

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, February 28, 2000**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

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

## Invocation

**Vicar Bill Johnson, First Lutheran Church of Gainesville**

## Roll Call

Present: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

## Consent Agenda

*The Consent Agenda was adopted with the following modification:*

*Item 991137 - Bo Gustafson v. City of Gainesville was removed from the Consent Agenda and placed on the Regular Agenda under City Attorney category.*

## City Manager, Consent Agenda Items

### **991120 Acquisition of Tax Parcel No. 12936 & 12937 (Stringfellow Property) as right-of-way for SW 6th Street (B)**

**RECOMMENDATION** *Staff to City Commission: 1) approve the Purchase and Sale Agreement for the purchase of property at 609 West University Avenue in the amount of \$250,000.00 from Fred B. and Mary G. Stringfellow as negotiated by staff; 2) authorize the City Manager to execute all documents to complete the closing in accordance with the Purchase and Sale Agreement, subject to available funding, and subject to the approval of the City Attorney as to form and legality; and 3) approve a loan of approximately \$250,000 less the amount for the right of way expansion from the City to the CRA.*

*CRA to City Commission: The CRA recommend to the City Commission that the CRA pursue acquiring the Stringfellow property located at the 600 block of West University Avenue, south side and also direct staff to pursue the possibility of acquiring the rest of that block and come back to the City Commission with recommendations with regard to financing and a mutual agreement between the CRA and City General Government.*

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

### **991121 Proposed amendments to the "Design Guidelines Manual: Development of City of Gainesville Buildings" (B)**

**RECOMMENDATION** *The City Commission: 1) amend the guidelines as noted and; 2) recommend that the County adopt the guidelines for incorporated and urban areas of the county, and other areas where high-quality urban design is desired.*

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

**991122 Year-Two Continuation Funding for Florida Department of Transportation Crash Data Grant Award (B)**

**RECOMMENDATION** *The City Commission: 1) accept the grant award and 2) authorize the City Manager to authorize staff to include the necessary changes in the next amendatory budget ordinance.*

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

**991123 Mutual Aid Agreement with the University of Florida Police Department (B)**

**RECOMMENDATION** *The City Commission authorize the City Manager to renew a police Mutual Aid Agreement between the City of Gainesville Police Department and the University of Florida Police Department subject to the approval of the City Attorney as to form and legality.*

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

**991124 Northwest 53rd Avenue and 37th Street Intersection Improvements (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the City Manager, or his designee, to execute the appropriate interlocal agreement between the City and Alachua County for the joint participation in the project, subject to approval of the City Attorney as to form and legality; and 2) approve funding from the City's Traffic Signals Capital Account up to \$50,000 for the City's share in the project.*

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

**991125 Bicycle Master Plan (B)**

**RECOMMENDATION** *The City Commission: 1) authorize the City Manager to execute any documents required to secure joint funding of a countywide Bicycle Master Plan, subject to approval by the City Attorney as to form and legality; and 2) appropriate funds in the amount of \$12,375 in the current fiscal year from*

*the City Commission Contingency Fund as part of a shared local match to FDOT.*

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

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

### **991138 Amendment to Contract with Group 5 (NB)**

**RECOMMENDATION** *The City Commission authorize the General Manager, or his designee, to negotiate and execute a Second Amendment to the Contract with Group 5, subject to the approval of the City Attorney, extending the term of the contract through April 30, 2000 in an amount not to exceed \$15,000 (new not to exceed amount \$40,000).*

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

### **991139 John R. Kelly Generating Station-CC1 Foundation and Site Work (B)**

**RECOMMENDATION** *The City Commission authorize the General Manager or his designee to execute a contract for the foundations and site work to Watkins Engineers and Constructors and approve the issuance of a purchase order in an amount not to exceed \$1,638,872.00.*

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

## **City Attorney, Consent Agenda Items**

### **991134 INTERLOCAL AGREEMENT REGARDING AIRPORT ZONING REGULATIONS(B)**

#### **...recommendation**

**The City Commission authorize the Mayor to sign an interlocal agreement with Alachua County concerning airport zoning regulations.**

#### **...explanation**

**On May 10, 1999 the City Commission adopted Airport Hazard Zoning Regulations to meet the requirements of Chapter 333, Florida Statutes. The regulations established an Airport Height Notification Zone, Airport Runway Clear Zone and Airport Noise Zone around the Gainesville Regional Airport. The City Commission also authorized staff to negotiate an interlocal agreement with Alachua County to have the county enforce its similar regulations in the unincorporated area near the Gainesville Regional Airport, also to meet**

requirements of section 333.03(1)(b), Florida Statutes.

**The County Commission approved the interlocal agreement on January 25. It provides that the City shall administer and enforce its airport zoning regulations on affected property within the City, and the County shall do the same on all affected property in the unincorporated area.**

**RECOMMENDATION** *The City Commission authorize the Mayor to sign an interlocal agreement with Alachua County concerning airport zoning regulations.*

*...explanation*

*On May 10, 1999 the City Commission adopted Airport Hazard Zoning Regulations to meet the requirements of Chapter 333, Florida Statutes. The regulations established an Airport Height Notification Zone, Airport Runway Clear Zone and Airport Noise Zone around the Gainesville Regional Airport. The City Commission also authorized staff to negotiate an interlocal agreement with Alachua County to have the county enforce its similar regulations in the unincorporated area near the Gainesville Regional Airport, also to meet requirements of section 333.03(1)(b), Florida Statutes.*

*The County Commission approved the interlocal agreement on January 25. It provides that the City shall administer and enforce its airport zoning regulations on affected property within the City, and the County shall do the same on all affected property in the unincorporated area.*

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

## **Committee Reports, Consent Agenda Items**

### **Public Works Committee, Consent**

### **Personnel & Organizational Structure Comm, Consent**

### **Public Safety Committee, Consent**

#### **991109 State LECFTF Funding for Crime Trac (NB)**

**RECOMMENDATION** *The City Commission approve the appropriation and expenditure of \$10,000 from the State Law Enforcement Contraband Forfeiture Trust Fund to Crime Trac, Inc., to assist in offsetting reward assessments.*

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

**991115 Third-Year Funding for COPS MORE 1996 (Making Officer Redeployment Effective) Grant Program (NB)**

**RECOMMENDATION** *The City Commission authorize the City Manager 1) to accept third-year funding for the already established COPS MORE Grant Program, 2) to appropriate \$6,539 from the State Law Enforcement Contraband Forfeiture Trust Fund, 3) to execute the grant contract and any other documents that may be necessary, pending approval by the City Attorney as to form and legality.*

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

**Audit & Finance Committee, Consent**

**Recreation and Cultural Affairs Committee, Consent**

**Clerk of the Commission, Consent Agenda Items**

**991101 Appointment - Development Review Board (NB)**

**RECOMMENDATION** *The City Commission appoint Terrence N. Bailey to a vacancy on the Development Review Board to expire November 1, 2000.*  
*Commissioner John Barrow - Terrence N. Bailey*  
*Commissioner Pegeen Hanrahan - Terrence N. Bailey*  
*Commissioner Edward L. Jennings, Sr. - Terrence N. Bailey*  
*Mayor-Commissioner Pro Tem Bruce Delaney - Terrence N. Bailey*  
*Mayor Paula DeLaney - Terrence N. Bailey*

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

**991102 Appointment - Gainesville Energy Advisory Committee (NB)**

**RECOMMENDATION** *The City Commission appoint Mack Oliver to a vacancy on the Gainesville Energy Advisory Committee to expire September 30, 2001.*  
*Commissioner John Barrow - Mack Oliver*  
*Commissioner Pegeen Hanrahan - Mack Oliver*  
*Commissioner Edward L. Jennings, Sr. - Mack Oliver*  
*Mayor-Commissioner Pro Tem Bruce Delaney - Mack Oliver*  
*Mayor Paula DeLaney - Mack Oliver*

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

**991103 Appointment - Gainesville Human Rights Board (NB)**

**RECOMMENDATION** *The City Commission appoint Margaret C. Eppes and reappoint Bill Gallagher a term on the Gainesville Rights Board to expire February 22, 2003.  
Commissioner John Barrow - Eppes and Gallagher  
Commissioner Pegeen Hanrahan - Eppes and Gallagher  
Commissioner Edward L. Jennings, Sr. - Eppes and Gallagher  
Mayor-Commissioner Pro Tem Bruce Delaney - Eppes and Gallagher  
Gallagher  
Mayor Paula DeLaney - Eppes and Gallagher*

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

**991104 Appointment - Public Recreation Board (NB)**

**RECOMMENDATION** *The City Commission appoint Scott Underwood to a vacancy on the Public Recreation Board to expire June 1, 2001.  
Commissioner John Barrow - Scott Underwood  
Commissioner Pegeen Hanrahan - Scott Underwood  
Commissioner Edward L. Jennings, Sr. - Scott Underwood  
Mayor-Commissioner Pro Tem Bruce Delaney - Scott Underwood  
Underwood  
Mayor Paula DeLaney - Scott Underwood*

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

**991105 Appointment - Water Management Committee (NB)**

**RECOMMENDATION** *The City Commission appoint Jon C. Mickler to a vacancy on the Water Management Committee to expire August, 2001 and appoint Mack Oliver to a vacancy to expire August, 2000.  
Commissioner John Barrow - Mickler and Oliver  
Commissioner Pegeen Hanrahan - Mickler and Readvertise  
Commissioner Edward L. Jennings, Sr. - Mickler and Oliver  
Mayor-Commissioner Pro Tem Bruce Delaney - Mickler and Oliver  
Oliver  
Mayor Paula DeLaney - Mickler and Oliver*

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

**991147 Resignation - Gainesville/Alachua County Cultural Affairs Board (B)**

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

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

**991146 City Commission Minutes**

**RECOMMENDATION** *The City Commission approve the minutes of February 14, 2000.*

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

**Passed The Consent Agenda**

**A motion was made by Mayor-Commissioner Pro Tem B. Delaney, seconded by Commissioner Jennings, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Votes:** Aye: Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney  
Absent: Pegeen Hanrahan

**End of Consent Agenda**

**Adoption of the Agenda**

*Mayor Commissioner Pro Tem Bruce Delaney moved and Commissioner Edward L. Jennings, Sr. seconded to adopt the regular agenda. (4-0) Commissioner Pegeen Hanrahan absent.*

**Clerk of the Commission**

**991078 Budget Meetings (B)**

**RECOMMENDATION** *The City Commission schedule or re-schedule budget special meetings as shown on the request for special meeting forms.*

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

**Votes:** Aye: Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney  
Absent: Pegeen Hanrahan

**City Manager**



**991126 Transit Service Enhancements in the Southwest Area (B)**

*Chair Paula M. DeLaney recognized Public Works Director Teresa Scott who gave a presentation.*

*Chair Paula M. DeLaney recognized Citizen Sara Poll who spoke to the matter.*

*Commissioner Hanrahan arrived @ 1:12 PM.*

**RECOMMENDATION** *The City Commission: 1) endorse staff's proposal to address unmet service demands; and 2) forward the enhanced service proposal to the Metropolitan Transportation Planning Organization (MTPO) and the Alachua County Commission for consideration.*

**A motion was made by Commissioner Barrow, seconded by Mayor-Commissioner Pro Tem B. Delaney, that this matter be Approved as Recommended. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

**991127 Metropolitan Transportation Planning Organization (MTPO) (NB)**

*Chair Paula M. DeLaney recognized Public Works Director Teresa Scott who gave a presentation.*

*Chair Paula M. DeLaney recognized Citizen Cindy Smith who spoke to the matter.*

**RECOMMENDATION** *The City Commission hear a report from staff regarding the March 9, 2000 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

**Heard**

**991128 Report on status of joint planning program with Alachua County. (NB)**

*Chair Paula M. DeLaney recognized Community Development Director Tom Saunders, Public Works Director Teresa Scott, Planning Manager Ralph Hilliard, and Fire Chief Richard Williams who gave presentations.*

*Chair Paula M. DeLaney recognized Citizen Cindy Smith who spoke to the matter.*

**RECOMMENDATION** *The City Commission hear a brief presentation from the joint staff task force and take appropriate action.*

**Discussed**

## General Manager for Utilities

### 991140 National Arbor Day Foundation Award (NB)

*Chair Paula M. DeLaney recognized GRU Vegetation Maintenance Manager Tracy Maxwell who gave a presentation.*

**RECOMMENDATION** *The City Commission hear a presentation from GRU staff and accept an award from the National Arbor Day Foundation naming GRU as a "Tree Line USA Utility."*

**Heard**

### 991141 Contract for Marketing Services (B)

*Chair Paula M. DeLaney recognized GRU Corporation Communication Specialist Jodi Gentry and Communications Director Kathy Viehe who gave presentations.*

*Chair Paula M. DeLaney recognized Citizens Rev. Tim Keyes, Forrest Lisle, Cindy Smith and Sara Poll who spoke to the matter.*

*AMENDMENT: Utilize the 80/20 split by using local vendors within the utility service area.*

**RECOMMENDATION** *The City Commission authorize the General Manager, or his designee, to negotiate and execute a one-year contract with Cramer-Krasselt for marketing services not to exceed budgeted amounts, subject to approval of the City Attorney as to form and legality.*

**A motion was made by Mayor-Commissioner Pro Tem B. Delaney, seconded by Commissioner Barrow, that this matter be Approved as Amended. The motion carried by the following vote:**

**Votes:** Aye: Bruce L. Delaney, John R. Barrow and Paula M. DeLaney  
Nay: Pegeen Hanrahan and Edward L. Jennings, Sr.

## Outside Agencies - Time Certain 3:00 PM

### 991133 Alachua County Sheriff's Office Update

*Chair Paula M. DeLaney recognized Sheriff Steve Oelrich who gave a presentation.*

**RECOMMENDATION** *The City Commission hear a presentation from Alachua County Sheriff, Stephen Oelrich.*

**Heard**

## Special Presentation - Gainesville Fire Chief Richard Williams - Local Fire

*Chair Paula M. DeLaney recognized Fire Chief Richard Williams who gave a presentation regarding a local brush fire*

*Chair Paula M. DeLaney recognized Citizen Sara Poll who spoke to the matter.*

## General Manager for Utilities (Continued)

### 991142 GRU Membership in The Energy Authority (B)

*Chair Paula M. DeLaney recognized GRU Assistant General Manager for Energy Supply Darrell Dubose who gave a presentation.*

**RECOMMENDATION** *The City Commission authorize the General Manager to: 1) Negotiate the final terms and conditions of a membership agreement with The Energy Authority (TEA); 2) Execute all membership documents substantially in the form as those on file in the Office of the Clerk subject to approval of the City Attorney as to form and legality, and 3) Pay all sums due and make all deposits required under the terms and conditions of the membership agreement and advance agreement; and perform such other acts as may be required to comply with the closing documents.*

**A motion was made by Mayor-Commissioner Pro Tem B. Delaney, seconded by Commissioner Barrow, that this matter be Approved as Recommended. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

## City Attorney

### 991137 Bo Gustafson, et al. v. City of Gainesville; Alachua County Circuit Court; Case No. 01-00-CA-108

*Chair Paula M. DeLaney recognized Citizens Bo Gustafson, Mary Helen Wheeler and Nina Postlewaite-Saive who spoke to the matter.*

**MOTION:**

*Authorize the City Attorney to:*

- 1) contact all the parties to have the discussion about whether or not we might have a special meeting to discuss the possibility of mediation;*
- 2) if that is not successful, then we will authorize the City attorney to represent the City in the case as in the recommendation.*

**RECOMMENDATION** *The City Commission authorize the City Attorney to represent*

*the city in the case styled Bo Gustafson, et al. v. City of Gainesville; Alachua County Circuit Court; Case No. 01-00-CA-108*

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

## City Auditor

## Committee Reports (Pulled from Consent)

## Public Works Committee

## Personnel & Organizational Structure Committee

## Public Safety Committee

### 981314 Noise Ordinance (B)

*Chair Paula M. DeLaney recognized Gainesville Police Lieutenant Richard Zenuch and Assistant City Attorney Patricia Carter who gave presentations.*

*Chair Paula M. DeLaney recognized Citizens Susan Wright, Cindy Smith, Joe Montalto, Carl Hackenbrack, Bill Gager, Sara Poll and Thomas H. Fay who spoke to the matter.*

*1st MOTION: Commissioner Jennings moved and Commissioner Barrow seconded the recommendation with an amendment that the Mayor meet with Tom Fay to bring back possible amendments. (3-0) (Commissioner Hanrahan and Bruce Delaney Absent)*

*2nd MOTION: Commissioner Barrow moved and Commissioner Jennings seconded to reconsider the motion. (5-0)*

*3rd MOTION: Commissioner Barrow moved and Commissioner Hanrahan seconded to approve the motion without the amendment. (5-0)*

**RECOMMENDATION** *The City Commission 1) hear a presentation of the ordinance amendments by staff, 2) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 15 (Noise) and 3) take other action as deemed appropriate.*

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

**Audit & Finance Committee**

**Recreation & Cultural Affairs Committee**

**Advisory Boards/Committees (Appointments/Reports)**

**Outside Agencies**

**Members of the City Commission**

**Commission Comments**

**Citizen Comment (5:00pm)**

*Chair Paula M. DeLaney left the meeting room and Commissioner Pegeen Hanrahan assumed the gavel.*

**Debbie Martinez**

*Beautification Projects*

**Nora Gibbons**

*Rave Clubs*

**Vincent Mallet**

*Rave Clubs*

**Sara Poll**

*Car Boom Boxes  
Ballot Issues*

**Unidentified Female**

*College Related Issues*

**Tim Keyes**

*Student Adjunct Positions  
DUI Issues*

**Pledge of Allegiance (6:00pm)**

**Junior Troop #808**

**Proclamations/Special Recognitions**

**Public Hearings**

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

**990194            TEMPORARY SIGNS (B)**

**Ordinance No. 0-00-28; Petition No. 98TCH-99PB**

**AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, REVISING AND AMENDING THE LAND DEVELOPMENT CODE RELATING TO TEMPORARY SIGNS; AMENDING SUBSECTION 30-317(6) TO ALLOW SIGNS FOR SPECIAL EVENTS OF UNIVERSITY OF FLORIDA STUDENT ORGANIZATIONS LOCATED ON PROPERTY IN THE UNIVERSITY CONTEXT AREA UNDER CERTAIN CONDITIONS; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

*Chair Paula M. DeLaney left the meeting room and Chair Pro Tem Bruce Delaney assumed the gavel and temporarily chaired the meeting.*

*Chair Bruce Delaney recognized City of Gainesville Planning Manager Ralph Hilliard who gave a presentation.*

**RECOMMENDATION**    *The City Commission (1) approve Petition 98TCH-99 PB and (2) adopt the proposed ordinance.*

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney and John R. Barrow  
Absent: Paula M. DeLaney

**990852                    COMPREHENSIVE PLAN UPDATE - URBAN DESIGN ELEMENT (B)****Ordinance No. 0-00-40; Petition No. 183CPA-99PB**

**AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, CREATING AND ADDING AN URBAN DESIGN ELEMENT TO THE CITY OF GAINESVILLE 2000-2010 COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY MANAGER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

*Chair Pro Tem Bruce Delaney recognized Community Development Director Tom Saunders and Planning Manager Ralph Hilliard who gave presentations.*

*Chair Paula M. DeLaney re-entered the meeting room and assumed the gavel.*

*Chair Paula M. DeLaney recognized Citizens Cindy Smith, Ernest Martinez, Paul Portal, Marge Maligodi and Susan Wright who spoke to the matter.*

**RECOMMENDATION**    *The City Commission (1) approve Petition 183CPA-99 PB and (2) adopt the proposed ordinance.*

**A motion was made by Commissioner Hanrahan, seconded by Commissioner Barrow, that this matter be Continued (1st Reading) for March 27, 2000. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

**991015                    NUISANCE ABATEMENT (B)****Ordinance No. 0-00-34**

**AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO PUBLIC NUISANCE ABATEMENT; AMENDING SECTION 16.91 OF THE CODE OF ORDINANCES TO INCLUDE ARRESTS AND CONVICTIONS FOR THE UNLAWFUL SALE OF SUBSTANCES IN LIEU OF CONTROLLED SUBSTANCES, THE UNLAWFUL SALE OF IMITATION CONTROLLED SUBSTANCES, THE VIOLATION OF FEDERAL NARCOTICS LAWS AND CONSPIRACY TO VIOLATE FEDERAL NARCOTICS LAWS, AND VIOLATIONS OF STATE GAMBLING LAWS AS GROUNDS CONSTITUTING A PUBLIC NUISANCE WHEN 2 OR MORE ARRESTS AND CONVICTIONS HAVE OCCURRED IN A 6 MONTH PERIOD FOLLOWED BY AN ADDITIONAL ARREST; AMENDING SECTIONS 16-92 THROUGH 16-96 AND CREATING NEW SECTIONS 16-97 AND 16-98; CREATING THE NUISANCE ABATEMENT BOARD; PROVIDING FOR PROCEDURES AND THE CONDUCT OF HEARINGS; PROVIDING FOR POST HEARING PROCEEDINGS AND THE ENFORCEMENT OF ORDERS; PROVIDING FOR APPEALS; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY**

**CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

*Chair Paula M. DeLaney recognized Assistant City Attorney Ron Combs who gave a presentation.*

*Chair Paula M. DeLaney recognized Citizens Rev. Tim Keyes, Ernest Martinez, and Gladys Perkins who spoke to the matter.*

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

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

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

**Resolutions- ROLL CALL REQUIRED**

**991131 Northwest 19th Street Roadway Reconstruction Project (B)**

**RECOMMENDATION** *The City Commission: 1) approve the resolution authorizing condemnation of .031 acres of the property located at 1841 Northwest 39th Avenue, referred to as Parcel 95-37-02, a portion of the parent parcel number 8985-001; and 2) authorize the City Manager to execute any applications, agreements, or any other related documents and take any other actions necessary to complete the Eminent Domain process subject to approval of the City Attorney as to form and legality.*

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

**991132 Complete Count Efforts of the Census Bureau (B)**

**RECOMMENDATION** *The City Commission adopt the resolution to support the establishment of a partnership with the United States Census Bureau to obtain an accurate count of City residents.*



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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

**991144 Kirkwood Roadways Special Assessment (B)**

**RECOMMENDATION** *The City Commission: 1) approve the resolution declaring a Special Assessment process for roadway restoration and resurfacing in the Kirkwood Neighborhood; and 2) authorize the City Manager, or his designee, to execute any applications, agreements, or any other related documents and take any other actions necessary to implement the process for abutting property owners to be assessed two-thirds the cost of the roadway work with the City providing the remaining one-third subject to approval by the City Attorney as to form and legality.*

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

**991143 Resolution Requesting an Easement from the State of Florida (B)**

**RECOMMENDATION** *The City Commission: 1) adopt a resolution, subject to approval by the City Attorney as to form and legality, requesting the State of Florida Department of Environmental Protection obtain authority from the Trustees of the Internal Improvement Trust Fund to grant an easement to the City of Gainesville; and 2) authorize the General Manager or his designee to execute and accept the easement document on behalf of the City of Gainesville, subject to approval as to form and legality by the City Attorney.*

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

**991148 Rules of the City Commission (B)**

*Chair Paula M. DeLaney recognized Citizens Tim Keyes and Linda Smith who spoke to the matter.*

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

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

## Plan Board Petitions

**990715**      **Legislative Matter No. 990715. Petition 173TCH-99 PB. City Plan Board. Amend Sec. 30-55 of the Land Development Code with respect to dimensional requirements for principal and accessory structures in the residential high-density districts (RH-1 and RH-2). (B)**

*Chair Paula M. DeLaney recognized Chief of Comprehensive Planning Dean Mimms, Community Development Director Tom Saunders and Planning Manager Ralph Hilliard who gave presentations.*

*Chair Paula M. DeLaney recognized Citizen Robert Pearce who spoke to the matter.*

*MOTION: Approve the Plan Board Recommendation with a change in number 1 only and also the staff recommended change with the redundant language.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 173TCH-99 PB. Plan Board vote 4-2*

*Staff to Plan Board - Approve*

*Staff to City Commission - Approve the following adjustments to the Plan Board recommendation: 1) deletion of proposed minimum distance requirement between principal and accessory structures; and 2) retention of the requirement that the front setback requirement for accessory structures be the same as that for principal structures.*

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

**990709**      **Legislative Matter No. 990709. (Quasi-Judicial) Petition 148ZON-99 PB. Eng, Denman & Associates, Inc., agent for Mike S. Hartman, family representative. (FORMAL QUASI-JUDICIAL HEARING) (B)**

*MOTION: Petition 148ZON-99PB be continued and scheduled for a special meeting to be held March 6, 2000 at 7:00 PM.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 148ZON-99 PB with Plan Board recommendation that: 1) the commercial portion of the property be straight zoning, 2) Block 29 of the site be zoned Conservation; and 3) the remainder of the site be zoned Planned Development. Plan Board vote 5-1*

*Staff to Plan Board - That the subject property be developed under the Planned Development (PD) zoning designation. Alternatively, staff recommends approval of Petition 148ZON-99 PB, with the exception that Block 29 be rezoned to Conservation rather than to RSF-4.*

*Recommendation from Mayor Pro-Tem - Petition 148ZON-99PB be continued and scheduled for a special meeting on March 6, 2000, at 7:00pm.*

**A motion was made by Mayor-Commissioner Pro Tem B. Delaney, seconded by Commissioner Hanrahan, that this matter be Continued (Petition) for March 6, 2000. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Bruce L. Delaney, John R. Barrow and Paula M. DeLaney  
Absent: Edward L. Jennings, Sr.

## **Scheduled Evening Agenda Items**

### **991130 East Gainesville Sprout Project Task Force 1999 Annual Report (B)**

*Chair Paula M. DeLaney recognized Alachua County Commissioner Robert Hutchinson who gave a presentation.*

**RECOMMENDATION** *The City Commission hear a brief presentation on the 1999 Sprout Annual Report from Robert Hutchinson, Chair of the East Gainesville Sprout Project Task Force.*

**Heard**

**Adjournment (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**

### **Commission Comment - Waived Rules**

*MOTION: Commissioner Hanrahan moved and Edward L. Jennings, Sr. seconded to waive the City Commission Rules to extend the meeting after 11:00 PM. (5-0)*

**991156 Equal Opportunity Charter Officer (B)**

*NOTE: Resolution adopted later this meeting on March 6, 2000.*

**RECOMMENDATION** *Authorize the Mayor to write a letter to the Legislative Delegation supporting the special act for an Equal Opportunity Charter Officer and the City Attorney draft a Resolution to be brought back to the March 13, 2000 Regular City Commission Meeting.*

**A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem B. Delaney, that this matter be Assigned to the City Attorney, due back on March 13, 2000. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

**Recess**

*The meeting recessed at 11:05 PM and will reconvene Monday, March 6 at 3:00 PM.*

**Reconvene**

*The February 28, 2000 meeting reconvened March 6th at 3:03 PM.*

**990082 Brownfield Sprout Project - Depot Building Use (B)**

*NOTE: This matter began on February 28, 2000 and was completed on March 6, 2000.*

*Chair Paula M. DeLaney recognized Community Development Director Tom Saunders, Citizens Brad Guy and Linda Stevenson; Professor Kim Tanzer, Public Works Director Teresa Scott, Brownfields Coordinator Matt Dube' and GRU Strategic Planning Director Ed Regan who gave presentations.*

*Chair Paula M. DeLaney recognized Citizens Kali Blount, Vivian Fowler, Susan Botcher, Gladys Perkins, Chandler Otis, Marty Mesh, Phyllis Filer, David Welch, and May Scott who spoke to the matter.*

**MOTION:**

- 1. Communicate to Brad Guy of the Center for Construction and Environment to pursue further recommendations in regard to having an open and fair process in selecting uses for the Depot;*
- 2. encourage further meetings with the neighborhood and additional input from the broader community;*
- 3. encourage a mix of uses to meet multiple goals;*
- 4. bring back to the City Commission for an update, hopefully with some opportunity for action by the April 24, 2000 City Commission Meeting.*

**RECOMMENDATION** *The City Commission: 1) hear a report on the adaptive reuse of the Old Gainesville Depot building; and 2) take appropriate action.*

**A motion was made by Commissioner Hanrahan, seconded by Commissioner Jennings, that this matter be Approved, as shown above for April 24, 2000. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

## **991129 East Gainesville Sprout Project Property Acquisitions (B)**

*Chair Paula M. DeLaney recognized Brownfields Coordinator Matt Dube', Community Development Director Tom Saunders and Public Works Director Teresa Scott who gave presentations.*

***MOTION:***

*Recommend that staff proceed on removing the utility easements necessary for RTS's use and include or retain that for analysis by Mr. Buffington's firm and request that staff come back with a more cost feasible recommendation for whether any other parcel should be cut out of the FCT proposal, taking into account the site design.*

**RECOMMENDATION** *East Gainesville Sprout Task Force to the City Commission: 1) authorize the City Manager to direct staff to modify the FCT grant boundaries to exclude the 150-foot utility easement on the north side of the existing RTS facility, make minimal improvements to the site, and plant a buffer between the RTS facility and the proposed stormwater park; and 2) authorize the City Manager to adjust the boundaries of the FCT grant by removing a 300 foot-wide corridor along South Main Street and Depot Avenue.*

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

## **Modify Agenda**

*Commissioner Pegeen Hanrahan moved and Commissioner Edward L. Jennings, Sr. seconded to add Resolution 991156 to the agenda. (5-0)*

## **Resolution**

### **991156 Equal Opportunity Charter Officer (B)**

*AMENDMENT: Strike (4-1) from Resolution.*

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney and John R. Barrow  
Nay: Paula M. DeLaney

## **Commission Comment**

### **Mayor Paula M. DeLaney - Reconsider Legislative Item No. 981314**

#### **Commissioner John R. Barrow**

*Chair Paula M. DeLaney left the room and Chair Pro-Tem Bruce Delaney assumed the gavel.*

#### **991184 GRU Administration Building Parking Lot**

**RECOMMENDATION** *The City Manager and GRU General Manager look into the issue of better utilizing parking lots at night and on weekends, including plans for providing better security and maintenance of the lots.*

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney and John R. Barrow  
Absent: Paula M. DeLaney

#### **Commissioner John R. Barrow (continued)**

- 1. Action Alert from the Florida League of Cities regarding the Religious Liberty Protection Act of 2000.*
- 2. Building Inspection Department problem. Commissioner Barrow asked the City Manager to set up a workshop with Building Inspector Doug Murdock, Mark Barrow and whoever else might be interested in participating in this workshop.*
- 3. Thelma Bolton Center Activity .*

#### **Commissioner Pegeen Hanrahan**

- 1. Utility complaint - Landscaping concern during a sewer-line replacement near NE Sixth Terrace.*

2. *FCT Grant Cycle opportunities.*

**991185            Regional Transit System Ground Transportation Center Architectural Services**

**RECOMMENDATION**    *The City Commission refer this item to the Public Works Committee to discuss with the RTS Advisory Board at an upcoming meeting.*

**A motion was made by Commissioner Hanrahan, seconded by Commissioner Jennings, that this matter be Referred to the Public Works Committee. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney and John R. Barrow  
Absent: Paula M. DeLaney

**Commissioner Pegeen Hanrahan (continued)**

*Budget Meeting Schedule - Commissioner Hanrahan expressed concerns about the schedule. The Commission agreed by consensus to look at the dates and times after the two new Commissioners are elected.*

*Chair Paula M. DeLaney returned to the meeting room and assumed the gavel.*

**Commissioner Edward L. Jennings, Sr.**

1. *Legislative Delegation - Charter Officer Request*
2. *Meeting in Tallahassee, March 7, 2000*

**Mayor-Commissioner Pro-Tem Bruce Delaney**

1. *Ironwood Golf Course*

**Citizen Comment**

**Reverend Tim Keyes**

1. *Ironwood Golf Course*
2. *Chief Botsford/Community Policing Issues*

**Debbie Martinez**

1. *Commissioner thank-you.*

**Nora Gibbons**

1. *GHB Overdose/Other drug issues*
2. *City Commission Election 2000*

**Sara Poll**

- 1. Budget meeting scheduling*
- 2. Transmission problems with TV meetings*
- 3. Public Comment Period/Agenda suggestions*

**Adjourn**

*The continuation of the February 28, 2000 City Commission meeting adjourned,  
Monday, March 6, @ 6:11 PM.*

---

Kurt M. Lannon, Clerk of the Commission