

City of Gainesville

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



Meeting Minutes

Monday, May 10, 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 - 1:02 PM**ROLL CALL**

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

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

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

File #030166 - Bicycle Parking Requirements - (Withdraw from the Consent Agenda and place on the Regular Agenda for discussion).

CITY MANAGER, CONSENT AGENDA ITEMS**031238 Renewal of Mutual Aid Agreements with the University of Florida Police Department and the Alachua Police Department (B)**

RECOMMENDATION *The City Commission authorize the City Manager to renew the Mutual Aid Agreements between the City of Gainesville Police Department and the University of Florida Police Department and the Alachua Police Department, for a period of two years.*

This Matter was Approved as Recommended on the Consent Agenda.

031239 Appointment of Mike Byerly to the East Gainesville SPROUT Project Task Force (B)

RECOMMENDATION *City Commission appoint the Honorable Mike Byerly, Chair of Alachua County Board of County Commissioners, to the East Gainesville SPROUT Project Task Force for a two-year term.*

This Matter was Approved as Recommended on the Consent Agenda.

031240 Settlement of Worker's Compensation Claim - Charles Tate (NB)

RECOMMENDATION *The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Mr. Tate, in the amount of \$28,500.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**031247 Purchase Order for Valve Operating Trailer (B)**

RECOMMENDATION *The City Commission approve the issuance of a purchase order to E.H. Wachs Company for the purchase of a valve operating trailer for the Water Distribution Department in the amount of \$ 31,049.80.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS**031243 COLLECTION OF STORMWATER UTILITY FEES FROM THE DEPARTMENT OF TRANSPORTATION (B)**

RECOMMENDATION *The City Commission authorize the City Attorney's Office to file a lawsuit against the State of Florida Department of Transportation to collect past stormwater fees owed by the State of Florida Department of Transportation to the City.*

This Matter was Approved as Recommended on the Consent Agenda.

031244 FRANCINE ALICIA SPANGLER VS. OFFICER JENNIFER NOLAND; IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT, ALACHUA COUNTY, FLORIDA; CASE NO.: 01-04-SC-1199 (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled Francine Alicia Spangler vs. Officer Jennifer Noland; In the County Court of the Eighth Judicial Circuit, Alachua County, Florida; Case No.: 01-04-SC-1199.*

This Matter was Approved as Recommended on the Consent Agenda.

031245 GEORGE PHILIP RENO VS. GAINESVILLE POLICE DEPT.; IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT, ALACHUA COUNTY, FLORIDA; CASE NO.: 01-04-SC-1345 (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled George Philip Reno vs. Gainesville Police Department; In the County Court of the Eighth Judicial Circuit, Alachua County, Florida; Case No.: 01-04-SC-1345.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

031236 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of April 26, 2004, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

031156 City Attorney's Office Pay Study Plan (B)

RECOMMENDATION *The City Commission approve that the positions in the City Attorney's Office be placed in the MAP's pay grades, as proposed, and then be appropriately implemented.*

This Matter was Approved as Recommended on the Consent Agenda.

031179 Reclassify the Staff Assistant position in Small Business Development to Staff Assistant, Senior (B)

RECOMMENDATION *The City Commission approve the reclassification from Staff Assistant to Staff Assistant Senior with the pay grade FF.*

This Matter was Approved as Recommended on the Consent Agenda.

RECREATION AND CULTURAL AFFAIRS COMMITTEE, CONSENT

030924 Fees Charged for use of the City's Athletic Fields (NB)

RECOMMENDATION *The City Commission approve the recommendation on the field rotation concept , and await a recommendation from the RCA on the Girls Fastpitch Softball fees at a later date.*

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 Bryant, 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, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe
Absent: Edward Braddy

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Mayor-Commissioner Pro Tem Chestnut moved and Commissioner Bryant seconded to adopt the Regular Agenda.

(VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)

CHARTER OFFICER UPDATES**CLERK OF THE COMMISSION****CITY MANAGER****031241 Depot Park - Phase I: West Ponds and Discharge Project Update and Check Presentation (NB)**

City Engineer Stewart Pearson and St. Johns River Water Management District Representative Gene Caputo gave presentations.

NOTE: Commissioner Braddy entered the meeting room during this presentation.

RECOMMENDATION *The City Commission: 1) hear a brief update on Depot Park - Phase I: West Ponds and Discharge Project; and 2) the Mayor accept, on behalf of the City, a presentation check from Mr. Gene Caputo of the St. Johns River Water Management District.*

Heard

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****030166 Bicycle Parking Requirements (B)**

City of Gainesville Public Works Director Teresa Scott and Community Development

Director Tom Saunders gave presentations.

RECOMMENDATION *The City Commission: 1) forward this referral to the Plan Board; and 2) remove Bicycle Parking Requirements from the Public Works Committee Active referral list.*

A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, that this matter be Referred to the Community Development Committee, due back on November 10, 2004. The motion carried by the following vote:

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

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

COMMUNITY REDEVELOPMENT AGENCY

031165 Sale of Parking Lot to Savannah Grande and Construction of Parking Garage at City Hall (NB)

AMENDMENT: Ask staff to come back with report on past plans and the feasibility of building a Parking Garage behind City Hall.

RECOMMENDATION *Community Redevelopment Agency to the City Commission: 1) The Downtown Redevelopment Advisory Board supports the sale of the parking lot currently leased to Savannah Grande to Jeanel Coullias, owner of Savannah Grande; and 2) requests that the City look into building a parking garage behind City Hall, as was initially considered when the Commerce Center was proposed.*

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

MEMBERS OF THE CITY COMMISSION

031213 Annual Performance, Salary and Benefits Review - Clerk of the Commission (NB)

MOTION: The Clerk of the Commission receive a 5% pay increase retroactive to his anniversary date.

RECOMMENDATION

agreement, the City Commission conduct the annual performance, salary and benefits review.

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

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

COMMISSION COMMENTS

Commissioner Edward Braddy

- 1. Traffic Calming - Feedback from the City Manager.*
- 2. Kennedy Homes - 8 Families - Update.*

Commissioner Tony Domenech

CRA Incentive Programs for Developers - Assistant City Manager Barbara Lipscomb made comments.

See following file # 031269.

031269

CRA Incentives (B)

RECOMMENDATION *The City Commission hear a report from Commissioner Tony Domenech and place back-up submitted on file.*

Placed on File

RECESS - 2:20 PM

RECONVENE - 5:32 PM

CITIZEN COMMENT (5:30pm)

Gabe Kaimowitz

EO Issues - Civility

See following file #031270.

031270

Equal Opportunity Issues (B)

RECOMMENDATION *The City Commission hear a presentation from Gabe Kaimowitz and place the back-up submitted on file.*

Richard Selwach

Wetland Problem at the Airport

Nancy Testa

Ironwood Homeowner's Association - NHDC Affordable Housing Issues

Kevin Claney

Ironwood Villages Neighborhood - NHDC Affordable Housing

COMMISSION COMMENTS

Mayor-Commissioner Pro Tem Chestnut

- 1. EO Issue*
- 2. Airport Monthly Report*

Commissioner Rick Bryant

Affordable Housing Issue

Commissioner Edward Braddy

Affordable Housing Issue

Mayor Tom Bussing

- 1. Airport Wetlands*
- 2. NHDC Issue*

PLEDGE OF ALLEGIANCE (6:00pm)

Gator Detachment Marine Corps League

PROCLAMATIONS/SPECIAL RECOGNITIONS

031232 National Public Works Week - May 16-22, 2004 (B)

RECOMMENDATION *City of Gainesville Public Works Director Teresa Scott to accept the proclamation.*

Heard

031234 25th Annual Fifth Avenue Arts Festival Days - May 13-16, 2004 (B)

RECOMMENDATION *Cultural Arts Coalition President Yvette Clarke and Executive Director NKwanda Jah to accept the proclamation.*

Heard

031235 Memorial Day - May 31, 2004 (B)

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

Heard

031249 Mental Health Awareness Month - May 2004 (B)

RECOMMENDATION *Alachua County Coalition for the Homeless and Hungry, Inc. Coordinator Jon DeCarmin, Meridian Behavioral Healthcare, Inc. Chief Operating Officer Jim Winters, Psychotherapeutic Services, Inc. Team Leader Trish Sokol and Substance Abuse & Mental Health Program of the Department of Children & Families Program Administrator Bev White to accept the proclamation.*

Heard

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

030752 LAND DEVELOPMENT CODE AMENDMENT - DISINFECTING AND PEST CONTROL SERVICES (B)

Ordinance No. 0-04-29; Petition 150TCH-03 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to regulations for IN7342 (Disinfecting and Pest Control Services); creating section 30-116 to add regulations for disinfecting and pest control services including a 300 foot separation between the use and any residentially zoned district, requiring fencing and requiring compliance with the Alachua County Hazardous Materials Management Code; amending subsections 30-59(e) (OR and OF, General office district) and 30-66(c) (CCD, Central City district) to exclude IN7342 (Disinfecting and Pest Control Services) as a permitted use; amending subsections 30-61(c) (BUS, general business district), subsection 30-62(c) (BA, Automotive-oriented business district), and subsection 30-68(c) (W, Warehousing and wholesaling district) and subparagraphs 30-69(c)(1)j. (I-1, Limited Industrial district) and 30-70-(c)(1)z. (I-2, General Industrial district) to include IN7342 (Disinfecting and Pest Control Services) as a permitted use; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Nielsen, seconded by 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

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

031242 Appeal of Denial by Historic Preservation Board of Certificate of Appropriateness for Wall at 207 NE 7th Street (B)

AMENDMENT: Instruct the Clerk of the Commission to communicate to the parties involved that they should come prepared to address the subject of res judicata and collateral estoppel in this matter.

RECOMMENDATION *The City Commission continue this item to May 24, 2004.*

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

UNFINISHED BUSINESS

031250 Outgoing Mayor Ceremony (NB)

RECOMMENDATION *The City Commission hear comments from Mayor Thomas Bussing.*

Heard

COMMISSION COMMENT

CITIZEN COMMENT

Francine Robinson

Thank you to Mayor Bussing

Steve Kalishman

Thank you to Mayor Bussing

Richard Hires

Thank you to Mayor Bussing

Sharon Dame

Thank you to Mayor Bussing

Mary Helen Wheeler

Thank you to Mayor Bussing

Adele Franson

Thank you to Mayor Bussing

December McSherry

Thank you to Mayor Bussing

Dr. Paul Wheeler

Thank you to Mayor Bussing

Kevin Claney

Thank you to Mayor Bussing

Sarah Poll

Thank you to Mayor Bussing

Celeste Shicamo

Thank you to Mayor Bussing

Karen Orr, Caroline Cooper and Anne Cooper

Thank you to Mayor Bussing

Monica Cooper and Jack Nettles

Thank you to Mayor Bussing

See following file #031272.

031272 Monica Cooper Presentation (B)

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

Placed on File

ADJOURNMENT - 7:27 PM

Kurt M. Lannon, Clerk of the Commission