

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, August 11, 1997**

**3:00 PM**

**City Hall Auditorium**

## **City Commission**

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

## Invocation

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

## Pastor Dan Boykin, Trinity Christian Center

## Consent Agenda

*With the following modification: 1) File No. 970243 - Correct amount of Purchase Order should be \$69,645.00; 2) File No. 970236 - Remove From Consent and Place on Regular Agenda; 3) File No. 970237 - Remove From Consent and Place on Regular Agenda; and 4) File No. 970249 - Remove From Consent and Place on Regular Agenda*

**A motion was made by Commissioner Jennings, 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 by the following vote:**

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

## City Manager, Consent Agenda Items

### 970233 **Vacate an Alley Located Immediately South of the 1500 Block of East University Avenue.**

**RECOMMENDATION** *The City Commission authorize staff to initiate a petition to vacate the alley.*

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

### 970234 **Amendment to subrecipient agreement with Meridian Behavioral Healthcare, Inc.**

**RECOMMENDATION** *The City Commission: 1) authorize the City Manager to execute an amendment to the agreement between the City and Meridian Behavioral Healthcare, Inc. to extend the term of the existing subrecipient agreement to March 31, 1999; and 2) to increase the total funding under the subrecipient agreement by \$9,950; subject to approval by the City Attorney as to form and legality.*

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

**970235 Purchase of New and Upgraded Pentium Microcomputers and Accessories**

**RECOMMENDATION** *The City Commission approve a one year extension to the contract for PC Pentium computer systems, upgrades, and accessories to RCI/Micromenders and approve the issuance of purchase orders to RCI/Micromenders for the purchase of new and upgraded Pentium microcomputer systems and accessories for the various departments of General Government in an amount not to exceed the budgeted amounts for Pentium microcomputer systems, upgrades and accessories for the remainder of FY 97 and for FY 98, subject to final appropriation of funds for FY98.*

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

**970258 CSX Abandoned Railway**

**RECOMMENDATION** *The City Commission: (1 approve the \$120,000 funding; and, (2 authorize the expenditure of approximately \$80,000 of such funding with John W. Myers & Associates, P.A., in accordance with the existing professional services agreement for the provision of surveying and mapping services.*

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

**General Manager for Utilities, Consent Agenda Items****970239 Purchase Order to Beach Construction Company, Inc., of Gainesville for Construction of Repump Station No. 2**

**RECOMMENDATION** *The City Commission authorize the issuance of a Purchase Order to Beach Construction Company, Inc., of Gainesville for the construction of the 2 million gallon Repump Station No. 2 in an amount not to exceed \$970,000.*

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

**970241 Purchase Order to Altec Industries, Inc. for one Low Profile Bucket Truck with aerial device**

**RECOMMENDATION** *The City Commission approve the issuance of a purchase order to Altec Industries, Inc. for one (1) low profile bucket truck with an aerial device in an amount not to exceed \$52,322.00.*

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

**970242 Purchase Order to Storter Childs Printing Company, Inc. for the Gainesville Regional Utilities (GRU) Customer Bulletin for FY 97/98**

**RECOMMENDATION** *The City Commission approve the issuance of a blanket purchase order for FY 1997/98 to Storter Childs Printing Company, Inc. for printing 12 issues of the GRU Customer Bulletin in an amount not-to-exceed \$52,400, subject to the final appropriation of funds for FY 97/98.*

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

**970243 Purchase order to Southern Pre-cast Inc., of Alachua, Florida for the purchase of fifteen pre-cast manholes for Phase VIII of the Downtown Underground Project**

**RECOMMENDATION** *The City Commission approve the issuance of a purchase order to Southern Pre-cast Inc., of Alachua, Florida for the purchase of fifteen pre-cast manholes for Phase VIII of the Downtown Underground Project, in an amount not to exceed \$69,645.00.*

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

**970244 Purchase Orders to Office Depot for FY 98**

**RECOMMENDATION** *The City Commission approve the issuance of blanket purchase orders to Office Depot for the provision of office supplies for various GRU departments in amounts not to exceed the budgeted amounts for office supplies for FY 98.*

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

**970245 Issuance of Change Orders to National Linen and Uniform for the leasing of uniforms**

**RECOMMENDATION** *The City Commission approve the issuance of Change Orders to National Linen and Uniform for the leasing of uniforms in amounts not-to-exceed \$8,500.00 (new not-to-exceed \$42,500.00).*

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

**970246 Purchase orders to JTS ONE, Inc. d/b/a Lake's Uniforms for the purchase of uniforms for FY 98**

**RECOMMENDATION** *The City Commission approve the issuance of purchase orders to JTS ONE, Inc. d/b/a Lake's Uniforms for the purchase of uniforms for FY 98 in amounts not to exceed \$50,000.*

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

**970247 Partial Release of Public Utilities Easement to Oak Hall Private School, Inc.**

**RECOMMENDATION** *The City Commission: 1) approve a partial release of a public utilities easement located at 8009 SW 14 Avenue; and 2) authorize the Mayor-Commissioner and Clerk of the Commission to execute a Partial Release of Easement document, subject to approval by the City Attorney.*

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

**City Attorney, Consent Agenda Items**

**Committee Reports, Consent Agenda Items**

**Public Works Committee, Consent**

**Personnel & Organizational Structure Comm, Consent**

**Public Safety Committee, Consent**

**Audit & Finance Committee, Consent**

**970188 Review of Landfill Tipping Fees**

**RECOMMENDATION** *The Audit and Finance Committee recommends that the City Commission: 1) Accept the City Auditor's report and the City Manager's written response; 2) Request that the Alachua County Commission review the City Auditor's report and provide a written response to the issues set forth.*

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

**Legislative Committee, Consent**

**Regional Utilities Committee, Consent**

## Clerk of the Commission, Consent Agenda Items

970240 City Commission Minutes of July 21 (2 sets), 22, 23, 24, 28 and 29, 1997

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

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

## Community Redevelopment Agency, Consent Items

### End of Consent Agenda

**Commissioner Hanrahan entered the meeting room (3:04pm)**

### Adoption of the Agenda

*The Agenda was adopted with the following modifications: 1) File No. 970254 - Proclamation - To be considered on August 25, 1997; 2) File No. 970250 - Withdraw; and 3) File Nos. 970136 & 970137 - Additional back-up material submitted*

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

970262 **Craig Lowe - Human Rights Council of North Central Florida**

*MOTION: Formulate a committee of Mayor-Commissioner B. Delaney as Chair and Commissioner Hanrahan to review the issue of adding sexual orientation to the anti-discrimination ordinance and other issues relating to equal opportunity.*

RECOMMENDATION *The City Commission refer to a committee the issue of adding sexual orientation to the anti-discrimination ordinance.*

**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 by the following vote:**

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

970266 **Jerry Barnes - Code Enforcement Issue**

RECOMMENDATION *The City Commission continue enforcement of the codes*

*relating to the four victorian houses on East University Avenue.*

**This matter was Placed on File**

**970263 Retiree Cost of Living Policy Establishment - Jim Dear**

**RECOMMENDATION** *The City Commission agree that no official Retiree Cost of Living policy be established at this time.*

**A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Calkins, that this matter be Assigned to the Personnel and Organizational Structure Committee, due back on February 11, 1997. 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

**City Commission Comment (If time available)**

**Charter Officer Updates**

**Clerk of the Commission**

**City Manager**

**970250 Fee Increase for Landlord Licenses**

**RECOMMENDATION** *The City Commission: 1) hear a presentation from Code Enforcement staff; 2) approve an increase in the landlord license fee from \$25.00 to \$30.00; and 3) request the City Attorney's office to prepare an ordinance amending the schedule of fees in the Code of Ordinances.*

**This matter was Withdrawn**

**970236 City-County Traffic Engineering Services Agreement For Fiscal Year 1997-98**

*Chairman B. Delaney recognized Citizen Michael Bailey who spoke to the matter.*

**RECOMMENDATION** *The City Commission authorize the City Manager to execute the Traffic Engineering Services Agreement between the City and Alachua County for traffic engineering services for the period of October 1, 1997 to September 30, 1998; subject to approval of the City Attorney as to form and legality (revenue*

to City of \$116,870.80).

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

**970237**

**Northeast Boulevard Duck Pond Improvements Project**

*Chairman B. Delaney recognized Citizen Michael Bailey who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) authorize \$50,000 from the Stormwater Management Utility undesignated fund balance be placed in a capital project account for the Duck Pond Enhancement Project; 2) instruct staff to include the transaction in the next amendatory budget resolution; 3) authorize the City Manager, or his designee, to negotiate and execute a contract with the Center for Wetlands, University of Florida, subject to the approval of the City Attorney as to form and legality; 4) approve a purchase order to the Center for Wetlands in an amount not to exceed \$39,976; and, 5) approve amending the adopted Capital Improvements Plan to include this project.*

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

**970249**

**Amendment of Civil Citations Ordinance to Include Driveway Parking Restrictions**

**RECOMMENDATION** *The City Commission: 1) approve the enforcement of such restrictions by civil citations; and 2) request the City Attorney to revise the civil citation ordinance to include these parking restrictions as an enforceable item.*

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

**General Manager for Utilities**



**970248 Agreement with Babcock and Wilcox, Inc. for the Purchase and Installation of Spindle type coal Mills for Deerhaven Unit #2**

**RECOMMENDATION** *The City Commission authorize the General Manager or his designee to negotiate an agreement with Babcock and Wilcox, Inc., the specified source, for the purchase and installation of spindle type coal mills in an amount not to exceed \$6,000,000.*

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

**City Attorney**

**970267 Privilege Fee Attorney/Consultant Possible Conflict**

*City Attorney Marion J. Radson informed the Commission of Attorney Robert Nabors hired by the City relating to the Recreational Sales Tax issue that is working with Alachua County on the privilege fee ordinance.*

*Commissioner Jennings moved to relieve Attorney Robert Nabors of his duties with the City of Gainesville and write a letter to the Florida Bar Association to ask for an opinion regarding a possible conflict of interest.*

*NO SECOND*

*The Commission agreed to consider the issue after the Alachua County Board of County Commission decides the issue of the privilege fee ordinance.*

**RECOMMENDATION** *The City Commission hear comments from the City Attorney.*

**This matter was Placed on File**

**City Auditor**

**Committee Reports (Pulled from Consent)**

**Public Works Committee**

**Personnel & Organizational Structure Committee**

**Public Safety Committee**

**970042 Alcohol Establishments Closing Time - Proposed New State Law Regarding Alcohol Establishments Closing Time**

*Chairman B. Delaney recognized Moon Magazine Representative Mike Podolsky, Florida Theatre Representative Kevin Gunter, Citizens Michael Bailey and Don Reid, T.J. Morrissey's Owner Tom Morrissey, Florida Theatre Security Representative Art Green, Downtown Redevelopment Advisory Board Member Liz Fetty, Citizen Vincent Mallet, Pizza Delivery man Riad Saidi, The Gruv Owner Chance Hippler, Citizen Shawn Nichols, Purple Porpoise Manager Sharon Lamb, Citizen James Bain, Purple Porpoise Representative Andy Shaara who spoke to the matter.*

*MOTION: Prepare ordinances that would exempt the City of Gainesville from the State Law and would retain the current status quo of serving alcohol until 2:00am and not impose any limit on hours of operation.*

**RECOMMENDATION** *The Public Safety Committee returned without a recommendation. The City Commission take action as deemed appropriate.*

**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 by the following vote:**

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

**Audit & Finance Committee****Legislative Committee****Regional Utilities Committee****Advisory Brds/Comm (Appointments/Waivers/Reports)****970251 Gainesville Enterprise Zone Development Agency (GEZDA) By-Laws Amendment**

**RECOMMENDATION** *The City Commission approve an amendment to GEZDA's By-Laws.*

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

**970252 Bicycle/Pedestrian Advisory Board By-laws**

**RECOMMENDATION** *The City Commission officially receive the Bicycle/Pedestrian Advisory Board By-laws.*

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

**970253 Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan**

**RECOMMENDATION** *The City Commission hear a presentation from the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan and take appropriate action.*

**This matter was Placed on File**

**Outside Agencies****Members of the City Commission****Commission Comments****970209 Mayor-Commissioner Bruce Delaney - Rental Ad-Hoc Committee**

*City Manager Wayne Bowers gave a report on the Civil Citation Process.*

*City Attorney Marion Radson gave a report on the Gainesville Code of Ordinances relating to landlord permits; public nuisances; and the front yard parking proposed ordinance.*

*No further action was taken.*

**RECOMMENDATION** *The City Commission hear a report from Chairman Bruce Delaney.*

**This matter was Placed on File**

**Sidewalk Requirements (NB)**

*Commissioner Hanrahan informed the Commission of concerns expressed by the*

*College Park/University Heights Redevelopment Advisory Board, specifically Robert Pearce, relating to sidewalk setbacks, street orientation and street trees. She further stated that the board made a recommendation to the Commission through the Community Redevelopment Agency over a year ago regarding sidewalk requirements and the Commission referred the issue to staff who included the recommendations in an overall sidewalk requirements plan.*

*The redevelopment advisory board suggested that greater significance be given to the College Park/University Heights area.*

*Commissioner Hanrahan requested staff prepare a report to the Commission on the issue as soon as possible.*

## **Web Page Policy (NB)**

*Commissioner Hanrahan relayed concerns from a Citizen involved in the Energy Star program and the use of the City's Web Page for publicity when the construction projects meet or exceed the stated goals of the City of Gainesville.*

*Economic Development Director Conchi Ossa gave a report on the issues of publicity for private purposes and continued discussions with the City Manager and that Gainesville Regional Utilities will be included the project on the GRU Web page and any other related projects.*

*Commissioner Hanrahan requested staff work on a policy to facilitate inclusion on the City's Web Page of projects from the private sector, such as the Energy Star project.*

## **970210 Mayor-Commissioner Pro Tem Hanrahan - EPA Sustainable Community Demonstration Grant Application**

**RECOMMENDATION** *The City Commission allow staff to provide a grant match of up to \$200,000 in in-kind services, subject to approval by the City Manager and the City Attorney.*

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

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

## **Adjourn Until 6:00 PM**

## **Pledge of Allegiance**

## **Troop #2 and Troop #497**

## Proclamations

### 970254 Florida Firefighter Appreciation Week - August 25 - September 1, 1997

**RECOMMENDATION** *Gainesville Professional Firefighters IAFF Local 2157 President Lt. Gene Prince receive a proclamation.*

**Postponed**

## Public Hearings

### 970255 Carol Estates Subdivision Traffic Control

*Traffic Engineer Brian Kanely gave a presentation.*

*Chairman B. Delaney recognized Citizens Fred White, John Zunkle and Sarah Poll who spoke to the matter.*

**RECOMMENDATION** *The City Commission approve the installation of speed humps in the Carol Estates Subdivision at the following locations: 1) N.E. 15th Terrace at 2032, 2033, 2040 and 2041; 2) N.E. 16th Terrace at 2032, 2033, 2040 and 2041; 3) N.E. 17th Terrace at 2006, 2009, 2016 and 2017; 4) N.E. 17th Terrace at 2115, 2118, 2200 and 2203; and 5) N.E. 19th Lane at 1603 and 1611.*

**A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Calkins, that this matter be Approved as Recommended. 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 - 1st Readings- ROLL CALL REQUIRED

### 960494 Ordinance No. 0-97-38; Petition No. 186TCH-96PB

**An ordinance of the City of Gainesville, Florida, amending the sign regulations in the Master Plan and Land Development Regulations for the College Park Neighborhood of the City of Gainesville, Florida; amending the plant list in the landscape regulations in the Master Plan and Land Development Regulations for the College Park Neighborhood of the City of Gainesville, Florida; 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 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

**960934 Ordinance No. 0-97-26, Petition No. 35LUC-97PB**

**An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by overlaying and re-establishing the Planned Use District Category over certain property with the future land use map category of "Office" to allow an eating place; located in the vicinity of 2201 and 2219 N.E. 2nd Street; providing additional conditions and directions; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Chairman B. Delaney recognized Citizen Sarah Poll who spoke to the matter.*

**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 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

**960935 Ordinance No. 0-97-27, Petition No. 36PDV-97PB**

**An ordinance of the City of Gainesville, Florida, rezoning certain lands within the City and amending the Zoning Map Atlas from "OF: General office district" to "Planned Development District"; adopting development plan maps and a development plan report for a restaurant commonly known as "Szechuan Omei"; located in the vicinity of 2201 and 2219 N.E. 2nd Street; providing conditions; providing for penalties; providing a severability clause; and providing an immediate effective date.**

*Chairman B. Delaney recognized Citizen Sarah Poll who spoke to the matter.*

*AMENDMENTS: 1) No unusual loud noises such as chain saws, dump trucks, bulldozers and land clearing before 10:00am. No normal construction activity before 8:00am. No construction on Saturday, Sunday and legal holidays; and 2) Add the word "wooden" tree barricades*

**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, as amended (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

**970264 Dumpster Pick-up Time**

**RECOMMENDATION** *The Public Works Committee: 1) receive a report from staff regarding hours for commercial solid waste collection; and 2) take action deemed appropriate.*

**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 February 11, 1998. 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

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

**970087 Ordinance No. 0-97-42**

**AN ORDINANCE AMENDING SECTION 27-8 OF CHAPTER 27 OF THE CODE OF ORDINANCES OF GAINESVILLE, FLORIDA, DEFINING SAFE ACCESS; REDUCING THE AMOUNT OF TIME A METER IS ALLOWED TO BE INACCESSIBLE; AUTHORIZING REQUIRING THE PURCHASE AND INSTALLATION OF A REMOTE METERING DEVICE OR RELOCATION OF THE METER AT THE EXPENSE OF THE CUSTOMER; DELETING SUBSECTION (d); PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.**

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

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

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

**970088 Ordinance No. 0-97-43**

**AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (1) ELECTRICITY, SECTIONS g.2, h.2, AND i.2 OF THE GAINESVILLE CODE**

**OF ORDINANCES BY REVISING THE POWER FACTOR ADJUSTMENT; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN**

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

**A motion was made by Commissioner 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

**Chairman B. Delaney left the meeting room (7:20pm)**

**970104 Ordinance 0-97-44**

**An ordinance of the City of Gainesville, Florida, reappointing James L. Garrett and Carol Villemaire to the Gainesville Enterprise Zone Development Agency; and appointing Robert Woody 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 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. and Pegeen Hanrahan  
Absent: Paula M. DeLaney and Bruce L. Delaney

**Resolutions- ROLL CALL REQUIRED**

**970187 Amendments to Resolution R-85-37**

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

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

**Chairman B. Delaney re-entered the meeting room (7:25pm)**



**970256 Sunsetting the Neighborhood Advisory Board**

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

**A motion was made by Commissioner Calkins, seconded by Commissioner Jennings, that this matter be Adopted (Resolution). 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

**Commissioner Calkins left the meeting room (7:26pm)****Plan Board Petitions****970046 (Quasi-judicial) Petition 76 PSZ-97 PB. City Plan Board. An amendment to Public Service Zoning with development plan review to allow for a community garden. Zoned PS (Public Service). Located at 430 S.E. 6th Terrace.**

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 76PSZ-97 PB, with conditions. Plan Board vote 4-0 (1 Abstained)*

*Staff to Plan Board - Approve*

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

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

**Commissioner Calkins re-entered the meeting room (7:27pm)****970138 (Quasi-judicial) Petition 113 LUC-97 PB, City Plan Board. Amend the Gainesville Comprehensive Plan, 1991-2001, Future Land Use Map from CON (Conservation) to MU-L (Mixed Use Low Intensity, 10-30 units/acre). Related to Petition 114 ZON-97 PB. Located in the vicinity of the 100 block between N.E. 9th Avenue and N.E. 10th Avenue.**

*Chairman B. Delaney recognized Citizen Kirby Stewart who spoke to the matter.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 113LUC-97 PB. Plan Board vote 5-0*

*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

**970139 (Quasi-Judicial) Petition 114 ZON-97 PB, City Plan Board. Rezone property from CON (Conservation) to MU-1 (10-30 units/acre mixed use low intensity). Related to Petition 113 LUC-97 PB. Located in the vicinity of 100 N.E. 10th Avenue.**

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 114ZON-97 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 by the following vote:**

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

**970140 Petition 118TCH-97 PB. City Plan Board. Amend the Development Review Process for Master Plans to allow the appropriate reviewing board to establish the phasing schedule with preliminary plan approved under certain conditions.**

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 118TCH-97 PB. Plan Board vote 5-0*

*Staff to Plan Board - Approve*

**A motion was made by Commissioner Jennings, 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

**970151 Petition 98TCH-97 PB, City Plan Board. Amend Sec. 30-98, by adding provisions regarding video programming antennas used to receive direct broadcast satellite service, multichannel multipoint distribution service and television broadcast signals.**

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 98TCH-97 PB. Plan Board vote 3-2*

*Staff to Plan Board - Approve*

**A motion was made by Commissioner Calkins, 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

**970136**

**(Quasi-judicial) Petition 111LUC-97 PB, Eng, Denman & Associates, Inc., agent for Juan and David Holbrook. Amend the Gainesville Comprehensive Plan, 1991-2001, Future Land Use Map from SF (Single-family, 0-8 units/acre) to O (Office). Related to Petition 112ZON-97 PB. Located at 1320 & 1328 N.W. 34th Road.**

*City Attorney Marion Radson reviewed the formal quasi-judicial hearing process.*

*The City of Gainesville, Petitioner and Affected Parties agreed to consider both petitions together.*

*The Commission and Petitioner agreed the following Citizens as affected parties: Martha Chappell, Marjorie and Mark Morgan, Mary Christopherson, Mr. & Mrs. J.L. Summerall and Frank Welland who were represented by Attorney Gary Edinger and Citizen Thomas Prince.*

*The Commission stated that they had no ex parte communications.*

*Clerk of the Commission Kurt Lannon swore in all witnesses: Petitioner - Ralph Eng and Dr. Grant Thrall  
City of Gainesville - Planning Manager Ralph Hilliard and Onelia Lazzari;  
Affected Party Represented by Attorney Gary Edinger - Mark Morgan and Jimmy Summerall and Mary Christopherson, Martha Chappell and Attorney Gary Edinger  
Affected Party Thomas Prince*

*The City of Gainesville and Affected Parties agreed to accept and the City Commission included Dr. Grant Thrall as a petitioner expert witness.*

*Petitioner Expert Witness Dr. Grant Thrall gave a presentation.*

*The City of Gainesville, Petitioner and Affected Parties agreed and the City Commission included the slides as Petitioner Composite Exhibit A.*

*Affected Party Attorney Gary Edinger asked questions of Petitioner Expert Witness Dr. Grant Thrall.*

*The City of Gainesville and Affected Parties agreed to accept and the City Commission included Ralph Eng as a petitioner expert witness.*

*Petitioner Expert Witness Ralph Eng gave a presentation.*

*The Commission asked questions of Petitioner Expert Witness Ralph Eng.*

*The City of Gainesville and the Affected Parties agreed and the Commission included a memorandum from Rick Melzer, P.E. to Ralph Eng, P.E. dated August 8, 1997 as Petitioner Exhibit B and letters of support (3 letters) as Petitioner Exhibit C.*

*City Planning Manager Hilliard and Affected Parties Attorney Edinger asked questions of Petitioner Expert Witness Ralph Eng.*

*Petitioner and Affected Parties agreed to accept and the Commission included Senior Planner Onelia Lazzari as the City of Gainesville Expert Witness.*

*City Senior Planner Onelia Lazzari gave a presentation.*

*The City Commission asked questions of Senior Planner Lazzari.*

*The Petitioner and Affected Parties agreed and the Commission included a map of homesteaded, not homesteaded and vacant parcels as City Staff Exhibit A and slides as City Staff Exhibit B.*

*The Commission asked questions of City Senior Planner Lazzari and City Planning Manager Ralph Hilliard.*

*Petitioner Expert Witness Ralph Eng asked questions of City Senior Planner Onelia Lazzari.*

*Petitioner Expert Witness Dr. Grant Thrall asked questions of City Senior Planner Lazzari.*

*Affected Party Thomas Prince gave a presentation and spoke in favor of the petition.*

*Petitioner Expert Witness Dr. Grant Thrall asked a question of Affected Party Thomas Prince.*

*City Planning Manager Ralph Hilliard asked a question of Affected Party Thomas Prince.*

*Affected Party Attorney Gary Edinger gave a presentation and spoke against the petition.*

*The City and Petitioner agreed and the Commission included Affected Party Exhibit Composite A (photographs) and Affected Party Exhibit Composite B (flood plain sheet of construction plans entitled Forest Park Subdivision Master Site Plan).*

*Affected Party Witness Mark Morgan gave a presentation.*

*Petitioner Expert Witness Dr. Grant Thrall asked questions of Affected Party Witness Mark Morgan.*

*Affected Party Witness Jimmy Summerall gave a presentation.*

*Petitioner Expert Witness Dr. Grant Thrall gave rebuttal testimony.*

*City Planning Manager Ralph Hilliard and the Commission asked questions of Petitioner Expert Witness Dr. Grant Thrall.*

*The Commission asked a question of Petitioner David Holbrook.*

*City Planning Manager Ralph Hilliard and City Senior Planner Lazzari asked questions of Petitioner Expert Witnesses Dr. Grant Thrall and Ralph Eng.*

*City Planning Manager Ralph Hilliard gave rebuttal testimony.*

*The Commission asked questions of City Planning Manager Hilliard.*

*Chairman B. Delaney opened the public hearing.*

*Chairman B. Delaney recognized Citizens Sandy Garrett, David Bruck and Giovanna Holbrook who spoke to the matter.*

*Commissioner Hanrahan moved and Commissioner Calkins seconded to waive the Rules of the City Commission to allow Citizen Martha Chappell to speak (Motion Carried 4-0 Commissioner P. DeLaney absent)*

*Chairman B. Delaney recognized Citizens Martha Chappell and Michael Bailey who spoke to the matter.*

*Commissioner Hanrahan moved and Commissioner Calkins seconded to continue the City Commission meeting until the business is completed (Motion Carried 4-0, Commissioner P. DeLaney absent).*

*Chairman B. Delaney closed the public hearing.*

*The Commission deliberated.*

*Commissioner Calkins moved and Commissioner Hanrahan seconded to waive the Rule of the City Commission to allow Giovanna Holbrook to speak (Motion Carried 3-0, Commissioners Jennings and P. DeLaney absent).*

*Chairman B. Delaney recognized Citizen Giovanna Holbrook who spoke to the matter.*

*After the motion to deny the petition failed, the Commission took the following action:*

*Commissioner Calkins moved and Commissioner Hanrahan seconded to waive the Rules of the City Commission to allow Petitioner Expert Witness Ralph Eng to speak (Motion Carried 3-0, Commissioners Jennings and P. DeLaney absent).*

*Chairman B. Delaney recognized Petitioner Expert Witness Ralph Eng who spoke to the matter.*

*MOTION: Commissioner Calkins moved and Commissioner Hanrahan seconded to*

*approve Staff's alternative proposal to Petition 111LUC-97PB (Motion Carried 3-0, Commissioner Jennings and P. DeLaney absent)*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission deny Petition 111LUC-97 PB. Plan Board vote 4-1*

*Staff to Plan Board - Planning Division staff recommends denial of Petition 111LUC-97PB as presented by the petitioner. Staff recommends approval of an alternative proposal which would split-zone and split the land use designation of parcel 08958-001-000. Staff recommends that on the westernmost portion of parcel 08958-001-000, 30 feet from the front property line to rear property line remain in the Single Family land use category and RSF-1 zoning. The remaining portion of parcel 08958-001-000 and parcels 08958-000-000 and 08957-002-000 are recommended for Office land use and OF (General Office) zoning.*

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

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

**970137**

**(Quasi-judicial) Petition 112ZON-97PB, Eng, Denman & Associates, Inc., agent for Juan and David Holbrook. Rezone property from RSF-1 (Single-family Residential, 3.5 units/acre) to OF (General Office). Related to Petition 111LUC-97PB. Located at 1320 and 1328 N.W. 34th Road.**

*After the motion to deny the petition failed, the Commission took the following action:*

*MOTION: Commissioner Calkins moved and Commissioner Hanrahan seconded to approve Staff's alternative proposal to Petition 112ZON-97 PB (Motion Carried 3-0, Commissioners Jennings and P. DeLaney absent)*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission deny Petition 112ZON-97 PB. Plan Board vote 4-1*

*Staff to Plan Board - Planning Division staff recommends denial of Petition 112ZON-97PB as presented by the petitioner. Staff recommends approval of an alternative proposal which would split-zone and split the land use designation of parcel 08958-001-000. Staff recommends that on the westernmost portion of parcel 08958-001-000, 30 feet from the front property line to rear property line remain in the Single Family land use category and RSF-1 zoning. The remaining portion of parcel 08958-001-000 and parcels 08958-000-000 and 08957-002-000 are recommended for Office land use and OF (General Office) zoning.*

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

**Votes:** Aye: Edward L. Jennings, Sr.

Nay: Sande Calkins, Pegeen Hanrahan and Bruce L. Delaney

Absent: Paula M. DeLaney

## **Commissioner Jennings left the meeting room (10:18pm)**

## **Development Review Board**

## **Unfinished Business**

## **Commission Comment**

### **970265 Mayor-Commissioner B. Delaney - Property Purchase for Stormwater Facilities**

**RECOMMENDATION** *The City Commission authorize Alachua Conservation Trust (ACT) to negotiate on behalf of the City the purchase of the Sweetwater property for stormwater facilities.*

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

## **Citizen Comment**

### **Eddie Johnson - Amalgamated Transit Union (NB)**

*Amalgamated Transit Union Representative Eddie Johnson requested the Commission provide some type of assistance to employees scheduled for lay-off from the Regional Transit System using funds from the special services such as Gator Aider.*

*The Commission asked the City Manager to return to the Commission with a report.*

## **Adjournment - 10:24pm**

## **Items Pending in Committee (for information only)**

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Kurt M. Lannon, Clerk of the Commission