

City of Gainesville

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



Meeting Minutes

Monday, March 9, 1998

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

Pastor Gene Williams, Bethel Temple PHC

Consent Agenda

With the following recommendations: 1. File No. 970506 - Correct recommendation and explanation submitted; and 2) File No. 971000 - Remove from Consent and place on Regular Agenda

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

970972 Release of Code Enforcement Board Lien

RECOMMENDATION *The City Commission agree to the \$1,500 settlement and rescission of the lien against 514 S.W. 23rd Place and all other properties owned by Ms. Golden.*

This Matter was Approved as Recommended on the Consent Agenda.

970974 Acquisition of Property at 105 S.E. 13th Lane (Parcel #15955-007)

RECOMMENDATION *The City Commission: 1) approve the acquisition of 105 S.E. 13th Lane (Tax Parcel #15955-007); 2) approve the purchase price of \$1,000 plus closing costs not to exceed \$1,000; 3) authorize the City Manager or his designee to sign the Purchase and Sales Agreement for the acquisition of 105 S.E. 13th Lane (Tax Parcel #15955-007); and 4) accept a Special Warranty Deed from the U.S. Department of Housing and Urban Development, as required to effect the conveyance of the property, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

970975 Change Order Number 3 for Thomas Center "B" Renovation Project

RECOMMENDATION *The City Commission approve Change Order number 3 to Charles Perry Construction, Inc., associated with the City's Building Utilization Program, in an amount of \$12,629.00.*

This Matter was Approved as Recommended on the Consent Agenda.

970976 Acceptance of Bartram Woods Entrance Road

RECOMMENDATION *The City Commission: 1) authorize the City Manager to accept the deed for N.W. 39th Drive from N.W. 39th Road to its east terminus from Bartram Woods of Alachua County, subject to the approval by the City Attorney, and 2) authorize the Clerk of the Commission to record the deed in the Public Records of Alachua County.*

This Matter was Approved as Recommended on the Consent Agenda.

970978 Multi-Party Acquisition Agreement

RECOMMENDATION *The City Commission authorize the City Manager, or his designee, to execute the Multi-Party Acquisition Agreement, subject to approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

970979 Approval to Apply for Federal Grant Funds from the United States Department of Justice's Executive Office of Weed and Seed for Fiscal Year 1998.

RECOMMENDATION *The City Commission authorize the City Manager 1) to apply to the Department of Justice for \$275,000.00 in grant funds under this program; 2) to execute the grant, pending approval by the City Attorney as to form and legality; and 3) to authorize the City Manager to execute any additional documents that may be necessary.*

This Matter was Approved as Recommended on the Consent Agenda.

970980 Purchase Order to DARCCO, Inc.

RECOMMENDATION *The City Commission approve the issuance of a Purchase Order for office space renovations at the Old Library to Darcco, Inc. for their bid amount of \$79,760 and allow a 15 percent contingency for unforeseen conditions (total not to exceed expenditure of \$91,724).*

This Matter was Approved as Recommended on the Consent Agenda.

General Manager for Utilities, Consent Agenda Items

970991 Contract with C.D.B.E., Inc.

RECOMMENDATION *The City Commission: 1) authorize the General Manager or his designee to execute a contract with C.D.B.E., Inc. for the construction of electric distribution facilities for the balance of fiscal year 1997-98, subject to the approval of the City Attorney as to form and legality and 2) approve the issuance of purchase orders to C.D.B.E., Inc. for such services in an amount not to exceed \$1,155,000.*

This Matter was Approved as Recommended on the Consent Agenda.

970992 Selection of Consultants for Water/Wastewater Engineering Services

RECOMMENDATION *The City Commission: 1) approve the short-listing of the qualified engineering firms for the provision of engineering services associated with water and wastewater system facilities and capital improvements; 2) authorize the General Manager or his designee to initiate contract negotiations in accordance with the Consultant's Competitive Negotiations Act (CCNA); 3) authorize the General Manager or his designee, upon successful negotiations, to execute professional services contracts with Black & Veatch, LLP, Causseaux & Ellington, Inc., CH2M Hill, Eng, Denman & Associates, Inc., EFM Group, Inc., Gresham, Smith and Partners Florida, Jones, Edmunds & Associates, Inc. and Robert Bates & Associates, Inc., covering the remainder of FY98 through FY2000, with the option for up to two (2) one-year extensions, subject to the approval of the City Attorney as to form and legality; and 4) approve the issuance of purchase orders for the engineering services in the amount not to exceed the Water and Wastewater Capital Improvement Budget for the applicable fiscal year.*

This Matter was Approved as Recommended on the Consent Agenda.

970993 Release of Public Utilities Easement

RECOMMENDATION *The City Commission: 1) approve the release of a public utilities easement located at Sun Bay Apartments, 708 SW 16th Avenue, to University Gardens Apartments Partnership, Ltd.; and 2) authorize the Mayor-Commissioner and Clerk of*

the Commission to execute the Release of Easement instrument, subject to approval by the City Attorney.

This Matter was Approved as Recommended on the Consent Agenda.

City Attorney, Consent Agenda Items

970968 Henry Baker and Geraldine Baker, his Wife, vs. City of Gainesville, a municipal corporation and a political subdivision of the State of Florida; Case No. 98-603-CA.

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 Henry Baker and Geraldine Baker, his Wife, vs. City of Gainesville, a municipal corporation and a political subdivision of the State of Florida; Case No. 96-603-CA.*

This Matter was Approved as Recommended on the Consent Agenda.

970969 Mary C. Coleman, individually, and William H. Coleman, as Husband vs. City of Gainesville; Case No. 98-460-CA.

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 Mary C. Coleman, individually, and William H. Coleman, as Husband vs. City of Gainesville; Case No. 98-460-CA.*

This Matter was Approved as Recommended on the Consent Agenda.

Committee Reports, Consent Agenda Items

Public Works Committee, Consent

Personnel & Organizational Structure Comm, Consent

960554 Exit Interviews

RECOMMENDATION *The City Commission approve the exit interview form designed and implemented by the Human Resources Department.*

This Matter was Approved as Recommended on the Consent Agenda.

970506 Cultural Affairs Dept Grants & Support Services

RECOMMENDATION *The Personnel and Organizational Structure Committee recommends approval of staff's recommendation regarding criteria for City Support Services to be provided to fundraising event organizations. The Committee further recommends funding for all City Support requests outside the annual grant process be limited to a maximum of 50% of funds requested, based upon the maximum support service scale if th event is a fund-raiser, and be placed on the Commission's consent agenda following processing by Cultural Affairs.*

This Matter was Approved as Recommended on the Consent Agenda.

970960 Addition to Membership Criteria

RECOMMENDATION *The City Commission refer to the Gainesville/Alachua County Cultural Affairs Board, the matter of expanding their membership, to include a representative of a professional arts organization.*

This Matter was Approved as Recommended on the Consent Agenda.

Public Safety Committee, Consent

970695 Florida Court Neighborhood

RECOMMENDATION *The City Commission 1) accept the Public Works Committee's recommendation to the Public Safety Committee for a variance to the City Policy to permit the installation of additional street lights at the Florida Court Neighborhood as provided at this meeting and presented by Traffic Engineering (attached), 2) to recommend that Traffic Engineering staff mail out ballot letters to all property owners in that neighborhood regarding desired time and days for controlled vehicular parking (permits), and 3) to recommend an additional ballot letter to all property owners be sent on the recommended option for traffic circulation/calming measures; noting in the letters that failure to return the ballots equates to a favorable vote*

This Matter was Approved as Recommended on the Consent Agenda.

Audit & Finance Committee, Consent

970955 **First Amendment to Fiscal Year 1998 General Operating and Financial Plan Budget Ordinance**

RECOMMENDATION *The Audit and Finance Committee recommends the City Commission accept the First Amendment to the Fiscal Year 1998 General Operating and Financial Plan Budget and authorize staff to proceed with the ordinance adoption procedures.*

This Matter was Approved as Recommended on the Consent Agenda.

Legislative Committee, Consent

Regional Utilities Committee, Consent

Clerk of the Commission, Consent Agenda Items

970953 **City Commission Minutes of February 16 and 23, 1998**

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

This Matter was Approved as Recommended on the Consent Agenda.

Community Redevelopment Agency, Consent Items

970890 **Public Works Committee Referral**

RECOMMENDATION *The City Commission ask staff and the Public Works Committee to consider stormwater improvements and streetlight enhancements in the repaving project in coordination with Community Redevelopment Agency sidewalk and other redevelopment efforts in the area.*

This Matter was Assigned to the Public Works Committee, due back on September 9, 1998 on the Consent Agenda.

End of Consent Agenda

Adoption of the Agenda

The Agenda was adopted with the following modification: File No. 970930, Back-up material submitted 3/6/98 at 4:00pm.

Citizen Comment (3:00 PM - 3:30 PM)

**971002 Ruth Brown - Gainesville Housing Authority Member
Re: Pine Meadows Carolyn Manor and Lake Terrace**

RECOMMENDATION *The City Commission refer the need for a crosswalk; and clean-up of Young American Park; and housing authority residences for code compliance to the City Manager; and further, refer the clean-up item to Keep Alachua County Beautiful Inc.*

A motion was made by Commissioner DeLaney, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Referred to the City Manager, due back on September 9, 1998. The motion carried unanimously.

Doyle Hayes - Scout Hut Preservation Society (NB)

Mr. Doyle Hayes asked the City Commission to stop the code enforcement citations against the Scout Hut.

Code Enforcement Manage Lisa Brunns informed the Commission that the issue will go before the Code Enforcement Board in April, and the property owner can apply for an extension of time to move the Scout Hut.

Frederick Peterkin - Recorded Voice Message from the City of Gainesville (NB)

Mr. Peterkin made comments regarding the recorded message.

Shanti Vani - Annual Permit for Cultural Programs (NB)

City Commission Comment (If time available)

Charter Officer Updates

Clerk of the Commission

970997 Memorial Day Meeting

The Commission agreed to reschedule the regular meeting from May 25, 1998 to May 26, 1998.

RECOMMENDATION *The City Commission discuss the meeting scheduled for May 25, 1998.*

This matter was Discussed

City Manager

970939 Purchasing Professional Month (B)

RECOMMENDATION *City Manager recommends acceptance of the proclamation from NAPM Inland Florida, Inc. President to City of Gainesville Purchasing Manager Carol L. Blaser, C.P.M.*

This matter was Placed on File

970982 Update on the Agenda for the March 19, 1998 Meeting of the Metropolitan Transportation Planning Organization (MTPO)

Director of Public Works Theresa Scott gave a presentation.

RECOMMENDATION *The City Commission hear an update on the Agenda for the March 19, 1998 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

This matter was Placed on File

970983 Presentation by Minnie Rolark, Program Manager, Partners for a Productive Community

Partners for a Productive Community Program Manager Minnie Rolack gave a presentation.

RECOMMENDATION *The City Commission hear a presentation by Ms. Rolark, Program Manager, Partners for a Productive Community.*

This matter was Placed on File

970977 Downtown Parking Study

RECOMMENDATION *The City Commission: 1) approve the ranking of the firms as determined by City staff; 2) award the contract for the Downtown Parking Study to Kimley-Horn and Associates; 3) authorize the City Manager, or his designee, to enter into contract negotiations with Kimley-Horn and Associates; 4) authorize the City Manager, or his designee, to approve the*

contract for the Downtown Parking Study subject to approval by the City Attorney as to form and legality; and 5) if a contract cannot be negotiated with Kimley-Horn and Associates, authorize the City Manager, or his designee, to enter into negotiations with the next ranked firm.

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

General Manager for Utilities

970994 City of Gainesville, Gainesville Regional Utilities, State Legislative Priorities

General Manager for Utilities Mike Kurtz, Utilities Attorney Skip Menasco, Senior Water/Wastewater Environmental Engineer Yolanta Jonynas and Assistant General Manager of Electric System Operations Darrell Dubose gave presentations.

AMENDMENTS: Item 5 - Reflect that those records exempt from Public Record Law should only be those that area clearly crating a competitive disadvantage for publicly held uttilities; and giving direction that the City may also want to argue the position that privately held utilities should have to meet some of the same public records law requirements, and with regard to Items 6, 7, and 8, to note simply that there should be a degree of service returned to communities that host Title 5 facilities that are air attainment areas and do not currently receive significant service with regard to air quality programs

RECOMMENDATION *The City Commission 1) hear a brief staff presentation on these additional legislative items; 2) adopt the additional, utility specific legislative priorities; and 3) authorize the General Manager and utilities staff to take appropriate action regarding these issues during the 1998 Legislative Session.*

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

City Attorney

960846 Tom Henderson/Clarification of Ordinance

AMENDMENTS: 1) Change recommendation 2) to read "up to \$2,500"; and 2) Add recommmendation 4) to read "Require Mr. Henderson and/or Attorney Wasserman to pay a share to a total of \$5,000 of the costs."

ADDITIONAL MOTION: Commissioner Hanrahan moved and Commissioner Calkins seconded to refer the items regarding gender equality to the City Attorney staff for review and report back to the City Commission (Motion Carried Unanimously).

Chairman B. Delaney recognized Citizen Kaila Sosnow who spoke to the matter.

RECOMMENDATION *The City Commission: (1) retain Michael Kahn, attorney, to review its adult entertainment ordinances as they apply to Trader Tom's; (2) appropriate \$5,000 from the City Commission Contingency Fund; and (3) authorize the City Attorney to execute a retaining letter on behalf of the City Commission.*

A motion was made by Commissioner Calkins, 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, Pegeen Hanrahan and Bruce L. Delaney
Nay: Edward L. Jennings, Sr.

City Auditor

Committee Reports (Pulled from Consent)

Public Works Committee

Personnel & Organizational Structure Committee

971000 CAB Board Members Performance Tickets

RECOMMENDATION *The City Commission approve that tickets for Board members be required of grantees to provide the City with the necessary tickets to each event that is sponsored by City money, following grant guidelines. Tickets would be provided for educational purposes to each Board member and one staff, as originally approved by the City Commission on 1/26/98.*

A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Calkins, that this matter be Postponed for March 23, 1998. The motion carried by the following vote:

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

Public Safety Committee

Audit & Finance Committee

Legislative Committee

Regional Utilities Committee

Advisory Brds/Comm (Appointments/Waivers/Reports)

970259 Community Bikes Program

Bicycle/Pedestrian Advisory Board Chair Colin Whitworth gave a presentation.

NOTE: Item was also referred to Staff.

RECOMMENDATION *The City Commission: 1) hear presentation from the Bicycle/Pedestrian Advisory Board; and, 2) refer to the City Manager the issues of how to operate and fund a Community Bikes Program.*

A motion was made by Commissioner Jennings, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Assigned to the Public Safety Committee. The motion carried unanimously.

Outside Agencies

Members of the City Commission

970958 Nomination of Three (3) Individuals for the Library District Board of Trustees

RECOMMENDATION *The City Commission make three (3) nominations for the one vacant position to be considered for appointment by the Governing Board to the Library District Board of Trustees.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, to nominate three submitted names. The motion carried unanimously.

Commission Comments

Recess Until 6:00 PM

Pledge of Allegiance

Junior Girl Troop #540

Proclamations

970995 Juvenile Justice Week - March 15-21, 1998

RECOMMENDATION *Department of Juvenile Justice Director Wayland Clifton, Jr. to accept the proclamation.*

This matter was Placed on File

970996 National Employ the Older Worker Week (NEOWW) March 8-15, 1998

RECOMMENDATION *Florida Jobs and Benefits Marketing Representative Lee Clowers and Senior Community Service Employment Program/AARP Employment Specialist Barbara Mullan to accept the proclamation.*

This matter was Placed on File

Public Hearings**Ordinances - 1st Readings- ROLL CALL REQUIRED****970930 Ordinance No. 0-98-24; Petition No. 204ZON-97PB**

An ordinance of the City of Gainesville, Florida, imposing the overlay historic preservation/conservation district category on certain property zoned RSF-3 "5.8 units/acre single-family residential district," RSF-1 "3.5 units/acre single-family residential district," and RSF-2 "4.6 units/acre single-family residential district," in an area bounded generally 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; providing a severability clause; providing a repealing clause; and providing an effective date.

Planner Rick Smith gave a presentation.

Chairman B. Delaney recognized Citizens Marinus Latour, Eric Farber, Jim Kaserman, David Hunt, Jane Myers, Theresa Drake and Cortney Hunt who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

970563 Ordinance No. 0-98-37; Petition No. 204ZON-97PB

An ordinance of the City of Gainesville, Florida, imposing the overlay historic preservation/conservation district category on certain property zoned RSF-2 "4.6 units/acre single-family residential district," and RMF-5 "12 units/acre single-family/multiple-family residential district," in an area 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; 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 Calkins, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

970564 Ordinance No. 0-98-23; Petition No. 205MSC-97PB

An ordinance of the City of Gainesville, Florida, amending the list of contributing structures in the Northeast Residential Historic District; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Planner Rick Smith gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

970565 Ordinance No. 0-98-25; Petition No. 206TCH-97PB

An ordinance of the City of Gainesville, Florida, amending section 30-112 of the Land Development Code by adding a provision requiring a certificate of appropriateness to be issued by the Historic Preservation Board before certain work is done to noncontributing structures in a historic district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Planner Rick Smith gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

970743 Ordinance No. 0-98-41; Petition No. 241TCH-97PB

An ordinance of the City of Gainesville, Florida, amending section 30-112 of the Land Development Code by revising the criteria used by staff or the appropriate reviewing board to grant a modification of certain existing zoning requirements pertaining to development in a historic district or of a individually-listed property on the Local Register of Historic Places; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Planner Rick Smith gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

970741 Ordinance No. 0-98-43; Petition No. 239TCH-97PB

An ordinance of the City of Gainesville, Florida, amending section 30-98 of the Land Development Code relating to transmitter towers; retransmission and microwave transmission towers; and antennas; adding a provision to allow existing towers that do not meet current minimum distance requirements from property lines to be replaced by a tower of the same height and type in the same location without complying with those requirements and permitting some reconstruction of towers to accommodate additional users; 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 Calkins, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

970742 Ordinance No. 0-98-42; Petition No. 240TCH-97PB

An ordinance of the City of Gainesville, Florida, amending section 30-318(2)a of the Land Development Code pertaining to ground-mounted signs; allowing an additional sign on parcels with more than 600 feet street frontage; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

ADDITIONAL MOTION: Commissioner Calkins moved and Commissioner Hanrahan seconded to refer to staff the issue of sign height of more than ten (10) feet (Motion Carried 3-0, Commissioners P.DeLaney and Jennings absent)

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

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

970924 Ordinance No. 0-98-45; Petition No. 168SVA-97PB

An ordinance of the City of Gainesville, Florida, Ordinance No. 970446 that vacated, abandoned and closed that certain portion of the alley located in the vicinity of East University Avenue to the north, SE 1st Avenue to the south, SE 15th Street to the west and SE 16th Street to the east, correcting a scrivener's error in the legal description; 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 Hanrahan, seconded by Commissioner Calkins, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

970857 Ordinance No. 0-98-40

An ordinance of the City of Gainesville, Florida, relating to the Pension Plans amending section 2-523 of the City of Gainesville Employees Pension Plan to

provide a mechanism for allowing employees the option of earning eligible service under the plan; amending Section 2-598(c)(1)a. of the Consolidated Police Officers and Firefighters Retirement Plan to provide otherwise eligible employees the option of having employer contributions to be made to the 401(a) plans; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Commissioner Jennings moved to adopt Ordinance 970857 on first reading by title only,

NO SECOND.

970887 Ordinance 0-98-46

An ordinance of the City of Gainesville, Florida, creating Sec. 26-11 of the Code of Ordinances which allows referral of municipal cases involving violation of existing municipal parking ordinances to a Civil Traffic Hearing Officer designated by the Court to preside over civil traffic infractions in the municipality; 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 Hanrahan, seconded by Commissioner Calkins, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

970910 Ordinance 0-98-47

An ordinance of the City of Gainesville, Florida, reappointing Michael A. King, and Jerry M. Painter to the Gainesville Enterprise Zone Development Agency; and appointing Fulton L.T. Wilson, Jr., to a vacancy on the Gainesville Enterprise Zone Development Agency; 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 Mayor-Commissioner Pro Tem Hanrahan, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

970326 Ordinance No. 0-98-44

An ordinance of the City of Gainesville, Florida, amending section 2-282 of the Code of Ordinances relating to membership on the Cultural Affairs Board, setting out suggested criteria for members; 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 Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Calkins, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

Ordinances - 2nd Readings- ROLL CALL REQUIRED

970048 Ordinance No. 0-97-50, Petition No. 96LUC-97PB

An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by changing the Land Use Category of certain property from "Single Family (0-8 units per acre)" to "Residential Low Density (0-12 units per acre)"; located in the vicinity of 432 S.E. 13th Street; providing a severability clause; providing a repealing clause; and providing an effective date.

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

A motion was made by Commissioner 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, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney
Absent: Paula M. DeLaney

970229 Ordinance No. 0-97-91, Petition No. 146LUC-97PB

An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan, Future Land Use Map; by changing the Land Use Category of certain property from "Mixed Use Low Intensity (10-30 units per acre)" to "Public Facilities"; located in the vicinity of 2621 Hawthorne Road; providing a severability clause; providing a repealing clause; and providing an effective date.

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

A motion was made by Commissioner 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, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney
Absent: Paula M. DeLaney

970230 Ordinance No. 0-97-90, Petition No. 147ZON-97PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from "MU-1: 10-30 units/acre mixed use low intensity" to "PS: Public services and operations district" to allow for the Sheriff Administration Facility as a principal use permitted by right without the requirement of a preliminary development plan as a part of this Ordinance; located in the vicinity of 2621 Hawthorne Road; 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 Jennings, seconded by Commissioner Calkins, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

970454 Ordinance No. 0-98-16, Petition No. 184LUC-97PB

An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan, Future Land Use Map; by changing the Land Use Category of certain property from "Public Facilities" to "Residential High Density (21-100 units per acre); located immediately east of the intersection of S.W. 8th Avenue and S.W. 8th Street; providing a severability clause; providing a repealing clause; and providing an effective date.

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

A motion was made by Mayor-Commissioner Pro Tem 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, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney
Absent: Paula M. DeLaney

970455 Ordinance No. 0-98-17, Petition No. 185ZON-97PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map

Atlas and rezoning certain lands within the City from "PS: Public services and operations district" to "RH-1: 20-43 units/acre residential high density district"; located immediately east of the intersection of S.W. 8th Avenue and S.W. 8th Street; 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 Jennings, seconded by Commissioner Calkins, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

970681 Ordinance No. 0-98-32; Petition No. 224TCH-97PB

An ordinance of the City of Gainesville, Florida, amending section 30-78 of the Land Development Code pertaining to the corporate park (CP) district, adding nursing and personal care facilities and membership organizations as uses by right; changing maximum lot coverage and setback requirements; amending Appendix A, Section 2, Exhibit B of the Land Development Code, the Special Area Plan for the Triangle Area, clarifying that hotels and motels are allowed by special use permit and amending the maximum building height restriction; 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 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, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney
Absent: Paula M. DeLaney

970683 Ordinance No. 0-98-30; Petition No. 226TCH-97PB

An ordinance of the City of Gainesville, Florida, amending section 30-74(d) of the Land Development Code pertaining to dimensional requirements in the medical services (MD) district, changing setback requirements for angle of light obstruction; increasing maximum lot coverage under certain conditions; increasing the maximum floor area ratio; 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 Calkins, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

970576 Ordinance No. 0-98-36

An ordinance of the City of Gainesville, Florida, amending section 28-2 of the Code of Ordinances relating to vehicles for hire to include non-emergency medical transport vehicles (medivans) in the definition of limousines; 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 Calkins, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

970799 Ordinance No. 0-98-34

An ordinance of the City of Gainesville, Florida, adopting a revised map of the area designated for pedestrian fliers; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Calkins, 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, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney
Absent: Paula M. DeLaney

960988 Ordinance No. 0-98-38

An ordinance of the City of Gainesville, Florida, relating to the art in public places trust amending section 5.5-2 of the code of ordinances changing administration of the trust from committees to one group and adding evaluation of city board and citizen proposed art projects to the duties of the trust; amending section 5.5-3 of the Code of Ordinances to conform with the change to section 5.5-2; designating terms for the initial members; 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 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, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney
Absent: Paula M. DeLaney

970647 Ordinance No. 0-98-33

An ordinance of the City of Gainesville, Florida, amending section 2-248 relating to appointment of student adjunct members to city boards and committees; providing that recommendations for appointments will be taken from the University of Florida student government, the University of Florida College Council and the Santa Fe Community College student government; 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 Calkins, 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, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney
Absent: Paula M. DeLaney

Resolutions- ROLL CALL REQUIRED

970984 First Florida Governmental Financing Commission Revenue Bonds 1998

Finance Director Mark Benton gave a presentation.

RECOMMENDATION *The City Commission adopt the following resolution:*

A Resolution of the City Commission of the City of Gainesville, Florida, authorizing the negotiation of a loan or loans in an aggregate amount not to exceed \$11,600,000 from the First Florida Governmental Financing Commission; approving the acquisition and equipping of a capital project for communications equipment and the refunding of certain outstanding 1992B Bonds; approving the execution and delivery of one or more loan agreements with the first Florida Governmental Financing Commission; providing certain other matters in connection with the making of such loan or loans; and providing an effective date.

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

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

970894 Resolution Number 970894. Downtown Redevelopment Plan Amendment

Community Redevelopment Agency Executive Director Corey O'Gorman gave a presentation.

RECOMMENDATION *Community Redevelopment Agency to the City Commission: Adopt the proposed resolution.*

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

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

970998 City Commission Rules

RECOMMENDATION *The City Commission adopt the revised Rules of the City Commission.*

A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Calkins, that this matter be Postponed for March 23, 1998. The motion carried by the following vote:

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

Plan Board Petitions

970818 Petition 17LUC-98 PB, Harvey M. Budd, agent for Congregation B'Nai Israel. Amend the Future Land Use Element of the Comprehensive Plan 1991-2001 from MU-L (Mixed Use low intensity, 10-30 units/acre) and R-L (Residential Low density, up to 12 units/acre) to PF (Public Facilities) for expansion of a cemetery. Related to Petition 18ZON-98 PB. Located at 1108, 1114, 1120, 1122 and 1127 S.E. 1st Avenue.

Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 17LUC-98 PB. Plan Board vote 6-0*

Staff to Plan Board - Approve

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

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

970819 **Legislative Matter No. 970819 (QUASI-JUDICIAL). Petition 18ZON-98 PB, Harvey M. Budd, agent for Congregation B'Nai Israel. Rezone property from MU-1 (Mixed Use low intensity) and RMF-5 (Single-Family, Multiple-Family, 12 units/acre) to PS (Public Services and Operations) for expansion of a cemetery. Related to Petition 17LUC-98 PB. Located at 1108, 1114, 1120, 1122 and 1127 S.E. 1st Avenue.**

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 18ZON-98 PB. Plan Board vote 6-0*

Staff to Plan Board - Approve

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

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

970820 **Legislative Matter No. 970820 (QUASI-JUDICIAL). Petition 13LUC-98 PB, Howard Fleming, agent for Daisy B. Jones. Amend the Future Land Use Element of the Comprehensive Plan, 1991-2001, from AGR (Agriculture) to SF (Single-Family, up to 8 units/acre). Related to Petition 14ZON-98 PB. Located at 3714 N.W. 39th Avenue.**

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 13LUC-98 PB. Plan Board vote 6-0*

Staff to Plan Board - Approve

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

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

970831 **Legislative Matter No. 970831 (QUASI-JUDICIAL). Petition 14ZON-98 PB, Howard Fleming, agent for Daisy B. Jones. Rezone property from AGR (Agriculture) to RSF-1 (Single-Family Residential, 3.5 units/acre). Related to Petition 13LUC-98 PB. Located at 3714 N.W. 39th Avenue.**

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

approve Petition 14ZON-98 PB. Plan Board vote 6-0

Staff to Plan Board - Approve

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

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

970832

Legislative Matter No. 970832. Petition 15TCH-98 PB, City Plan Board. Amend the City of Gainesville Land Development Code, Section 30-326, to allow enforcement of the sign code through the civil citation process, pursuant to Section 2-337, City of Gainesville Code of Ordinances.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 15TCH-98 PB. Plan Board vote 6-0*

Staff to Plan Board - Approve

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

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

970834

Legislative Matter No. 970834. Petition 21TCH-98 PB. City Plan Board. Amend the City of Gainesville Land Development Code to repeal and replace Division 3, Planned Development District.

RECOMMENDATION *City Plan Board Action - Continue Petition 21TCH-98 PB to the March 19, 1998 Plan Board meeting. Plan Board vote 6-0.*

Staff to Plan Board - Continuation of the petition to allow additional time for public comment, and the Board to hear a brief presentation from staff on the draft proposal.

CITY MANAGER'S RECOMMENDATION

The City Commission continue the Public Hearing on Petition 21TCH-98 PB to a future meeting.

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

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

Development Review Board Petitions

970989 **Petition 7SUB-98DB (QUASI-JUDICIAL), Eng, Denman and Associates, Inc., agent for George E. and Gloria Fletcher. Design plat approval of Camden Park Cluster Subdivision, 17 lots on five acres more or less. Located in the vicinity of the 1600 block of N.W. 55th Street, east side of street. Zoned RSF-1 (Residential Single-Family 3.5 units/acre).**

Planning Manager Ralph Hilliard gave a presentation.

Chairman B. Delaney recognized Petitioner Engineer Ralph Eng who spoke to the matter.

Commissioner Hanrahan moved to approve the recommendation reinstating Public Works Comment 3.

NO SECOND.

Commissioner Calkins moved to approve the recommendation with curbs and gutters in front of all residences.

NO SECOND.

Commissioner Jennings moved to approve Staff's recommendation.

NO SECOND.

Commissioner Calkins moved to approve the DRB recommendation adding Public Works Comment No. 3 and use curbing in front of all residences.

NO SECOND.

(MOTION) Approve the DRB recommendation adding Public Works Comment No. 3 and use curbing in front of all residences.

RECOMMENDATION *Development Review Board to City Commission - The City Commission approve Petition 7SUB-98DB with amended staff conditions (see below). DRB vote 6-0.*

Approve Petition 7SUB-98DB with conditions of staff and the following changes: 1) the petitioner "must meet" with the City Arborist to determine the type of water tolerant plant material that "will be" planted around the retention basins; 2) strike planning staff comment number 2 and replace with ". . . allow any decorative fence other than chain link fence or concrete block wall" per the St. Johns River Water Management District requirements; and 3) strike Public Works comment number 3.

Staff to Development Review Board - The Design Plat is approvable with conditions.

A motion was made by Commissioner Calkins, seconded by Commissioner Jennings, that this matter be Approved, as shown above. The motion carried by the following vote:

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

Unfinished Business

Commission Comment

971003 Florida Park Neighborhood - NW 18th Street - Traffic Calming - C/Hanrahan

RECOMMENDATION *The City Commission refer to the Public Works Committee.*

A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Calkins, that this matter be Assigned to the Public Works Committee, due back on September 9, 1998. The motion carried by the following vote:

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

Trash Dumping on NW 31st Drive (NB) - C/Hanrahan

Commissioner Hanrahan asked staff to look into the situation regarding NW 31st Drive woods area being used for dumping of trash.

Chairman B. Delaney also asked staff to formulate a "No Dumping" sign that would be acceptable for various City properties.

Alfred A. Ring Park (NB) - C/Hanrahan

Commissioner Hanrahan asked staff to place the pending item regarding the Alfred A. Ring Park on the next regular agenda.

Vacuum Truck Noise (NB) - M/C B. Delaney

Chairman B. Delaney informed the Commissioners of a complaint received by Duck Pond neighbors regarding loud vacuum truck noise late at night.

The Commission discussed that it may be the Publix grocery store parking lot vacuum truck and maybe they could switch the time they clean the parking lot.

Citizen Comment**Mark Thomas - Drive Through Windows (NB)**

Citizen Mark Thomas asked what the vote was regarding the Burger King drive-through and why the Credit Union could not get a ATM drive-through window.

Commissioner Hanrahan informed the Citizen that the vote for the Burger King drive-through was approved by the City Plan Board.

Planning Manager Ralph Hilliard shared the problems with traffic circulation and limits on drive-throughs and safety issues related to the ATM drive-through denial.

Adjournment - 8:19pm

Kurt M. Lannon, Clerk of the Commission