

City of Gainesville

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



Meeting Minutes

Monday, June 23, 2003

1:00 PM

City Hall Auditorium

City Commission

*Mayor Tom Bussing (At-Large)
Commissioner Warren Nielsen (At Large)
Commissioner Rick Bryant (At Large)
Mayor-Commissioner Pro Tem Chuck Chestnut (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Tony Domenech (District 3)
Commissioner Craig Lowe (District 4)*

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least 48 hours in advance.

CALL TO ORDER - 1:03 PM**ROLL CALL**

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

INVOCATION

Reverend Kenneth Babin, First Lutheran Church of Gainesville

CONSENT AGENDA

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

CITY MANAGER, CONSENT AGENDA ITEMS**030098 Award of Bid: Installation of Laptop Computer Mounts for Police Vehicles (B)**

RECOMMENDATION *The City Commission: 1) approve the issuance of a purchase order totaling \$38,600, with a contingency not to exceed 15% of the total purchase order, to Code 3 Technology for the funding of installation work of the laptop computer mounting systems; and 2) authorize the City Manager to enter into an agreement with Code 3 Technology.*

This Matter was Approved as Recommended on the Consent Agenda.

001112 Intergovernmental Management Agreement Between Alachua County and the City of Gainesville and Option Agreement for Sale and Purchase for the Beville Creek Property (B)

RECOMMENDATION *The City Commission: 1) authorize the City Manager to execute the Intergovernmental Management Agreement Between Alachua County and the City of Gainesville; and 2) authorize the City Manager to execute the Option Agreement for Sale and Purchase, contingent upon the County Commission signing the Intergovernmental Management Agreement slated for the June 24, 2003 County Commission meeting.*

This Matter was Approved as Recommended on the Consent Agenda.

030099 Thomas Center Endowment Fund (B)

RECOMMENDATION *The City Commission appropriate an expenditure line item in the amount of \$35,117 for the Thomas Center Endowment Fund.*

This Matter was Approved as Recommended on the Consent Agenda.

030100 State of Florida Department of Environmental Protection Nonpoint Source Management Program Grant Application (B)

RECOMMENDATION *The City Commission: 1) authorize the City Manager or designee to submit a grant application to the State of Florida, Department of Environmental Protection, Nonpoint Source Management Program, Section 319(h); and 2) authorize the City Manager or designee to execute all other related documents related to the grant if the anticipated funding is offered.*

This Matter was Approved as Recommended on the Consent Agenda.

030101 After School Snack Program Application (B)

RECOMMENDATION *The City Commission: 1) approve the application to the State of Florida Department of Health; and if awarded, 2) authorize the City Manager to execute the agreement and other related documents, subject to approval by the City Attorney as to form and legality for the initial application and subsequent annual applications.*

This Matter was Approved as Recommended on the Consent Agenda.

030102 Internet Crimes Against Children Task Force (NB)

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply to the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention for up to \$300,000 in grant funds; and if awarded, 2) execute the grant agreement and any other necessary documents, pending review by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

030103 Application for FY 2003 HUD Continuum of Care Homeless Assistance Program Funding (NB)

RECOMMENDATION *The City Commission: 1) authorize the City Manager or designee to apply for grant funding under the U.S. Department of Housing & Urban Development (HUD) Continuum of Care Homeless Assistance Program and to act on behalf of the City of Gainesville in all matters pertaining to said program; and 2) authorize the City Manager to execute subrecipient agreements with Meridian Behavioral Healthcare, Inc. and VETSPACE, Inc. if selected by HUD to receive funding through the Continuum of Care Homeless Assistance Program, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

030104 Settlement of Worker's Compensation Claim - Colleen Denmark (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 Colleen Denmark, in the amount of \$77,500.*

This Matter was Approved as Recommended on the Consent Agenda.

030105 Cable Ordinance (NB)

RECOMMENDATION *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise additions and revisions suggested by the Connected Communities Task Force to ordinances affecting cable franchising requirements inside the City limits.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

030095 30-Inch Water Main Crossing at US 441 and NW 53rd Avenue By Jack and Bore (B)

RECOMMENDATION *The City Commission approve a purchase order to Blevins Road Boring, Inc. for construction of a 30-Inch water main crossing under US 441 at NW 53rd Avenue in the amount of \$226,420.*

This Matter was Approved as Recommended on the Consent Agenda.

030096 Water Distribution System Leak Detection Survey Program (NB)

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to execute a three year contract with Utility Services Associates for a water distribution system leak detection survey program in an amount not to exceed \$25,000 per fiscal year.*

This Matter was Approved as Recommended on the Consent Agenda.

030097 Purchase Order for one 15,500 lb Basic Capacity Forklift (B)

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Barloworld Handling for the purchase of one 15,500 lb Basic Capacity Forklift and accessories in a total amount not to exceed \$ 58,258.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS**030086 LEGAL CHALLENGE TO TAXES ASSESSED ON UTILITY AND OTHER ASSETS OF THE CITY (B)**

RECOMMENDATION *The City Commission authorize the City Attorney to retain outside professional legal services as needed on a consulting basis in the case styled City of Gainesville vs. Ed Crapo, as Property Appraiser for Alachua County, Florida, et al. and as needed in responding to requests for information from the property appraiser.*

This Matter was Approved as Recommended on the Consent Agenda.

030087 RECOVERY FOR DAMAGES CAUSED TO CITY PROPERTY (B)

RECOMMENDATION *The City Commission authorize the City Attorney to file a lawsuit against Russell Engineering, Inc., for recovery of damages caused to City property as a result of Russell Engineering's negligence.*

This Matter was Approved as Recommended on the Consent Agenda.

030089 RECOVERY FOR DAMAGES CAUSED TO CITY PROPERTY (B)

RECOMMENDATION *The City Commission authorize the City Attorney to file a lawsuit against Volunteer Transport, Inc., for recovery of damages caused to City property as a result of Volunteer Transport's negligence.*

This Matter was Approved as Recommended on the Consent Agenda.

030091 LEASE WITH FAA FOR LOCATOR OUTER MARKER SITE - RUNWAY 28 (B)

RECOMMENDATION *The City Commission authorize the Mayor to execute, and the Clerk of the Commission to attest, FAA Lease No. DTFA06-03-L-04083, between the City of Gainesville and the Federal Aviation Administration.*

This Matter was Approved as Recommended on the Consent Agenda.

030094 AMENDMENT TO DISABILITY PENSION PLAN (B)

RECOMMENDATION *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the Disability Pension Plan.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

030072 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of May 22, 2003, May 27, 2003, June 2, 2003 and June 9, 2003, as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

030076 Appointment - City Beautification Board (NB)

RECOMMENDATION *The City Commission appoint Adrian M. H. Santos to a vacancy on the City Beautification Board to expire November 1, 2004.*
Commissioner Ed Braddy - Adrian M. H. Santos
Commissioner Rick Bryant - Adrian M.H. Santos
Commissioner Tony Domenech - Adrian M. H. Santos
Commissioner Craig Lowe - Adrian M. H. Santos
Commissioner Warren Nielsen - Adrian M. H. Santos
Mayor-Commissioner Pro Tem Chuck Chestnut - Adrian M.

H. Santos
Mayor Tom Bussing - Readvertise

This Matter was Approved as Recommended on the Consent Agenda.

030077 Appointment - Development Review Board (NB)

RECOMMENDATION *The City Commission appoint Cathy E. Foerster to a vacancy on the Development Review Board to expire November 1, 2003.*
Commissioner Ed Braddy - Clayton H. Collins
Commissioner Rick Bryant - Cathy E. Foerster
Commissioner Tony Domenech - Clayton H. Collins
Commissioner Craig Lowe - Readvertise
Commissioner Warren Nielsen - Cathy E. Foerster
Mayor-Commissioner Pro Tem Chuck Chestnut - Cathy E. Foerster
Mayor Tom Bussing - Cathy E. Foerster

This Matter was Approved as Recommended on the Consent Agenda.

030078 Appointment - Gainesville Code Enforcement Board (NB)

RECOMMENDATION *The City Commission appoint Hugh D. Rhea to a vacancy on the Gainesville Code Enforcement Board to expire August 1, 2003.*
Commissioner Ed Braddy - Hugh D. Rhea
Commissioner Rick Bryant - Hugh D. Rhea
Commissioner Tony Domenech - Hugh D. Rhea
Commissioner Craig Lowe - Hugh D. Rhea
Commissioner Warren Nielsen - Hugh D. Rhea
Mayor-Commissioner Pro Tem Chuck Chestnut - Hugh D. Rhea
Mayor Tom Bussing - Hugh D. Rhea

This Matter was Approved as Recommended on the Consent Agenda.

030079 Appointment - Gainesville Enterprise Zone Development Agency (NB)

RECOMMENDATION *The City Commission reappoint Tony R. Jones to a vacancy on the Gainesville Enterprise Zone Development Agency to expire March 31, 2007.*
Commissioner Ed Braddy - Tony R. Jones
Commissioner Rick Bryant - Tony R. Jones
Commissioner Tony Domenech - Tony R. Jones
Commissioner Craig Lowe - Tony R. Jones
Commissioner Warren Nielsen - Tony R. Jones

Mayor-Commissioner Pro Tem Chuck Chestnut - Tony R. Jones
Mayor Tom Bussing - Tony R. Jones

This Matter was Approved as Recommended on the Consent Agenda.

030080 Appointment - Gainesville Human Rights Board (NB)

RECOMMENDATION *The City Commission appoint Dorothy J. Faibisy and Abigail Goldsmith to vacancies on the Gainesville Human Rights Board to expire February 22, 2006.*
Commissioner Ed Braddy - Dorothy J. Faibisy and Abigail Goldsmith
Commissioner Rick Bryant - Dorothy J. Faibisy and Abigail Goldsmith
Commissioner Tony Domenech - Dorothy J. Faibisy and Abigail Goldsmith
Commissioner Craig Lowe - Dorothy J. Faibisy and Abigail Goldsmith
Commissioner Warren Nielsen - Dorothy J. Faibisy and Abigail Goldsmith
Mayor-Commissioner Pro Tem Chuck Chestnut - Dorothy J. Faibisy and Abigail Goldsmith
Mayor Tom Bussing - Dorothy J. Faibisy and Abigail Goldsmith

This Matter was Approved as Recommended on the Consent Agenda.

030081 Appointment - Historic Preservation Board (NB)

RECOMMENDATION *The City Commission reappoint Sandra M. Lamme to a term on the Historic Preservation Board to expire June 1, 2006.*
Commissioner Ed Braddy - Sandra M. Lamme
Commissioner Rick Bryant - Sandra M. Lamme
Commissioner Tony Domenech - Sandra M. Lamme
Commissioner Craig Lowe - Sandra M. Lamme
Commissioner Warren Nielsen - Sandra M. Lamme
Mayor-Commissioner Pro Tem Chuck Chestnut - Sandra M. Lamme
Mayor Tom Bussing - Sandra M. Lamme

This Matter was Approved as Recommended on the Consent Agenda.

030082 Appointment - Public Recreation Board (NB)

RECOMMENDATION *The City Commission reappoint Gary Paulauskas and Gina Van Blokland to terms on the Public Recreation Board to*

expire June 1, 2006.

Commissioner Ed Braddy - Gary Paulauskas and Gina Van Blokland

Commissioner Rick Bryant - Gary Paulauskas and Gina Van Blokland

Commissioner Tony Domenech - Gary Paulauskas and Gina Van Blokland

Commissioner Craig Lowe - Gary Paulauskas and Gina Van Blokland

Commissioner Warren Nielsen - Gary Paulauskas and Gina Van Blokland

Mayor-Commissioner Pro Tem Chuck Chestnut - Gary Paulauskas and Gina Van Blokland

Mayor Tom Bussing - Gary Paulauskas and Gina Van Blokland

This Matter was Approved as Recommended on the Consent Agenda.

030083

Appointment - Regional Transit System Advisory Board (NB)

RECOMMENDATION *The City Commission reappoint LaTwania Brown to a term on the Regional Transit System Advisory Board to expire June 1, 2006.*

Commissioner Ed Braddy - LaTwania Brown

Commissioner Rick Bryant - LaTwania Brown

Commissioner Tony Domenech - LaTwania Brown

Commissioner Craig Lowe - LaTwania Brown

Commissioner Warren Nielsen - LaTwania Brown

Mayor-Commissioner Pro Tem Chuck Chestnut - LaTwania Brown

Mayor Tom Bussing - LaTwania Brown

This Matter was Approved as Recommended on the Consent Agenda.

030084

Resignation - Gainesville Human Rights Board (B)

RECOMMENDATION *The City Commission accept the resignation of member Dinah P. Welch from the Gainesville Human Rights Board effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

030114

Resignation - Gainesville Energy Advisory Committee (B)

RECOMMENDATION *The City Commission accept the resignation of member Bock V. Folken from the Gainesville Energy Advisory Committee effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

AUDIT AND FINANCE COMMITTEE CONSENT

030015 Performance Measures Review (B)

RECOMMENDATION *The Audit and Finance Committee recommends that the City Commission: 1) Accept the report from the City Manager and the City Auditor; and 2) Approve an appropriation of \$8,900 from the City Commission Contingency fund for funding the ICMA Comparative Performance Measurement Program for Fiscal Year 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

030014 Review of Housing Division (B)

RECOMMENDATION *The Audit and Finance Committee recommends that the City Commission: 1) Accept the City Auditor's report and the City Manager's response; 2) Instruct the City Auditor to follow-up on recommendations made and report the results to the Audit and Finance Committee; 3) Direct the City Manager to add a category to the recommended monitoring report to include the original lender and interest rate for all mortgage foreclosure SHIP applicants, when possible; and 4) Schedule a Special City Commission meeting on housing issues including those raised in the City Auditor's report.*

This Matter was Approved as Recommended on the Consent Agenda.

030016 Summary Report on the City Auditor's Participation in a Review of The Energy Authority (TEA)(B)

RECOMMENDATION *The Audit and Finance Committee recommends that the City Commission accept the City Auditor's report.*

This Matter was Approved as Recommended on the Consent Agenda.

030013 Gainesville Regional Utilities Quarterly Monitoring Report for Quarter Ended March 31, 2003 (B)

RECOMMENDATION *The Audit & Finance Committee recommends that the City*

Commission receive the Gainesville Regional Utilities Quarterly Monitoring Report for the quarter ended March 31, 2003.

This Matter was Approved as Recommended on the Consent Agenda.

030012 Fiscal Year 2003 Operating Funds Quarterly Monitoring Report - Quarter Ending March 31, 2003.(B)

...Explanation

The City's General Government Budget Policy requires staff to prepare and submit a quarterly budget compliance report in substantially the same form as the final budget document, for all major operating funds, including the status of General Fund fund balances, to the Audit and Finance Committee.

...Recommendation

The Audit and Finance Committee recommends that the City Commission receive the quarterly budget monitoring report for the quarter ended March 31, 2003.

RECOMMENDATION *The Audit and Finance Committee recommends that the City Commission receive the quarterly budget monitoring report for the quarter ended March 31, 2003.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

030070 Update on Model Block Program (NB)

RECOMMENDATION *The City Commission approve the use of a letter of credit to guarantee 40% of each draw made by the CRA and authorize the Mayor to execute and the Clerk of the Commission to attest to all required documents.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

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

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

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

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

030055 Wal-Mart Reconsideration (B)

*FIRST MOTION: Commissioner Braddy moved and Mayor-Commissioner Pro Tem Chestnut seconded to schedule the Wal-Mart Reconsideration issue for the July 14, 2003, Regular City Commission Meeting.
(NO VOTE)*

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

SUBSTITUTE MOTION: Commissioner Nielsen moved and Commissioner Lowe seconded that Wal-Mart be permitted to submit a new land use plan amendment for consideration by City staff, City Plan Board and the City Commission without prejudice of time restrictions.

ROLL CALL VOTE:

Commissioner Lowe - Yes

Commissioner Domenech - Yes

Mayor-Commissioner Pro Tem Chestnut - Yes

Commissioner Nielsen - Yes

Commissioner Braddy - No

Commissioner Bryant - No

Mayor Bussing - Yes

(VOTE: 5-2, MOTION CARRIED)

*AMENDMENT BY SUBSTITUTION: Commissioner Nielsen moved and Commissioner Lowe seconded that Wal-Mart be permitted to submit a new land use plan amendment for consideration by City staff, City Plan Board and the City Commission without prejudice of time restrictions.
(VOTE: 7-0, MOTION CARRIED)*

ADDITIONAL MOTION (MAIN MOTION): Mayor-Commissioner Pro Tem Chestnut moved and Commissioner Domenech seconded to table the Wal-Mart Reconsideration item.

(VOTE: 6-1, Commissioner Braddy - No, MOTION CARRIED)

RECOMMENDATION *The City Commission schedule this matter for a regular*

meeting on July 14, 2003, or a special meeting on August 4, 2003 at 6:00pm.

Tabled

CITY MANAGER

030107 Fast Track Permitting Program (B)

City of Gainesville Building Official Doug Murdock gave a presentation.

RECOMMENDATION *The City Commission hear a report from staff concerning the Fast Track permitting program.*

Heard

030108 Transit Development Plan Final Approval (B)

City of Gainesville Regional Transit System Director Jeff Logan gave a presentation.

RECOMMENDATION *The City Commission: 1) receive a presentation from staff; and 2) approve the plan for FY 2004-2008.*

A motion was made by Commissioner Lowe, 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

030109 Historic Railroad Depot Contractor (B)

City of Gainesville Community Development Director Tom Saunders and Historic Preservation Planner Dee Hendrichs gave presentations.

Chair Bussing recognized Citizen Pegeen Hanrahan who spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear a presentation by staff; 2) amend the Bergmann Associates, Inc design/engineering contract to add an additional \$45,000 to complete the design/engineering work for the Phase II restoration of the Depot; and 3) authorize the City Manager to execute and sign an amended contract with Bergman Associates, Inc.*

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

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

030110 Gator Trails Final Report (B)

Cultural Affairs Director Dr. Lemuel Moore and Cultural Affairs Manager Coni Gesualdi gave presentations.

Chair Bussing recognized Citizen Mary Anderson who spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear a report from the Department of Cultural Affairs staff on the results of the project; 2) recognize the efforts of the Trailblazers in making this project successful; 3) approve the payment to the County; and 4) approve the appropriation of remaining profits to enhance and promote the Downtown Festival and Art Show and its JazzFest component.*

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

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

030111 2003 Goals and Objectives (B)

City of Gainesville Police Chief Norman Botsford gave a presentation.

AMENDMENTS:

1. Page 11 - Headquarters for GPD - Change the Timescale from "3 to 5 years" to "1 to 3 years".

2. Page 12 - Implement Performance Measures program, under Estimated Cost - change "None" to "\$8,900.00".

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

RECOMMENDATION *The City Commission finish the review of the 2003 proposed Goals and Objectives (pages 11-13) and adopt the City Goals and Objectives for 2003.*

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

CITY AUDITOR**COMMITTEE REPORTS (PULLED FROM CONSENT)****PUBLIC WORKS COMMITTEE****PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE****PUBLIC SAFETY COMMITTEE****REGIONAL UTILITIES COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****COMMUNITY REDEVELOPMENT AGENCY****030067 Street Closing in the Downtown (NB)**

This item was closed out with final action taken on 10/20/2003 by the CRA.

RECOMMENDATION *The City Commission have Cultural Affairs staff notify DRAB and GDOT and place all street closing information on the City's Web Site in conjunction with the petition process in place.*

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Referred to the Recreation and Cultural Affairs Committee, due back on December 23, 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

030068 Use of the Downtown Community Plaza (NB)

Chair Bussing recognized Citizen Joe Jackson who spoke to the matter.

RECOMMENDATION *The City Commission enforce the ordinances in place regarding permits for food distribution on the Downtown Community Plaza.*

The City Commission limit the number of permits for operations with food distribution components on the Downtown Community Plaza.

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be Referred to the Recreation and Cultural Affairs Committee, due back on December 23, 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

MEMBERS OF THE CITY COMMISSION

030063 Mayor-Commissioner Pro Tem Chuck Chestnut (NB)

Citizen Gary Perrine gave a presentation.

Chair Bussing recognized Citizens Sarah Poll, Rob Brinkman, Harold Saive, and Bob Freeman who spoke to the matter.

RECOMMENDATION *The City Commission receive a report on Public Access television from Gary Perrine.*

Heard

COMMISSION COMMENTS (if time available)

RECESS - 4:15 PM

RECONVENE - 5:33 PM

CITIZEN COMMENT (5:30pm)

Alonso Perkins

Downtown visitors parking in residential neighborhoods late at night.

Ed Clark

Public Access Television

Sarah Poll

1. City Planning Staff attending new development meetings.

2. *Commissioner disclosure.*

COMMISSION COMMENTS

Commissioner Tony Domenech

See following file # 030125.

030125 Public Safety Involvement in Site Plan and Land Review Process (NB)

RECOMMENDATION *The City Commission refer to the Public Safety Committee public safety's (Police and Fire) involvement in the site plan and land development review process.*

A motion was made by Commissioner Domenech, seconded by Commissioner Braddy, that this matter be Referred to the Public Safety Committee, due back on December 23, 2003. 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

PLEDGE OF ALLEGIANCE (6:00pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

030115 Albert "Ray" Massey Day - June 30, 2003 (B)

RECOMMENDATION *Gainesville Citizen and Public Recreation Board Member Albert "Ray" Massey to accept the proclamation.*

Heard

WAIVER OF RULES

*Commissioner Chestnut moved and Commissioner Nielsen seconded to waive the rules to hear 10 minutes of presentation from David Russ.
(VOTE: 7-0, MOTION CARRIED)*

CITIZEN COMMENT - (continued)

David Russ

Sorrento Subdivision - Wetland Concerns

See following referral # 030126.

030126 Sorrento Subdivision Surface Water Violations (B)

NOTE: Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Chestnut in order to second this motion.

City of Gainesville Public Works Director Teresa Scott and Community Development Director Tom Saunders gave presentations.

RECOMMENDATION *The City Commission ask the City Manager to take all steps necessary to alleviate the situation at the Sorrento Subdivision.*

A motion was made by Commissioner Bryant, seconded by Mayor Bussing, that this matter be Referred to the City Manager. The motion carried by the following vote:

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

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

021036 VISION TRIANGLE (B)

ORDINANCE NO. 0-03-53; PETITION 37TCH-03PB

An ordinance of the City of Gainesville, Florida, amending section 30-341 of the Land Development Code, relating to vision triangle regulations; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Planner Jason Simmons, Community Development Director Tom Saunders and Public Works Director Teresa Scott gave presentations.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

021037 BOARD OF ADJUSTMENT POWERS, DUTIES AND JURISDICTION (B)**ORDINANCE NO. 0-03-54; PETITION 38TCH-03PB**

An ordinance of the City of Gainesville, Florida, amending section 30-354 of the Land Development Code, relating to the powers, duties, and the jurisdiction of the Board of Adjustment in handling administrative appeals; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

021038 OFF-STREET PARKING AND LOADING REGULATIONS (B)**ORDINANCE NO. 0-03-55; PETITION 39TCH-03PB**

An Ordinance of the City of Gainesville, Florida; amending sections of Division 2, Article IX, Chapter 30, the Land Development Code, regarding off-street parking and loading regulations; amending section 30-329; clarifying the definition of the term compound use; providing a maintenance requirement for joint use parking; clarifying standards for off-street parking; amending section 30-330; clarifying design requirements for vehicular parking; stating supplemental provisions for vehicles and equipment display and storage; amending section 30-332; allowing for additional parking; amending table to require additional parking for certain uses; deleting parking requirements for development within the mixed use district; amending section 30-333; prohibiting excess parking in the Transportation Concurrency Exception Area; amending sections 30-331, 30-334 and 30-335; providing for editorial changes; providing conforming changes throughout the ordinance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Community Development Director Tom Saunders, Planner Jason Simmons and Public Works Director Teresa Scott gave presentations.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

030011 BUDGET AMENDMENT - FY 2003 (B)

ORDINANCE NO. 0-03-63

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, 2002 AND ENDING SEPTEMBER 30, 2003; AMENDING ORDINANCE NO. 020351 AS AMENDED BY ORDINANCE NO. 020900 BY MAKING CERTAIN ADJUSTMENTS TO THE GENERAL FINANCIAL AND OPERATING PLAN BUDGET; 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 Domenech, 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

ORDINANCES 2ND READING- ROLL CALL REQUIRED

020731 DISABILITY REVIEW COMMITTEE (B)

Ordinance No. 0-03-58

An ordinance of the City of Gainesville, Florida, amending Division 6 of Chapter 2 of the Code of Ordinances relating to the Disability Pension Plan, modifying the composition of the Disability Review Committee; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

030001 URBAN SERVICES REPORT - SW 20th AVENUE AREA (B)**Ordinance No. 0-03-61**

An Ordinance of the City of Gainesville, Florida, adopting an Urban Services Report which sets forth the plans to provide urban services to an area generally described as follows: bounded on the south by the northern boundary of SW 24th Avenue as extended west to the western boundary of Interstate 75, bounded on the east by the City limits and the eastern boundary of Southwest 34th Street, bounded on the west by the western boundary of Interstate 75 and the City limits, and bounded on the north by the City limits; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, as amended, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing for the specific repeal of ordinance 020730; providing a severability 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, as revised (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

020112 (Quasi-Judicial) A Resolution approving the final plat of "Blues Creek Unit 6H", located in the vicinity of Northwest 80th Road between Northwest 47th Way and Northwest 49th Way; authorizing the Mayor and Clerk of the Commission to execute a Four-Party Agreement to secure the construction of improvements; and providing an immediate effective date, Petition 7SUB-02DB. (B)

City of Gainesville Senior Planner Carolyn Morgan gave a presentation.

RECOMMENDATION *The City Commission adopt the 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, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe

020113 (Quasi-Judicial) A Resolution approving the final plat of "Blues Creek Unit 6G",

located in the vicinity of Northwest 80th Road between Northwest 50th Way and Northwest 51st Drive; authorizing the Mayor and Clerk of the Commission to execute a Four-Party Agreement to secure the construction of improvements; and providing an immediate effective date, Petition 8SUB-02DB. (B)

City of Gainesville Senior Planner Carolyn Morgan gave a presentation.

RECOMMENDATION *The City Commission adopt the 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: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe
Nay: Tom Bussing

030112

A Resolution approving the final, single-lot replat of "Portions of Lots 1 & 2, Northwood Oaks Unit No.3" located at 6034 Northwest 33rd Terrace, Petition 65SUB-03CD. (B)

City of Gainesville Planner Gene Francis gave a presentation.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

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

PLAN BOARD PETITIONS

030113

Revision of Ordinance No. 020844, Petition No. 14ZON-03PB, an ordinance of the City of Gainesville, Florida, adopted by the City Commission on April 14, 2003, amending the Zoning Map Atlas and rezoning certain lands within the City from "OR: 20 units/acre office residential district" to "OF: general office district", located in the vicinity of 1205 and 1215 N.W. 23rd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date. (B)

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

RECOMMENDATION *Planning Staff to City Commission - The City Commission authorize the City Attorney to revise and the Clerk of the Commission to advertise Ordinance No. 020844 to reflect the correct legal descriptions for the rezoned properties located at 1205 and 1215 N.W. 23rd Avenue.*

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

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Mayor Tom Bussing

- 1. Connected Communities Task Force Representative Mark Goldstein gave an update on the Cox Cable Franchise negotiations.*
- 2. Opposition of House Bill 27B - Letter sent.*
- 3. State Road 26 - damage to property, tree planting - see below.*

030127 State Road 26 Construction - Landscaping on Private Property (NB)

RECOMMENDATION *The City Commission request that staff report back with the possibilities for landscaping in particular along SR 26, outside of the right-of-way using creative approaches and ways to make FDOT pay for it.*

A motion was made by Commissioner Braddy, seconded by Commissioner Nielsen, that this matter be Referred to the City Manager, due back on December 23, 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

CITIZEN COMMENT (If time available)

ADJOURNMENT - 9:35 PM

Kurt M. Lannon, Clerk of the Commission