

City of Gainesville

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



Meeting Minutes

Monday, November 23, 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, Pegeen Hanrahan, Edward L. Jennings, Sr. and Paula M. DeLaney

Rabbi Alan Lehmann, B'nai Israel Congregation

Board of Trustees of the Employee's Pension Plan

980813 Applications for Retirement

RECOMMENDATION *The Board of Trustees for the General Employees' Pension Plan approve the submitted applications for retirement for the below listed employees:*

- 1. William S. Bossons, Systems Measurement Analyst Technician, GRU Energy Delivery*
- 2. Curtis Q. Holder, Substation & Relay Operations Manager, GRU Energy Delivery*
- 3. Eddie L. Johnson, Transit Operator, Regional Transit System*
- 4. Marion T. Mikell, Power System Coordinator II, GRU Energy Supply*

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

980814 Performance Update for the General Employees' Pension Fund Period Ending September 30, 1998

Pension Review Committee Member William Frazer, III gave a presentation.

RECOMMENDATION *The Board of Trustees hear a pension performance update from the Pension Review Committee and Mr. Michael Callaway, Merrill Lynch Consulting Services.*

This matter was Placed on File

980819 City of Gainesville General Employees' Pension Fund Statement of Investment Policy Goals and Guidelines.

Merrill Lynch Representative Michael Calloway gave a presentation.

RECOMMENDATION *The Board of Trustees adopt the revised Statement of Investment Policy Goals and Guidelines for the City of*

Gainesville General Employees' Pension Fund, and authorize the City Manager as Trust Administrator to execute all related documents.

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

980815 Board of Trustees of the Employees Pension Plan Minutes of October 26, 1998

RECOMMENDATION *The Board of Trustees approve the minutes as circulated.*

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

Consent Agenda

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

980789 Amendment 3 to the Memorandum of Understanding to Solid Waste and Recycling Collection Services Providing for the Continuation of Portable Bulk Collection Services

RECOMMENDATION *The City Commission: 1) authorize the City Manager to sign Amendment 3 to the Letter of Understanding to the Solid Waste and Recycling Agreement between Waste Management of Central Florida, Inc., and the City of Gainesville, extending the Agreement to September 30, 1999, subject to approval by the City Attorney as to form and legality; and 2) authorize the modification of the Purchase Order for Waste Management of Central Florida, Inc., in the amount of \$100,000, total amount of purchase order \$1,900,000.*

This Matter was Approved as Recommended on the Consent Agenda.

980791 Contract for Collection of Office Paper for Recycling

RECOMMENDATION *The City Commission authorize the expenditure of up to \$30,000 for office paper recycling services.*

This Matter was Approved as Recommended on the Consent Agenda.

980792 Gainesville Police Department Employee Assistance Program (EAP) and Psychological Screening Services with Community Behavioral Services for Gainesville Police Department

RECOMMENDATION *The City Commission: 1) approve the selection of Community Behavioral Services for the provision of the EAP and psychological screening programs for the Gainesville Police Department; and 2) authorize the City Manager or his designee to negotiate with and enter into an agreement for three years starting from the date of execution, with the possibility of two (2) additional one-year extensions, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

980793 Employee Assistance Program (EAP) with Clinical Psychology Associates

RECOMMENDATION *The City Commission: 1) approve the selection of Clinical Psychology Associates for the provision of the EAP programs for City of Gainesville employees; and 2) authorize the City Manager or his designee to negotiate with and enter into an agreement for three years starting from the date of execution, with the possibility of two (2) additional one-year extensions, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

980794 Grant Application to the State of Florida HOME Program

RECOMMENDATION *The City Commission: 1) approve submittal of a \$1,125,000 grant application to the State of Florida HOME Program to provide deferred payment loans to seventy-five eligible low-income and very-low-income Cedar Grove II homebuyers; 2) authorize the City Manager, or his designee, to execute the grant application and to 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. . (Prior to the November 23,1998 City Commission Meeting, a copy of the grant application will be located in the office of the Clerk of the Commission. After the November 23, 1998 City Commission Meeting, a copy of the grant application will be located in the Department of Community Development.)*

This Matter was Approved as Recommended on the Consent Agenda.

980795 Emergency Management, Preparedness, and Assistance Municipal Competitive Grant Application

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply to the Emergency Management, Preparedness, and Assistance Trust Fund Competitive Grant Program for \$50,000.00, and if awarded; 2) increase the authorized personnel allocation to the Fire Rescue Department by one full-time equivalent temporary position to be funded by the grant; and, 3) execute the grant agreement, pending review by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

980797 Emergency Management Preparedness and Assistance Competitive Grant Application

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply to the Emergency Management Preparedness and Assistance Trust Fund Competitive Grant Program for approximately \$203,000.00, and if awarded; 2) execute the grant agreement, pending review by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

980818 Oaks on the Avenue Project (B)

RECOMMENDATION *City Commission: 1) accept the bid submitted by Hipp Construction for installation of 28 tree wells; and 2) authorize the City Manager to sign the Florida Department of Transportation agreement for maintenance of the improvements on behalf of the City Commission.*

This Matter was Approved as Recommended on the Consent Agenda.

General Manager for Utilities, Consent Agenda Items

980799 Annual Contract for Water and Wastewater Technical Support Services (NB)

RECOMMENDATION *The City Commission authorize the execution of an annual contract with Advanced Control Consulting for technical support services in an amount not to exceed \$49,000.00.*

This Matter was Approved as Recommended on the Consent Agenda.

980800 Release of Easement - 4321 SW 24th Avenue (NB)

RECOMMENDATION *The City Commission: 1) approve the release of a public utilities easement located at 4321 SW 24th Avenue to S. Clark Butler, as Trustee of the S. Clark Butler Revocable Trust; and 2) authorize the Mayor and Clerk of the Commission to execute the Release of Easement, substantially in the form on file, subject to approval by the City Attorney.*

This Matter was Approved as Recommended on the Consent Agenda.

980801 Partial Release of Easement - 4200 SW 24th Avenue (NB)

RECOMMENDATION *The City Commission: 1) approve the partial release of a public utilities easement located in the 4300 blk. of SW 24th Avenue to S. Clark Butler; and 2) authorize the Mayor and Clerk of the Commission to execute the Partial Release of Easement, substantially in the form on file, subject to approval by the City Attorney.*

This Matter was Approved as Recommended on the Consent Agenda.

980802 Approval of Purchase Order to Automated Micro Systems (NB)

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Automated Microsystems (AMS), a specified source supplier, for a meter shop data collection system in an amount not to exceed \$33,195 and authorize the General Manager or his designee to execute a software license agreement with AMS, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

City Attorney, Consent Agenda Items

980804 Terrilyn Smith v. City of Gainesville; Case No. 98-3590-CA

RECOMMENDATION *The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City in a case styled Terrilyn Smith v. City of Gainesville; Case No. 98-3590-CA; Division J.*

This Matter was Approved as Recommended on the Consent Agenda.

Committee Reports, Consent Agenda Items

Public Works Committee, Consent

970726 Proposed Alachua County Murphree Wellfield Protection Code (Wellfield Protection Status Report) (B)

RECOMMENDATION *The City Commission: 1) concur with the changes to the Alachua County Wellfield Protection Ordinance; 2) authorize staff to make a presentation to the Alachua County Commission; and 3) recommend the Alachua County Commission go forward with changes to the Ordinance as drafted.*

This Matter was Approved as Recommended on the Consent Agenda.

Personnel & Organizational Structure Comm, Consent

Public Safety Committee, Consent

Audit & Finance Committee, Consent

Legislative Committee, Consent

Regional Utilities Committee, Consent

Clerk of the Commission, Consent Agenda Items

980796 City Commission Minutes of November 2 (2 sets) and November 9, 1998

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

This Matter was Approved as Recommended on the Consent Agenda.

980817 Legistar upgrade

RECOMMENDATION *The City Commission authorize the Clerk of the Commission to sign the Client Work/Purchase Order with Daystar Computer Systems Inc, as a sole source, for an upgrade to the*

32bit Legistar 98(4.0) version in an amount not to exceed \$57,955.00.

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) Consider the City Manager items after the Members of the City Commission category; 2) File No. 980761 - Limited Participant Re-Entry - Correct Recommendation is on November 9, 1998 Agenda; 3) New Item Submitted, File No. 980862 - Request to waive the probationary period of City Plan Board Member Melvin Fried; 4) File No. 980766 - First Reading of Ordinance, Re: Proposed Lease In Lease Out Transaction - Additional back-up material submitted; 5) File No. 980705 - Second Reading of Ordinance Re: Moratorium - Additional back-up material submitted; and 6.)File No. 960610, Additional back-up material (resolution) submitted

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

980863 Traffic Calming on NW 23rd Street

RECOMMENDATION *The City Commission approve the installation of speed humps on NW 23rd Street at appropriate locations (4 or 5).*

A motion was made by Commissioner Delaney, seconded by Commissioner Calkins, that this matter be Assigned to the Public Works Committee, due back on May 23, 1999. The motion carried unanimously.

Karl Ashley - Gainesville Symphony Orchestra (NB)

Gainesville Symphony Orchestra Representative Karl Ashley gave the Commission a report on the symphony funding and upcoming events.

980864 Kali Blount - Public Housing Rental Charges

RECOMMENDATION *The City Commission ask staff to return to the City Commission with a report on how the public housing base rent is determined and what is the cap.*

A motion was made by Mayor- Commissioner Pro Tem Hanrahan, seconded by Commissioner Calkins, that this matter be Referred to the City Manager, due back on May 23, 1999. The motion carried unanimously.

Rev. Tim Keyes - Traffic Calming Devices (NB)

Citizen Rev. Tim Keyes expressed his concern with emergency vehicles and installation of speed humps and traffic circles.

Citizen Keyes also asked for the date the Trader Tom's agreement was signed.

Frederick Peterkin - Citizen Participation in City Programs (NB)**Cindy Smith - Traffic Calming on NW 28th Street (NB)**

Citizen Cindy Smith as for a review of traffic calming on NW 28th Street.

City staff informed the Commission that the review had already begun.

City Commission Comment (If time available)**Charter Officer Updates****Clerk of the Commission****City Manager****980805 Purchase of Real Property and Recording of Associated Documents**

Public Works Director Teresa Scott gave a presentation.

RECOMMENDATION *The City Commission: 1) authorize the City Manager to make purchases of real property or land rights necessary or desirable for construction and/or maintenance of streets and drainage facilities as follows:*

- a) property or land rights costing \$25,000 or less; b) settlement of any action in eminent domain for an amount not in excess of \$25,000 or 120% of the appraised value, whichever is more, for the property to be acquired plus reasonable attorneys fees and costs, provided the City Attorney shall have approved such settlement; c) purchase of fee simple title or easements which are required for a construction project that has prior City Commission approval, provided that funds are available within the project amount approved in the budget. Such authorization would be up to the amount approved by the City Commission for the project;*
- 2) authorize the City Manager to execute any and all documents necessary to effect such purchases, subject to*

approval of the City Attorney as to form and legality; and 3) authorize the Clerk of the Commission to record in the public records of Alachua County any and all documents for the purchase or acquisition of land rights that may be necessary to conduct the day to day business of the City.

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

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

980808 Agenda Update on December 10, 1998 Metropolitan Transportation Planning Organization (MTPO) Meeting

Public Works Director Teresa Scott gave a presentation.

MOTION: Approve the Main Street Build Outs including additional information and transmit to MTPO for consideration.

RECOMMENDATION *The City Commission hear an update from staff on the agenda for the December 10, 1998 MTPO meeting.*

A motion was made by Mayor- Commissioner Pro Tem Hanrahan, seconded by Commissioner Calkins, that this matter be Approved, as shown above. The motion carried unanimously.

980809 Application to the U. S. Department of Justice for Official Recognition for an Additional Weed and Seed Site (NB)

Gainesville Police Department Officer Keith Kameg gave a presentation.

RECOMMENDATION *The City Commission: 1) receive a presentation from staff on the proposed additional Weed and Seed site, and 2) authorize the City Manager to execute the Memorandum of Agreement and submit an Application for an Officially Recognized Weed and Seed Site.*

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

980820 City Commission Goals Setting Facilitator Contract

City Manager Wayne Bowers gave a presentation.

MOTION: 1) Select Lance deHaven-Smith; 2) Direct the City Manager to finalize the contract for services; and 3) Individually prepare information for preliminary planning with the goal setting facilitator.

RECOMMENDATION *The City Commission: 1) select one of the suggested facilitators; 2) direct the City Manager to finalize the contract for services; and 3) individually prepare information for preliminary planning with the goal setting facilitator.*

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

980761 General Employees Pension Plan - Limited Participant Re-entry, Cash-Out, or Transfer Options

Chair P. DeLaney recognized City Employee Ted Bryan who spoke to the matter.

RECOMMENDATION *The City Commission: 1) receive the statement of actuarial impact; 2) authorize the City Attorney to draft the necessary ordinance revisions to: a) allow all limited participants in the General Pension Plan an option to rejoin the Plan and once again earn eligible service in lieu of receiving employer contributions into a defined contribution or deferred compensation plan; b) allow the limited participants an option to "buy back" at accrued actuarial value prior service in the employ of the City but not in the Plan; c) allow limited participants to receive a lump sum pay out of the actuarial present value of accrued benefits in the General Pension Plan or to transfer these benefits to a 401A plan or IRA; and, 3) instruct the Clerk of the Commission to advertise the ordinance revisions.*

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

General Manager for Utilities

980803 Perpetual Transportation Easement to Alachua County (NB)

General Manager for Utilities Mike Kurtz and Staff gave presentations.

MOTION: Approved in concept; and further, refer the indemnification issue and future possible pole costs to staff.

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

RECOMMENDATION *The City Commission hear a presentation from staff and take those actions the Commission deems appropriate.*

A motion was made by Mayor- Commissioner Pro Tem Hanrahan, seconded by Commissioner Delaney, that this matter be Approved, as shown above. The motion carried unanimously.

City Attorney

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)

980066 **Art on N.W. 8th Avenue (980066)**

Art in Public Places Trust Chair Lisa Auel gave a presentation.

MOTION: Allocate \$5,000.00 from the City Commission Contingency Fund to support the project.

Chair P. DeLaney recognized University of Florida Astronomy Professor Howard Cohen and Citizen Rev. Tim Keyes who spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear a brief report from Lisa Auel, Art in Public Places Trust Chair, regarding the Solar System on N.W. 8th Avenue; and 2) allocate funding for this project in the amount of \$5,000.*

A motion was made by Mayor- Commissioner Pro Tem Hanrahan, seconded by Commissioner Calkins, that this matter be Approved, as shown above. The motion carried unanimously.

980862 Melvin Fried - City Plan Board

RECOMMENDATION *The City Commission waive the probationary period of Melvin Fried, Member of the City Plan Board.*

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

Outside Agencies**980811 Final Report on Depot Avenue Eco-Development Project**

Center for Construction and Environment Representative Brad Guy gave a presentation.

MOTION: Forward the report to the Sprout Project Task Force.

RECOMMENDATION *The City Commission hear a final report from Brad Guy.*

A motion was made by Mayor- Commissioner Pro Tem Hanrahan, seconded by Commissioner Calkins, that this matter be Approved, as shown above. The motion carried unanimously.

Members of the City Commission**980790 Florida Trust For Historic Preservation - Twentieth Anniversary Conference - May 20-23, 1999**

Citizens Arnall Downs and Dr. Mark Barrow gave presentations.

MOTION: Appropriate \$15,000 from the City Commission Contingency Fund, pending budget review and recommendation from staff.

RECOMMENDATION *The City Commission provide partial support in the amount of \$15,000.00.*

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

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

Commission Comments**Recess Until 6:00 PM**

Pledge of Allegiance

Troop #454

Proclamations/Special Recognitions

980810 Aleksander Titov Day - November 23, 1998

Citizen Steve Kalishman gave a slide presentation.

RECOMMENDATION *Sister City Novorossiisk Cultural Affairs Director Aleksander Titov to accept the proclamation.*

This matter was Placed on File

Public Hearings

960610 University of Florida Campus Development Agreement - Item No. 960610

City Manager Wayne Bowers gave a presentation.

RECOMMENDATION *As required by Florida Statutes, the City Commission: 1) hold a public hearing on the Campus Development Agreement; and 2) adopt the resolution approving the Agreement and authorize the Mayor to sign the Agreement on behalf of the City.*

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

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

980807 Regional Transit System Program of Projects (POP) FY 1999 and Performance Measures FY 1996 and FY 1997

Chair P. DeLaney opened the public hearing.

Chair P. DeLaney closed the public hearing.

Regional Transit System Director Perry Maull gave a presentation.

RECOMMENDATION *The City Commission: 1) hear a presentation by staff; 2) approve the Program of Projects for FY 1999; and 3) conduct*

a public hearing if requested.

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.

Ordinances - 1st Readings- ROLL CALL REQUIRED

980433

Ordinance No. 0-99-01, Petition No. 106LUC98PB

An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan, Future Land Use Map; by changing the future land use category of certain property from "Single Family (up to 8 units per acre)" to "Office"; located in the vicinity of 4907 and 4927 N.W. 43rd 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 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, Pegeen Hanrahan, Edward L. Jennings, Sr. and Paula M. DeLaney

980434

Ordinance No. 0-99-02, Petition No. 107ZON-98PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from "RSF-4: 8 units/acre single-family residential district" to "OF: General office district"; in the vicinity of 4907 and 4927 N.W. 43rd 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, Bruce L. Delaney, Pegeen Hanrahan, Edward L. Jennings, Sr. and Paula M. DeLaney

980524

Ordinance No. 0-99-13

An ordinance of the City of Gainesville, Florida, amending Chapter 8 of the Code of Ordinances relating to discrimination; repealing all references and provisions relating to discrimination on the basis of age, race, color, sex, religion, creed, national origin, physical or mental disabilities, marital status, familial status, and occupation; providing for an Equal Opportunity Director; providing for the Human Rights Board; authorizing certain duties; powers, functions, and

responsibilities; providing for the enforcement, filing, processing, and hearing of complaints of discrimination based upon sexual orientation; providing for civil actions, penalties and other remedies; repealing certain obsolete sections; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City Manager Wayne Bowers gave a presentation.

Chair P. DeLaney recognized Citizen Rev. Tim Keyes and North Central Florida Human Rights Council Representative Craig Lowe who spoke to the matter.

RECOMMENDATION *The City Commission: 1) receive a report from the City Manager on the composition of the board; and 2) adopt the proposed ordinance on second reading as amended.*

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, Pegeen Hanrahan and Paula M. DeLaney
Nay: Edward L. Jennings, Sr.

980766

Ordinance No. O-99-16

An ordinance of the City of Gainesville, Florida, authorizing the Investment by the City in "Payment Agreements" in connection with the closing of a Lease In-Lease-Out transaction involving portions of Deerhaven Units 1 and 2 and certain common facilities; establishing certain requirements for such payment agreements; Providing a severability clause; Providing a repealing clause; and Providing an immediate effective date.

General Manager for Utilities Mike Kurtz gave a presentation.

Motion Revision: Page 3, Section 2

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Ordinances - 2nd Readings- ROLL CALL REQUIRED

980274

Ordinance No. 0-98-77; Petition 154TCH-98PB

An ordinance of the City of Gainesville, Florida; amending Chapter 30 of the Code of Ordinances relating to the procedures and hearings on the adoption or

amendments to the City of Gainesville Comprehensive Plan, the Land Development Code, including land use changes, rezonings, and other development orders; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an 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 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, Pegeen Hanrahan, Edward L. Jennings, Sr. and Paula M. DeLaney

980557

Ordinance No. 0-98-105

An ordinance relating to Electricity; amending Chapter 27, by amending sections 27-21, 27-24 through 27-26, 27-34 and 27-35, creating section 27-36, and amending Appendix A section Utilities 91), subsections m.1 through m.3, subsections n.1 through n.3, subsections o and p., 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 for temporary service and for public and rental light service; providing for a repealing clause; providing for a severability 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, Bruce L. Delaney, Pegeen Hanrahan, Edward L. Jennings, Sr. and Paula M. DeLaney

980689

Ordinance No. 0-99-06

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area generally bounded on the West by Morningside Nature Center and the Gainesville City Limits and on the North by the existing Gainesville City Limits (N.E. 39th Avenue), on the East by a line extending directly south from NE 39th Avenue to Lakeshore Drive, and on the South by Hawthorne Road and Lakeshore Drive; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

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

980734

Ordinance No. 0-99-07

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area generally bounded on the West by I-75, on the North by NW 39th Avenue and the existing Gainesville city limits, on the East by NW 43rd Street and NW 55th Street and on the South by Newberry Road and North Florida Regional Medical Center; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability 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, Bruce L. Delaney, Pegeen Hanrahan, Edward L. Jennings, Sr. and Paula M. DeLaney

980705

Ordinance No. 0-99-05

An Ordinance of the City of Gainesville, Florida, imposing a temporary moratorium on the issuance of any permits, development orders or any other official action of the City of Gainesville having the effect of permitting the construction or erection of any structure, including telecommunication towers, located in that certain area within the City of Gainesville, as more specifically defined in the Ordinance; providing a procedure for extraordinary hardship; providing a severability clause; and providing an immediate effective date.

City Attorney Marion J. Radson gave a presentation.

Chair P. DeLaney opened the public hearing.

Chair P. DeLaney recognized Citizen W.E. "Mac" MacEachern, Aircraft Owners and Pilots Association Representative Edwin Everett, Citizens Dave Beff and Rev. Tim Keyes, PCR Representative Keith Baucom, Citizens Jim Simon, Wendy LaPoint, John Barber, Frederick Peterkin, Dilliard Dashwood Hicks, PCR Attorney Patrice Boyes, Gainesville Regional Airport Director Gene Clerkin, Citizens Charles Eno, Jr. and Ed Calloway who spoke to the matter.

Chair P. DeLaney closed the public hearing.

INSTRUCTIONS: Schedule a meeting with Mr. A.J. Roberts and any interested parties, Commissioners and staff

ADDITIONAL MOTION: Commissioner B. Delaney moved and Commissioner Calkins seconded to direct staff to begin the process to hire an expert to help write the ordinance (Vote 5-0).

RECOMMENDATION *The City Commission hear a presentation and adopt the proposed ordinance (as amended).*

A motion was made by Commissioner Delaney, seconded by Commissioner Calkins, that this matter be Continued (2nd Reading) for December 7, 1998. The motion carried unanimously.

980708

Ordinance No. 0-98-110

An ordinance of the City of Gainesville, Florida, finding that property at 719 NE 1st 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, 1999, 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 (1) approve the "Part 2-Request for Review of Completed Work" application; (2) adopt the proposed ordinance; and (3) authorize the Mayor to sign a covenant executing the full exemption for 10 years, subject to approval by the City Attorney as to form and legality.*

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, Pegeen Hanrahan, Edward L. Jennings, Sr. and Paula M. DeLaney

980709

Ordinance No. 0-98-111

An ordinance of the City of Gainesville, Florida, finding that property at 234 NW 7th 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, 1999, 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 (1) approve the "Part 2-Request for*

Review of Completed Work" application; (2) adopt the proposed ordinance; and (3) authorize the Mayor to sign a covenant executing the full exemption for 10 years, subject to approval by the City Attorney as to form and legality.

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

980710

Ordinance No. 0-98-112

An ordinance of the City of Gainesville, Florida, finding that property at 510 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, 1999, 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 (1) approve the "Part 2-Request for Review of Completed Work" application; (2) adopt the proposed ordinance; and (3) authorize the Mayor to sign a covenant executing the full exemption for 10 years, subject to approval by the City Attorney as to form and legality.*

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

980711

Ordinance No. 0-98-113

An ordinance of the City of Gainesville, Florida, finding that property at 415 NW 5th 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, 1999, 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 (1) approve the "Part 2-Request for Review of Completed Work" application; (2) adopt the proposed ordinance; and (3) authorize the Mayor to sign a covenant executing the full exemption for 10 years, subject to approval by the City Attorney as to form and legality.*

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, Pegeen Hanrahan, Edward L. Jennings, Sr. and Paula M. DeLaney

980712

Ordinance No. 0-98-114

An ordinance of the City of Gainesville, Florida, finding that property at 524 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, 1999, 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 (1) approve the "Part 2-Request for Review of Completed Work" application; (2) adopt the proposed ordinance; and (3) authorize the Mayor to sign a covenant executing the full exemption for 10 years, subject to approval by the City Attorney as to form and legality.*

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

980713

Ordinance No. 0-98-115

An ordinance of the City of Gainesville, Florida, finding that property at 612 NW 3rd 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, 1999, 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 (1) approve the "Part 2-Request for Review of Completed Work" application; (2) adopt the proposed ordinance; and (3) authorize the Mayor to sign a covenant executing the full exemption for 10 years, subject to approval by the City Attorney as to form and legality.*

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

980722 Ordinance No. 0-99-08

An ordinance of the City of Gainesville, Florida, finding that property at 732 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, 1999, 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 (1) approve the "Part 2-Request for Review of Completed Work" application; (2) adopt the proposed ordinance; and (3) authorize the Mayor to sign a covenant executing the full exemption for 10 years, subject to approval by the City Attorney as to form and legality.*

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, Pegeen Hanrahan, Edward L. Jennings, Sr. and Paula M. DeLaney

980723 Ordinance No. 0-99-09

An ordinance of the City of Gainesville, Florida, finding that property at 319 NE 6th 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, 1999, 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 (1) approve the "Part 2-Request for Review of Completed Work" application; (2) adopt the proposed ordinance; and (3) authorize the Mayor to sign a covenant executing the full exemption for 10 years, subject to approval by the City Attorney as to form and legality.*

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

Resolutions- ROLL CALL REQUIRED

- 980812 A Resolution of the City Commission for the Temporary Closing of two State Roads: State Road 26 (University Avenue) and State Road 329 (Main Street) for the 1998 "Downtown Countdown" New Year's Eve Celebration on December 31, 1998.**

RECOMMENDATION *The City Commission adopt the proposed resolution, which requests the temporary closing of left turn lanes on two state roads for the 1998 "Downtown Countdown" New Year's Eve Celebration, providing an immediate effective date.*

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

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

Plan Board Petitions

Development Review Board Petitions

Scheduled Evening Agenda Items

Unfinished Business

Commission Comment

C/B. Delaney - Downtown Halloween Event (NB)

Commissioner B. Delaney shared information from Cindy Montaldo regarding the noise from the Downtown Halloween Event; and further, she would not support the event in the future.

980867 C/ B. Delaney - DEP Air Quality Event

RECOMMENDATION *The City Commission authorize staff to contact DEP to move forward setting a date for a ribbon cutting event on the PM2.5 Air Monitor location.*

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

980868

NW 7th Lane

RECOMMENDATION *The City Commission uphold the License Agreement as issued to John B. and Carol C. Koogler and John and Eve Cech by the Public Works Department dated October 23, 1998.*

A motion was made by Commissioner Delaney, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Assigned to the Public Works Committee, due back on May 23, 1999. The motion carried unanimously.

C/Hanrahan - Settlement Comments (NB)

Commissioner Hanrahan apologized for comments she made at a previous City Commission meeting regarding a discrimination case.

C/Hanrahan - Federal Stormwater Funding (NB)

Commissioner Hanrahan encouraged continued support for \$1 million federal stormwater funding for Sweetwater Branch.

980869

C/Hanrahan - Landscape Architect for Duckpond Neighborhood

RECOMMENDATION *The City Commission hire a landscape architect for the Duckpond Neighborhood design.*

A motion was made by Mayor- Commissioner Pro Tem Hanrahan, seconded by Commissioner Calkins, that this matter be Referred to the City Manager, due back on May 23, 1999. The motion carried unanimously.

C/Jennings - Bake-Off (NB)

Commissioner Jennings announced there would be a bake-off between himself and Assistant City Manager Carl Harness at the December meeting.

Mayor P. DeLaney - Anglewood Traffic Issues (NB)

Chair P. DeLaney shared some concerns from the Anglewood Neighborhood regarding speeding and cut-through traffic, repaving and resurfacing.

Public Works Director Teresa Scott informed the Commission that the neighborhood wanted speed humps; and further, she stated that some resurfacing would take place at the time of installation of the speed humps, which cannot occur until spring.

980870

Mayor P. DeLaney - Gainesville Sports Organizing Committee Funding Request

RECOMMENDATION *The City Commission allocate \$1,500.00 from the City Commission Contingency Fund for the Junior Olympic*

Hosting Site Selection event.

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

980871 Mayor P. DeLaney - Moron Fish and Tackle Choir

RECOMMENDATION *The City Commission co-sponsor the choir in the amount of \$192.50 from the City Commission Contingency Fund.*

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

Citizen Comment**Rev. Tim Keyes - Issues and Comments (NB)**

Rev. Tim Keyes made comments on the following issues: 1) Trader Tom's Settlement Agreement Compliance; 2) Opposition to traffic circles to be used for traffic calming at NE 8th Avenue and 9th Street; 3) Signs on the City right-of-way; 4) Rebuttal comments allowed by Mayor on Airport discussion; and 5) Disappointment with UF Homecoming Parade.

Jack Hughes - Gainesville Sports Organizing Committee (NB)

Citizen Jack Hughes expressed appreciation to the Commission for sponsoring the event in Orlando and will keep the Commission updated when more information arrives.

Adjournment - 11:04pm

Kurt M. Lannon, Clerk of the Commission