Kanely gave presentations.

Chair Bussing recognized University of Florida Foundation Director of Real Estate

Bruce DeLaney who spoke to the matter.

MOTION: Approve the design as presented with the understanding that there is additional work to be done in the Spring Hill Neighborhood and that the Sixth Street roundabout will be worked out later.

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

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

030606 Creek Summit Update (NB)

Chair Bussing recognized Citizen Rob Brinkman who spoke to the matter.

RECOMMENDATION *The City Commission hear an update from staff regarding the status of the City's Clean Water Program.*

A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Continued for November 24, 2003. The motion carried by the following vote:

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

030607 Metropolitan Transportation Planning Organization (MTPO) (NB)

City of Gainesville Public Works Transportation Manager Brian Kanely gave a presentation.

RECOMMENDATION *The City Commission hear a report from staff regarding the November 20, 2003 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

Heard

030628 Channel 12 Emergency Equipment Needs (B)

City of Gainesville Broadcast Engineering Lead Technician Bill Taylor gave a presentation.

AMENDMENT: Replace \$6,000 with \$5,000 in the recommendation.

RECOMMENDATION *The City Commission authorize staff to enter into an agreement with Alachua County to replace the Channel 12*

equipment and appropriate up to \$6,000 from the Contingency Fund to cover these expenses. (If sufficient funds are obtained through the franchise renewal process, the funds will be returned to the Contingency account.)

A motion was made by Commissioner Nielsen, seconded by Commissioner Domenech, that this matter be Approved as Amended. 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

CITY ATTORNEY

NOTE: File #030596 "City Canvassing Board for City Elections" was moved to the end of the meeting under "Unfinished Business".

CITY AUDITOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

COMMUNITY DEVELOPMENT COMMITTEE

030035 **Petition 53TCH-03 PB, Parking Storing or Keeping of Recreation Vehicles in Residential Districts. (B)**

RECOMMENDATION *Community Development Committee to the City Commission consider: 1) prohibiting the parking of recreational vehicles over 16 feet in the front yard; 2) allowing guests to park an RV up to 14 days (if rear and side yards are not available); 3) providing alternatives for enforcement mechanisms; 4) allowing 24 hours for maintenance or loading; and 5) remove the item from the referral list.*

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Continued for November 24, 2003. The motion carried by the following vote:

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

021165 **Vending Booth Permitting (B)**

RECOMMENDATION *Community Development Committee to the City Commission: 1) amend the ordinance to limit space occupied by itinerant*

foods vendors; 2) propose design standards for mobile food vendors; and 3) remove the item from the referral list.

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Continued for November 24, 2003. The motion carried by the following vote:

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

020850 Review of City's Policies on Infill and Redevelopment (B)

RECOMMENDATION *Community Development to the City Commission: 1) staff report back in 3-6 months to discuss increasing the height limits in the College Park area and to present options on RMF-6, RMF-7, and RMF-8 with 3 stories by right, and 5 stories by Special Use Permit; 2) continue the discussion of "neighborhood commercial" zoning; 3) recommend that the City Commission adopt the density and height limits recommended by staff and 12 stories in the CCD (downtown) district; and 4) remove the item from the referral list.*

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Continued for November 24, 2003. The motion carried by the following vote:

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

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

WAIVER OF RULES

*Commissioner Chestnut moved and Commissioner Bryant seconded to waive the rules to hear Commissioner Domenech's Item (File #030610) before the recess.
(VOTE: 7-0, MOTION CARRIED)*

MEMBERS OF THE CITY COMMISSION

030611 Commissioner Edward Braddy - Sales Tax Proposal - Gainesville's Share (B)

Chair Bussing recognized Chris Ebersoll who spoke to the matter.

RECOMMENDATION *The City Commission discuss the sales tax proposal and take appropriate action.*

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Continued for November 24, 2003. The motion carried by the following vote:

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

030610 Commissioner Tony Domenech - Proclamation Request (B)

Chair Bussing recognized Citizens Rob Brinkman and Jack Martin who spoke to the matter.

RECOMMENDATION *The City Commission review the Christian Heritage Proclamation and vote to place it under the proclamation category for reading on November 10, 2003, at 6:00pm.*

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 and Rick Bryant
Nay: Tom Bussing and Craig Lowe

030633 Mayor Tom Bussing - Middle School Recreation Oversight Board (NB)

RECOMMENDATION *The City Commission discuss whether to form a middle school recreation oversight board.*

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Continued for November 24, 2003. The motion carried by the following vote:

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

030632 Mayor Thomas Bussing - Practical & Accessible Housing (B)

RECOMMENDATION *The City Commission discuss the possibility of practical and accessible housing programs.*

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Continued for November 24, 2003. 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)

RECESS - 5:10 PM

RECONVENE - 5:35 PM**CITIZEN COMMENT****Kali Blount**

Fifth Avenue/Pleasant Street Advisory Board/Removal from Board

Fatima Sandage

Bus Route 75 Complaint

Robert Pearce

Boom Boxes - Noise in neighborhood

See following Referral Item # 030639.

030639**Boom Box Noise in Neighborhoods (NB)**

RECOMMENDATION *The City Commission direct the City Manager to work with GPD to mitigate the problem of boom boxes in neighborhoods.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Domenech, that this matter be Referred to the City Manager, due back on May 10, 2004. 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

Dwight Fitzpatrick

Consumer's Construction Alliance - Consumer Protection Plan

Gabe Kaimowitz

Kennedy Homes Issue - See following File #030640.

030640**Kennedy Association of Tennants (B)**

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

Placed on File

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Junior Girl Scout Troop #1367

PROCLAMATIONS/SPECIAL RECOGNITIONS

030612 Veterans Day - November 11, 2003 (B)

RECOMMENDATION *Gator Detachment of the Marine Corp League Commandant Bob Gasche, Sr. Vice Commandant Gary Power and Jr. Vice Commandant Dick Lester to accept the proclamation.*

Heard

030641 Christian Heritage Week Proclamation (B)

RECOMMENDATION *Jack Martin to accept the Proclamation.*

Heard

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

030480 BURGLAR ALARM ORDINANCE AMENDMENTS (B)

ORDINANCE NO. 0-03-99

An ordinance of the City of Gainesville, Florida; amending the Code of Ordinances by increasing the burglar alarm-application fee, and placing other burglar alarm-related fees in Appendix A to the Code of Ordinances; amending sections 21-52, 21-53, 21-54, 21-56, 21-57, 21-58, 21-59, 21-60, 21-61 and 21-62 of Chapter 21, Article IV, of the Code of Ordinances; removing specific fee references related to burglar alarm fees from the body of the Code; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Revenue Recovery Specialist Audrey Lewis 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 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

030313

ANTI-DISCRIMINATION ORDINANCE (B)

Ordinance No. 0-03-97

An ordinance of the City of Gainesville, Florida; amending Chapter 8 of the Code of Ordinances of the City of Gainesville relating to discrimination; amending Section 8-1 by repealing obsolete language and adding the classifications of race, color, gender, age, religion, national origin, marital status and disability (hereinafter referred to as "additional classifications") amending Section 8-21 and 8-22 by updating certain job responsibilities of the Equal Opportunity Director; renumbering Section 8-24 and correcting a scrivener's error; amending Section 8-47 by amending and adding definitions; amending Section 8-48 by adding the additional classifications relating to employment practices; amending 8-49 relating to exceptions; amending Sections 8-67 thru 8-69, 8-86 thru 8-94 and 8-113, by adding the additional classifications relating to discrimination in places of public accommodations, the sale or rental of housing, advertising practices, building practices, financing of housing or in residential real estate transactions, brokerage practices, and credit extension practices; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date of January 1, 2004.

*AMENDMENT TO THE MAIN MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to amend Section 8-47 Definitions (c); to change the definition of Employer from any person who has two (2) or more employees to fifteen (15) or more employees.
(NO VOTE)*

Chair Bussing recognized Citizens Gabe Kaimowitz and Bob Karp who spoke to the matter.

*SUBSTITUTE AMENDMENT: Commissioner Nielsen moved and Commissioner Lowe seconded to amend Section 8-47 Definitions (c); to change the definition of Employer from any person who has two (2) or more to five (5) or more employees.
ROLL CALL VOTE:*

*Commissioner Bryant - No
Commissioner Braddy - No
Commissioner Nielsen - Yes
Commissioner Chestnut - Yes
Commissioner Domenech - No
Commissioner Lowe - Yes*

*Mayor Bussing - Yes
(VOTE: 4-3, MOTION CARRIED)*

SECOND SUBSTITUTE AMENDMENT: Commissioner Domenech moved and Commissioner Bryant seconded to amend Section 8-47 Definitions (c); to change the definition of Employer from any person who has two (2) or more to seven (7) or more employees.

*ROLL CALL VOTE:
Commissioner Domenech - Yes
Commissioner Chestnut - No
Commissioner Nielsen - No
Commissioner Braddy - Yes
Commissioner Bryant - Yes
Commissioner Lowe - No
Mayor Bussing - Yes
(VOTE: 4-3, MOTION CARRIED)*

*VOTE ON AMENDMENT TO THE MAIN MOTION: Commissioner Domenech moved and Commissioner Bryant seconded to to amend Section 8-47 Definitions (c); to change the definition of Employer from any person who has two (2) or more to seven (7) or more employees.
(VOTE: 4-3, Commissioner's Lowe, Chestnut and Nielsen - No, MOTION CARRIED)*

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

ORDINANCES 2ND READING- ROLL CALL REQUIRED

030491 HOMESTEAD EXEMPTIONS FOR CERTAIN PERSONS 65 AND OLDER (B)

ORDINANCE NO. 0-03-100

An ordinance of the City of Gainesville, Florida; creating Article VI of Chapter 25 of the Code of Ordinances, relating to additional homestead exemptions for certain persons 65 and older; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner 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, Rick Bryant and Craig Lowe

030455**WELLFIELD PROTECTION SPECIAL USE PERMIT - LAND DEVELOPMENT CODE (B)****ORDINANCE NO. 0-03-94; PETITION 113TCH-03 PB**

An Ordinance of the City of Gainesville, Florida; amending Land Development Code, Chapter 30, relating to Wellfield Protection Special Use Permit; amending section 30-200, clarifying purpose to conform to revisions; amending section 30-201, allowing City Manager or designee approval in the tertiary or secondary zone; amending section 30-202, Land Development Code, allowing exemptions for facility upgrades and environmental clean up; amending section 30-203, Land Development Code, modifying the criteria for issuance of the permit; limiting use involving hazardous materials in the primary zone; amending subsection (c) of section 30-204, Land Development Code, conforming cross-reference; amending subsection (b) of section 30-205, Land Development Code, conforming cross-reference; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

030479**SECONDHAND DEALER RECORD REQUIREMENTS (B)****ORDINANCE NO. 0-03-98**

An ordinance of the City of Gainesville, Florida, amending Section 22-20(a)(2) of the Code of Ordinances, requiring secondhand dealers to include in the record of the transaction to the police department the title of any book, or commercially produced video or audio product in the description of goods acquired; 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 Bryant, 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

030545 Resolution for a Joint Participation Agreement for Block Grant Funds for RTS Operating Assistance (B)

RECOMMENDATION *The City Commission adopt the Resolution authorizing execution of a Joint Participation Agreement with the Florida Department of Transportation.*

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

030597 GAINESVILLE GUARANTEED ENTITLEMENT BOND RESOLUTION (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, SUPPLEMENTING RESOLUTION NO. R-94-15, AND PROVIDING FOR THE CURRENT REFUNDING OF A PORTION OF THE CITY'S OUTSTANDING GUARANTEED ENTITLEMENT REFUNDING AND REVENUE BONDS, SERIES 1994; AUTHORIZING THE ISSUANCE OF THE CITY OF GAINESVILLE, FLORIDA GUARANTEED ENTITLEMENT REVENUE REFUNDING BONDS, SERIES 2004 IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$11,500,000 AS ADDITIONAL BONDS ON A PARITY WITH THE GUARANTEED ENTITLEMENT REFUNDING AND REVENUE BONDS, SERIES 1994 NOT BEING REFUNDED; FINDING THAT THE REQUIREMENTS FOR THE ISSUANCE OF ADDITIONAL BONDS SHALL HAVE BEEN SATISFIED PRIOR TO THE ISSUANCE OF SAID BONDS; PROVIDING THE FORM OF SAID BONDS; PROVIDING FOR THE APPLICATION OF THE COVENANTS IN RESOLUTION NO. R-94-15 TO SAID BONDS; DELEGATING TO THE CITY MANAGER, THE ADMINISTRATIVE SERVICES DIRECTOR OR THE FINANCE DIRECTOR THE AUTHORITY TO AWARD THE SALE OF SAID BONDS TO MORGAN KEEGAN & COMPANY, INC. ON A NEGOTIATED BASIS; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A FORWARD DELIVERY PURCHASE CONTRACT; APPROVING THE FORM OF A PRELIMINARY OFFICIAL STATEMENT AND DELEGATING TO THE CITY MANAGER, THE ADMINISTRATIVE SERVICES DIRECTOR OR THE FINANCE DIRECTOR TO DEEM IT FINAL FOR

PURPOSES OF SECURITIES EXCHANGE COMMISSION RULE 15c2-12; AUTHORIZING THE EXECUTION OF AN OFFICIAL STATEMENT PERTAINING TO SAID BONDS; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF AN ESCROW DEPOSIT AGREEMENT AND DESIGNATING AN ESCROW AGENT THEREUNDER; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE CERTIFICATE; AUTHORIZING THE ACCEPTANCE OF A COMMITMENT FOR BOND INSURANCE FROM AMBAC ASSURANCE CORPORATION; DESIGNATING THE BOND REGISTRAR AND PAYING AGENT FOR SAID BONDS; AUTHORIZING CERTAIN OFFICIALS OF THE CITY TO EXECUTE ANY DOCUMENTS OR TO TAKE ANY ACTIONS REQUIRED IN CONNECTION WITH THE ISSUANCE OF SAID BONDS AND THE REFUNDING OF BONDS TO BE REFUNDED WITH THE PROCEEDS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

City of Gainesville Finance Director Mark Benton and Bond Counsel Ed Vogel gave presentations.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

030598

RESOLUTION ACCEPTING THE REPORT OF THE BOARD OF CANVASSERS FOR THE CITY OF GAINESVILLE, FLORIDA, ANNEXATION REFERENDUM HELD NOVEMBER 4, 2003 (B)

NOTE: Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Chestnut to make a motion on this matter.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

A motion was made by Mayor Bussing, 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 and Rick Bryant
Absent: Craig Lowe

PLAN BOARD PETITIONS

030450

Pettion 102LUC-03 PB - Amend the 2000-2010 Gainesville Future Land Use Map from SF (single-family, up to 8 dwelling units per acre) to PUD (planned use district) for office use, located in the 4300 Block of Newberry Road (SR26),

south side. (Related to Petition 103PDV-03PB). (B)

FIRST MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to consolidate the Plan Board Petitions File #030450 and File #030451 for presentation purposes.

(VOTE: 7-0, MOTION CARRIED)

Attorney for the Petitioner Ron Carpenter and Attorney for certain affected parties Jefferson Braswell made opening statements.

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

SECOND MOTION: Commissioner Domenech moved and Commissioner Bryant seconded to allow Kathy Caldwell and Ron Cook affected party status.

(VOTE: 6-0, Mayor-Commissioner Pro Tem Chestnut - Absent, MOTION CARRIED)

STAFF PRESENTATION: City of Gainesville Planner Gene Francis gave a presentation.

WAIVER OF RULES: Commissioner Lowe moved and Commissioner Nielsen seconded to waive the rules to give the affected parties equal time as the petitioner (20 minutes).

(VOTE: 4-3, Commissioner Bryant, Commissioner Chestnut and Commissioner Braddy - No, MOTION FAILED)

NOTE: Waiver of Rules requires a 66 2/3 vote to pass.

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

DISCLOSURE OF EX-PARTE COMMUNICATIONS:

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

SWEARING IN OF THE WITNESSES:

City Planning Manager Ralph Hilliard listed the following as witnesses for staff:

- 1. Gene Francis, City Planner*
- 2. Lawrence Calderon, City Chief of Current Planning*
- 3. Tom Saunders, City Director of Community Development*
- 4. Emery Swearingen, City Public Works Engineering Manager*
- 5. Brian Kanely, Transportation Manager*
- 6. Betty Levine, Alachua County Environmental Protection*

Attorney for certain affected parties Jefferson Braswell listed the following as affected party witnesses:

- 1. Joey Owen (Affected Party)*
- 2. Jan Blackmore (Affected Party)*
- 3. Ralph Hilliard, Planning Manager*

Attorney for the Petitioner Ron Carpenter listed the following as witnesses for the

petitioner:

- 1. Jesse Brannen, Partner for the Great Oak Development, Ltd. and President and CEO of Southeastern Integrated Medical (Petitioner).*
- 2. Alison Fetner, Fetner Engineering (Petitioner)*

The witnesses were sworn in by Clerk of the Commission Kurt Lannon at 8:30 PM.

PETITIONERS PRESENTATION: Petitioner Jesse Brannen and the Engineer of Record Alison Fetner gave presentations.

WAIVER OF RULES:

Commissioner Nielsen moved and Commissioner Bryant seconded to waive the rules and offer Attorney Jefferson Braswell 15 minutes to make his presentation.

(VOTE: 7-0, MOTION CARRIED)

RECESS - 8:55 PM

RECONVENE - 9:05 PM

STAFF PRESENTATION:

City Planner Gene Francis gave a presentation.

AFFECTED PARTIES PRESENTATION:

Attorney for certain affected parties Jefferson Braswell gave a presentation.

CROSS EXAMINATION:

Jefferson Braswell cross-examined Planning Manager Ralph Hilliard and Engineer for the Petitioner Alison Fetner.

PETITIONER'S REBUTTAL:

Attorney for the Petitioner Ron Carpenter submitted the following 7 Exhibits into evidence and made closing statements:

- 1. 3 Colored Maps*
- 2. List of Signed Petitioner's Property by Location*
- 3. Suggested Revised Comprehensive Plan Amendments*
- 4. Revised Conditions for PD Zoning*
- 5. Legal Description Parcel "C" Conservation (being deleted)*
- 6. Site Plan*
- 7. Copy of the Memo from Brian Kanely Re: Newberry Road Medical Plaza - Traffic Study.*

Commissioner Domenech moved and Commissioner Braddy seconded that the City Commission accept the Petitioner's Exhibits.

(VOTE: 7-0, MOTION CARRIED)

STAFF REBUTTAL:

Planning Manager Ralph Hilliard made closing statements.

STAFF EXHIBIT'S

City Manager Wayne Bowers submitted 2 exhibits to the City Commission regarding

the Conservation Area:

- 1. Letter from the City Manager to Jesse C. Brannen, CEO & President, dated November 4, 2003, Re: Donation of parcel northwest of Newberry Road and 44th Street to the City of Gainesville as a conservation park.*
- 2. Letter from Attorney Ron Carpenter to the City Manager dated November 10, 2003, Re: Donation of parcel southeast of Newberry Road and 44th Street to the City of Gainesville as a conservation park.*

Jefferson Braswell requested to submit documents to the City Commission.

AFFECTED PARTY EXHIBITS:

- 1. Signed Petition of Residents*
 - 2. Tax Map with Residents listed*
 - 3. Beville Heights Covenants and Restrictions*
- (All three submitted and labeled as Composite Exhibit 1)*

Commissioner Domenech moved and Mayor-Commissioner Pro Tem Chestnut seconded to accept the documents presented by Attorney Jeff Braswell into evidence (VOTE: 7-0, MOTION CARRIED)

Commissioner Domenech moved and Mayor-Commissioner Pro Tem Chestnut seconded to offer each of the parties an additional five (5) minutes for closing arguments. (VOTE: 6-1, Mayor Bussing - No, MOTION CARRIED)

CLOSING ARGUMENTS:

Attorney for the Petitioner Ron Carpenter and Attorney Jefferson Braswell made closing statements.

RECESS: 10:11 PM

RECONVENE: 10:17 PM

Attorneys Jefferson Braswell and Ron Carpenter made comments.

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

Mayor Bussing moved and Commissioner Lowe seconded to offer the affected parties represented by counsel five (5) minutes to speak to the City Commission. (VOTE: 3-4, Commissioner, Domenech, Commissioner Braddy, Commissioner Bryant and Commissioner Chestnut - No, MOTION FAILED)

Commissioner Domenech moved and Commissioner Lowe seconded to move the previous question. (6-1, Mayor Bussing - No, MOTION CARRIED)

NOTE: Chair Bussing re-assumed the gavel.

Chair Bussing recognized Attorney Jefferson Braswell who spoke to the matter.

WAIVER OF RULES:

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

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

PUBLIC HEARING:

Chair Bussing recognized the following citizens who spoke at the hearing.

- 1. Holly Jensen*
- 2. Alex Pastos*
- 3. Susie Lyons*
- 4. Judy Daly*
- 4. Jenny Streiff*
- 5. Richard Streiff*
- 6. Kathy Caldwell*
- 7. Ron Cook*
- 8. Malia Billman*
- 9. Jon Reiskind*
- 10. Michael Ryals*
- 11. Sarah Poll*
- 12. Mary Camp (On behalf of Jennifer Whiting)*

PUBLIC HEARING CLOSED AT 11:08 PM

COMMISSION DELIBERATION:

REVISION: Delete Condition 6C of Staff/Plan Board Conditions.

MAIN MOTION:

*Commissioner Domenech moved and Commissioner Nielsen seconded to approve the Petition with staff conditions, as revised.
(VOTE: 6-1, Mayor Bussing - No, MOTION CARRIED)*

City Transportation Manager Brian Kanely gave a presentation.

Chair Bussing recognized Affected Parties Jan Blackmore and Kathy Caldwell; and Attorneys Jefferson Braswell and Ron Carpenter who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 102LUC-03 PB, with conditions. Plan Board vote 6-0*

Staff to Plan Board - Approve

A motion was made by Commissioner Domenech, seconded by Commissioner Nielsen, that this matter be Approved (Petition) with Staff Conditions, as Revised. 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

030451 Petition 103PDV-03 PB - Rezone property for the development of a medical office building and a financial/professional office building located in the 4300 Block of Newberry Road (SR26), south side. (Related to Petition 102LUC-03PB) (Formal Quasi-judicial) (B)

NOTE: This item was combined with item #030450 for presentation purposes.

REVISIONS: 1) Delete # 22 of the Staff/Plan Board Conditions; and 2) and delete Parcel "C" in the legal description (Petitioner's Exhibit 5).

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 103PDV-03 PB, with associated PD Plan Report and Development Layout Plan, with staff conditions, as modified by staff and the City Plan Board. Plan Board vote 6-0.*

Staff to Plan Board - Approve the Planned Development rezoning with associated Planned Development Plan Report and Development Layout Plan, with staff conditions.

A motion was made by Commissioner Nielsen, seconded by Commissioner Domenech, that this matter be Approved (Petition) with Staff Conditions, as Revised. 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

030462 A Planned Development amendment to allow lighting of the off-street parking facility located in the 5900 Block of NW 1st Place. (Quasi-judicial) (B)

City of Gainesville Chief of Current Planning Lawrence Calderon gave a presentation.

Chair Bussing recognized Citizen Nathaniel Ford and Agent for the Petitioner Robert Walpole who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 116PDA-03 PB, with conditions, as modified. Plan Board vote 4-2.*

Staff to Plan Board - Approve, with conditions.

A motion was made by Commissioner Domenech, seconded by Commissioner Bryant, that this matter be Approved as Recommended, with Conditions (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

WAIVER OF RULES

*WAIVER OF RULES: Commissioner Domenech moved and Commissioner Bryant seconded to waive the rules to extend the meeting until 12:30 PM.
(VOTE: 7-0, MOTION CARRIED)*

DEVELOPMENT REVIEW BOARD PETITIONS

030608 **Design Plat approval of Sorrento Subdivision, Phase 2, Eighty-four (84) lots, located in the vicinity of Northwest 21st Drive and Northwest 53rd Avenue, south side. (B)**

City Planner Gene Francis gave a presentation.

RECOMMENDATION *Development Review Board to City Commission - The City Commission approve Petition 117SUB-03DB, with staff conditions.*

Staff to Development Review Board - The Design Plat is approvable, with conditions.

A motion was made by Commissioner Bryant, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Approved, as Recommended, with Conditions (Petition - Design Plat). 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

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

030596 **CITY CANVASSING BOARD FOR CITY ELECTIONS (B)**

City Attorney Marion Radson gave a presentation.

RECOMMENDATION *The City Commission decide whether to instruct the City Attorney to draft and the Clerk to advertise an Ordinance amending the City's Election Code.*

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

COMMISSION COMMENT

MAYOR-COMMISSIONER PRO TEM CHUCK CHESTNUT

Commissioner Domenech moved and Mayor-Commissioner Pro Tem Chestnut seconded to continue File #030035, File #021165 and File # 020850 and the remainder of the City Commission items to the November 24, 2003 regular City Commission Meeting.

(VOTE: 7-0, MOTION CARRIED)

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

Community Development Director Tom Saunders made comments.

COMMISSIONER WARREN NIELSEN

- 1. Countywide Master Plan for Recreation - Power Point Presentation*
- 2. Entrepreneurial Charter School - Presentation*

NOTE: Commissioner Nieslen requested that the City Commission hold a Special Meeting, Monday, December 1, 2003 from 5:00 - 8:00 PM regarding the above items.

MAYOR TOM BUSSING

- 1. Commissioner Long Letter - Recreation Coordinating Committee*
- 2. Assault Weapons Ban - Senate Bill 1034*
- 3. Boards and Advisory Committees Quorum Issues - See Following file # 030651*

030651 Advisory Boards and Committees (NB)

RECOMMENDATION *The City Commission refer the issue of quorum, membership, attendance and term limit issues to the Personnel and Organizational Structure Committee.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Nielsen, that this matter be Referred to the Personnel and Organizational Structure Committee, due back on May 10, 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

SARAH POLL

Towing Fees - Advertising

ADJOURNMENT - 12:30 AM

Kurt M. Lannon, Clerk of the Commission