

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, April 14, 2003**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Tom Bussing (At-Large)  
Mayor-Commissioner Pro Tem Warren Nielsen (At-Large)  
Commissioner Chuck Chestnut (District 1)  
Commissioner Edward Braddy (District 2)  
Commissioner Tony Domenech (District 3)*

*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: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

**INVOCATION****Reverend Larry Dodd, First United Methodist Church****BOARD OF TRUSTEES**

*Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Domenech seconded to adopt the Board of Trustees Agenda.*

*(VOTE: 4-0, Commissioner Chestnut - Absent, MOTION CARRIED)*

**021049      Annual Performance Report for the General Employees' Pension Fund, Year Ending December 31, 2002 (B)**

*City of Gainesville Finance Director Mark Benton gave a presentation.*

*NOTE: Commissioner Chestnut entered the meeting room at 1:08 PM.*

**RECOMMENDATION**    *The Board of Trustees accept the report prepared by Summit Strategies Group on the General Employees' Pension Fund Performance, for the year ending December 31, 2002.*

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

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

**021050      General Employees' Pension Plan International Manager Selections (NB)****...Explanation**

**The Pension Review Committee voted unanimously to recommend to the General Employees' Board of Trustees the hiring of Silchester International Investors as the International Value Manager and Dresdner RCM Global Investors as the International Growth Manager for the General Employees' Pension Plan.**

**...Fiscal Impact**

**Fees for International Manager Services are budgeted in the General Employees' Pension Fund.**

**...Recommendation**

**The Board of Trustees for the General Employees' Pension Plan: 1) approve the hiring of Silchester International Investors as the International Value Manager and Dresdner RCM Global Investors as the International Growth Manager for the General Employees' Pension Plan; and 2) authorize the City Manager or his designee as Trust Administrator to execute all related documents.**

*City of Gainesville Finance Director Mark Benton gave a presentation.*

**RECOMMENDATION** *The Board of Trustees for the General Employees' Pension Plan: 1) approve the hiring of Silchester International Investors as the International Value Manager and Dresdner RCM Global Investors as the International Growth Manager for the General Employees' Pension Plan; and 2) authorize the City Manager or his designee as Trust Administrator to execute all related documents.*

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

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

**CONSENT AGENDA**

*Commissioner Domenech moved and Mayor-Commissioner Pro Tem Nielsen seconded to adopt the Consent Agenda with the following modification:  
(VOTE: 5-0, MOTION CARRIED)*

**MODIFICATION:**

*File #021072 - Industrial Psychology Services - Revised Recommendation & Back-up Submitted.*

**CITY MANAGER, CONSENT AGENDA ITEMS****021051 General Employees' Pension Plan Contribution Rates (B)**

**RECOMMENDATION** *The City Commission set the employer contribution rates of 3.36% for the period beginning April 1, 2003 through September 30, 2003 and 2.82% for the period beginning October 1, 2003 through September 30, 2005.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**021052 Consolidated Police Officers' and Firefighters' Retirement Plan Contribution Rates (B)**

**RECOMMENDATION** *The City Commission set the employer contribution rates of 9.78% for the period beginning April 1, 2003 through*

*September 30, 2003 and 4.52% for the period beginning October 1, 2003 through September 30, 2005.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**021053 Actuarial Firm Selection for the Consolidated Police Officers' and Firefighters' Retirement Plan (B)**

**RECOMMENDATION** *The City Commission: 1) approve the hiring of Public Pension Professionals, Inc. as the plan actuary for the Consolidated Police Officers' and Firefighters' Retirement Plan; and 2) authorize the City Manager or his designee as Trust Administrator to execute all related documents.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**021054 Application for Cooperating Technical Partners Initiative with Region IV FEMA Office (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the City Manager or designee to file the Cooperating Technical Partners application on behalf of the City of Gainesville with the Region IV FEMA Office; and 2) authorize the City Manager or designee to execute the Cooperating Technical Partners Agreement and all other necessary documents.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**021055 Department of Justice Bulletproof Vest Partnership (NB)**

**RECOMMENDATION** *The City Commission: 1) authorize the City Manager to apply for these funds; and 2) execute any additional documents as may be required, subject to review and approval by the City Attorney.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**021056 Award of Bid for DUI Enforcement Enhancement Equipment (B)**

**RECOMMENDATION** *The City Commission authorize the issuance of a purchase order to CruiseCam, in an amount not to exceed \$44,000, for the purchase of thirteen (13) CruiseCam in-car video systems.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**021057 Contract for the Installation of Aluminum Fencing at Evergreen Cemetery and T.B. McPherson Park (B)**

**RECOMMENDATION** *The City Commission: 1) award the contract for the removal and replacement of existing fencing at Evergreen Cemetery and T.B. McPherson Park to All Florida Enterprises, Inc.; and 2) approve the issuance of a purchase order in the not to exceed amount of \$38,988 to All Florida Enterprises, Inc., subject to the approval of the City Attorney as to form and legality.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**990030 Second Extension of the Evergreen Cemetery Grounds Maintenance Agreement (B)**

**RECOMMENDATION** *The City Commission: 1) approve the second extension to the contract with Oasis Landscape Services, Inc. for grounds maintenance at Evergreen Cemetery; 2) approve the issuance of purchase orders for the second extension of the contract for the period a) June 2, 2003 through September 30, 2003 in an amount not to exceed \$17,783.67; and b) October 1, 2003 through June 1, 2004 in an amount not to exceed \$35,567.33 subject to the appropriation of funds in FY 2004; and 3) authorize the City Manager or his designee to execute the contract, subject to the approval of the City Attorney as to form and legality.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**021058 Approval of Contracts between the Regional Transit System (RTS) and Center for Independent Living of North Central Florida (B)**

**RECOMMENDATION** *The City Commission: 1) approve the RTS recommendation; and 2) authorize the City Manager or designee to execute the contracts with the CIL-NCF*

**This Matter was Approved as Recommended on the Consent Agenda.**

**021059 Property Trade for SW 5th Avenue Stormwater Basin Project (B)**

**RECOMMENDATION** *The City Commission: 1) approve the acquisition of Tax Parcel 13431, located at 721 SW 5th Avenue; 2) approve conveyance of Tax Parcel 13431, located at 721 SW 5th Avenue, to Compassionate Outreach Ministries, Inc., along with the associated house demolition and paving, in exchange for Tax Parcel 13408, located at 502 SW 7th Street; 3)*

*approve acceptance of Tax Parcel 13408 located at 502 SW 7th Street from Compassionate Outreach Ministries, Inc., in exchange for the City conveying Tax Parcel 13431 to the church after demolishing and paving the lot and the remaining portion of the church's existing parking area; 4) authorize City Manager to prepare and execute Purchase and Sale Agreements and any other documents necessary to acquire Tax Parcel 13431, located at 721 SW 5th Avenue, and Tax Parcel 13408, located at 502 SW 7th Street; 5) authorize the City Manager to initiate a vacation petition of the public interest in SW 7th Terrace from south of SW 5th Avenue to the southeastern corner of Tax Parcel 13432; and 6) authorize Mayor to execute, and the Clerk to attest, a Special Warranty Deed to convey Tax Parcel 13431 located at 721 SW 5th Avenue to Compassionate Outreach Ministries, Inc.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**021080 Reappointment to the East Gainesville SPROUT Project Task Force (NB)**

**RECOMMENDATION** *The City Commission approve the reappointment of Bob Freeman to the East Gainesville SPROUT Project Task Force for two more years expiring on April 14, 2005.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

**021072 Industrial Psychology Services (NB)**

**RECOMMENDATION** *The City Commission authorize the City Manager, the General Manager, and the Equal Opportunity Director or their designees to negotiate and execute a professional services agreement for industrial/organizational psychology services with Lopez & Associates, Inc., in a not to exceed amount of \$90,000 for these services. This agreement is subject to the approval of the City Attorney as to form and legality and subject to the appropriation of funds for the remaining fiscal years of this agreement.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**021047 PATRICIA ROBERTSON, AS PERSONAL REPRESENTATIVE OF THE**

**ESTATE OF COREY RICE VS. JIMMY HECKSEL AND AS AN AGENT OF THE CITY OF GAINESVILLE AND THE CITY OF GAINESVILLE; UNITED STATES DISTRICT COURT; CASE NO.: 1:03CV10SPM (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney, and/or Special Counsel if insurance coverage is available, to represent the City in the case styled Patricia Robertson, individually and as Personal Representative of the Estate of Corey Rice vs. Jimmy Hecksel and as an agent of the City of Gainesville and the City of Gainesville; United States District Court; Case No.: 1:03CV10SPM.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**021048 SHARON MCDONALD AND HER HUSBAND, ALVIN MCDONALD VS. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-02-CA-4514 (B)**

**RECOMMENDATION** *The City Commission authorize the City Attorney, and/or Special Counsel if insurance coverage is available, to represent the City in the case styled Sharon McDonald and her husband, Alvin McDonald vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-02-CA-4514.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

**021015 Resignation - Gainesville Code Enforcement Board**

**RECOMMENDATION** *The City Commission accept the resignation of member James E. Clayton, Jr. from the Gainesville Code Enforcement Board effective immediately.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**021021 Resignation - City Beautification Board (B)**

**RECOMMENDATION** *The City Commission accept the resignation of member Richard A. Jeter from the City Beautification Board effective immediately.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**021022 City Commission Minutes (B)**

**RECOMMENDATION** *The City Commission approve the minutes of the City Commission Meetings of March 17, and March 24, 2003; and two Special Meetings of March 27 and March 31, 2003; as circulated.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**021075 General Government/GRU Mid-Cycle Budget Update (NB)**

**RECOMMENDATION** *The City Commission schedule a budget meeting for July 24, at 5:00pm.*

**This Matter was Approved as Recommended on the Consent Agenda.**

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

### **PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT**

**020867 Staff Assistant Reclassification Project (B)**

**RECOMMENDATION** *The City Commission to approve implementation of the recommended reclassifications.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**020823 Semi-Annual Report on the Status of Outstanding Audit Recommendations for January 2003 (B)**

**RECOMMENDATION** *The Personnel and Organizational Structure Committee recommends the City Commission instruct the City Auditor to close recommendations #11 (Severance or Other Similar Pay for Terminated Employees) and #18 (Supplemental Forms of Compensation) from Audit #149, Employee Compensation.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**020731 Disability Review Committee (NB)**

**RECOMMENDATION** *The Personnel & Organizational Structure Committee is recommending to the City Commission that the City Attorney prepare and the Clerk of the Commission to advertise an ordinance amendment accomplishing the following: 1) Removing the Mayor; 2) adding Plan Administrator, appropriate Charter Officer, Human Resources Director, Risk*



*Management Director, and appropriate Department Head; and 3) follow normal procedure for making changes to the ordinance.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**020868            New City of Gainesville Policies and Procedures, Non-Represented Police and Fire Personnel, Policy No. 38 (B)**

**RECOMMENDATION**    *The City Commission approve Policy No. 38, as recommended.*

**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 Nielsen, 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, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA**

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

- 1. File #021001 - Alachua County Sheriff's Office - Postponed.*
- 2. Resolution # 021073 Industrial Development Revenue Bonds for the Hillel Center - Waive the Rules to hear under Public Hearing Category after 6:00 PM.*
- 3. FDOT Resolutions 021067, 021068, 021069 and 021070 - Remove from the agenda.*
- 4. Resolution #021071 - Designating a portion of SE 2nd Street to "Louis Pennisi Street" - Place on the April 28, 2003 Agenda with a Time Certain of 6:00 PM.*
- 5. Resolution #021093 - Board of Canvassers Resolution - New Item.*
- 6. File # 021099 - Members of the City Commission - Mayor Tom Bussing - Discuss funding for EO Charter Officer office space.*

**Time Certain - 1:10pm**

**021001 Alachua County Sheriff's Office (NB)**

**RECOMMENDATION** *The City Commission hear a presentation from Sheriff Stephen Oelrich.*

**Postponed**

**Time Certain - 1:30pm**

*NOTE: File # 021074 (St. Francis House) was presented first.*

**021074 Commissioner Edward Braddy (B)**

*St. Francis House Executive Director James W. Boggs gave a presentation.*

**RECOMMENDATION** *The City Commission hear a presentation from James W. Boggs, Executive Director for St. Francis House.*

**Heard**

**Time Certain - 1:50pm**

**020714 Commissioner Edward Braddy (NB)**

*Gainesville Housing Authority Executive Director John Cherry gave a presentation.*

*Chair Bussing recognized Citizen Anneter Heard, Debbie Martinez, Edward Berry, Jenora Dennis and Calvin Bryant, who spoke to the matter.*

**RECOMMENDATION** *The City Commission hear an update from John Cherry, Executive Director, Gainesville Housing Authority.*

**Heard**

**CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION**

**CITY MANAGER**

**020482 SW Quadrant Parking Garage - Response to City Request For Proposal for Design/Build Contract (B)**

*Charles Perry Construction Representative Breck Weingart, Paul Miller, Rory Causseaux, Finfrock Representatives Bob Finfrock and Bill Finfrock, Ken McGurn, and City Public Works Manager Emery Swearingen gave presentations.*

*MOTION: Continued to the next regular City Commission Meeting (April 28, 2003).*

*Chair Bussing recognized Citizens Grant Thrall, Kinnon Thomas, Bob Casey, Mark Sexton, Ed Baur, Arnall Downs, Bo Berry, Debbie Martinez, Angela Pate and Jeff Davis who spoke to the matter.*

**RECOMMENDATION** *The City Commission approve the ranking as recommended by the Selection Committee and authorize negotiation and execution of a design/build contract for the SW Quadrant Parking Garage with Charles Perry Construction.*

**A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Nielsen, that this matter be Continued for April 28, 2003. The motion carried by the following vote:**

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

**MEMBERS OF THE CITY COMMISSION****021046 Commissioner Chuck Chestnut - Update on Crime Prevention and Recreation Initiative at T.B. McPherson Recreation Center (NB)**

*MOTION: Continue this item and waive the rules to give the presenters a time certain at the next City Commission Meeting (April 28, 2003).*

**RECOMMENDATION** *Hear a presentation from staff on the Crime Prevention Through Environment Design report and Recreation Initiative for the T.B. McPherson Recreation Center and take any action deemed appropriate.*

**A motion was made by Mayor-Commissioner Pro Tem Nielsen, seconded by Commissioner Domenech, that this matter be Continued for April 28, 2003. The motion carried by the following vote:**

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

**CITY MANAGER - (Continued)****021027 United Gainesville Community Development Corporation (B)**

*United Gainesville Community Development Corporation Representative Ted Nichols and Purvis and Gray Auditor Jerry Hanley gave presentations.*

*MOTION: Direct the City Manager to draw up a contract with United Gainesville Community Development Corporation for \$20,000 from the City Commission Contingency fund to put the organization on track until September 30, 2003.*

**RECOMMENDATION** *The City Commission hear a report from staff and take action as appropriate.*

**A motion was made by Commissioner Domenech, seconded by Commissioner Chestnut, 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 and Tom Bussing

**021061 Community Partnership Matching Grant Application (B)**

*City of Gainesville Grant Coordinator Mary Broske gave a presentation.*

**RECOMMENDATION** *The City Commission authorize the City Manager to: 1) apply to the Florida Department of Children and Families for up to \$2,000,000 in Community Partnership Matching Grant funds 2) execute the required Memorandum of Understanding with Community Based Care of Mid Florida (the DCF-selected Community-Based Care Lead Agency) for up to \$1,000,000 for start-up costs; and if awarded; 3) execute the grant agreement and any required contracts.*

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

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

**021063 Policy for Donations of Artwork for Public Places, Guidelines for Review by the**

**Art in Public Places Trust (B)**

**RECOMMENDATION** *The City Commission approve the new policy for accepting art donations.*

**Postponed**

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**RECESS - 4:55 PM**

**RECONVENE - 5:34 PM**

**CITIZEN COMMENT (5:30pm)**

**Jerry Williamson**

*GPD Investigation*

**Gary Perine**

*Public Access Television - Cox Cable*

**COMMISSION COMMENTS (if time available)**

**WAIVER OF RULES - CITY MANAGER CONTINUED**

*Commissioner Domenech moved and Commissioner Chestnut seconded to waive the rules to take up as many items from the afternoon agenda as possible.  
(VOTE: 5-0, MOTION CARRIED)*

**021060 Request to Declare as Surplus Property Located at the Intersection of NW 15th Avenue and NW 38th Street (B)**

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

**RECOMMENDATION** *The City Commission schedule this item for a public hearing at the City Commission meeting of May 12, 2003, with notice sent to all area property owners. At the public hearing the Commission would consider staff recommendations to: 1)*

*authorize Lot 14 and Lot 15, a portion of Tax Parcel Number 06390-13, located south of the intersection of NW 15th Avenue and NW 38th Street, to be declared as surplus; 2) authorize the City Manager to advertise and dispose of the surplus property by established City procedure; 3) authorize the City Manager to reserve proceeds of the surplus sale to be used as funding for landscaping of Lot 13, with any remaining funds to be deposited in the General Fund; 4) authorize Staff to negotiate a Purchase and Sale Agreement with the highest successful bidder; and 5) authorize the Mayor to execute, and the Clerk to attest, a Special Warranty Deed to convey the surplus property to the successful bidder.*

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

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

## **021062          Hiring of Two Additional Code Enforcement Officers (NB)**

**RECOMMENDATION**    *The City Commission approve hiring two Code Enforcement Officers beginning July 2003, with \$54,000 from the City Commission Contingency fund.*

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

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

## **PLEDGE OF ALLEGIANCE (6:00pm)**

### **Girl Scout Troop #1367**

## **PROCLAMATIONS/SPECIAL RECOGNITIONS**

### **021065          Certificate of Achievement for Excellence in Financial Reporting (NB)**

*City of Gainesville Finance Director Mark Benton gave a presentation.*

**RECOMMENDATION**    *The City Commission: 1) accept the Certificate of Achievement for Excellence in Financial Reporting for fiscal year 2001; 2) receive the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2002; and 3) endorse the submittal of the FY 2002 report to the GFOA.*

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

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

**021066 Award for Outstanding Achievement in Popular Annual Financial Reporting (NB)**

*City of Gainesville Finance Director Mark Benton gave a presentation.*

**RECOMMENDATION** *The City Commission: 1) accept the Award for Outstanding Achievement in Popular Annual Financial Reporting for fiscal year 2001; 2) receive the Citizen's Report for the fiscal year ended September 30, 2002; and 3) endorse the submittal of the FY 2002 report to the GFOA.*

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

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

**021076 Fair Housing Month - April 2003 (B)**

**RECOMMENDATION** *City of Gainesville Equal Opportunity Interim Manager Jimmie Williams and Block Grant Manager Jim Hencin to receive the Proclamation.*

**Heard**

**021077 National Community Development Week - April 21-27, 2003 (B)**

**RECOMMENDATION** *City of Gainesville Block Grant Manager Jim Hencin and Citizens Advisory Committee for Community Development Board Chair Scherwin Henry to receive the Proclamation.*

**Heard**

**021078 National Medical Laboratory Week - April 20-26, 2003 (B)**

**RECOMMENDATION** *Shands Medical Laboratories Customer Service Representative R. Gerald Hethcoat, Shands-UF Technical Specialist Abby Estilong, and Shands at AGH Medical Laboratory Technologist Pam Core to receive the Proclamation.*

**Placed on File**

**021079 Jazz Appreciation Month - April 2003 (B)**

**RECOMMENDATION** *Gainesville Friends of Jazz & Blues President Scott Koons, Vice President Ed Petkus, Secretary Jackie Davis and Treasurer Nancy Grisson to receive the Proclamation.*

**Heard**

**021103 UF "A" Team Tennis National Campus Championship Award (NB)**

**RECOMMENDATION** *The City Commission recognize the UF "A" Team for winning the National Campus Championship Award.*

**Heard**

**PUBLIC HEARINGS****021073 INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR THE HILLEL CENTER (B)**

**A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF GAINESVILLE, FLORIDA TO LOAN FUNDS FOR THE FINANCING AND REFINANCING OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A SOCIAL SERVICE CENTER IN GAINESVILLE, FLORIDA; PROVIDING FOR THE LENDING OF FUNDS FOR SUCH PURPOSE TO GAINESVILLE HILLEL, INC., OR ITS SUCCESSORS OR ASSIGNS; PROVIDING FOR THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,000,000 FOR THE PURPOSE OF MAKING A LOAN OF FUNDS TO FINANCE ALL OR A PORTION OF THE COST OF SUCH PROJECT; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT PERTAINING TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING CERTAIN OTHER DETAILS WITH RESPECT THERETO.**

*City Bond Counsel Ed Vogel and Hillel Center Director Keith Dvorchik gave presentations.*

**RECOMMENDATION** *The City Commission: 1) hold a public hearing; and 2) adopt the proposed resolution.*

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

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing



**ADOPTION READING-ROLLCALL REQUIRED****020844 REZONING - QUASI-JUDICIAL (B)****ORDINANCE NO. 0-03-38, PETITION NO. 14ZON-03PB**

**An ordinance of the City of Gainesville, Florida, 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.**

*City of Gainesville Planning Manager Ralph Hilliard gave a presentation.*

**RECOMMENDATION** *The City Commission: 1) approve Petition No. 14ZON-03PB; and 2) adopt the proposed ordinance.*

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

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****020233 CONTROLLED VEHICULAR PARKING (B)****ORDINANCE NO. 0-03-35**

**An ordinance of the City of Gainesville, Florida, amending Division 4 of Article III of Chapter 26 of the Code of Ordinances regarding controlled vehicular parking; amending and adding definitions; providing for an appeals board, and providing requirements for operational guidelines for a controlled vehicular parking area; amending Appendix A to the Code of Ordinances, amending and adding fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing an immediate effective date; and providing an implementation schedule.**

*City of Gainesville Traffic Engineering Manager Brian Kanely gave a presentation.*

**RECOMMENDATION** *The City Commission adopt the proposed ordinance.*

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

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

**020580 POINT SYSTEM FOR REGULATION OF LANDLORD PERMITS (B)****Ordinance No. 0-03-13**

**An ordinance of the City of Gainesville, Florida, creating and adding subsection 14.5-1(e) to the Code of Ordinances providing for certain certifications by an applicant for a landlord permit regarding action to terminate a lease; amending subsection 14.5.2(e) of the Code of Ordinances by creating a point system for the regulation of landlord permits, amending the list of ordinance violations that can lead to permit revocation; and making modifications to the notice and hearing process; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing effective dates.**

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

**RECOMMENDATION** *The City Commission adopt the proposed ordinance.*

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

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

**ORDINANCES 2ND READING- ROLL CALL REQUIRED****002562 LAND DEVELOPMENT CODE AMENDMENT - SPECIALLY REGULATED USES (B)****ORDINANCE NO. 0-03-25; PETITION NO. 31TCH-02 PB**

**An ordinance of the City of Gainesville, Florida, reformatting and amending subsection 30-70(c)(2) of the Land Development Code related to uses by special use permit in the general industrial district (I-2); to provide for special reporting requirements and exemptions for certain industrial uses to be allowed by special use permit; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*City of Gainesville Planning Manager Ralph Hilliard gave a presentation.*

*Chair Bussing recognized Attorney Dick Jones, Citizen Mark Goldstein and Professional Engineer with Koogler and Associates Steve Cullen who spoke to the matter.*

*ORIGINAL MOTION: Commissioner Chestnut moved and Commissioner Braddy seconded to approve the ordinance with the recommended amendments; and also amending 2000 feet to 1000 feet.*

*AMENDMENT: Commissioner Domenech moved and Mayor-Commissioner Pro Tem Nielsen seconded to adopt the proposed ordinance with staff's recommended*

*amendments (2000 ft).*

*(VOTE: 4-1, Commissioner Chestnut - No, MOTION CARRIED)*

*AMENDED MAIN MOTION: Commissioner Chestnut moved and Commissioner Braddy seconded to approve the ordinance with staff's recommended amendments (2000 ft).*

*(VOTE: 4-1, Commissioner Chestnut - No, MOTION CARRIED)*

*Chair Bussing recognized Citizen Mark Goldstein and Professional Engineer Steve Cullen who spoke to the matter.*

**RECOMMENDATION** *The City Commission: (1) hear a presentation from staff; and (2) adopt the proposed ordinance with recommended amendments.*

**A motion was made by Commissioner Chestnut, seconded by Commissioner Braddy, that this matter be Adopted on Final Reading, as amended (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Tony Domenech, Edward Braddy, Warren Nielsen and Tom Bussing  
Nay: Chuck Chestnut

**020590**

**LAND DEVELOPMENT CODE AMENDMENT - MIXED-USE ZONING DISTRICTS (B)**

**ORDINANCE NO. 0-03-19; PETITION NO. 116TCH-02 PB**

**An ordinance of the City of Gainesville, Florida, amending the mixed-use zoning district regulations to be consistent with the City of Gainesville 2000-2010 Comprehensive Plan; amending section 30-23 of the Land Development Code to include a new definition; amending section 30-64 (mixed-use low intensity district (MU-1)) of the Land Development Code modifying the objectives of the district, eliminating differing regulations for parcels less than three acres in size, providing conditions for neighborhood shopping centers, providing dimensional requirements for projects of less than 30,000 square feet, eliminating a special buffer requirement between residential and nonresidential uses, reducing minimum allowed density, and modifying permitted uses; amending section 30-65 (mixed-use medium intensity district (MU-2)) of the Land Development Code modifying the objectives of the district, eliminating differing regulations for parcels less than three acres in size, adding differing requirements for developments of less than 50,000 square feet and 50,000 square feet and over, reducing minimum allowed density, and amending permitted uses; amending section 30-67 of the Land Development Code correcting a reference to section 30-64; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*City of Gainesville Planning Manager Ralph Hilliard gave a presentation.*

*AMENDMENT: Page 5, (5), (a), (3); insert "45 degree" before "angle of light obstruction".*

*Chair Bussing recognized Denney Family Representative Clay Denney who spoke to the matter.*

**RECOMMENDATION** *The City Commission (1) approve Petition No. 116TCH-02 PB, and (2) adopt the proposed ordinance.*

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

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

**020718 HOME DEPOT REZONING (B)**

**ORDINANCE NO. 0-03-22, PETITION NO. 132ZON-02PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from the Alachua County zoning category of "BH, business, highway" to the City of Gainesville zoning category of "BUS: General business district"; located in the vicinity of 7107 Northwest 4th Blvd; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*NOTE: Commissioner Braddy left the meeting room during this item.*

**RECOMMENDATION** *The City Commission adopt the proposed ordinance.*

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

**Votes:** Aye: Tony Domenech, Chuck Chestnut, Warren Nielsen and Tom Bussing  
Absent: Edward Braddy

**020901 DECISIONS OF THE EMPLOYEE PENSION PLAN BOARD OF TRUSTEES (B)**

**Ordinance No. 0-03-37**

**An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances to reflect the increase in number of trustees of the employee pension plan board of trustees (City Commissioners serving ex officio) from five to seven; amending section 2-527(e) of the Code of Ordinances providing that at least four votes are necessary for decisions of the board of trustees of the employees' pension plan; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION** *The City Commission adopt the proposed ordinance.*

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

**Votes:** Aye: Tony Domenech, Chuck Chestnut, Warren Nielsen and Tom Bussing  
Absent: Edward Braddy

**020903                    HANDICAP ACCESS RESTRICTIONS (B)**

**ORDINANCE NO. 0-03-30**

**An ordinance of the City of Gainesville, Florida, amending Section 26-47(a)(1) of the Code of Ordinances, clarifying handicap restrictions relating to the stopping, standing or parking of a vehicle in a designated and marked access area; amending Appendix A, Schedule of Fees, Rates and Charges by establishing a fine for illegally parking in an access area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*NOTE: Commissioner Braddy returned to the meeting room during this item.*

**RECOMMENDATION**    *The City Commission adopt the proposed ordinance.*

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

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

**020638                    LANDLORD PERMIT FEES (B)**

**Ordinance No. 0-03-34**

**An ordinance of the City of Gainesville, Florida, amending Appendix A of the Code of Ordinances to increase landlord permit fees and provide for fee reduction for rental of property located in the enterprise zone; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date; and providing a schedule for fees to take effect.**

*Chair Bussing recognized Citizen Susan Wright who spoke to the matter.*

*See following referral Item # 021104.*

**RECOMMENDATION**    *The City Commission adopt the proposed ordinance.*

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

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

**021104 Codes and Civil Infractions by Residents (NB)**

**RECOMMENDATION** *The City Commission refer the issue of codes and civil infractions committed by residents to the Community Development Committee and bring back recommendations as to how we might address this.*

**A motion was made by Commissioner Braddy, seconded by Mayor-Commissioner Pro Tem Nielsen, that this matter be Referred to the Community Development Committee, due back on October 14, 2003. The motion carried by the following vote:**

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

**RESOLUTIONS- ROLL CALL REQUIRED****021067 Resolution for Granting a Temporary Easement along SW 36th Street to FDOT (B)**

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

**Withdrawn**

**021068 Resolution for Conveying Property along SW 36th Terrace to FDOT (B)**

**RECOMMENDATION** *The City Commission: 1) adopt the Resolution; and 2) authorize Mayor to execute the deed conveying 0.04 acres along SW 36th Terrace, south of SR 26-A, to FDOT for maintenance of drainage inlet pipes and curbing.*

**Withdrawn**

**021069 Resolution for Granting a Temporary Easement along SR 26 (University Avenue) to FDOT (B)**

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

**Withdrawn**

**021070 Resolution for Granting a Perpetual Easement along SR 26 (University Avenue) to FDOT (B)**

**RECOMMENDATION** *The City Commission: 1) adopt the Resolution; and 2) authorize Mayor to execute a perpetual easement to FDOT for a parcel lying between SR 26 and SR 26-A and located on the south side of SR 26 to be used for stormwater facility construction and maintenance.*

**Withdrawn**

**021071 Resolution to Designate a Portion of SE 2nd Street as "Louis Pennisi Street" (B)**

*NOTE: This item was continued to the April 28, 2003 City Commission Agenda with a time certain of 6:00 PM.*

**RECOMMENDATION** *The City Commission adopt the Resolution.*

**Continued**

**021093 RESOLUTION ACCEPTING THE REPORTS OF THE BOARD OF CANVASSERS FOR THE CITY OF GAINESVILLE, FLORIDA, ELECTION HELD APRIL 8, 2003 (B)**

**RECOMMENDATION** *The City Commission adopt the proposed resolution.*

**A motion was made by Commissioner 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 and Tom Bussing

## **PLAN BOARD PETITIONS**

**020946 Petition 22WSU-03CC. (Quasi-Judicial) Greg Self, agent for Sean Chay. A Wellfield Protection Special Use Permit with development plan review to allow replacement of four, existing 4000-gallon underground fuel storage tanks with one 24,000-gallon double-walled compartment underground tank. Zoned: BA (automotive-oriented business district). Located at 220 Northwest 39th Avenue. (B)**

*City of Gainesville Planning Manager Ralph Hilliard gave a presentation.*

*MOTION: Approve the recommendation without condition.*

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

*approve Petition 22WSU-03 PB, with related site plan. Plan Board vote 5-0.*

*Staff to Plan Board - Approvable, with one condition.*

**A motion was made by Commissioner Domenech, seconded by Commissioner Chestnut, that this matter be Approved (Petition). The motion carried by the following vote:**

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

## **DEVELOPMENT REVIEW BOARD PETITIONS**

## **SCHEDULED EVENING AGENDA ITEMS**

## **UNFINISHED BUSINESS**

### **021064 East Gainesville SPROUT Project Task Force Remediation Agreements (NB)**

**RECOMMENDATION** *The City Commission schedule a Special City Commission meeting for some time after May 20, 2003, for purposes of holding a public hearing to select a preferred remediation strategy concerning the Depot Park cleanup.*

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

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

## **MEMBERS OF THE CITY COMMISSION - (Continued)**

### **021081 Commissioner Tony Domenech (B)**

*NOTE: This item will come back at the next City Commission Meeting (April 28, 2003).*

**RECOMMENDATION** *Hear brief comments regarding the Alachua County Transportation Coordinating Committee.*

**Heard**

### **020938 Annual Performance, Salary and Benefits Review - City Auditor (NB)**

*MOTION: The City Auditor receive a 4.4% salary increase, retroactive to his anniversary date.*



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

**A motion was made by Commissioner Chestnut, seconded by Commissioner Braddy, 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 and Tom Bussing

**021007 Annual Performance, Salary and Benefits Review - Clerk of the Commission (NB)**

*MOTION: The Clerk of Commission receive a 4.2% salary increase retroactive to his anniversary date.*

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

**A motion was made by Commissioner Domenech, seconded by Commissioner Chestnut, 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 and Tom Bussing

**021099 EO Charter Officer Office Space (NB)**

**RECOMMENDATION** *The City Commission discuss funding sources for the new EO Charter Officer office space.*

**Discussed**

**COMMISSION COMMENT**

**Mayor Tom Bussing**

*City Commission E-Mail on the City Web Page*

*Mayor Bussing passed the gavel in order to make the following motion. See following item #021101.*

**021101 City Commission E-Mail on the City Web Page (NB)**

**RECOMMENDATION** *The City Commission direct the City Manager to work with staff and other Charter Officers and come back with a report regarding the complications and costs for having City*

*Commission E-Mail open to the public via the City Web Page.*

**A motion was made by Mayor Bussing that this matter be Approved as Recommended. The motion carried by the following vote:**

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

## **CITIZEN COMMENT (If time available)**

## **CITY MANAGER WAYNE BOWERS**

*Florida League of Cities Legislative Alert Issue Regarding SB 1492*

*See following item # 021102.*

### **021102 SB 1492 Transfers Municipal Revenue Sharing Dollars to pay for Article V Funding (Funding State Court System) (B)**

**RECOMMENDATION** *The City Commission authorize the Mayor to write a letter to State Senator Rod Smith, Chair of the Senate Appropriations Subcommittee on Article V, opposing using municipal revenues to pay for the state court system; and also all members of the City Commission contact Senator Smith stating their opposition.*

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

**Votes:** Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

## **ADJOURNMENT - 9:07 PM**

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Kurt M. Lannon, Clerk of the Commission