

City of Gainesville

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



Meeting Minutes

Monday, June 8, 1998

3:00 PM

City Hall Auditorium

City Commission

*Mayor Paula DeLaney, Chair
Mayor-Commissioner Pro Tem Pegeen Hanrahan, Member*

Invocation

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

Minister Charles Redding, Westside Baptist Church

Consent Agenda

A motion was made by Commissioner Calkins, seconded by Commissioner Delaney, 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

980075 **Approval to apply for Federal Grant Funds from the U.S. Department of Justice Under the COPS MORE '98 (Making Officer Redeployment Effective) Grant Program**

RECOMMENDATION *The City Commission authorize the City Manager 1) to apply to the Department of Justice for \$18,750 in grant funding, and if awarded, 2) to execute the grant contract and any other documents that may be necessary, 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.

980076 **Certified Housing Counseling Program - Grant Application**

RECOMMENDATION *The City Commission: 1) approve the submission of a grant application to the U.S. Department of Housing and Urban Development to support the City's Certified Housing Counseling Program; and 2) authorize the City Manager or his designee to execute the application on behalf of the City and provide the appropriate assurances and certifications required. A copy of the grant application is on file in the Clerk of the Commission's Office, and after June 8, 1998, will be available in the Community Development Department.*

This Matter was Approved as Recommended on the Consent Agenda.

980077 **Grant Application to the Federal Home Loan Bank of Atlanta**

RECOMMENDATION *The City Commission: 1) approve submittal of a \$400,000 grant application to the Federal Home Loan Bank of Atlanta to support the City's Full Rehabilitation and Housing Counseling Programs; 2) authorize the City Manager or his designee to execute the grant application and provide all required assurances and commitments necessary to complete the grant application; and 3) upon grant approval, authorize the City Manager or his designee to accept the grant and to execute any required grant agreements, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

980078 Repair and Service Agreement for Traffic Signals & Beacons for FY 1998-99 for the University of Florida

RECOMMENDATION *The City Commission: 1) approve the Repair and Services Agreement for Signals and Beacons for the University of Florida commencing upon execution and continuing through June 30, 1999; and, 2) authorize the City Manager or designee to execute the agreement subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

980079 Quit Claim Deed to Precious Evans

RECOMMENDATION *The City Commission: 1) authorize the Mayor and Clerk of the Commission to execute a Quit-Claim Deed to Precious Evans, heir of Lelia Mobley, for Lot B, Block 3, Cannons Subdivision, subject to approval by the City Attorney as to form and legality; and 2) direct the Clerk of the Commission to record the deed in the public records of Alachua County, Florida.*

This Matter was Approved as Recommended on the Consent Agenda.

980080 Acquisition of parcels for right of way for the S.E. 8th Avenue Extension

RECOMMENDATION *The City Commission: 1) declare the approximate 2.75 acres of City-owned land as surplus; 2) authorize the Mayor and Clerk of the Commission to execute a Quit Claim Deed and a Special Warranty Deed to the Grantors for the approximate 2.75 acres, subject to approval by the City Attorney as to form and legality; and 3) authorize the City Manager to accept the deeds from the Grantors for the approximate .05 acres needed*

for the right of way of SE 8th Avenue, subject to approval of the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

980081 Federal LECFTF Funding for Juvenile Assessment Center Security

RECOMMENDATION *The City Commission approve the appropriation and expenditure of an amount not to exceed \$8,000 from the Federal Law Enforcement Contraband Trust Fund, payable to the District 3 Office of the Department of Juvenile Justice, for the funding of additional Juvenile Assessment Center overtime personnel.*

This Matter was Approved as Recommended on the Consent Agenda.

980089 EPA Wetlands Protection Grant Application for the Duck Pond Project

RECOMMENDATION *The City Commission: 1) authorize the City Manager or his designee to complete and submit additional grant application forms to EPA for the Duck Pond Project; and, 2) authorize the City Manager to accept the grant if awarded and execute all appropriate documents with EPA subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

980090 Provision of Baseball Jerseys and Hats

RECOMMENDATION *The City Commission: 1) authorize the purchase of baseball jerseys and hats from University Sports Shop for the current year in an amount not to exceed \$36,000; and 2) authorize the City Manager or designee to execute a contract for a second year with University Sports Shop for the provision of baseball jerseys and hats in an annual amount not to exceed \$38,000, subject to approval by the City Attorney as to form and legality and subject to availability of funds.*

This Matter was Approved as Recommended on the Consent Agenda.

General Manager for Utilities, Consent Agenda Items

980071 Purchase Order to Altec Industries, Inc.

RECOMMENDATION *The City Commission approve the issuance of a purchase*

order to Altec Industries, Inc. for seven (7) aerial device units which includes four (4) 50 foot bucket trucks, one (1) 42 foot bucket truck, one (1) 65 foot bucket truck and one (1) medium digger derrick truck in the amount of \$503,591.00.

This Matter was Approved as Recommended on the Consent Agenda.

980072 Interlocal Agreement - West End Estates and West End Golfview Estates (B)

RECOMMENDATION *The City Commission authorize the General Manager to enter into an Interlocal Agreement with Alachua County for the Installation of a Water Distribution System to Serve the West End Estates and West End Golfview Estates Subdivisions and the establishment of a non-ad valorem assessment by Alachua County to recover the cost of construction.*

This Matter was Approved as Recommended on the Consent Agenda.

980073 Purchase of 2.75 Acres Located in the 4000 Block West of SW 27th Street

RECOMMENDATION *The City Commission: 1) approve the attached Purchase and Sale Agreement dated April 15, 1998, for the purchase of a 2.75 acre site known as a portion of Tax Parcel No. 7176-000-000 located in the 4000 block 600'+/- west of SW 27 Street and adjacent to existing City of Gainesville Transmission Right-of-Way, in the amount of \$137,500, plus closing costs, from Prairie View Trust, as negotiated by staff; and 2) authorize the General Manager for Utilities or his designee to obtain the necessary County approvals and execute all documents to complete the closing in accordance with the Purchase and Sale Agreement, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

980074 Resource Management Agreement (NB)

RECOMMENDATION *The City Commission authorize the General Manager or his designee to negotiate and execute a Resource Management Agreement with The Energy Authority as its sole provider of electric wholesale marketing services for a one (1) year term subject to approval as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

980096 Extension Agreement - Paynes Prairie Vegetative Study (NB)

RECOMMENDATION *The City Commission authorize the Mayor or her Designee to act on the City's behalf to encourage the St. Johns River Water Management District to extend the Partnership Agreement to allow the studies included in the agreement to be completed and authorize:*

The General Manager and City Manager to negotiate and execute an amendment to the agreement with the St. Johns River Water Management District, Alachua County, and the Florida Department of Environmental Protection to perform a vegetative study on Paynes Prairie and assess water quality and stormwater issues in Paynes Prairie, the City of Gainesville, and Alachua County including Orange, Newnans, and Lochloosa lakes. The amendment will extend the agreement and increase funding; and

1. The General Manager to issue a change order to an existing purchase order, increasing the not to exceed amount from \$28,000 to \$50,697; and

2. The City Manager to issue a change order to an existing purchase order, increasing the not to exceed amount from \$28,000 to \$85,197.

This Matter was Approved as Recommended on the Consent Agenda.

City Attorney, Consent Agenda Items

980087 Employment of Outside Counsel

RECOMMENDATION *Authorize the City Attorney to retain the services of J. William Dantzer, Jr., of the law firm of White & Case, New York, New York, to represent the City of Gainesville, Gainesville Regional Utilities in pending administrative and pre-litigation matters, and any litigation with the Internal Revenue Service relating to the 1993 Series A and Series B, Utilities System Revenue Bonds.*

This Matter was Approved as Recommended on the Consent Agenda.

Committee Reports, Consent Agenda Items

Public Works Committee, Consent

Personnel & Organizational Structure Comm, Consent

980045 Reclassify an Office Assistant in the City Auditor's Office to Staff Assistant II.

RECOMMENDATION *The Personnel & Organizational Structure Committee recommends the City Commission approve the reclassification of the position to Staff Assistant II, Pay Grade 13.*

This Matter was Approved as Recommended on the Consent Agenda.

980046 Reclassification of Human Resources Analyst to Human Resources Analyst, Senior in the Human Resources Department.

RECOMMENDATION *The Personnel & Organizational Structure Committee recommends that the City Commission approve reclassification of the Human Resources Analyst position, professional pay grade 41 (\$26,913-\$39,832) to Human Resources Analyst, Senior, professional pay grade 44 (\$31,156-\$46,110).*

This Matter was Approved as Recommended on the Consent Agenda.

Public Safety Committee, Consent**Audit & Finance Committee, Consent****Legislative Committee, Consent****Regional Utilities Committee, Consent****Clerk of the Commission, Consent Agenda Items****980088 City Commission Minutes of May 18 (2 sets) and 26, 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**End of Consent Agenda****Adoption of the Agenda**

The Agenda was adopted with the following modifications: 1. File No. 970733 -

Resolution - Item Revised - Replat of Cedar Grove II, changed to read, Replat of Cedar Grove II, Phase I, 99 lots instead of 132 lots; 2. File No. 971163 - Plan Board Petitions - Remove Quasi-Judicial Hearing; and 3. File No. 971160 - Plan Board Petitions - Title and Recommendation should read"with" preliminary development plan review for construction....rather than without.

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

Cindy Smith - New Truck Route (NB)

Citizen Cindy Smith informed the Commission of the near completion of a new truck route system through the City of Gainesville and stated that the City will need to discuss enforcement and education.

Vincent Mallet - Opposition to Gay Pride Proclamation (NB)

City Commission Comment (If time available)

Charter Officer Updates

Clerk of the Commission

City Manager

980083 ARTSREACH Exhibits

ARTSREACH Coordinator Donna Born Drake gave a presentation.

RECOMMENDATION *The City Commission hear a brief presentation by Donna Born Drake, ARTSREACH Coordinator for the Department of Cultural Affairs, introducing the exhibitions of Art in City Hall, Art in the County Administration Building and Art in the Airport.*

This matter was Placed on File

980082 Cumberland Circle

City Manager Wayne Bowers, Public Works Director Theresa Scott and Public Works Engineer J.E. Swearingen gave presentations.

Chair P. DeLaney recognized Citizen Robert Meier who spoke to the matter and stated that he would take the City report and recommendations to the Cumberland Circle Association for review and decision.

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

This matter was Discussed

980084 Transit Development Plan

Regional Transit System Director Perry Maull and Center for Urban Transportation Research Representative Bill Morris gave a presentation.

RECOMMENDATION *The City Commission hear a presentation on the Transit Development Plan and approve same to be forwarded to the Gainesville Area Metropolitan Transportation Planning Organization and the Florida Department of Transportation.*

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

980091 Agenda Update on June 11, 1998 Metropolitan Transportation Planning Organization (MTPO) Meeting

Public Works Director Theresa Scott gave a presentation.

RECOMMENDATION *The City Commission hear an update from staff on the agenda for the June 11, 1998 MTPO meeting.*

This matter was Discussed

General Manager for Utilities

City Attorney

980070 Greenspace Charter Amendment

City Attorney Marion J. Radson gave a presentation.

MOTION: Authorize the City Attorney to draft an ordinance containing the ballot language for the charter amendment.

Chair P. DeLaney recognized Citizens Vincent Mallet and Paula Stahmer who spoke to the matter.

ADDITIONAL MOTION: Commissioner B. Delaney moved and Commissioner Calkins seconded to authorize the Clerk of the Commission to distribute the language to the following: Sal Locascio, Sam Mutch, Francine Robinson, Fred Peterkin, Robert

Hutchinson, David Coffey, Warren Nielsen, Chandler Otis, and Harold and Paula Stahmer, (Vote Carried 4-0, C/Hanrahan absent).

RECOMMENDATION *The City Commission 1) hear a report from the City Attorney; and 2) take whatever action is deemed appropriate.*

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

City Attorney/Community Development

980069 Hearing Process for Land Use and Zoning Petitions

Community Development Director Tom Saunders gave a presentation.

Chair P. DeLaney recognized Citizen Louis Diaz who spoke to the matter.

RECOMMENDATION *The City Commission hear a presentation from staff and authorize the City Attorney's Office to initiate ordinance changes to implement the above-described process for specified land use and zoning petitions.*

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

City Auditor

Committee Reports (Pulled from Consent)

Public Works Committee

Personnel & Organizational Structure Committee

Public Safety Committee

Audit & Finance Committee

Legislative Committee

Regional Utilities Committee

Advisory Boards/Committees (Appointments/Reports)

Outside Agencies

Members of the City Commission

Commission Comments

Recess Until 6:00 PM

Pledge of Allegiance

Troop #143

Proclamations/Special Recognitions

980086 National Homeownership Week - June 6-13, 1998

RECOMMENDATION *Alachua County Affordable Housing Coalition President
Gwendolyn Dawson to accept the proclamation.*

This matter was Placed on File

Public Hearings

Ordinances - 1st Readings- ROLL CALL REQUIRED

970834 Ordinance No. 0-97-60; Petition No. 21TCH-98PB

An ordinance of the City of Gainesville, Florida, repealing certain sections and creating new sections of Division 3 of Article VII of the Land Development Code relating to the Planned Development (PD) district; revising the objectives of the planned development district to include traditional development principles and revising the minimum requirements for rezoning to PD; 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 Delaney, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

970963 Ordinance No. 0-98-63; Petition No. 32TCH-98PB

An ordinance of the City of Gainesville, Florida, amending section 30-67 of the Land Development Code to provide for permits for a temporary sign for an outdoor promotional sale, special event sale, or the sale of seasonal or temporary goods; 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 Withdrawn. The motion carried unanimously.

971173 Ordinance 0-98-65

An ordinance of the City of Gainesville, Florida, amending Sec. 10-1(b) clarifying the Chief of the Fire Department's discretion to designate the division Manager of the Fire Department's Fire Loss Management Division; repealing Sec. 10-1(c) which defined duties and qualifications of the Fire Inspector position; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

AMENDMENT: Change "Fire Loss" to "Fire Safety"

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

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

980015 Ordinance No. 0-98-62; Petition No. 186TCH-97PB-CCA

An ordinance of the City of Gainesville, Florida, imposing the Special Area Plan overlay zoning district for the "Central Corridors" on certain property located on W. University Avenue, S.W. 2nd Avenue, W. 13th Street, N.W. 23rd Avenue, W. 6th Street, N. Main Street, Waldo Road and Hawthorne Road; adopting a special area plan for this property; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Community Development Director Tom Saunders gave a presentation.

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

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

980068

Ordinance No. 0-98-67

An ordinance of the City of Gainesville, Florida, amending section 9-2 of the Code of Ordinances relating to the date of the regular city election, setting the date for the election, if no other date is set by action of the commission, to the third Tuesday in March of each year and clarifying that the provisions of this section apply to the election of the mayor; specifying that the date for the 1999 regular city election shall be March 16; 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 Jennings, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

Ordinances - 2nd Readings- ROLL CALL REQUIRED

960060

Ordinance No. 0-98-05; Petition No. 108TCH-96PB

An ordinance of the City of Gainesville, Florida, amending section 30-51, reducing side (street) and rear setbacks for RSF-3 and RSF-4 districts; amending subsection 30-187(t) adding design standards for stormwater facilities to the subdivision requirements; amending subsection 30-251(3)c. providing a revised schedule for compliance with the landscape code for a neighborhood shopping center, community shopping center or any development over 50,000 square feet; amending subsection 30-251(4)b. providing a revised schedule for compliance with the landscape code for other developments; amending subsection 30-254 removing the two year restriction on development with regard to commercial tree removal and imposing additional conditions; amending section 30-256 reducing the required diversity of replacement trees; amending section 30-259 allowing clearing and grubbing when a conditional plat approval and appropriate permits are received; amending section 30-260 reducing

reforestation requirements; amending section 30-261 reducing tree canopy protection requirements for subdivisions; amending subsection 30-270(b)(1) requiring design of stormwater management facilities to be in accordance with the Design Manual; amending subsection 30-270(b)(2)b. deleting mandatory requirements for erosion and sedimentation control during development; amending subsection 30-270(b)(2)c. providing for reference to the latest edition of the roadway and traffic design standards; amending subsection 30-270(b)(2)d. changing a title; amending subsection 30-270(b)(2)f.1.ii amending the design storm requirements; amending section 30-270(b)(2)f.2. allowing swales to be used instead of curb and gutter on all streets rather than just local streets in subdividing property; repealing subsections 30-270(b)(2)f.4. and 30-270(b)(3) relating to stormwater design standards for the subdivision of property; creating and adding section 30-14 concerning the Design Manual and procedures for modifications to the provisions of the manual; amending subsection 30-275(d) revising review and approval for wellfield and uplands districts; amending section 30-283 requiring a base flood elevation be determined if one is not on the adopted flood maps; amending subsection 30-287(a)(2) allowing launching of power boats in flood channel districts otherwise used for non-motorized recreation; amending subsection 30-302(c) clarifying stormwater retention requirements for single-family development; amending section 30-309 setting out factors to be used in removing property from an uplands district map; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair P. DeLaney recognized Citizen Frederick Peterkin 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 Final Reading (Ordinance). The motion carried by the following vote:

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

960061

Ordinance No. 0-98-06; Petition No. 109TCH-96PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to subdivisions; amending section 30-23, changing and adding definitions; amending section 30-180 clarifying the purpose and intent of the Subdivision Regulations; amending section 30-181 correcting scrivener's errors; amending section 30-182 correcting scrivener's error and adding a reference to the Design Manual for requirements for subdivision design; amending section 30-183 clarifying design plat review requirements; amending section 30-184 adding a reference to the Design Manual for standards for construction plans; amending section 30-185 clarifying the procedure for approval of a final plat and adding requirements concerning geodetic monumentation; amending section 30-186 providing an alternative to a construction bond for guaranty of construction of required improvements; amending section 30-187 defining street types, changing street design

requirements, street right-of-way dedication requirements and subdivision entrance requirements; amending section 30-188 adding a reference to the Design Manual for street specification standards, clarifying responsibility for construction of street improvements necessitated by the subdivision development; adding a reference to the Design Manual for ramps and sidewalks standards, pavement base and subgrades standards, bridge standards and erosion and sediment control standards, and clarifying the responsibility for maintenance of screening walls and landscaping; amending section 30-192 allowing the appropriate reviewing board to grant modifications to the Design Manual 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 Commissioner Calkins, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

970452

Ordinance No. 0-98-61; Petition No. 186TCH-97PB-TCA

An ordinance of the City of Gainesville, Florida, imposing the Special Area Plan overlay zoning district for the "Traditional City" on certain property located generally south of N. 8th Avenue, west of E. 11th Street, north of Depot Avenue and W. University Avenue, and east of W. 27th Terrace; adopting a Special Area Plan for this property; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission continue the public hearing on the proposed ordinance to June 22, 1998.*

A motion was made by Commissioner Jennings, seconded by Commissioner Calkins, that this matter be Continued (2nd Reading) for June 22, 1998. The motion carried unanimously.

970453

Ordinance No. 0-98-48; Petition No. 187TCH-97PB

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to the board of adjustment; amending subsection 6-16(b) regarding moving of buildings removing the provision for board of adjustment hearing; amending subsection 30-354 regarding the board of adjustment; clarifying the process for requesting a rehearing, changing the standard for rehearing, clarifying the ability to appeal a decision of the board of adjustment to a court, amending the time for filing an appeal from a decision of an administrative officer to the board, and clarifying that action taken based on a

decision of the board prior to the time for filing a request for rehearing or an appeal to a court is taken at the risk of the property owner; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

Chair P. DeLaney recognized Citizen Frederick Peterkin who spoke to the matter.

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

970631

Ordinance No. 0-98-56

An ordinance of the City of Gainesville, Florida, repealing certain sections and creating new sections of Article IV of Chapter 19 of the Code of Ordinances relating to vending booths; providing for designation of spaces for booths, establishing permits and regulations; amending section 23-41 of the Code of Ordinances relating to vendor's stands clarifying that the section does not prohibit properly permitted vending booths; creating and adding a vending booth permit fee to Schedule A of the Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

AMENDMENTS: 1) Page 1, line 28 - add comma after establishment; 2) Page 2, line 19 - remove words "design and appearance"; and 3) Page 3, line 3 - change indemnity to "indemnify".

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, as amended (Ordinance). The motion carried by the following vote:

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

970832

Ordinance No. 0-98-58

An Ordinance of the City of Gainesville, Florida, amending Section 30-326 of the city's Land Development Code relating to the contents of the Notice of Violation of the city's Sign Ordinance; providing that the enforcement of the City Sign Ordinance shall be pursuant to the method used in Civil Citations; providing directions to the Codifier; providing a severability 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, Bruce L. Delaney, Edward L. Jennings, Sr. and Paula M. DeLaney
Absent: Pegeen Hanrahan

971126 Appointment of Gainesville Enterprise Zone Development Agency (GEZDA) Officers

...Explanation

At the April 8, 1998 meeting, the GEZDA Board voted to recommend to the City Commission the appointment of Carol Villemaire as Chair, and Jeannie McDonald as Vice Chair. According to the state statute governing the GEZDA Board, the City Commission must appoint the positions of Chair and Vice Chair.

...Fiscal Note

None.

RECOMMENDATION *The City Commission authorize the City Attorney to draft an ordinance appointing Carol Villemaire as GEZDA Chair and Jeannie McDonald as GEZDA Vice Chair.*

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

Resolutions- ROLL CALL REQUIRED

970733 Legislative Matter No. 970733. Petition 196SUB-97DB, City of Gainesville Housing Division, applicant. Final Replat approval of Cedar Grove Unit Two, to be known as Replat of Cedar Grove Unit Two, Phase I, consisting of ninety-nine (99) lots located on 25.04 acres more or less. Located in the vicinity of Northeast 12th Avenue, between 21st and 23rd Streets. Zoned RSF-3.

RECOMMENDATION *Planning Division Staff to City Commission - The City Commission adopt a resolution approving Replat of Cedar Grove Unit Two Phase I, located in the vicinity of Northeast 12th Avenue between Northeast 21st and Northeast 23rd Street and providing an immediate 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, Bruce L. Delaney, Edward L. Jennings, Sr. and Paula M. DeLaney
Absent: Pegeen Hanrahan

Plan Board Petitions

971163 **Petition 80LUC-98PB, C. David Coffey, agent for Timothy Townsend Orton Trust, Owner. Amend the Future Land Use Element of the Gainesville Comprehensive Plan, 1991-2001, from AGR (Agriculture) to PUD (Planned Use District). Located at 2414 Northwest 31st Avenue.**

Senior Planner Onelia Lazzari gave a presentation.

Chair P. DeLaney recognized Petitioner Agent C. David Coffey and Citizens Frederick Peterkin and Frederick Veterquist who spoke to the matter.

MOTION: Approve the City Plan Board's recommendation to approve Petition 80LUC-98PB as recommended by staff and with Plan Board modifications; and further, add the following: a) allow four (4) drive-through lanes; b) the phasing schedule be tied to residential and/or residential infrastructure.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 80LUC-98 PB as recommended by staff and with Plan Board modifications. Plan Board vote 5-0.*

Staff to Plan Board - Approve the future land use map amendment associated with Petition 80LUC-98PB. Planning staff also recommends adoption of a new Policy 2.4.12 in the Future Land Use Element which regulates the type of development and distribution of land uses for the subject property.

Staff recommends to the City Commission after the City Plan Board Meeting, that the total number of drive-through lanes be limited to two and that the phasing schedule be tied to residential rather than residential infrastructure.

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

971159 **(QUASI-JUDICIAL) Petition 59 LUC-98 PB, Skinner and Associates, Inc., agent for Alachua County Board of County Commissioners. Amend the Gainesville Comprehensive Plan 1991-2001, Future Land Use Map from R-L (Residential Low Density- up to 12 units per acre) to PF (Public Facilities) for the Alachua County Health Department. Related to Petition 60PSZ-98PB. Located at 2325 Southeast 2nd Avenue.**

Planning Manager Ralph Hilliard gave a presentation on File Nos. 971159 and 971160.

RECOMMENDATION

approve Petition 59LUC-98PB. 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.

971160

(QUASI-JUDICIAL) Petition 60 PSZ-98 PB. City Plan Board. Skinner and Associates, Inc., agent for Alachua County Board of County Commissioners. Rezone property from RMF-5 (12 units/acre single-family/multiple-family residential district) to PS (public services and operations district) with preliminary development plan review for construction of an office building for the Alachua County Health Department. Located at 2325 Southeast 2nd Avenue. Related to Petition 59LUC-98PB.

AMENDMENT: Change "without" to "with" to read "with" preliminary development plan review for construction.....

Chair P. DeLaney recognized Citizen Frederick Veterquist who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 60PSZ-98 PB with conditions. Plan Board vote 5-0.*

Staff to Plan Board - Staff recommends approval of Petition 60PSZ-98PB with preliminary development plan review and with conditions.

A motion was made by Commissioner Delaney, seconded by Commissioner Calkins, that this matter be Approved as Recommended with Conditions and Amendments (Petition). The motion carried unanimously.

971161

(QUASI-JUDICIAL) Petition 78LUC-98 PB, City of Gainesville. Amend the Future Land Use Element of the Comprehensive Plan, 1991-2001, from REC (Recreation) to SF (Single-Family, up to 8 units/acre) in an area located at 1120 Northeast 21st Court ("Area 1") and from SF (Single-Family, up to 8 units/acre) to REC (Recreation) in an area located at 2205 and 2215 Northeast 13th Avenue, 2208, 2218, 2211, and 2221 Northeast 12th Avenue and 2216 and 2224 Northeast 11th Place ("Area 2"). Both areas are located within the Cedar Grove II subdivision. Related to Petition 79ZON-98 PB.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 78LUC-98 PB. Plan Board vote 5-0.*

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 unanimously.

971162 (QUASI-JUDICIAL) Petition 79ZON-98 PB, City of Gainesville. Rezone property from PS (Public services and operations district) to RSF-3 (Single-family residential district, 5.8 units/acre) in an area located at 1120 Northeast 21st Court ("Area 1") and from RSF-3 (Single-family residential district, 5.8 units/acre) to PS (Public services and operations district) in an area located at 2205 and 2215 Northeast 13th Avenue, 2208, 2218, 2211, and 2221 Northeast 12th Avenue, and 2216 and 2224 Northeast 11th Place ("Area 2"). Both areas are located within the Cedar Grove II subdivision. Related to Petition 78LUC-98 PB.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 79ZON-98 PB. Plan Board vote 5-0.*

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 unanimously.

Unfinished Business

Development Review Board Petitions

980085 (QUASI-JUDICIAL) Petition 68SUB-98 DB, Rory Causseaux, agent for Emmer Development Corporation. Design Plat approval of Capri Cluster Subdivision, Phases IV and V, 102 lots located on 25.43 acres more or less. Located in the vicinity of Northwest 34th Street and Northwest 44th Avenue. Zoned RMF-1.

Planning Manager Ralph Hilliard gave a presentation.

Chair P. DeLaney recognized Petitioner Phil Emmer and Agent Rory Causseaux who spoke to the matter.

RECOMMENDATION *Development Review Board to City Commission - The City Commission approve Petition 68SUB-98 DB, with staff conditions and the condition that an investigation be performed to determine if the master retention/detention basin was causing a public nuisance and affecting adjacent property owners and if it is found that it is, the petitioner rectify the problem. DRB vote 4-1.*

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

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

Recessed: 7:19pm Reconvened: 7:34pm

Commission Comment

Post Advisory Board Meeting Staff Recommendations - C/B. Delaney (NB)

Commissioner B. Delaney requested that staff not add recommendations after an advisory board decision to the items on the agenda, rather present any changes during the presentation of the item. If staff must submit additional or contrary recommendations after an advisory board decision, clearly separate the post advisory board recommendation from staff.

Citizen Comment

Tom Orton - Appreciation to City Commission (NB)

Citizen Tom Orton expressed appreciation to the City Commission for supporting the petition to change the land use on his family's land (File No. 971163)

Scheduled Evening Agenda Items

Adjournment - 9:02pm

Kurt M. Lannon, Clerk of the Commission