

City of Gainesville

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



Meeting Minutes

Monday, January 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 - 1:04 PM

ROLL CALL

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

INVOCATION

Larry Schwandes, Center Bahai Faith

CONSENT AGENDA

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

- 1. File #030845 - Services Agreement with the Gainesville-Alachua County Regional Airport Authority - (Move to the Regular Agenda for discussion and modified back-up submitted).*
- 2. File # 030859 - Final Administrative Order - Mary L. Chapman - (Move to the Regular Agenda for discussion).*
- 3. Energy Management System Upgrade - (Strike #1 in the recommendation ("hear a presentation from staff")).*

CITY MANAGER, CONSENT AGENDA ITEMS

030793 Financing Request from the Alachua County Historic Trust: Matheson Museum, Inc. for the Acquisition of the Loftan Property (B)

RECOMMENDATION *The City Commission: 1) approve financing plan requested by the Alachua County Historic Trust: Matheson Museum, Inc., for the acquisition of the Loftan Property from the City of Gainesville in the amount of \$130,000; and 2) authorize the City Manager, or his designee, to execute all appropriate documents.*

This Matter was Approved as Recommended on the Consent Agenda.

030846 Interlocal Agreement Creating the Alachua County Recreation Coordinating Council (B)

RECOMMENDATION *The City Commission: 1) approve the Interlocal Agreement Creating the Alachua County Recreation Coordinating Council in substantially the form submitted; and 2) authorize the Mayor and City Clerk to execute the Agreement on behalf of the City.*

This Matter was Approved as Recommended on the Consent Agenda.

030847 Emergency Medical Services Grant and Interlocal Agreement with Alachua County (B)

RECOMMENDATION *The City Commission authorize the City Manager to: 1) execute an Interlocal Agreement with Alachua County upon grant approval and execute any other necessary documents; and 2) expend the funds for the items requested.*

This Matter was Approved as Recommended on the Consent Agenda.

030848 Grant Application - Disaster Management and Multi-agency Emergency Response Geographic Information System (NB)

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply for the Emergency Management Competitive Grant for up to \$300,000 for geographical information system software, hardware and training; and if awarded, 2) execute the grant award contract; and 3) expend the grant funds.*

This Matter was Approved as Recommended on the Consent Agenda.

030849 Grant Application - Fixed Facility and Key Roadway Hazardous Materials Spill Mitigation Response (NB)

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply for the Emergency Management Competitive Grant for up to \$50,000 for a vehicle and specialized tools to capture hazardous materials spills; and if awarded, 2) execute the grant award contract; and 3) approve the required payments process for expending the grant funds.*

This Matter was Approved as Recommended on the Consent Agenda.

030850 Right-of-Way Retention Amendment for Property Located at 609, 611 and 613 West University Avenue (B)

RECOMMENDATION *The City Commission authorize the preparation, execution and recording of an amended deed for conveying Tax Parcels*

12936 and 12937, located at 609, 611 and 613 West University Avenue, to the Community Redevelopment Agency.

This Matter was Approved as Recommended on the Consent Agenda.

030852 Contract for the Construction of a Driveway into the Wacahoota Archery Range (B)

RECOMMENDATION *The City Commission: 1) award the contract for the construction of a driveway into the Wacahoota Archery Range to WCC Site Development; and 2) approve the issuance of a purchase order in the amount of \$42,800.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

030842 Energy Management System Upgrade (NB)

RECOMMENDATION *The City Commission: 1) Authorize the General Manager, or his designee to negotiate and execute a six year contract with General Electric Power Systems (GE) for the purchase of Energy Management/Supervisory Control and Data Acquisition System (EMS) upgrades and support services, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to GE Power Systems in amounts not to exceed \$400,000 per year for the term of the contract.*

This Matter was Approved as Recommended on the Consent Agenda.

030843 Extension of Agreement for Liquidity Provider - Taxable Commercial Paper Program (TCP) (NB)

RECOMMENDATION *The City Commission authorize the General Manager to 1) Negotiate and execute an extension of the agreement dated June 15, 2000 with Suntrust NA (Suntrust) to provide Bank liquidity backup for the Taxable Commercial Paper program for one year (through July, 2005) subject to the approval of the City Attorney as to form and legality; and 2) Execute further contract extensions that may be allowed under the Agreement subject to the favorable recommendation of GRU's Financial Advisor and subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

030826 HOUSING DISCRIMINATION COMPLAINTS HUD CASE NO. 04-04-0267-8 AND 6 DIANE WILLIAMS V. KENNEDY HOMES HUD CASE NO. 04-04-0265-8 AND 6 TRADENA D. BROOKS V. KENNEDY HOMES HUD CASE NO. 04-04-0263-8 AND 4 VANESSA D. ANTHONY V. KENNEDY HOMES HUD CASE NO. 04-04-0268-8 AND 6 WILLENE HILL V. KENNEDY HOMES HUD CASE NO. 04-04-0272-8 AND 6 TAWANNA SMITH V. KENNEDY HOMES HUD CASE NO. 04-04-0266-8 AND 6 ALENE A. HENRY V. KENNEDY HOMES HUD CASE NO. 04-04-0270-8 AND 6 LISA A. WILSON V. KENNEDY HOMES HUD CASE NO. 04-04-0269-8 AND 6 SANDRA D. MITCHELL V. KENNEDY HOMES HUD CASE NO. 04-04-0271-8 AND 6 CARLA WALKER V. KENNEDY HOMES HUD CASE NO. 04-04-0273-8 AND 6 TANYA SUTTON V. KENNEDY HOMES (B)

RECOMMENDATION *The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to represent the City in the cases styled Diane Williams v. Kennedy Homes, HUD Case No.: 04-04-0267-8 and 6; Tradena D. Brooks v. Kennedy Homes, HUD Case No. 04-04-0265-8 and 6; Vanessa D. Anthony v. Kennedy Homes, HUD Case No. 04-04-0263-8 and 4; Willene Hill v. Kennedy Homes, HUD Case No. 04-04-0268-8 and 6; Tawanna Smith v. Kennedy Homes, HUD Case No. 04-04-0272-8 and 6; Alene A. Henry v. Kennedy Homes, HUD Case No. 04-04-0266-8 and 6; Lisa A. Wilson v. Kennedy Homes, HUD Case No. 04-04-0270-8 and 6; Sandra D. Mitchell v. Kennedy Homes, HUD Case No. 04-04-0269-8 and 6; Carla Walker v. Kennedy Homes, HUD Case No. 04-04-0271-8 and 6; Tanya Sutton v. Kennedy Homes, HUD Case No. 04-04-0273-8 and 6.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

030832 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of January 6, 2004 (Special Joint City/County) and January 12, 2004 (Regular Meeting), as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

030839 Resignation of Development Review Board Member Troy W. Finnegan (B)

RECOMMENDATION *The City Commission accept the resignation of Development Review Member member Troy W. Finnegan effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMITTEE REPORTS, CONSENT AGENDA ITEMS**Community Development Committee, Consent****030568 Development Issues Referral (B)**

RECOMMENDATION *Community Development Committee to the City Commission: 1) approve the development review process brochure with changes; 2) the Committee provide a copy to the City Commission on January 26, 2004; and 3) the City Commission remove the item from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

MAIN MOTION: Commissioner Nielsen moved and Commissioner Chestnut seconded to adopt the Regular Agenda with the following modifications, as amended. (VOTE: 7-0, MOTION CARRIED)

REGULAR AGENDA MODIFICATIONS:

- 1. File #030854 - Performance Food Group Project and Proposed Airport Industrial Park - Sidewalk Installation Policy - (Explanation added to the item).*
- 2. File #030861 - MTPO Update - (New Item).*
- 3. File #030789 - Commissioner Edward Braddy - Being Business Friendly - (Strike from the agenda).*

REGULAR AGENDA - ADDITIONAL BACK-UP:

- 1. File # 030788 - Ad-Hoc Charter Officer Equal Opportunity Advisory Committee - (Additional back-up submitted).*
- 2. File # 030806 - Mayor Thomas Bussing - Wood Energy Workshop - (Additional back-up submitted).*

AMENDMENT MOTION: Commissioner Chestnut moved and Commissioner Lowe seconded to add a Scheduled Evening Agenda Item - United Gainesville Community Development Corporation. (VOTE: 7-0, MOTION CARRIED)

Mayor Bussing recognized United Gainesville Community Development Corporation Executive Director Ted Nichols who spoke to the matter.

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

030738 East Gainesville Development Corporation (B)

East Gainesville Development Corporation Representatives Odetta MacCleish-White, Tom Coward, and Scherwin Henry gave presentations.

FIRST MOTION: Commissioner Chestnut moved and Commissioner Bryant seconded to allocate \$15,000 to the East Gainesville Development Corporation from the City Commission Contingency Fund, using the same criteria as was used in the

past.

(VOTE: 5-2, Commissioner Domenech and Mayor Bussing - No, MOTION CARRIED)

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

SUBSTITUTE MOTION: Mayor Bussing moved and Commissioner Domenech seconded to ask the City Manager to have the Economic Development Staff to work with East Gainesville Development Corporation on this plan, and also the City Auditor get involved to look over the bookkeeping arrangements as necessary, and come back to the City Commission with a report.

(VOTE: 3-4, Commissioner Lowe, Mayor-Commissioner Pro Tem Chestnut, Commissioner Nielsen, and Commissioner Bryant - No, MOTION FAILED)

Chair Pro Tem Chestnut recognized Citizen Walter Willard and Representative from East Gainesville Development Corporation Patricia Lee who spoke to the matter.

RECOMMENDATION *The City Commission hear a presentation regarding a request for funding and take appropriate action.*

Approved, as shown above (First Motion)

030854

Performance Food Group Project and Proposed Airport Industrial Park - Sidewalk Installation Policy (B)

City of Gainesville Economic Development Director Erik Bredfeldt and Planning Manager Ralph Hilliard gave presentations.

Chair Bussing recognized Agent for Performance Food Group Ralph Eng, who spoke to the matter.

AMENDMENT: Add to the applicable provisions of the Airport Industrial Park-Sidewalk Installation Policy : # 6) subject to the availability of funds and #7) the Economic Development Director will look into the effects of these sidewalk policies on smaller businesses.

RECOMMENDATION *The City Commission: 1) hear a brief presentation from staff on the Performance Food Group project and the proposed Airport Industrial Park - Sidewalk Installation Policy; 2) authorize the City Manager to formalize the proposed Airport Industrial Park - Sidewalk Installation Policy; and 3) authorize the City Manager to fund the Performance Food Group sidewalk retrofit out of the City Commission Contingency in an amount not to exceed \$13,506.*

A motion was made by Commissioner Lowe, seconded by Commissioner Domenech, 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
Nay: Edward Braddy

030845 Services Agreement with the Gainesville-Alachua County Regional Airport Authority (B)

NOTE: Commissioner Braddy left the meeting room at 2:56 PM.

RECOMMENDATION *The City Commission: 1) approve the Agreement with the Gainesville-Alachua County Regional Airport Authority; and 2) authorize the Mayor and City Clerk to execute the Agreement on behalf of the City.*

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

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

GENERAL MANAGER FOR UTILITIES

030844 Proposed Alachua County Water Policy Changes (B)

Gainesville Regional Utilities Strategic Planning Engineer David Richardson gave a presentation.

Chair Bussing recognized Alachua County Environmental Protection Director Chris Bird who spoke to the matter.

AMENDMENT TO MAIN MOTION: Remove Comment "H Purpose of recommendation not clear".

RECOMMENDATION *The City Commission: 1) hear a brief presentation from staff; and 2) approve staff comments on the Alachua County water policy; and 3) authorize the Mayor to transmit comments to the Alachua County Commission.*

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

CITY ATTORNEY

030859 FINAL ADMINISTRATIVE ORDER IN THE MATTER OF MARY L. CHAPMAN, APPELLANT, APPEAL HEARD PURSUANT TO 30-112(D)(7)i., GAINESVILLE CODE OF ORDINANCES (B)

Chair Bussing recognized Citizen Mary L. Chapman who spoke to the matter.

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

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

Votes: Aye: Chuck Chestnut, Warren Nielsen and Rick Bryant

Nay: Tom Bussing, Tony Domenech and Craig Lowe

Absent: Edward Braddy

CITY AUDITOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC SAFETY COMMITTEE

COMMUNITY DEVELOPMENT COMMITTEE

030528 Height Limits in RMF-6, -7, -8 Zones (B)

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

RECOMMENDATION *Community Development Committee to the City Commission: 1) initiate a petition to allow height limits for RMF-6, -7, -8 of three stories by right, and five stories by Special Use Permit; 2) the Committee report back to the City Commission on January 26, 2004; and 3) the City Commission remove the item from the referral list.*

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

Absent: Edward Braddy

030750 Taller Heights by Special Use Permit in Zones Other than CDC (NB)

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

RECOMMENDATION *Community Development Committee to the City Commission: 1) the Committee recommends that other than those specifics in the previous items, there are no changes from height limits already covered in the referral list; 2) the Community Development Committee report back to the City Commission on January 26, 2004; and 3) the City Commission remove the item from the referral list.*

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

030749 Height Limits in College Park (B)

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

RECOMMENDATION *Community Development Committee to the City Commission: 1) the City Commission initiate a petition to allow five stories by right, and six stories by Special Use Permit, for Type I buildings in College Park; 2) the Committee report back to the City Commission on January 26, 2004; and 3) the City Commission remove the item from the referral list.*

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Chestnut, that this matter be 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

RECREATION AND CULTURAL AFFAIRS COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

030788 Ad-Hoc Charter Officer Equal Opportunity Advisory Committee (B)

Ad Hoc Charter Officer Equal Opportunity Advisory Committee Chair Pegeen Hanrahan gave a presentation.

AMENDMENTS:

1. Number 1, Day One - Change the Welcome time from 7:30 AM to 8:00 AM.
2. Change the Mayor and Commissioner's interview time from 30 minutes to 20 minutes.
3. Reverse Items 2 and 4 on Day One.
4. Day Two - Change the Breakfast Reception time from 7:30 AM to 8:00 AM.
5. Change the time of the Special City Commission meeting on Thursday, February 5, 2004, from 6:00 PM to 5:00 PM.

RECOMMENDATION *The City Commission approve the amendments to the hiring process and schedule a special City Commission meeting on Thursday, February 5, 2004, at 6:00pm.*

A motion was made by Commissioner Nielsen, 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

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

030789 Commissioner Edward Braddy - Being Business Friendly (NB)

RECOMMENDATION *The City Commission hear remarks and take appropriate action.*

Striken From the Agenda

WAIVER OF RULES

*Commissioner Chestnut moved and Commissioner Domenech seconded to waive the rules to take up File #'s 030713 & 030818 immediately after the Proclamations.
(VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)*

030792 Cable Television Franchise Fee Settlement Agreement (NB)

City of Gainesville Revenue Recovery Specialist Audrey Lewis gave a presentation.

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

*Mayor Bussing moved and Commissioner Bryant seconded to reconsider the previous vote on this item.
(VOTE: 1-5, Mayor Bussing - Yes; Mayor-Commissioner Pro Tem Chestnut,*

Commissioner Domenech, Commissioner Nielsen, Commissioner Lowe, Commissioner Bryant - No, Commissioner Braddy - Absent, (MOTION FAILED)

RECOMMENDATION *The City Commission: 1) approve the mediation settlement agreement for the franchise fee audit in the amount of \$117,000; 2) authorize the City Manager or designee to execute the mediation settlement agreement; and 3) appropriate \$10,000 of the settlement to cover legal and mediation expenses.*

NOTE: Mayor Tom Bussing intends to make a motion to reconsider this item.

030805 Mayor Thomas D. Bussing - School Concurrency Appointment (NB)

MOTION: Appoint Commissioner Tony Domenech to the School Concurrency Steering Committee.

RECOMMENDATION *The City Commission make an appointment to the School Concurrency Steering Committee.*

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

030806 Mayor Thomas Bussing - Wood Energy Workshop (NB)

NOTE: Mayor Bussing requests to change the title of this item to "Alternate Energy Sources".

RECOMMENDATION *The City Commission consider scheduling a Wood Energy Workshop.*

Discussed

030822 Mayor Tom Bussing - Meeting Changes for March (NB)

Chair Bussing recognized Pegeen Hanrahan who spoke to the matter.

RECOMMENDATION *Waive the rules to change the March 2004 City Commission meetings from March 8 & 22 to March 15 & 29.*

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

COMMISSION COMMENTS (if time available)

RECESS - 4:42 PM

RECONVENE - 5:34 PM

CITIZEN COMMENT (5:30pm)

Ray Roberts

Alachua County Libertarian Party Convention

Teresa Parker

Cedar Grove Election

Aneter Heard

Fifth Avenue Area Problems

Michael Lee

Action Network - Teen Zone at Westwood Middle School

Vanessa Anthony

Kennedy Homes - Displaced residents

Sarah Poll

- 1. CDC Height Restrictions*
- 2. Rate Increases on Consent Agenda*

Sherrel Brockington

Cedar Grove Election

Kendra Gillum

Cedar Grove Election

Geraldine Bass

Cedar Grove Election

Joanna Bell

Cedar Grove Election

Judy Neal

Cedar Grove Election

WAIVER OF RULES

Commissioner Domenech moved and Mayor-Commissioner Pro Tem Chestnut seconded to take up the Citizen Comment items after the Proclamations and Special Recognitions.

(VOTE: 7-0, MOTION CARRIED)

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Junior Girl Scout Troop #1367

PROCLAMATIONS/SPECIAL RECOGNITIONS

030840 Non-Native Invasive Plant Awareness Week - January 25-31, 2004 (B)

RECOMMENDATION *Members of the Alachua Audubon Society to accept the proclamation.*

Heard

030841 2003 Award of Excellence, Florida Section of the American Water Works Association (NB)

RECOMMENDATION *Receive the 2003 Award of Excellence from the Florida Section of the American Water Works Association (FSAWWA) on behalf of the GRU water system.*

Heard

RECONSIDERATION MOTION

*Commissioner Domenech moved and Mayor-Commissioner Pro Tem Chestnut to reconsider the vote taken on File # 030823 at the January 12, 2004, City Commission meeting. (See following item #030823)
(VOTE: 6-1, Mayor Bussing - No, MOTION CARRIED)*

030823 Cedar Grove Homeowner's Association Election (NB)

Chair Bussing recognized Citizen Aneter Heard who spoke to the matter.

RECOMMENDATION *At the meeting of the Cedar Grove Homeowners Association on Wednesday, January 7, 2004, actions taken by several individuals were presented as the position of the City of Gainesville. These actions include putting names in nomination for election to the Board and casting of a block of votes by proxy for vacant lots owned by the City. Those actions did not represent the position of the City of Gainesville. The election is null and void. Therefore, the improperly elected board should not meet or take action as the Board for the Cedar Grove Homeowner's Association. The previously elected Board should stay in place until a new election is held.*

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

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

MEMBERS OF THE CITY COMMISSION (Continued from the afternoon)

030713 ANNUAL PERFORMANCE, SALARY AND BENEFITS REVIEW - CITY ATTORNEY (NB)

FIRST MOTION: Commissioner Braddy moved and Commissioner Chestnut seconded to approve a salary increase of 6% for the City Attorney retroactive to his anniversary date.

(VOTE: 5-2, Commissioner Domenech and Mayor Bussing - No, MOTION CARRIED)

Chair Bussing recognized Citizens Sarah Poll and Aneter Heard who spoke to the matter.

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

SUBSTITUTE MOTION: Commissioner Domenech moved and Mayor Bussing seconded approve a salary increase of 4.5% for the City Attorney retroactive to his anniversary date.

(VOTE: 2-5, Commissioner Domenech and Mayor Bussing - Yes, Commissioner's Lowe, Chestnut, Nielsen, Braddy and Bryant - No, (MOTION FAILED)

RECOMMENDATION *As required by the City Attorney's Employment Agreement, the City Commission conduct the annual performance, salary, and benefits review.*

Approved, as shown above (First Motion)

030818 ANNUAL PERFORMANCE, SALARY AND BENEFITS REVIEW - CITY AUDITOR (NB)

MOTION: Commissioner Nielsen moved and Commissioner Domenech seconded to approve a 6% salary increase for the City Auditor, retroactive to his anniversary date.

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

Chair Bussing recognized Citizens Sarah Poll and Aneter Heard who spoke to the matter.

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 Nielsen, seconded by Commissioner Domenech, that this matter be Approved, as shown above. 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

ADOPTION READING-ROLL CALL REQUIRED

030450 NEWBERRY ROAD MEDICAL PLAZA - LAND USE CHANGE (B)

ORDINANCE NO. 0-04-08, PETITION 102LUC-03PB

AN ORDINANCE AMENDING THE CITY OF GAINESVILLE 2000-2010 COMPREHENSIVE PLAN, FUTURE LAND USE MAP; BY OVERLAYING THE "PLANNED USE DISTRICT" LAND USE CATEGORY OVER CERTAIN PROPERTY WITH THE FUTURE LAND USE CATEGORY OF "SINGLE-FAMILY (UP TO 8 UNITS PER ACRE)" LOCATED IN THE

VICINITY OF THE 4300 BLOCK OF NEWBERRY ROAD (SR26) SOUTH SIDE; PROVIDING LAND USE CONDITIONS AND RESTRICTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

NOTE: Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Chestnut.

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

Chair Pro Tem Chestnut recognized Citizens Sarah Poll and Jan Blackmore; and Attorney for the Petitioner Ron Carpenter who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Domenech, seconded by Commissioner Nielsen, that this matter be Approved and Adopted on Adoption 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, 1ST READING- ROLL CALL REQUIRED

030451 (QUASI-JUDICIAL) PLANNED DEVELOPMENT - NEWBERRY ROAD MEDICAL PLAZA (B)

ORDINANCE NO. 0-04-09, PETITION NO. 103PDV-03PB

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA; REZONING CERTAIN LANDS WITHIN THE CITY AND AMENDING THE ZONING MAP ATLAS FROM "RSF-1: 3.5 UNITS/ACRE SINGLE-FAMILY RESIDENTIAL DISTRICT" TO "PLANNED DEVELOPMENT DISTRICT"; LOCATED IN THE VICINITY OF THE 4300 BLOCK OF NEWBERRY ROAD (SR26), SOUTH SIDE; COMMONLY KNOWN AS "NEWBERRY ROAD MEDICAL PLAZA"; ADOPTING A DEVELOPMENT PLAN REPORT AND DEVELOPMENT PLAN MAPS; PROVIDING CONDITIONS AND RESTRICTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Chair Bussing recognized Citizens Jan Blackmore and Sarah Poll who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Domenech, seconded by Commissioner Nielsen, 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, Rick Bryant and Craig Lowe
Nay: Tom Bussing

030462 (QUASI-JUDICIAL) PLANNED DEVELOPMENT - NAYLOR PUBLICATIONS (B)

ORDINANCE NO. 0-04-10, PETITION NO. 116PDA-03PB

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA; AMENDING ORDINANCE NO. 980213 THAT AMENDED THE PLANNED DEVELOPMENT COMMONLY KNOWN AS "NAYLOR PUBLICATIONS, INC. " LOCATED IN THE VICINITY OF 5900 BLOCK OF NW 1ST PLACE; BY ADOPTING AN AMENDED DEVELOPMENT PLAN REPORT AND DEVELOPMENT PLAN MAPS; AMENDING CONDITIONS TO ALLOW LIGHTING IN THE VEHICULAR USE AREA UNDER CERTAIN CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Chestnut, seconded by Commissioner Bryant, that this matter be Adopted on 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

030824 FOURTH BUDGET AMENDMENT - FY 2003 (B)

ORDINANCE NO. 0-04-07

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 AND 030011, AND 030289 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, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe
Absent: Edward Braddy

ORDINANCES 2ND READING- ROLL CALL REQUIRED

030033 STREET VACATION - VEITCH'S ADDITION (B)

ORDINANCE NO. 0-03-75, PETITION NO. 32SVA-03PB

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, TO VACATE, ABANDON AND CLOSE A CERTAIN PORTION OF RIGHT-OF-WAY OF SOUTHEAST 2ND STREET LYING SOUTH OF SOUTHEAST 11TH AVENUE AND NORTH OF THE ABANDONED RAILROAD ROW, AND A PORTION OF LOT 29 OF VEITCH'S ADDITION AND A PORTION OF SOUTHEAST 11TH AVENUE LYING NORTH OF THE ABANDONED RAILROAD ROW AND WEST OF SOUTHEAST 2ND STREET AND NORTH OF LOT 40 OF VEITCH'S ADDITION; RESERVING A UTILITIES EASEMENT; 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, Chuck Chestnut, Warren Nielsen, Rick Bryant and Craig Lowe
Absent: Edward Braddy

030697 EVERGREEN CEMETERY (B)

ORDINANCE NO. 0-04-13

An ordinance of the City of Gainesville, Florida; amending section 7-1, City of Gainesville Code of Ordinances; including "trust" in the definition of the term "owner"; amending section 7-5, City of Gainesville Code of Ordinances; changing the method of conveying interment rights at Evergreen Cemetery from a "deed" signed by the Mayor and the Clerk of the Commission to a "certificate" of interment signed by the City Manager or designee; 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 Commissioner Bryant, 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

030855 A Resolution of the City of Gainesville Urging Members of the Florida Legislature to Support the Following Municipal Issues During the 2004 Legislative Session (B)

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

PLAN BOARD PETITIONS

020854 Request for six-month extension to Krystle Pines Cluster Subdivision Design Plat located in the 8100 Block of Northwest 43rd Street. (Petition 122SUB-02PB) (B)

RECOMMENDATION *Staff to City Commission. Staff recommends that the petitioner be granted an additional six months to complete the final plan.*

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

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

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

030862 United Gainesville Community Development Corporation (NB)

Attorney for United Gainesville Community Development Corporation Ted Nichols gave a presentation.

Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Chestnut in order to make a motion to his recommendation.

Commissioner Lowe seconded the motion.

FRIENDLY SUBSTITUTION MOTION: Commissioner Lowe asked to substitute the language in the recommendation in item 2) "Transferred to the Gainesville Housing Authority" to "transferred to another suitable entity"; and deleting the phrase in item 4) replace "would be a" with "being a continuation"; strike "(these on a reduced scale)" and "related to housing".

RECOMMENDATION *Mayor Thomas D. Bussing suggests that the City Commission approve the following: 1) United Gainesville Community Development Corporation has made valuable contributions to our community for more than 20 years, in partnership with the City of Gainesville and the Small Business Administration; 2) The City Commission allocates up to \$10k for the City Manager to use according to his best judgment to support essential activities of UGCDC for up to 3 months with the goal of enabling UGCDC to be transferred to the Gainesville Housing Authority; 3) The Manager is directed to work with the Board of Directors of UGCDC and the Gainesville Housing Authority on a transition plan; and 4) The most desired long-term outcome would be a continuation of economic development functions and loan servicing (these on a reduced scale) while beginning new activities related to housing.*

A motion was made by Mayor Bussing, seconded by Commissioner Lowe, that this matter be Approved as Recommended (With Substitution). The motion carried by the following vote:

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

UNFINISHED BUSINESS

030861 MTPO Update (NB)

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

NOTE: Mayor Bussing left the meeting room at approximately 9:45 PM, and Mayor-Commissioner Pro Tem Chestnut assumed the gavel.

RECOMMENDATION *The City Commission hear an update from staff.*

COMMISSION COMMENT

Commissioner Warren Nielsen

Special Meeting - Presentation on the Entrepreneurship School - The Clerk of the Commission and the City Manager to schedule this.

Commissioner Rick Bryant

*Commissioner Bryant moved and Commissioner Braddy seconded to reconsider the previous vote on item # 030859. See following item.
(VOTE: 6-0, Mayor Bussing - Absent, MOTION CARRIED)*

030859

FINAL ADMINISTRATIVE ORDER IN THE MATTER OF MARY L. CHAPMAN, APPELLANT, APPEAL HEARD PURSUANT TO 30-112(D)(7)i., GAINESVILLE CODE OF ORDINANCES (B)

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

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

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

Mayor-Commissioner Pro Tem Chuck Chestnut

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

*RECONSIDERATION MOTION: Mayor-Commissioner Pro Tem Chuck Chestnut moved and Commissioner Nielsen seconded to reconsider the vote taken on January 12, 2004, File #030820, Ad-Hoc Charter Officer Equal Opportunity Advisory Committee, regarding including Darrell Elmore in the hiring process.
(VOTE: 3-3, Mayor-Commissioner Pro Tem Chestnut and Commissioners Nielsen and Lowe - Yes; Commissioners Bryant, Domenech and Braddy - No, Mayor Bussing - Absent, MOTION FAILED)*

Commissioner Rick Bryant

Hiring process for the EO Charter Officer.

Commissioner Chuck Chestnut

National League of Cities Travel - See following item

030863 National League of Cities Travel (NB)

RECOMMENDATION *The City Commission authorize that as the City's representative to the National League of Cities, that the costs not be charged to his travel account.*

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

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

CITIZEN COMMENT

Aneter Heard

Cost of consultant for EO Charter Officer.

Ted Nichols

Cedar Grove Homeowner's Association Election

ADJOURNMENT - 10:45 PM

Kurt M. Lannon, Clerk of the Commission