

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, December 8, 1997**

**3:00 PM**

**City Hall Auditorium**

## **City Commission**

*Commissioner Sande Calkins (District 2)  
Mayor-Commissioner Bruce Delaney (At-Large)  
Commissioner Paula M. DeLaney (At-Large)  
Mayor-Commissioner Pro Tem Pegeen Hanrahan (District 3)  
Commissioner Edward L. Jennings, Sr. (District 1)*

## Invocation

Present: Sande Calkins, Paula M. DeLaney, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney

## Consent Agenda

*With the following modification: 1) File No. 970658 - New Page Submitted*

**A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, to Pass the Consent Agenda, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried unanimously.**

## City Manager, Consent Agenda Items

### 970658      **Keep Alachua County Beautiful Agreement**

**RECOMMENDATION**      *The City Commission: 1) authorize the City Manager, or designee, to execute the Agreement between the City and Keep Alachua County Beautiful, subject to approval by the City Attorney as to form and legality; and 2) authorize payment of \$15,000.00 for a membership to Keep Alachua County Beautiful, and \$14,431 for In-kind services, for a total of \$29,431.00.*

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

### 970659      **Ratification of Amalgamated Transit Union, Local No. 1579 Labor Agreement, effective October 1, 1997 to September 30, 2000.**

**RECOMMENDATION**      *The City Commission ratify the Agreement covering the period October 1, 1997 through September 30, 2000 between the City of Gainesville and Amalgamated Transit Union (ATU), Local No. 1579, Labor Agreement (A copy of which is on file with the Clerk of the Commission. After December 8, 1997, the agreement will be on file in the Human Resources Department.)*

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

### 970661      **Ratification of Addendum A, Fraternal Order of Police Drug-Free Workplace Program and Addendum B, FOP Article 18, Tuition Reimbursement**

**RECOMMENDATION**      *The City Commission ratify Addendums A and B covering the period December 8, 1997 through September 30, 1998*

*between the City of Gainesville and Florida State Lodge,  
Fraternal Order of Police, Addenda to Labor Agreement.*

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

**970662                    Extension to the Bond Counsel Retainer Agreement between the City of  
Gainesville and Holland & Knight LLP, Lakeland, Florida.**

**RECOMMENDATION**    *The City Commission: 1) waive the need to carry out an RFQ  
for bond counsel services, and 2) authorize the City Attorney  
to execute the First Amendment and Extension to the Bond  
Counsel Retainer Agreement between the City of Gainesville,  
Florida and Holland & Knight LLP, Lakeland, Florida.*

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

**970663                    Continuation of John Alden Life Insurance**

**RECOMMENDATION**    *The City Commission approve the issuance of a purchase  
orders to John Alden Life Insurance Company for insurance  
premiums related to the City's self-insured group health  
insurance program and life insurance program in an amount  
of \$688,000.*

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

**970664                    Continuation of Blue Cross/Blue Shield Administrative Services Contract**

**RECOMMENDATION**    *The City Commission: 1) authorize continuing the  
Administrative Services Contract between the City of  
Gainesville and Blue Cross and Blue Shield of Florida, Inc.,  
for one (1) additional year; 2) authorize issuance of a  
purchase order in an amount sufficient to cover applicable  
charges for the administrative services and excess insurance  
costs, to Blue Cross and Blue Shield of Florida, Inc.; and 3)  
authorize the City's Risk Manager to negotiate and execute  
the contract extension.*

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

**970665                    Public Education for Commercial Recycling and Reduction of Solid Waste and  
Yard Trash**

**RECOMMENDATION**    *The City Commission authorize the City Manager or designee  
to execute an amendment to the Agreement between the City  
of Gainesville and Group 5 & Associates, Inc., extending the*

*term from October 1, 1997 through September 30, 1998, decreasing the not to exceed amount to \$25,000 from \$30,000, subject to approval of the City Attorney as to form and legality, and subject to availability of funds, for Public Education for Commercial Recycling and Reduction of Solid Waste and Yard Trash.*

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

**970666 Interlocal Agreement between the City of Gainesville and Alachua County to facilitate Intersection Improvements at S.W. 62nd Boulevard and S.W. 20th Avenue.**

**RECOMMENDATION** *The City Commission: 1) approve additional funds in the amount of \$27,211.10 for the City's share of the intersection improvements at S.W. 62nd Boulevard and S.W. 20th Avenue, and 2) authorize a purchase order to the Alachua County Board of County Commissioners in the amount of \$137,211.10.*

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

**970668 Application to the Florida Department of Juvenile Justice's Innovative Local Law Enforcement and Community Policing Grant Program entitled, "Diversionary Program for Minority Youths".**

**RECOMMENDATION** *The City Commission authorize the City Manager 1) to apply to the Florida Department of Juvenile Justice for up to \$71,640.00 in grant funds under the "Diversionary Program for Minority Youths" grant program, and if awarded, 2) to execute the grant contract, pending approval by the City Attorney as to form and legality, and 3) to execute any additional documents that may be necessary.*

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

**970669 Additional Payment to Data Ticket**

**RECOMMENDATION** *The City Commission authorize additional payment to Data Ticket not to exceed \$15,000.*

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

**General Manager for Utilities, Consent Agenda Items**

**970638 Professional Services Agreement with John D. Hambrick**

**RECOMMENDATION** *The City Commission authorize the General Manager or his designee to execute a professional services agreement with John D. Hambrick in an amount not to exceed \$100,000 for these services, subject to the approval of the City Attorney as to form and legality.*

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

**970670 Sixty-day Extension of Annual Contract for the Installation of Overhead Electric Facilities**

**RECOMMENDATION** *The City Commission: 1) authorize the General Manager or his designee to execute an amendment for an additional extension of the annual contract for the installation of overhead electric facilities with Dillard Smith Construction Company from December 31, 1997 to March 1, 1998, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Dillard Smith Construction Company in an amount not to exceed \$110,000.*

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

**970671 Contract with Marquez, Hall & Johnson, Inc. for Professional Consulting Services**

**RECOMMENDATION** *The City Commission authorize: 1) the General Manager or his designee to negotiate and execute a contract with Marquez, Hall & Johnson, Inc. for professional consulting services relating to AM/FM/GIS implementation and services to convert computer added drawings (CAD) files to the target AM/FM/GIS database and graphics format, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order for these services in an amount not to exceed \$130,000.*

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

**City Attorney, Consent Agenda Items****970654 Brian Parker vs. The City of Gainesville, a Florida municipal corporation; Case No. 97-4373-CA**

**RECOMMENDATION** *The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to defend*

*the City in the case styled Brian Parker vs. The City of Gainesville, a Florida municipal corporation; Case No. 97-4373-CA.*

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

**970655            Legal Challenge to Chapter 97-197, Laws of Florida**

**RECOMMENDATION**    *The City Commission approve the participation of the City of Gainesville (Gainesville Regional Utilities) in the challenge of Chapter 97-197, Laws of Florida, through the Florida Municipal Electric Association (FMEA) and the retention of the law firm of Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A. to prosecute the legal challenge on behalf of the FMEA and the City of Gainesville.*

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

**Committee Reports, Consent Agenda Items**

**Public Works Committee, Consent**

**Personnel & Organizational Structure Comm, Consent**

**Public Safety Committee, Consent**

**960423            Special Permits for Noise**

**RECOMMENDATION**    *The City Commission remove this item from the Public Safety Committee's pending referral list.*

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

**960846            Tom Henderson - Clarification of Ordinance**

**RECOMMENDATION**    *The City Commission allow the Public Safety Committee to continue its discussions to determine if Trader Tom's could be grandfathered in under the City ordinances in the future.*

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

**960896            Florida Court Neighborhood - Jim Masson**

**RECOMMENDATION** *The City Commission remove this item from the Public Safety Committee's pending referral list.*

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

**960944 Noise Complaints, USA Car Wash and Pop-a-Top**

**RECOMMENDATION** *The City Commission remove this item from the Public Safety Committee's pending referral list.*

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

**960999 Night Time Noise Generation from Downtown Street Parties on Magnolia Plantation Bed and Breakfast Inn**

**RECOMMENDATION** *The City Commission remove this item from the Public Safety Committee's pending referral list.*

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

**970042 Alcohol Establishments Closing Time (Rave Bill)**

**RECOMMENDATION** *The City Commission remove this item from the Public Safety Committee's pending referral list.*

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

**970296 Sale of Alcohol within 300 ft. of a Church**

**RECOMMENDATION** *The City Commission remove this item from the Public Safety Committee's pending referral list.*

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

**970373 Police Drunk Driving Processing**

**RECOMMENDATION** *The City Commission remove this item from the Public Safety Committee's pending referral list.*

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

**Audit & Finance Committee, Consent**

**Legislative Committee, Consent****Regional Utilities Committee, Consent****Clerk of the Commission, Consent Agenda Items****970652 Gainesville/Alachua County Cultural Affairs Board**

**RECOMMENDATION** *The City Commission accept the resignation of member A. David Crown from the Gainesville/Alachua County Cultural Affairs Board effective immediately.*

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

**970667 City Commission Minutes of November 17 and 24, 1997**

**RECOMMENDATION** *The City Commission approve the minutes as circulated.*

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

**Community Redevelopment Agency, Consent Items****End of Consent Agenda****Adoption of the Agenda**

*The Agenda was adopted with the following modifications: 1) File No. 970691 - City Manager - New Item Submitted; 2) File No. 970581 - Additional back-up material submitted; and 3) File No. 970675 - Move to before the Public Hearing category*

**Citizen Comment (3:00 PM - 3:30 PM)****970692 Earl R. Young - 100 Black Men Christmas Party**

**RECOMMENDATION** *The City Commission co-sponsor a Christmas Party on December 19, 1997 from 8:00 p.m. to 12 midnight by providing police presence at the party and funding in the amount of \$2,600 from the City Commission Contingency Fund.*

**A motion was made by Commissioner Jennings, seconded by Commissioner DeLaney, that this matter be Approved as Recommended. The motion carried unanimously.**



**970693 Todd Lewis - 3rd Annual Caroling Trip**

*AMENDMENT: Appropriate \$300.00 from the City Commission Contingency Fund.*

**RECOMMENDATION** *The City Commission co-sponsor the trip and allow the use of a Regional Transit System bus.*

**A motion was made by Commissioner DeLaney, seconded by Commissioner Jennings, that this matter be Approved as Amended. The motion carried unanimously.**

**Kevin McAplin - Building Keys Access (NB)**

*Citizen Kevin McAplin requested that keys to the buildings used at next years Hempfest be accessable in the event power is lost and the breaker needs to be reset.*

*City Manager Wayne Bowers stated he would look into the situation.*

**City Commission Comment (If time available)****Charter Officer Updates****Clerk of the Commission****970685 Regional Transit System Advisory Board**

*Clerk of the Commission Kurt Lannon gave a presentation.*

*The Commission agreed to the following: 1) authorize the Mayor-Commissioner to send a letter to the required organizations to encourage applications and agreed to encourage additional recruitment to the board positions before filling any more slots; and 2) inform Alachua County of the actions of the City regarding recruitment and encourage similar action*

**RECOMMENDATION** *The City Commission discuss the Regional Transit System Advisory Board and take appropriate action.*

**This matter was Placed on File**

**City Manager****970691 1998 City of Gainesville State Legislative Priorities**

*AMENDMENT: Item 1 - Brownfields - Add word "Urban" Brownfield Properties and*

*place item as number 11.*

**RECOMMENDATION** *The City Commission: 1) hear a staff presentation on these suggested legislative items, and 2) develop and finalize the list of 1998 Legislative Priorities for the City of Gainesville to be presented at the Local Delegation Hearing.*

**A motion was made by Commissioner Jennings, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Approved as Recommended, as Amended or Revised. The motion carried unanimously.**

### **970673 Metropolitan Transportation Planning Organization (MTPO)**

*Public Works Director Theresa Scott gave a presentation.*

*Commissioner Jennings requested the City Attorney ask the Alachua County Attorney on the powers of the MTPO before the thursday meeting and the ability to stop a project of which the MTPO disagrees.*

**RECOMMENDATION** *The City Commission hear a report from staff regarding the December 11, 1997 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

**This matter was Placed on File**

### **970674 Airport Industrial Park Property Sales Agreement**

**RECOMMENDATION** *The City Commission authorize the City Manager to execute an agreement with the Gainesville Alachua County Regional Airport Authority to return a portion of future property tax payments to the Authority under the terms contained in the City Manager's memorandum of September 3, 1997; subject to the approval of the City Attorney as to form and legality of the agreement.*

**A motion was made by Commissioner DeLaney, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Approved as Recommended. The motion carried unanimously.**

## **General Manager for Utilities**

### **970672 Proposal For An Enhanced Countywide Two-Way Radio System For All Public Agencies in Alachua County**

*General Manager for Utilities Mike Kurtz, Strategic Planning Director Ed Regan and City Manager Wayne Bowers gave a presentation.*

*Chairman B. Delaney recognized Consultant from Omnicom, Inc. Vice President Bob*

*Sutphen who spoke to the matter.*

*The Commission agreed for Chairman B. Delaney to write a letter to the Alachua County Board of County Commissioners Chairman regarding the issue.*

**RECOMMENDATION** *The City Commission authorize the General Manager or his designee to: 1) negotiate and execute a contract with Motorola, as a specified supplier, subject to the approval of the City Attorney as to form and legality, for: A) a backbone 800 MHz two-way trunked radio system, with mixed digital and analog voice capability, as well as with dedicated facilities for mobile digital data applications, suitable to serve all City of Gainesville operations, such as police, fire-rescue, utilities, public works, etc., with sufficient coverage and capacity to offer portable radio services to other public agencies throughout the Gainesville urban area, and mobile radio coverage throughout Alachua County, at a not to exceed cost of \$7,400,000.00 (including City of Gainesville subscriber units); and b) the expansion of the backbone system, as needed to extend portable radio coverage throughout Alachua County in order to provide system access and coverage to any public agency so desiring, for an additional not to exceed cost of \$2,700,000.00 (excluding outside agency subscriber units); and 2) approve the issuance of purchase order(s) to Motorola for the radio systems; and 3) approve the issuance of purchase orders to various other vendors for other material and services required for the system not provided by Motorola, such as tower site improvements, ground-line transport, equipment shelters, and consulting engineering, etc., in an amount not to exceed \$740,000.00 for the City of Gainesville backbone system, and an additional not to exceed cost of \$1,060,000.00 to extend portable radio coverage throughout Alachua County; and 4) execute user agreements with public safety and/or governmental agencies to: A) finalize system design requirements for other agency users; B) provide access to the system on a user fee basis, as an enterprise activity of Gainesville Regional Utilities' telecommunication system, such fees to be established by ordinance as appropriate for the service and coverage provided; and C) finance subscriber units for participating agencies.*

**A motion was made by Commissioner DeLaney, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Approved as Recommended. The motion carried unanimously.**

**City Attorney**

**City Auditor**

## Committee Reports (Pulled from Consent)

### Public Works Committee

#### 970581 Targeted Bulk Waste Collection Service

*Solid Waste Manager Steve Hiney gave a presentation.*

**RECOMMENDATION** *The Public Works Committee recommends the City Commission: 1) approve a pilot program, to extend to September 30, 1998, to provide enhanced bulk waste collection service within targeted areas identified by City staff of up to 12,000 homes; 2) authorize the City Manager to negotiate and execute an Amendment to the Memorandum of Understanding between Alachua Waste Management and the City of Gainesville, allowing the provision of enhanced bulk waste collection service of 12,000 homes; expanding the definition of bulk waste; providing for the collection of solid waste placed curbside at vacant properties, and defining and providing for the provision of "Special Services" at the direction of the City, subject to approval of the City Attorney as to form and legality.*

**A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner DeLaney, that this matter be Approved as Recommended. The motion carried unanimously.**

### Personnel & Organizational Structure Committee

### Public Safety Committee

### Audit & Finance Committee

### Legislative Committee

### Regional Utilities Committee

### Advisory Brds/Comm (Appointments/Waivers/Reports)

#### 970653 Gainesville/Alachua County Cultural Affairs Board

*Gainesville/Alachua County Cultural Affairs Advisory Board Chair Mitzi Calvert*

*gave a presentation.*

*Mayor-Commissioner B. Delaney left the meeting room and Mayor-Commissioner Pro Tem Hanrahan assumed the gavel and temporarily chaired the meeting.*

**RECOMMENDATION** *The City Commission hear a presentation from the Gainesville/Alachua County Cultural Affairs Board and take appropriate action.*

**This matter was Placed on File**

## Outside Agencies

## Members of the City Commission

### 970684 Commissioner Paula DeLaney

**RECOMMENDATION** *The City Commission refer the issue of enhanced relations between the University of Florida students and the City of Gainesville to the Ad-Hoc Intergovernmental Committee.*

**A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, that this matter be Assigned to the Ad Hoc Intergovernmental Committee, due back on June 8, 1998. The motion carried by the following vote:**

**Votes:** Aye: Sande Calkins, Paula M. DeLaney, Edward L. Jennings, Sr. and Pegeen Hanrahan  
Absent: Bruce L. Delaney

### 970657 Annual Performance, Salary and Benefits Review for Clerk

**RECOMMENDATION** *The City Commission review the salary and benefits of the Clerk of the Commission and make any changes deemed appropriate.*

**A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner DeLaney, to increase the salary of Clerk of the Commission Kurt Lannon by 5%.. The motion carried unanimously.**

## Commission Comments

## Adjourn Until 6:00 PM

## Pledge of Allegiance

## Proclamations

**970676 Geraldine L. Noble Day - December 31, 1997**

**RECOMMENDATION** *City of Gainesville Recreation and Parks Retiring Employee Geraldine L. Noble to accept the proclamation.*

**This matter was Placed on File**

**970675 Sale of Property at Airport Industrial Park**

*Economic Development Director Conchi Ossa gave a presentation.*

*Property Buyer Khann Dinh made comments.*

*AMENDMENT: Authorize the City Manager to execute the contract.*

**RECOMMENDATION** *The City Commission authorize the City Manager to execute a contract for sale of Airport Industrial Park shell building and land to Heat Pipe Technology, Incorporated, subject to the approval of the City Attorney as to form and legality and the concurrence of the Gainesville-Alachua County Regional Airport Authority.*

**A motion was made by Commissioner DeLaney, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Approved as Recommended, as Amended or Revised. The motion carried by the following vote:**

**Votes:** Aye: Sande Calkins, Paula M. DeLaney, Edward L. Jennings, Sr. and Peegen Hanrahan  
Nay: Bruce L. Delaney

**Public Hearings****970656 A Resolution Expressing the Intent of the City of Gainesville, Florida to Loan Funds for the Acquisition, Construction and Equipping of a Manufacturing Facility in the City of Gainesville, Florida; Providing for the Lending of Funds for Such Purpose to Heat Pipe Technology, Inc., or its Successors or Assigns; Providing for the Issuance of Industrial Development Revenue Bonds of the City of Gainesville in the Aggregate Principal Amount not to Exceed \$3,000,000, for the Purposes 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 Attorney Marion J. Radson introduced Holland & Knight Bond Counsel Ed Vogel and Ken Nabors.*

*Holland & Knight Attorney Ed Vogel gave a presentation.*

*Chairman Pro Tem Hanrahan opened the public hearing.*

*Chairman Pro Tem Hanrahan closed the public hearing.*

*REVISION: Change to 5.23 acre tract of land in contract*

**RECOMMENDATION** *The City Commission: 1) hear a brief presentation by staff and the company official; 2) hold a public hearing; and 3) adopt the Resolution.*

**Adopted (Resolution), as revised**

**970677**

**Spring 1998 Service Adjustments**

*Regional Transit System Director Perry Maull gave a presentation.*

*Chair B. Delaney re-entered the meeting room (6:41pm) and assumed the gavel.*

*Chairman B. Delaney opened the public hearing.*

*Chairman B. Delaney recognized Citizens J.T. Frankenberger, Cindy Henderson, Lenore McGowen, Carole Massey, Kathy Linn, Mary Main-Smith and Joan Dean Nicola who spoke to the matter.*

**RECOMMENDATION** *The City Commission hold a public hearing and approve the following service adjustment changes effective January 5, 1998:*

*Route 1, 2, 3, 4, 5, 8, 9 and 11: No changes.*

*Route 6: Schedule change only to accommodate school dismissal at P. K. Yonge.*

*Route 7: Extend service to the Gainesville Job Corps Center and Airport Industrial Park and provide one-way loop on East University Avenue, SE 43rd Street, and Hawthorne Road. Operate with two lift-equipped small buses.*

*Route 10: Combine Eastside of route with Route 7. Continue to operate Route 10 from downtown to Santa Fe Community College. Operate in conjunction with Route 6 so that SFCC has service arriving every 30 minutes from downtown Gainesville.*

*Minibus: Discontinue all current Minibus services that currently uses six small buses. Replace six Minibus buses with four small lift-equipped Complementary Paratransit Service buses limited to individuals certified under the Americans with Disabilities Act (ADA). Route 7 will utilize*

*two small lift-equipped buses for wheelchair accessibility.*

**A motion was made by Commissioner Jennings, seconded by Commissioner Calkins, that this matter be Approved as Recommended. The motion carried unanimously.**

## **Ordinances - 1st Readings- ROLL CALL REQUIRED**

### **970646 Ordinance No. 0-98-19**

**An ordinance of the City of Gainesville, Florida, amending section 15-4(2) of the Code of Ordinances relating to special permits for noise; allowing noise permits for events on New Year's Eve to extend to 1:00 a.m. New Year's Day; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Chairman B. Delaney recognized Citizen Tom Miller who spoke to the matter.*

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

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

**Votes:** Aye: Sande Calkins, Paula M. DeLaney, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney

## **Ordinances - 2nd Readings- ROLL CALL REQUIRED**

### **960008 Ordinance No. 0-98-07**

**An ordinance of the City of Gainesville, Florida, amending chapter 15 of the Code of Ordinances relating to noise; adding a definition of "continuous airborne sound"; prohibiting continuous airborne sound of certain levels; extending the effective period of a warning to 90 days, with exceptions; correcting hours for special permits for events on public property; clarifying conditions for violation after warning of animal noise provisions; deleting provision that owner is not responsible for plainly audible noise if property is posted; providing exemptions for sporting events, fireworks and parades; 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 DeLaney, seconded by Commissioner Calkins, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**



**Votes:** Aye: Sande Calkins, Paula M. DeLaney, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney

**970226 Ordinance No. 0-97-94, Petition No. 129PDA-97PB**

**An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 3677, which adopted the planned development commonly known as "Pecan Park Office Center" located in the vicinity of 802-810 NW 16th Avenue; adopting revised development plan maps and a revised development plan report; providing for concurrency requirements; 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 Calkins, seconded by Commissioner Jennings, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Sande Calkins, Paula M. DeLaney, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney

**970368 Ordinance No. 0-98-01**

**An ordinance of the City of Gainesville, Florida, amending the Appendix A of the Land Development Code by amending the Special Area Plan for the Triangle Area to allow ingress from and egress to N.W. 8th Avenue under certain conditions; 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 DeLaney, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Sande Calkins, Paula M. DeLaney, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney

**970512 Ordinance No. 0-98-08**

**An ordinance of the City of Gainesville, Florida, amending section 2-339, adding certain ordinances to the list of ordinances that are enforceable by civil citation; 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 Jennings, seconded by Commissioner DeLaney, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Sande Calkins, Paula M. DeLaney, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney

**970543 Ordinance No. 0-98-10**

**An ordinance of the City of Gainesville, Florida, finding that property at 527 NW 8th Avenue, Gainesville, Florida, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax on certain improvements beginning January 1, 1998, and continuing for 10 years; adopting the Historic Preservation Exemption Covenant between the applicant and the City by reference; 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 DeLaney, seconded by Commissioner Calkins, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Sande Calkins, Paula M. DeLaney, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney

**970544 Ordinance No. 0-98-09**

**An ordinance of the City of Gainesville, Florida, finding that property at 521 NW 4th Street, Gainesville, Florida, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax on certain improvements beginning January 1, 1998, and continuing for 10 years; adopting the Historic Preservation Exemption Covenant between the applicant and the City by reference; 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 Calkins, seconded by Commissioner DeLaney, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Sande Calkins, Paula M. DeLaney, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney

**970569 Ordinance No. 0-98-11**

**An ordinance of the City of Gainesville, Florida, adopting chapter 1 of the 1997 edition of the Standard Building Code, as published by the Southern Building**

Code Congress International, Inc. (SBCCI), as the standard administrative code for use with the standard building, plumbing, gas and mechanical codes of the City; amending certain sections of the standard administrative code; adopting the 1997 edition and selected appendices of the Standard Building Code as published by SBCCI; amending certain sections of the Standard Building Code; adopting the 1997 edition and selected appendices of the Standard Gas Code as published by SBCCI; amending certain sections of the standard gas code; adopting the 1997 edition and selected appendices of the Standard Mechanical Code as published by SBCCI; amending certain sections of the Standard Mechanical Code; 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 Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Calkins, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Sande Calkins, Paula M. DeLaney, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney

**970593 Ordinance No. 0-98-12**

**An Ordinance amending chapter 27, section 27-15.(a), and by amending Appendix A subsection Utilities (6)b.2. of the Gainesville Code of Ordinances by revising the definition and rates for general utility service charges; providing for a repealing clause; providing for a severability clause; and providing an effective date in accordance with the schedule provided herein.**

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

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

**Votes:** Aye: Sande Calkins, Paula M. DeLaney, Pegeen Hanrahan and Bruce L. Delaney  
Nay: Edward L. Jennings, Sr.

**970594 Ordinance No. 0-98-13**

**An ordinance amending Chapter 27, sections 27-21, 27-24 through 27-26, 27-30.1, and 27-34 through 27-37, and by amending Appendix A section Utilities (1), subsections m.1. through m.3., subsections n.1 through n.3., subsection o., and section utilities (6), subsection b.5. of the Gainesville Code of Ordinances by revising definitions; revising terms and conditions for electric underground service; revising rates and charges temporary service and for public and rental light service; providing for a repealing clause; providing for a severability clause; and, providing an effective date in accordance with the schedule provided herein.**

**RECOMMENDATION** *The City Commission continue the second reading of this ordinance until January 12, 1998.*

*Continuation of this ordinance is being requested by Gainesville Regional Utilities in order to allow staff more time to work with the local Builders Association on the issues addressed in this ordinance.*

**A motion was made by Commissioner DeLaney, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Continued (2nd Reading) for January 12, 1998. The motion carried unanimously.**

## Resolutions- ROLL CALL REQUIRED

### 970678 **Fourth Amendment to FY 1997 General Operating and Financial Plan Budget Resolution.**

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

**A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, that this matter be Adopted (Resolution). The motion carried by the following vote:**

**Votes:** Aye: Sande Calkins, Paula M. DeLaney, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney

### 970679 **Resolution to fund a service development project for park and ride express bus service targeted at University of Florida (UF) employees.**

**RECOMMENDATION** *The City Commission: 1) approve this authorizing resolution; 2) authorize the City Manager to execute a joint participation agreement with the University of Florida and Florida Department of Transportation for the two agencies to fund a service development project for park and ride express bus service; 3) authorize the City Manager to secure and refurbish two additional used buses at a cost of approximately \$5,000 each from existing federal grants budgeted for vehicle maintenance; and 4) authorize the creation of four permanent part-time transit operator positions.*

**A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, that this matter be Adopted (Resolution). The motion carried by the following vote:**

**Votes:** Aye: Sande Calkins, Paula M. DeLaney, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney

**970680 Resolution Establishing Maximum Trespass Towing Fees**

**RECOMMENDATION** *The City Commission adopt the proposed resolution of the City Commission of the City of Gainesville, Florida, establishing the maximum trespass towing fees in accordance with Section 14.5-27 of the Code of Ordinances of the City of Gainesville, Florida; and provide an effective date.*

**A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, that this matter be Adopted (Resolution). The motion carried by the following vote:**

**Votes:** Aye: Sande Calkins, Paula M. DeLaney, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney

**Plan Board Petitions****970452 Petition 186TCH-97 PB, City Plan Board. Amend the City of Gainesville Land Development Code to establish new design standards for downtown and surrounding areas and corridors. New standards to generally include a build-to line, location of parking, building orientation, building articulation, building height, trash receptacles and loading, sidewalks, air compressors, landscaping, lighting, and prohibited uses.**

**RECOMMENDATION** *City Plan Board Action - Continue Petition 186TCH-97 PB to a Special Plan Board Meeting to be scheduled for January, 1998. Plan Board vote 5-0.*

*Staff to Plan Board - Approve Petition 186TCH-97 PB.*

***CITY MANAGER'S RECOMMENDATION***

*The City Commission continue the public hearing on Petition 186TCH-97 PB to January 12, 1998.*

**A motion was made by Commissioner DeLaney, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Continued (Petition) for January 12, 1998. The motion carried unanimously.**

**970453 Petition 187TCH-97 PB, City Plan Board. Amend the City of Gainesville Land Development Code and Building Code, Chapter 6 to: (1) Clarify the rehearing process indicating who may request a rehearing, the time period and standards for the request; (2) shorten the period for appealing the board of Adjustment's decision to the Court; and (3) remove the requirement for the Board of Adjustment to review house moving applications.**

**RECOMMENDATION** *City Plan Board Action - Continue Petition 187TCH-97 PB to the December 18, 1997 Plan Board Meeting. Plan Board vote 5-0.*

*Staff to Plan Board - Approve Petition 187TCH-97 PB.*

*CITY MANAGER'S RECOMMENDATION*

*The City Commission continue the Public Hearing on Petition 187TCH-97 PB to January 12, 1998.*

**A motion was made by Commissioner DeLaney, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Continued (Petition) for January 12, 1998. The motion carried unanimously.**

**970562**

**Petition 190SVA-97 PB, John and Carol Koogler, John and Eve Cech. Pursuant to Sec. 30-192(b), to vacate, abandon and close the western 95+ foot dead-end portion of N.W. 7th Lane right-of-way. Located approximately 40 feet west of Northwest 22nd Street. The portion to be vacated lies between lots 1 and 2 of the Baker-Broome Plat.**

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission deny Petition 190SVA-97 PB. Plan Board vote 5-0*

*Staff to Plan Board - Deny*

**A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, that this matter be Continued (Petition) for January 26, 1998. The motion carried unanimously.**

**970563**

**Petition 204ZON-97 PB. City Plan Board. Amend the City of Gainesville Land Development Code by overlaying the Historic Preservation/Conservation District on property zoned RSF-3, RSF-1, RSF-2 and RMF-5 in two areas: one bounded on the north by N.E. 13th Avenue, on the east by N.E. 7th Street, on the west by N.E. 3rd Street and on the south by N.E. 10th Avenue and the other bounded generally on the north by N.E. 5th Place, on the east by N.E. 9th Street, on the south by N.E. 4th Avenue and on the west by N.E. 8th Street.**

*Historic Planner Rick Smith gave a presentation.*

*Chairman B. Delaney recognized Citizens Robert Williams, Jim Kasserman, Erich Farber, Ted Lacombe, Jane Myers, Ron Reeb and Frederick Veterquist who spoke to the matter.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 204ZON-97 PB. Plan Board vote 4-1*

*Staff to Plan Board - Approve the nomination of the Northeast Residential Historic District Expansion Area to the Local Register of Historic Places. The Historic Preservation Board approved the nomination on September 23, 1997.*

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

**Votes:** Aye: Sande Calkins, Paula M. DeLaney, Pegeen Hanrahan and Bruce L. Delaney  
Nay: Edward L. Jennings, Sr.

**970564            Petition 205MSC-97 PB. City Plan Board. Change status of 22 buildings from noncontributing to contributing on map of existing Northeast Residential Historic District.**

*Historic Planner Rick Smith gave a presentation.*

**RECOMMENDATION**    *City Plan Board to City Commission - The City Commission approve Petition 205MSC-97 PB. Plan Board vote 5-0*

*Staff to Plan Board - Approve the application to amend the Northeast Residential Historic District Map to include the properties listed in the table as contributing properties. Such an amendment will subject the properties to design review approval as set forth in Section 30-112 of the Land Development Code. The Historic Preservation Board approved the amendments on September 23, 1997.*

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

**Votes:** Aye: Sande Calkins, Paula M. DeLaney, Pegeen Hanrahan and Bruce L. Delaney  
Nay: Edward L. Jennings, Sr.

**970565            Petition 206TCH-97 PB. City Plan Board. Amend Section 30-112, Historic Preservation/Conservation Ordinance of the City of Gainesville Land Development Code, to require design review for noncontributing structures in historic districts.**

*Historic Planner Rick Smith gave a presentation.*

*Chairman B. Delaney recognized Citizens Ron Reeb, Erich Farber, Ted Lacombe, Frederick Veterquist and Jane Myers, who spoke to the matter.*

*The Commission agreed for staff to schedule a meeting at the Thomas Center with the neighborhood in January to further discuss the petition.*

**RECOMMENDATION**    *City Plan Board to City Commission - The City Commission approve Petition 206TCH-97 PB. Plan Board vote 5-0*

*Staff to Plan Board - Approve the amendment to Section 30-112 (d)(5)d of the Land Development Code. The Historic Preservation Board recommended approval of the amendment on September 23, 1997.*

A motion was made by Commissioner Calkins, seconded by Commissioner DeLaney, that this matter be Approved as Recommended (Petition). The motion carried unanimously.

**970566**      **Petition 207TCH-97 PB, City Plan Board. Amend the City of Gainesville Land Development Code, Section 30-159 to increase the threshold for developments requiring development review by the Development Review Board. Other minor changes to clarify the process.**

**RECOMMENDATION**      *City Plan Board Action - Continue Petition 207TCH-97 PB to the December 18, 1997 Plan Board Meeting. Plan Board vote 5-0.*

*Staff to Plan Board - Approve Petition 207TCH-97 PB.*

A motion was made by Commissioner Calkins, seconded by Commissioner DeLaney, that this matter be Continued (Petition) for February 9, 1998. The motion carried unanimously.

**970567**      **Petition 208TCH-97 PB, City Plan Board. Amend Sec. 30-91, by allowing residences for destitute people as an accessory use to places of religious assembly and increase the number of meals that may be served by food distribution centers for the needy that are accessory to places of religious assembly.**

**RECOMMENDATION**      *City Plan Board to City Commission - The City Commission approve Petition 208TCH-97 PB. Plan Board vote 5-0*

*Staff to Plan Board - Approve*

A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, that this matter be Approved as Recommended (Petition). The motion carried unanimously.

## **Development Review Board Petitions**

## **Unfinished Business**

## **Commission Comment**

## **C/Jennings - Newspaper Article (NB)**

*Commissioner Jennings clarified the photographs in the Gainesville Sun newspaper article stating he was not the subject being arrested.*

**970694**      **Hogtown Creek Greenway Brochure**



**RECOMMENDATION** *The Public Works Committee: 1) discuss the development and associated costs of a Greenway brochure, and 2) formulate a recommendation for the City Commission.*

**A motion was made by Commissioner Calkins, seconded by Commissioner DeLaney, that this matter be Referred to the City Manager, due back on June 8, 1998. The motion carried unanimously.**

**970695 Florida Court Neighborhood Issues**

**RECOMMENDATION** *The City Commission refer to the Public Safety Committee the issues involved in the Florida Court neighborhood inviting all staff needed to fully discuss the revitalization of the neighborhood.*

**A motion was made by Commissioner Calkins, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Assigned to the Public Safety Committee, due back on June 8, 1998. The motion carried unanimously.**

**Historic Train Depot Rezoning - C/Hanrahan (NB)**

*Commissioner Hanrahan and the Commission agreed to ask staff to return to the Commission with a recommendation regarding rezoning the Historic Train Depot.*

**Copeland Farm Project - C/P. DeLaney (NB)**

*Commissioner P. DeLaney asked and the Commission agreed to ask staff to return with information on the Copeland Farm Project funding and the continuation by the project manager, Community Action Agency.*

**Alachua County Non Ad Valorem Tax Assessment - M/C Delaney (NB)**

*Chairman B. Delaney asked and the Commission agreed for him to attend the December 9, 1997 Alachua County Board of County Commissioners meeting to discuss the issue of non ad valorem tax assessment in the incorporated area relating to fire and roads.*

**Downtown Parking Needs - M/C B. Delaney (NB)**

*Chairman B. Delaney asked and the Commission agreed to authorize him to write a letter to the Alachua County Board of County Commissioners to first study the parking needs downtown prior to the County taking any action.*

**970696 Letter from Mayor John A. Delaney Requesting support for the application for designation of the St. Johns River as an American Heritage River**

*The Commission agreed for the Mayor-Commissioner to discuss the prior action on this item with staff and write a letter as requested.*

**RECOMMENDATION** *The City Commission authorize the Mayor-Commissioner to write a letter of support.*

**This matter was Discussed**

### **Recycle Cans - C/. DeLaney (NB)**

*Commissioner P. DeLaney requested recycle cans be provided at the dias.*

### **Citizen Comment**

#### **Tom Miller - Citizen Comment Section on the Agenda (NB)**

*Citizen Tom Miller requested that the public comment portion of the meeting should be changed to 6:00 p.m.*

*The Commission informed Mr. Miller that the whole order of business for the City Commission agenda will be discussed at a planning retreat.*

#### **Tom Miller - Hempfest (NB)**

*Citizen Tom Miller expressed appreciation on the way the police were deployed at the Hempfest.*

*He also stated that the frequent power outages and no key to the room with the circuit breaker was a problem.*

*The City Manager stated he would look into the problem.*

### **Adjournment - 9:58pm**

---

Kurt M. Lannon, Clerk of the Commission