

City of Gainesville

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



Meeting Minutes

Monday, April 26, 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 - 1:01 PM

ROLL CALL

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

INVOCATION

Father John Gillespie, St. Augustine Church

CONSENT AGENDA

*Commissioner Domenech moved and Commissioner Bryant seconded to adopt the Consent Agenda with the following modification:
(VOTE: 5-0, Mayor Bussing and Commissioner Braddy - Absent, MOTION CARRIED)*

1. File #031120 Purchase of DSM Law Enforcement Evidence Pass-Thru Lockers - (Revised back-up submitted).

CITY MANAGER, CONSENT AGENDA ITEMS

031120 Award of Contract for Evidence Pass-Thru Lockers (B)

RECOMMENDATION *The City Commission approve United Business Systems, Sanford, Florida as a specified sole source for the DSM Evidence Pass-thru lockers in the amount of \$30,811.30.*

This Matter was Approved as Recommended on the Consent Agenda.

031188 Regional Transit System (RTS) Summer 2004 Service Adjustments (NB)

RECOMMENDATION *The City Commission approve the Summer 2004 Service Adjustments, effective Monday, May 3, 2004.*

This Matter was Approved as Recommended on the Consent Agenda.

031189 Interlocal Agreement with the University of Florida for Transit Service (B)

RECOMMENDATION *The City Commission authorize the City Manager to execute the Interlocal Agreement with the University of Florida for*

the period of August 20, 2004 until August 19, 2007, and any other necessary documents.

This Matter was Approved as Recommended on the Consent Agenda.

031190 Interlocal Agreement Between the County-Wide Visioning and Planning Committee and the City of Gainesville (B)

RECOMMENDATION *The City Commission: 1) approve the Interlocal Agreement Between the County-Wide Visioning and Planning Committee and the City of Gainesville; and 2) authorize the Mayor and Clerk of the Commission to execute.*

This Matter was Approved as Recommended on the Consent Agenda.

031191 Florida Department of Environmental Protection Invasive Upland Plant Removal Program Grant (NB)

RECOMMENDATION *The City Commission: 1) authorize the City Manager or his designee to submit a grant application to the Florida Department of Environmental Protection Upland Plant Management Program; and 2) execute the application, contract and other grant-related documents, if awarded.*

This Matter was Approved as Recommended on the Consent Agenda.

031192 NFL Youth Football Fund Local Agency Grant Application (NB)

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply for the NFL Youth Football Fund Local Agency Grant, and if awarded; 2) execute the application, contract, and other grant-related documents.*

This Matter was Approved as Recommended on the Consent Agenda.

031193 Conveyance of Utility Easement to Clay Electric Cooperative (B)

RECOMMENDATION *The City Commission: 1) approve the public utility easement to Clay Electric Cooperative; and 2) authorize the Mayor and Clerk of the Commission to execute the Utility Easement document, substantially in the form on file.*

This Matter was Approved as Recommended on the Consent Agenda.

031194 Request to Declare as Surplus City Property Located at 1233 SW 6th Street (B)

RECOMMENDATION *The City Commission: 1) declare as surplus Tax Parcel 15635-007-001 located at 1233 SW 6th Street, less easements retaining a 15-foot wide easement along 6th Street for an existing sewer line, a 30-foot wide easement over an existing sewer line bisecting the property, and a 10-foot easement for maintenance of an existing water line along the south property line; and 2) authorize the City Manager to advertise and accept bids for sale of the property.*

This Matter was Approved as Recommended on the Consent Agenda.

031195 Surplus Property Sale (NB)

RECOMMENDATION *The City Commission declare all materials, equipment and vehicles presently stored at the surplus lot as surplus property and authorize the sale of such property.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

031205 An Ordinance Amending Chapters 2, 16 and 27 of the Gainesville Code of Ordinances (NB)

RECOMMENDATION *The City Commission authorize the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance amending such sections of the Gainesville Code of Ordinances (including, but not limited to Chapters 2, 16 and 27) as may be necessary to enhance the enforcement of the grease management program of Gainesville Regional Utilities (GRU).*

This Matter was Approved as Recommended on the Consent Agenda.

031206 Purchase Order for one 5000 lb Basic Capacity Forklift and Accessories (B)

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Handling Systems Engineering, Inc. for the purchase of one 5000 lb Basic Capacity Forklift and accessories in the amount of \$ 26,956.*

This Matter was Approved as Recommended on the Consent Agenda.

031207 Purchase Order for Offset Trencher (B)

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Vermeer Southeast Sales & Service for the purchase of one Vermeer Offset Trencher for the Gas Construction Department in the amount of \$ 31,338 (amount includes trade-in credit of \$6,500).*

This Matter was Approved as Recommended on the Consent Agenda.

031208 Reimbursement for Oversizing of Water and Wastewater Facilities Serving Belmont and Turnberry Lake Phase I (NB)

RECOMMENDATION *The City Commission authorize reimbursement to the Developers of Belmont and Turnberry Lake Phase I for the oversizing of the water and wastewater facilities in an amount not to exceed \$50,000.00.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

031073 FINAL ADMINISTRATIVE ORDER IN THE MATTER OF ARTHUR BOULANGER, APPELLANT, APPEAL HEARD PURSUANT TO SECTION 30-112(d)(7)i., GAINESVILLE CODE OF ORDINANCES (B)

RECOMMENDATION *The City Commission authorize the Mayor to execute, and Clerk of the Commission to attest, the final Order.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

031181 Resignation of Scherwin L. Henry (B)

RECOMMENDATION *The City Commission accept the resignation of Citizens' Advisory Committee for Community Development member Scherwin L. Henry effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

031182 Resignation of Erick Smith (B)

RECOMMENDATION *The City Commission accept the resignation of City Beautification Board member Erick Smith effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

031204 Resignation of Kathy Davis (B)

RECOMMENDATION *The City Commission accept the resignation of
Gainesville/Alachua County Cultural Affairs Board member
Kathy Davis effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

**031214 Advisory Board/Committee Appointment of Justin DeLeo to the
Bicycle/Pedestrian Advisory Board (NB)**

RECOMMENDATION *The City Commission appoint Justin DeLeo to the
Bicycle/Pedestrian Advisory Board for vacancy to expire
December 31, 2004.
Commissioner Braddy: Justin DeLeo
Commissioner Bryant: Ryan C. Saylor
Commissioner Chestnut: Ryan C. Saylor
Commissioner Domenech: Ryan C. Saylor
Commissioner Lowe: Justin DeLeo
Commissioner Nielsen: Justin DeLeo
Mayor Bussing: Justin DeLeo*

This Matter was Approved as Recommended on the Consent Agenda.

**031215 Advisory Board/Committee Appointment of Joseph A. Schmid to the Board of
Adjustment (NB)**

RECOMMENDATION *The City Commission appoint Joseph A. Schmid to the Board
of Adjustment for a vacancy to expire November 1, 2006.
Commissioner Braddy: Joseph A. Schmid
Commissioner Bryant: Joseph A. Schmid
Commissioner Chestnut: Joseph A. Schmid
Commissioner Domenech: Joseph A. Schmid
Commissioner Lowe: Joseph A. Schmid
Commissioner Nielsen: Joseph A. Schmid
Mayor Bussing: Joseph A. Schmid*

This Matter was Approved as Recommended on the Consent Agenda.

**031216 Advisory Board/Committee Appointment of Dorothy W. Field and Karl M.
Soderholm to the City Beautification Board (NB)**

RECOMMENDATION *The City Commission appoint Dorothy W. Field and Karl M.
Soderholm to the City Beautification Board for vacancies to*

expire November 1, 2004.

Commissioner Braddy: Dorothy W. Field and Karl M. Soderholm

Commissioner Bryant: Dorothy W. Field and Karl M. Soderholm

Commissioner Chestnut: Dorothy W. Field and Karl M. Soderholm

Commissioner Domenech: Dorothy W. Field and Karl M. Soderholm

Commissioner Lowe: Dorothy W. Field and Karl M. Soderholm

Commissioner Nielsen: Dorothy W. Field and Karl M. Soderholm

Mayor Bussing: Dorothy W. Field and Karl M. Soderholm

This Matter was Approved as Recommended on the Consent Agenda.

031217 Advisory Board/Committee Appointment of Jasmine B. Bragg to the Citizens Advisory Committee for Community Development (NB)

RECOMMENDATION *The City Commission appoint Jasmine B. Bragg to the Citizens' Advisory Committee for Community Development for vacancy to expire November 1, 2004.*

Commissioner Braddy: Jasmine B. Bragg

Commissioner Bryant: Jasmine B. Bragg

Commissioner Chestnut: Jasmine B. Bragg

Commissioner Domenech: Jasmine B. Bragg

Commissioner Lowe: Jasmine B. Bragg

Commissioner Nielsen: Jasmine B. Bragg

Mayor Bussing: Jasmine B. Bragg

This Matter was Approved as Recommended on the Consent Agenda.

031219 Advisory Board/Committee Appointment of James S. Kocher to the Gainesville Human Rights Board (NB)

RECOMMENDATION *The City Commission reappoint James S. Kocher to the Gainesville Human Rights Board for term to expire February 22, 2007.*

Commissioner Braddy: James S. Kocher

Commissioner Bryant: James S. Kocher

Commissioner Chestnut: Readvertise

Commissioner Domenech: James S. Kocher

Commissioner Lowe: James S. Kocher

Commissioner Nielsen: James S. Kocher

Mayor Bussing: James S. Kocher

This Matter was Approved as Recommended on the Consent Agenda.

031220 Advisory Board/Committee Appointment of Priscilla L. Caplan and John J. Confer to the Public Recreation Board (NB)

RECOMMENDATION *The City Commission appoint Priscilla L. Caplan for a term to expire June 1, 2005 and John J. Confer for a term to expire June 1, 2007 to serve on the Public Recreation Board. Commissioner Braddy: Patricia H. Atchison and John J. Confer
Commissioner Bryant: Patricia H. Atchison and John J. Confer
Commissioner Chestnut: Priscilla L. Caplan and John J. Confer
Commissioner Domenech: Priscilla L. Caplan and John J. Confer
Commissioner Lowe: Priscilla L. Caplan and Dorothy W. Field
Commissioner Nielsen: Priscilla L. Caplan and John J. Confer
Mayor Bussing: Patricia H. Atchison and John J. Confer*

This Matter was Approved as Recommended on the Consent Agenda.

031211 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of April 12, 2004 (Regular Meeting) and April 19, 2004 (Workshop); as circulated.*

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

031103 Special Response Team Equipment Upgrades from Federal Law Enforcement Contraband Forfeiture Trust Funds (NB)

RECOMMENDATION *The City Commission approve the appropriation and expenditure of a total amount not to exceed \$55,000 from the Federal Law Enforcement Contraband Trust Fund, to various vendors and to Southern Precision Armory, Ft. Lauderdale Florida (\$33,600.32), as a specified source, for law*

enforcement equipment upgrades.

This Matter was Approved as Recommended on the Consent Agenda.

031118 Purchase of Police Gym Flooring and Cardiovascular Equipment (NB)

RECOMMENDATION *The City Commission approve the appropriation and expenditure of an amount not to exceed \$48,177.96 from the Federal Law Enforcement Contraband Forfeiture Trust Fund to Exercise Systems, Inc., Gotha, Florida.*

This Matter was Approved as Recommended on the Consent Agenda.

031121 Change Order to GPD Property Building and Front Desk Renovation (B)

RECOMMENDATION *The City Commission (1) approve the appropriation and expenditure of an amount not to exceed \$132,638.56 from the Federal Law Enforcement Contraband Forfeiture Trust Fund, (2) approve the issuance of a change order to LNCC Inc., in the amount of \$82,638.56 for a new contract total of \$305,965.43, (3) authorize the expenditure of up to \$50,000 for office furniture and equipment from state contract vendors, and (4) refer the issue of a new police department building to the Public Safety Committee to initiate the next architectural stage in the building process.*

This Matter was Approved as Recommended on the Consent Agenda.

031104 Wireless Laptop Funding from Federal Law Enforcement Contraband Forfeiture Trust Fund (B)

RECOMMENDATION *The City Commission authorize the Gainesville Police Department to appropriate and expend an amount not to exceed \$62,000.00 to various vendors and to Insight, Tallahassee, Florida (\$40,940), as a State Contract vendor, from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the purchase of wireless laptops and accompanying equipment and services.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Domenech, 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: Tony Domenech, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe
Absent: Tom Bussing and Edward Braddy

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 modifications:

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

REGULAR AGENDA - MODIFICATIONS

- 1. File #031221 Review of Cox Communications 2003 Rate Filing - (New recommendation and revised back-up submitted).*
- 2. File #031222 Status Report on Cable Television Franchise Negotiations - (Strike original item - replace with new item).*
- 3. File #030770 - Resolution - Alcohol Establishments - Nuisance Abatement Ordinance - (Revised back-up submitted).*
- 4. File #020854 - Resolution - Krystle Pines Cluster Subdivision Design - (Revised back-up submitted).*

REGULAR AGENDA - ADDITIONAL BACK-UP

- 1. File # 030624 - Ordinance Rezoning - North Main Street Area - (Additional back-up submitted).*

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

031184 2005 City Commission Election (B)

RECOMMENDATION *The City Commission schedule the 2005 Election for March 29, 2005 and April 19, 2005 for a run-off Election if needed.*

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

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

031212 Budget Special Meetings (B)

RECOMMENDATION *The City Commission schedule budget meetings.*

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

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

CITY MANAGER

031196 Certificate of Achievement for Excellence in Financial Reporting (NB)

NOTE: Mayor Bussing entered the meeting room at 1:08 PM.

RECOMMENDATION *The City Commission: 1) accept the Certificate of Achievement for Excellence in Financial Reporting for fiscal year 2002; 2) receive the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2003; and 3) endorse submittal of the FY 2003 report to the Government Finance Officers Association of the United States and Canada.*

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

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

031197 Award for Outstanding Achievement in Popular Annual Financial Reporting (NB)

RECOMMENDATION *The City Commission: 1) accept the Award for Outstanding Achievement in Popular Annual Financial Reporting for fiscal year 2002; 2) receive the Citizen's Report for the fiscal year ended September 30, 2003; and 3) endorse submittal of the FY 2003 report to the Government Finance Officers Association of the United States and Canada.*

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

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

031198 Gainesville Community Playhouse Theater (B)

City of Gainesville Assistant City Manager Barbara Lipscomb and Cultural Affairs

Director Dr. Lemuel Moore gave presentations.

AMENDMENT: Add to the recommendation: and 4) The City Commission has determined that the Gainesville Community Playhouse serves a public purpose by providing cultural facilities available to the citizens of Gainesville.

RECOMMENDATION *The City Commission: 1) approve and authorize a letter of intent for a ten year \$100,000 loan at an interest rate tied to the Ten Year Treasury Rate when the loan is taken, with said loan to be used by the Gainesville Community Playhouse to assist in construction of a new theater facility; 2) appropriate \$100,000 from General Fund-Fund Balance for the loan; 3) authorize the appropriate City officials to execute the loan agreement at the appropriate time should the loan be requested by GCP.*

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

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

COMMUNITY DEVELOPMENT COMMITTEE

031180 Design Review Recommendations (NB)

City of Gainesville Community Development Director Tom Saunders gave a presentation.

MOTION: The City Manager's Office develop a color palette for non-residential properties for consideration by the City Commission for petitioners and applicants going through the site plan process or receiving permits for construction or remodeling.

RECOMMENDATION *Community Development Committee to the City Commission: Consider providing a recommended color palette for petitioners and applicants going through the site plan process or receiving permits for construction or remodeling.*

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

RECESS - 2:02 PM

The Mayor called for a recess until 3:00 PM.

RECONVENE - 3:04 PM

CITY MANAGER - (CONTINUED)

031221 Review of Cox Communications 2003 Rate Filing (B)

Rice Williams & Associates Consultant Jean Rice, Cox Cable Vice President and General Manager Mike Giampietro, Counsel for CoxCom, Inc. Gary Lutzger, Cox Representative Rick Mulligan and City of Gainesville Revenue Recovery Specialist Audrey Lewis gave presentations.

Chair Bussing recognized Citizen Mark Goldstein who spoke to the matter.

RECOMMENDATION *The City Commission: 1) Accept the reports of consultants Rice Williams & Associates and the response of Cox Communications; 2) allow an opportunity to hear the views of interested persons; 3) authorize the City Attorney to draft a Resolution denying the maximum permitted rates and related rates filed by Cox; and 4) amend this evening's agenda to add the Resolution as a supplemental item.*

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

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

031222 Third Extension to Cox Cable Franchise (NB)

RECOMMENDATION *The City Commission extend the Franchise Agreement with Cox Cable for an additional 90 days, through August 1, 2004 and authorize staff to enter into the formal negotiation process if all outstanding items have not been resolved through the informal process by 5:00 p.m. on May 26, 2004.*

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

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

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

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

RECOMMENDATION *As required by the Clerk of the Commission's employment agreement, the City Commission conduct the annual performance, salary and benefits review.*

Continued

COMMISSION COMMENTS (if time available)

RECESS - 4:58 PM

RECONVENE - 5:31 PM

NOTE: Commissioner Domenech called the meeting back to order at 5:31 PM.

CITIZEN COMMENT

Richard Selwach

Wetlands Issue at the Airport

Gabe Kaimowitz

Equal Opportunity/Creativity - See following File # 031229.

031229 Equal Opportunity/Creativity in Gainesville (B)

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

Placed on File

Greg Norman

Ironwood Villages - NHDC Housing Problems

See referral items File #031225 & 031226.

Kevin Claney

Ironwood Villages - NHDC Housing Problems - DRB Issues

See referral items File #031225 & 031226.

Gina Davis

Kennedy Homes - Displaced Residents

Lisa Wilson

Kennedy Homes - Displaced Residents

Yvette Harris

Kennedy Homes - Displaced Residents

Thomas Strawder

Kennedy Homes - Displaced Residents

Creasie Edsall

Kennedy Homes - Displaced Residents

Vanessa Anthony

Kennedy Homes - Displaced Residents

Emily Brown

Kennedy Homes - Displaced Residents

Michael Bowie

Kennedy Homes - Displaced Residents

COMMISSION COMMENTS (If time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Junior Girl Scout Troop #1201 and Cadet Troop #1320

PROCLAMATIONS/SPECIAL RECOGNITIONS

031200 Special Recognition of the University of Florida Students In Free Enterprise (SIFE) and City Alliance (NB)

RECOMMENDATION *The City Commission acknowledge the valuable contribution of SIFE students for their exceptional community service rendered to the City's small and minority business community.*

Heard

031209 Public Employee Recognition Week - May 3-7, 2004 (B)

RECOMMENDATION *City of Gainesville Employees TEAM Chair Sharon Wooding to accept the proclamation.*

Heard

031210 Civility Month - May 2004 (B)

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

Heard

COMMISSION COMMENTS

Commissioner Rick Bryant

1. Kennedy Homes Issue

2. *Airport Wetlands Issue*

Commissioner Tony Domenech

1. *Special Area Plan for the Ironwood Area*
2. *NHDC Housing in the Ironwood Area*

See following referrals File #'s 031225 & 031226.

031225 Special Area Plan for Ironwood Area (NB)

RECOMMENDATION *The City Commission refer the issue of a Special Area Plan for the Ironwood Area to the Community Development Committee.*

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Referred to the Community Development Committee, due back on October 26, 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

031226 NHDC Subsidized Housing Requirements (NB)

RECOMMENDATION *The City Commission refer the issue of owner-occupied subsidized housing requirements and compliance to the Community Development Committee.*

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Referred to the Community Development Committee, due back on October 26, 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

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

030624 REZONING - NORTH MAIN STREET AREA (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.

City of Gainesville Planner Jason Simmons and Planning Manager Ralph Hilliard gave presentations.

Chair Bussing recognized Tarragon Property Representative James McNeal and Property Owner/Developer Larry Cheshire who spoke to the matter.

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 First Reading (Ordinance). The motion failed by the following vote:

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

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.

NOTE: Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Chestnut and left the meeting room.

RECOMMENDATION *The City Commission (1) approve Petition 150TCH-03 PB and (2) adopt the proposed ordinance.*

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

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

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

030464 **COMPREHENSIVE PLAN AMENDMENT - CAPITAL IMPROVEMENTS ELEMENT (B)**

Ordinance No. 0-04-01; Petition No. 128CPA-03 PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Capital Improvements Element of the City of Gainesville 2000-2010 Comprehensive Plan; adopting the annual update of the 5-Year Schedule of Capital Improvements; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

NOTE: Mayor Bussing returned to the the meeting room and assumed the gavel.

Chair Bussing recognized Citizen Walter Willard who spoke to the matter.

RECOMMENDATION *The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) adopt the proposed ordinance.*

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

030466 **COMPREHENSIVE PLAN AMENDMENT TO IMPLEMENT PLAN EAST GAINESVILLE (B)**

Ordinance No. 0-04-20; Petition 130 CPA-03 PB

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element and Transportation Element of the City of Gainesville 2000-2010 Comprehensive Plan, to implement certain land use and transportation-related aspects of Plan East Gainesville; amending Goal 2 of the Future Land Use Element to add a policy stating specific elements the City shall strive to implement for Plan East Gainesville; amending Goal 1 of the Transportation Mobility Element to add a policy stating specific elements the City shall strive to implement for Plan East Gainesville; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) adopt the proposed ordinance.*

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

030627 COMPREHENSIVE PLAN AMENDMENT - EXPANSION OF TCEA TO INCLUDE CERTAIN ANNEXED AREAS (B)

Ordinance No. 0-04-18; Petition 156 LUC-03 PB

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; changing the City of Gainesville Future Land Use, Transportation Mobility and Concurrency Elements' Map Series and Legal Descriptions to expand the Transportation Concurrency Exception Area (TCEA) to include certain annexed areas; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) adopt the proposed ordinance.*

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

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

031054 FY 2004 BUDGET AMENDMENT (B)

Ordinance No. 0-04-34

An ordinance of the City Commission of the City of Gainesville, Florida, relating to its general government budget for the fiscal year beginning October 1, 2003 and ending September 30, 2004; amending ordinance no. 030344, adopted September 22, 2003, by making certain adjustment to the general operating and financial plan budget; and providing an immediate effective date.

Chair Bussing recognized Citizen Walter Willard 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 Domenech, 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

RESOLUTIONS- ROLL CALL REQUIRED**030770 RESOLUTION ALCOHOL ESTABLISHMENT NUISANCE ABATEMENT (B)**

A resolution of the City Commission of the City of Gainesville, Florida, supporting an amendment to section 893.138 F. S. which would expand the type of nuisance activity that can be heard before a nuisance abatement board created by a local jurisdiction.; and approve sending this resolution to the Florida League of Cities and the City's Legislative Delegation; and providing an immediate effective date.

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

020854 (Quasi-Judicial), Conditional final plat review for 90 lots at Krystle Pines Cluster Subdivision Phase 1 located in the 8100 block of NW 43rd Street (west side). (Petition 122SUB-02DB) (B)

The City Commissioners stated that they had no ex parte communications.

City of Gainesville Senior Planner Carolyn Morgan gave a presentation.

RECOMMENDATION *Planning Staff to City Commission -The City Commission adopt the following resolution: A Resolution approving the conditional final plat of "Krystle Pines Cluster Subdivision Phase I," located in the vicinity West of NW 43rd Street and North of NW 82nd Boulevard; and providing an immediate effective date.*

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

031202 (Quasi-Judicial) Conditional Final Plat, Phase II of the Madera Cluster Development. Located in the vicinity of SR 331 (Williston Road) and Southwest 21st Street, North Side. (Petition 82SUB-01 DB, Phase II).(B)

The City Commissioners stated that they had no ex parte communications.

City of Gainesville Planner Lawrence Calderon gave a presentation.

RECOMMENDATION *Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the conditional final plat of "Madera Cluster Development, Phase II", located in the general vicinity of Williston Road (north side), a/k/a S.R. 331, between Southwest 20th Street and Southwest 21st Street; and providing an immediate effective date.*

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, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

Absent: Edward Braddy

031201

(Quasi-Judicial) Conditional Final Plat, Phase III of the Madera Cluster Development. Located in the vicinity of SR 331 (Williston Road) and Southwest 21st Street, North Side. (Petition 82SUB-01 DB, Phase III). (B)

The City Commissioners stated that they had no ex parte communications.

RECOMMENDATION *Planning Staff to City Commission - The City Commission adopt the following resolution: A resolution approving the conditional final plat of "Madera Cluster Subdivision Phase III". Located in the general vicinity of SR 331 (Williston Road) (north side), a/k/a/SR 331, between Southwest 21st Street and SW 23rd Terrace; and providing an immediate effective date.*

A motion was made by Commissioner Nielsen, 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

031227

COX COMMUNICATIONS GAINESVILLE/OCALA'S MAXIMUM PERMITTED RATES (B)

A resolution of the City of Gainesville, Florida, concerning Cox Communications Gainesville/Ocala's maximum permitted rates for regulated cable services for year 2003.

Chair Bussing recognized Vice President and General Manager of Cox Cable Mike Giampietro who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Mayor Tom Bussing

File #031208 - Reimbursement for Oversizing of Water and Wastewater Facilities Serving Belmont and Turnberry Lake Phase 1.

Mayor Bussing passed the gavel to Mayor Commissioner Pro Tem Chestnut in order to make the following referral to the Regional Utilities Committee. See following File #031228.

031228 Water/Wastewater Expansion Policy (NB)

RECOMMENDATION *The City Commission: 1) Refer the issue of the Water/Wastewater Expansion Policy to the Regional Utilities Committee with particular reference to compliance with Alachua County's Comprehensive Plan; and 2) review the policy for cost recovery.*

A motion was made by Mayor Bussing, seconded by Commissioner Domenech, that this matter be Referred to the Regional Utilities Committee, due back on October 26, 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

CITIZEN COMMENT

There were no citizens present who wished to speak during Citizen Comment.

ADJOURNMENT - 8:16 PM

Kurt M. Lannon, Clerk of the Commission