

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, September 8, 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, Paula M. DeLaney, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney

## Pastor Shirley Richards, Community Praise Center

## Consent Agenda

*With the following modifications: 1) Remove File No. 970303 from the Consent Agenda to the Regular Agenda; and 2) Remove File No. 970134 from the Consent Agenda to the Regular Agenda*

**A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, to Pass the Consent Agenda, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried unanimously.**

## City Manager, Consent Agenda Items

### 970346      **Repair and Service Agreement for Traffic Signals & Beacons for FY 1997-98 for the University of Florida**

**RECOMMENDATION**      *The City Commission: 1) approve the Repair and Services Agreement for Signals and Beacons for the University of Florida commencing upon execution and continuing through June 30, 1998; and, 2) authorize the City Manager or designee to execute the agreement subject to approval by the City Attorney as to form and legality.*

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

### 970347      **Agreement with the Florida Department of Transportation for easements for the extension of NE 12th Avenue from Waldo Road to Cedar Grove II**

**RECOMMENDATION**      *The City Commission: 1) authorize the City Manager or his designee to execute an Agreement with the Florida Department of Transportation for easements with drainage facilities by quit claim deed and \$120,000, in consideration for the City assuming all responsibility for operation, maintenance and liability for the drainage facilities, subject to approval by the City Attorney as to form and legality; 2) authorize the City Manager to accept the deed from the Florida Department of Transportation on behalf of the City, subject to approval by the City Attorney as to form and legality; and 3) instruct the Clerk of the Commission to record*

*the deed in the Public Records of Alachua County.*

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

**970348 Annual Materials Supply Contracts for Ready Mix Concrete for Fiscal Year 1998**

**RECOMMENDATION** *The City Commission: 1) award a contract to Rinker Materials Corporation of Gainesville, Florida for pick up items including concrete, flowable fill and extruded curb mix; 2) award a contract to Florida Rock Industries, Inc. of Gainesville, Florida for delivered concrete; and 3) authorize the City Manager, or his designee, to execute contracts with Rinker Materials Corporation and Florida Rock Industries, Inc., subject to approval of the City Attorney as to form and legality; subject to final appropriation of funds for FY 1998.*

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

**970349 Second Extension to the Agreements for Professional Services for Surveying & Mapping Services for FY 1998**

**RECOMMENDATION** *The City Commission authorize the City Manager or designee to execute Extensions to the existing Agreements for Professional Services for Surveying & Mapping Services with John W. Myers & Associates, Inc., and Terrance Brannan Land Surveyor, Inc., extending the term of each from October 1, 1997 through September 30, 1998, subject to approval of the City Attorney as to form and legality; subject to final appropriation of funds for FY 1998.*

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

**970350 Second Extension to the Agreement for Professional Services for Engineering & Surveying & Mapping Services for Stormwater Management Projects and Stormwater Utility Administration for FY 1998**

**RECOMMENDATION** *The City Commission authorize the City Manager or designee to execute a Second Extension Agreement with CH2M Hill, Inc., for Professional Services for Engineering & Surveying & Mapping Services for Stormwater Management Projects and Stormwater Utility Administration, extending the Agreement from October 1, 1997 to September 30, 1998, subject to approval of the City Attorney as to form and legality; subject to final appropriation of funds for FY 1998.*

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

**970351            Second Extension to the Agreements for Professional Services for Engineering, Surveying & Mapping Services for Site Planning and Development Projects for FY 1998**

**RECOMMENDATION**    *The City Commission authorize the City Manager or designee to execute Extensions to the existing Agreements for Professional Services for Engineering, Surveying & Mapping Services for Site Planning and Development Projects with Causseaux & Ellington, Inc. (formerly Chance & Causseaux, Inc.) and Jones Edmunds & Associates, Inc., extending the term of each from October 1, 1997 through September 30, 1998, subject to approval of the City Attorney as to form and legality; subject to final appropriation of funds for FY 1998.*

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

**970352            Public Service Tax and Solid Waste Ordinance Revisions**

**...Explanation**

**Legislation was enacted during the past legislative session which requires certain changes in the City's collection of municipal public service taxes. The changes involve due dates, penalties, and certain other administrative matters which are written into the City ordinance which must be changed to conform to current state law.**

**In order to make the administration of public service taxes and commercial solid waste franchise fees consistent, staff recommends that the solid waste ordinance also be changed as follows so that payments are due on the 20th of the month, with a timely postmark being acceptable. Currently, solid waste payments are due on the 30th of each month. Late fees are reduced from 18% to 12%.**

**...Fiscal Impact**

**The fiscal impact of reduced late fees is negligible and will be offset by earlier collection of solid waste franchise fees.**

**...Recommendation**

**The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise certain ordinances affecting changes in the administration of the public service tax and solid waste ordinances.**

**RECOMMENDATION**    *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise certain ordinances affecting changes in the administration of the public service tax and solid waste ordinances.*

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

**970353 Mutual Aid Agreement with the City of Gainesville Police Department, the Florida Highway Patrol, the Alachua County Sheriff's Office, the City of High Springs Police Department, the City of Alachua Police Department, and the City of Waldo Police Department for a City/County/State Traffic Enforcement Unit**

**RECOMMENDATION** *The City Commission authorize the City Manager to execute the mutual aid agreement between the City of Gainesville Police Department, the Florida Highway Patrol, the Alachua County Sheriff's Office, the City of High Springs Police Department, the City of Alachua Police Department, and the City of Waldo Police Department for a combined City/County/State Traffic Enforcement Unit, subject to the approval of the City Attorney as to form and legality.*

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

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

**970361 Release of Former Water Well Site in Cross Creek Mobile Home Estates**

**RECOMMENDATION** *The City Commission: 1) approve the granting of a Quit Claim Deed to release a 25 ft. X 25 ft. parcel of land formerly used as a water well site by the City of Gainesville/Gainesville Regional Utilities (U-PA-24-81A) located in the 14300 block S. E. 174th Place; and 2) authorize the Mayor-Commissioner and Clerk of the Commission to execute a Quit Claim Deed instrument releasing all City interests, including all phosphate, minerals, metals and petroleum rights, subject to approval by the City Attorney.*

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

**970362 Approval of a Blanket Purchase Order to Crescent Propane, Inc. for the annual requirement of LP Gas for FY 97/98**

**RECOMMENDATION** *The City Commission approve the issuance of a blanket purchase order for the supply of LP Gas to Crescent Propane, Inc. in an amount not to exceed \$100,000.00.*

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

**970363 Approval of Purchase Orders to Limestone Products, Inc. for the Annual Requirement of Limerock for FY 98**

**RECOMMENDATION** *The City Commission approve the issuance of blanket purchase orders to Limestone Products, Inc. for limerock for FY 98 in not to exceed amounts totaling \$80,000, subject to*

*final appropriation of funds for FY 98.*

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

**970364 Contract for Consulting Services from EMA Services, Inc., for Benchmarking and Performance Assessment Services**

**RECOMMENDATION** *The City Commission authorize the General Manager or his designee to negotiate and execute a contract for consulting services from EMA Services, Inc. for an amount not to exceed \$45,000.00.*

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

**970365 Selection of a Consultant for Engineering Services associated with the Base Radio Project**

**RECOMMENDATION** *The City Commission 1) approve the final ranking of the qualified firm for the provision of engineering services to assist GRU in refining its plan to finance, construct and operate a base radio, 2) authorize General Manager or his designee to initiate contract negotiations in accordance with the Consultants Competitive Negotiations Act (CCNA), 3) authorize the General Manager or his designee, upon successful negotiations, to execute a professional services contract subject to the approval of the City Attorney as to form and legality, and 4) approve the issuance of a purchase order not to exceed the budgeted amount for these services, subject to the final appropriation of funds.*

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

**970366 Purchase Order to Storter Childs Printing Company, Inc. for the Printing of the GRU Customer Guide**

**RECOMMENDATION** *The City Commission approve the issuance of a purchase order to Storter Childs Printing Company, Inc. for the printing of the GRU Customer Guide in an amount not to exceed \$27,000.*

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

**City Attorney, Consent Agenda Items**

**970338 J. S. Llewellyn, D.M.D. vs. City of Gainesville; Case No.: 97-3075-CA**

**RECOMMENDATION** *The City Commission authorize the City Attorney and/or Special Counsel, if insurance coverage is available, to represent the City in the case styled J. S. Llewellyn, D.M.D. vs. City of Gainesville, Case No. 97-3075-CA.*

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

**970339 Susan K. Vincent vs. City of Gainesville, a municipal corporation; Case No.: 97-3181-CA**

**RECOMMENDATION** *The City Commission authorize the City Attorney and/or Special Counsel, if insurance coverage is available, to represent the City in the case styled Susan K. Vincent v. City of Gainesville, a municipal corporation; Case No. 97-3181-CA.*

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

**970340 Kim W. Owens v. City of Gainesville; Charge No. 150974012 (EEOC - Charge of Discrimination)**

**RECOMMENDATION** *The City Commission authorize the City Attorney and/or Special Counsel, if insurance coverage is available, to represent the City in the case styled Kim W. Owens v. City of Gainesville; Charge No. 150974012 (EEOC - Charge of Discrimination)*

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

**970341 Orian P. Wells, 1410 N.W. 13th Street, Suite 6, Gainesville, FL, 32601 vs. Rodney W. Smith, as State Attorney for the Eighth Judicial Circuit; the City of Gainesville, Florida; the City of Williston, Florida; the City of Chiefland, Florida; the City of Alachua, Florida; the City of Lawtey, Florida; the City of Cedar Key, Florida; the City of Inglis, Florida; the City of Starke, Florida; Bob Milner, as Sheriff of Bradford County, Florida; Ted Glass as Sheriff of Levy County, Florida; Jerry Whitehead, as Sheriff of Union County, Florida; Steve Oelrich, as Sheriff of Alachua County, Florida; the City of Waldo, Florida; James H. Floyd, or his successor, as Sheriff of Gilchrist County, Florida; the Board of Regents of the State of Florida for the benefit of The University of Florida Police Department; and Santa Fe Community College, through its President, Larry Tyree; Case No. 97-2542-CC**

**RECOMMENDATION** *The City Commission authorize the City Attorney and/or Special Counsel, if insurance coverage is available, to represent the City in the case styled Orian P. Wells, 1410 N.W. 13th Street, Suite 6, Gainesville, FL, 32601 vs. Rodney W. Smith, as State Attorney for the Eighth Judicial Circuit;*

*the City of Gainesville, Florida; the City of Williston, Florida; the City of Chiefland, Florida; the City of Alachua, Florida; the City of Lawtey, Florida; the City of Cedar Key, Florida; the City of Inglis, Florida; the City of Starke, Florida; Bob Milner, as Sheriff of Bradford County, Florida; Ted Glass as Sheriff of Levy County, Florida; Jerry Whitehead, as Sheriff of Union County, Florida; Steve Oelrich, as Sheriff of Alachua County, Florida; the City of Waldo, Florida; James H. Floyd, or his successor, as Sheriff of Gilchrist County, Florida; the Board of Regents of the State of Florida for the benefit of The University of Florida Police Department; and Santa Fe Community College, through its President, Larry Tyree; Case No. 97-2542-CC.*

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

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

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

#### **970367 Gainesville High School Safety Issues**

**RECOMMENDATION** *The Public Works Committee recommends the City Commission approve the modifications to N.W. 19th Lane as recommended by the Alachua County Traffic Safety Team.*

*INSTRUCTED STAFF to contact Ashley Creek Condominium residents to advise them of the pending modifications.*

**This Matter was Assigned to the Public Works Committee, due back on March 8, 1998 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**



**970332 Fair Housing Board**

**RECOMMENDATION** *The City Commission accept the resignation of member Virginia Hessels from the Fair Housing Board effective immediately.*

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

**970333 Fair Housing Board**

**RECOMMENDATION** *The City Commission accept the resignation of member Joseli M. Wendler from the Fair Housing Board effective immediately.*

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

**970335 Fair Housing Board**

**RECOMMENDATION** *The City Commission accept the resignation of member Richard Brandt from the Fair Housing Board effective immediately.*

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

**970345 City Commission Minutes of August 18, 19, 25 (2 sets) and 28, 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****Adoption of the Agenda**

*The Agenda was adopted with the following modification: 1) File Nos. 970359 and 970360 - Remove from Plan Board Petitions category and place under correct category - Development Review Board*

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

**Tom Gorman - Gainesville Urban Reserve Area Resident Request (NB)**

*Citizen Tom Gorman requested the City Commission support his request to retain his area in the Gainesville Urban Reserve Area and not place the property in the Urban Reserve Area of the City of Alachua.*

**Bob Rogers - Gainesville Urban Reserve Area Resident Request (NB)**

*Citizen Bob Rogers requested the City Commission support his request to retain his area in the Gainesville Urban Reserve Area and not place the property in the Urban Reserve Area of the City of Alachua.*

**970372 Gainesville Urban Reserve Area**

**RECOMMENDATION** *The City Commission authorize the Mayor-Commissioner to write a letter to the Alachua County Board of County Commissioners stating the area currently in the Gainesville Urban Reserve Area should remain in the Gainesville Urban Reserve Area.*

**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.**

**Cindy Smith - Code Enforcement & Bus Overcrowding (NB)**

*Citizen Cindy Smith expressed appreciation for the code enforcement by the City of Gainesville regarding sign regulation and asked what would be done about overcrowding on the Regional Transit System.*

*City Manager Wayne Bowers and Regional Transit System Director Perry Maull gave a report on the plan and negotiations with the University of Florida.*

**Vincent Mallet - Code Enforcement Board Action (NB)**

*Citizen Vincent Mallet made statements regarding the code enforcement compliance of the four victorian houses located on East University Avenue.*

**City Commission Comment (If time available)****Charter Officer Updates****Clerk of the Commission**

**City Manager****970355 Briefing for September 11, 1997 MTPO Meeting**

*SEE COMMISSION COMMENT FOR POSITION REGARDING NO. 6*

**RECOMMENDATION** *The City Commission receive a brief report on the items on the agenda for the September 11, 1997 Metropolitan Transportation Planning Organization meeting.*

**This matter was Placed on File**

**970356 Interlocal Agreement with Alachua County for Solid Waste Disposal**

*MOTION: Approve the following: 1) Interlocal Agreement in concept with the following revisions: a) Page 6, Article III, 2. delete words "per ton"; b) Page 7, Article III, 3. add sentence; and c) Page 9, Article VI, add language to Term of Agreement.; 2) City Manager return in two weeks with resolution to the indemnification issue; and 3) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance for first reading relating to a Regional Utilities Business Partners Discount Initiative.*

*Chairman B. Delaney recognized Citizen Mark Goldstein who spoke to the matter.*

**RECOMMENDATION** *The City Commission authorize the City Manager to execute an Interlocal Agreement for Solid Waste Disposal with Alachua County, in substantially the form attached, related to solid waste management service provision, subject to approval of the City Attorney as to form and legality.*

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

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

**970357 Presentation of Issues Regarding Proposed Asphalt Plant north of 53rd Street and east of State Road 441.**

*Planning Manager Ralph Hilliard gave a presentation.*

*Chairman B. Delaney requested staff provide the Development Review Board a copy of the restrictions placed on the asphalt plant in the City of High Springs.*

*Chairman B. Delaney recognized Citizens Mark Goldstein, Bill Edwards and Cindy Smith who spoke to the matter.*

*FIRST MOTION: Place a temporary moratorium on asphalt plants until the City Commission meeting of October 13, 1997 in order to allow staff to evaluate the full extent of regulation that is allowable through the City's existing processes and whether or not it is adequate to protect the public health, safety and welfare.*

*SECOND MOTION: Direct the City Attorney to prepare and the Clerk of the Commission to advertise the moratorium ordinance as soon as possible; and further, schedule first and second readings at special City Commission meetings (Motion Carried Unanimously).*

*Chairman B. Delaney recognized White Construction Environmental Consultant Steve Cullen and Attorney Jeff Braswell and Citizen Vincent Mallet who spoke to the matter.*

**RECOMMENDATION** *The City Commission hear a presentation from staff regarding the proposed facility and a discussion of its potential impacts, based on information provided at the August 14 Development Review Board meeting.*

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

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

**970358**

**Florida Job Service Bus Route Extension**

*Chairman B. Delaney recognized Citizen Cindy Smith who spoke to the matter.*

*MOTION: Authorize the City Manager to write to the State of Florida requesting the funds to provide bus service outside the City limits to the Florida Job Service facility.*

**RECOMMENDATION** *The City Commission hear a presentation from staff.*

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

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

**970303**

**Facade Improvement Grant Program Design Guidelines**

**RECOMMENDATION** *The City Commission approve the Design Guidelines and appoint Jay Reeves, Karl Thorne, Bill Warinner and Saul Rentz to function as the program's Design Guidelines Committee.*

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

## General Manager for Utilities

## City Attorney

### 970317 Conflict of Interest - Robert L. Nabors

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

This matter was Postponed for September 22, 1997

## City Auditor

## Committee Reports (Pulled from Consent)

## Public Works Committee

## Personnel & Organizational Structure Committee

### 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 Commissioner DeLaney, seconded by Commissioner Calkins, that this matter be Approved as Recommended. The motion carried by the following vote:**

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

### 970134 Disabled and Elderly Citizens' Advisory Board

*Chairman B. Delaney recognized Citizens Sarah Poll and Vincent Mallet who spoke to the matter.*

**RECOMMENDATION** *The City Commission sunset the Disabled and Elderly Citizen's Advisory Board.*

**A motion was made by Commissioner Jennings, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Postponed for October 13, 1997. The motion carried by the following vote:**

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

## Public Safety Committee

## Audit & Finance Committee

## Legislative Committee

## Regional Utilities Committee

## Advisory Brds/Comm (Appointments/Waivers/Reports)

### 970260 Special Presentation on Alcohol Consumption in Recreational Centers

*Public Recreation Board Chair Gerald Parham gave a presentation.*

*MOTION: Authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance that would allow alcohol only in City owned Recreational Centers whose primary focus is not youth oriented as follows: Thelma Boltin, Ironwood, Thomas Center and Bouleware Springs (Motion Carried Unanimously).*

*Chairman B. Delaney relinquished the gavel to second the motion.*

*Chair Pro Tem Hanrahan recognized Citizen Vincent Mallet who spoke to the matter.*

**RECOMMENDATION** *The City Commission hear the special presentation by the Public Recreation Board regarding the consumption of alcohol in City owned Recreational Centers.*

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

## Outside Agencies

## Members of the City Commission

### 970320 Annual Performance, Salary, and Benefits Review for the City Manager

*MOTION: Approve to offer the City Manager a retroactive 5% raise in pay.*

*Chairman B. Delaney recognized Citizens Michael Bailey and Vincent Mallet who spoke to the matter.*

**RECOMMENDATION** *The City Commission review the salary and benefits of the City Manager and make any changes deemed appropriate.*

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

## **Commission Comments**

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

## **Pledge of Allegiance**

## **Girl Scout Troop #1160**

## **Proclamations**

## **Public Hearings**

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

**970342**      **Ordinance No. 0-97-64**

### **Ordinance to Establish a Final Millage Rate**

**An ordinance of the City Commission of the City of Gainesville, Florida; Relating to the levy of general municipal purpose ad valorem taxes for the 1997-1998 fiscal year; adopting the final millage rate; setting a public hearing; directing the transmittal of certified copies; authorizing specified adjustment to the final millage rate; providing for the publication of notice; and providing an immediate effective date.**

*Office of Management and Budget Director Rick Mills gave a presentation.*

*Clerk of the Commission Kurt Lannon read the ordinance in Full.*

*Chairman B. Delaney opened the public hearing.*

*Chairman B. Delaney closed the public hearing.*

*Director Rick Mills calculated the new Millage Rate as 4.9416 which is a 4.01% increase over the rolled-back rate.*

*REVISION: Adopt Ordinance as read into the record by the Clerk of the Commission*

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

**A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, that this matter be Adopted on First Reading, as revised (Ordinance). The motion carried by the following vote:**

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

**970343**

**Ordinance No. 0-97-65**

**General Government Budget Ordinance**

**An ordinance of the City Commission of the City of Gainesville, Florida; relating to its general government budget for the fiscal year beginning October 1, 1997, and ending September 30, 1998; adopting the general operating and financial plan budget; and providing an immediate effective date.**

*Office of Management and Budget Director Rick Mills gave a presentation.*

*Chairman B. Delaney opened the public hearing.*

*Chairman B. Delaney closed the public hearing.*

*AMENDMENT: Include Revised Exhibit A and add Ordinance No. 970342 in the body of the ordinance*

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

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

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

**970344**

**Ordinance No. 0-97-66**

**Gainesville Regional Utilities Budget**

**An ordinance of the City of Gainesville, Florida, relating to the budget for the City of Gainesville Regional Utilities for the fiscal year beginning October 1, 1997, and ending September 30, 1998; projecting revenues and adopting a budget to pay for personal services expenses, operating and maintenance**



expenses and other expenses, for capital outlay, and for debt service requirements; and providing an immediate effective date.

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

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

**960423 Ordinance No. 0-97-58**

**An ordinance of the City of Gainesville, Florida, amending section 15-4(2) of the Code of Ordinances relating to special permits for noise; allowing 12 permits per year for each public space; changing the hours when the entertainment function may be held; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

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

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

**970130 Ordinance No. 0-97-45**

**An ordinance of the City of Gainesville, Florida, amending section 23-42 of the Code of Ordinances relating to permits for congregating on streets and sidewalks (i.e., parade and street closing permits); narrowing the reasons for denial of a permit; amending the timeframe for applying for a permit; providing for prompt judicial review of denial of the permit; providing for judicial review of conditions put on the permit; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

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

**970138 Ordinance No. 0-97-55, Petition No. 113LUC-97PB**

**An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by changing the land use category of certain property from "Conservation" to "Mixed Use Low Intensity (10-30 units per acre); located in the vicinity of the 100 block between N.E. 9th Avenue and N.E. 10th Avenue; 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 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, Paula M. DeLaney, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney

**970139 Ordinance No. 0-97-56, Petition No. 114ZON-96PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from "CON: Conservation district" to "MU-1: 10-30 units/acre mixed use low intensity"; located in the vicinity of the 100 block between N.E. 9th Avenue and N.E. 10th Avenue; 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, Paula M. DeLaney, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney

**970203 Ordinance No. 0-97-71**

**AN ORDINANCE AMENDING APPENDIX A OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING SUBSECTION UTILITIES (5)g.1. BY REVISING RATES AND CHARGES FOR LIQUID PROPANE GAS SERVICE; PROVIDING 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 Jennings, seconded by Commissioner DeLaney, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:**

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

**970306 Ordinance No. O-97-70**

**AN ORDINANCE AMENDING APPENDIX A OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING SUBSECTION UTILITIES (1)f.1. BY REVISING RATES AND CHARGES FOR RESIDENTIAL ELECTRIC SERVICE; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.**

*Chairman B. Delaney recognized Citizen Vincent Mallet who spoke to the matter.*

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

*Consumption Level - 750 kWh  
Current Best Base Rates - 42.55  
Proposed Cost Base Rates - 42.25  
Decrease - 0.7%*

*Consumption Level - 1,000 kWh  
Current Best Base Rates - 56.15  
Proposed Cost Base Rates - 55.85  
Decrease - 0.5%*

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

**970371 User Fees on Utility Bills During Periods of No Usage - Vincent Mallet**

**RECOMMENDATION** *The City Commission refer the issue to the Regional Utilities Committee.*

**A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Calkins, that this matter be Assigned to the Regional Utilities Committee, due back on March 8, 1998. The motion carried unanimously.**

**970307 Ordinance No. O-97-69**

**AN ORDINANCE AMENDING APPENDIX A OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING SUBSECTION UTILITIES (3)g.3. BY REVISING RATES AND CHARGES FOR UNIVERSITY OF FLORIDA WATER SERVICE; 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 DeLaney, 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, Paula M. DeLaney, Edward L. Jennings, Sr., Pegeen Hanrahan and Bruce L. Delaney

**970319 Ordinance No. 0-97-68**

**An ordinance of the City of Gainesville, Florida, amending Appendix A of the Code of Ordinances adding administrative fees for fax applications for permits issued by the Building Inspections Department; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

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

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

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

**970042 Ordinance No. 0-97-53**

**An ordinance of the City of Gainesville, Florida, amending Section 4-2 of the Code of Ordinances by creating a new subsection (c); permitting a licensed alcoholic beverage establishment to be rented, leased, or used during the hours in which the sale or consumption of alcoholic beverages is prohibited; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*AMENDMENT: Page 2, line 12, Sec. 4-2, Hours of Sale - delete the word "between" and insert the word "during" and delete the wording "of 2:00am and 3:00am" (Commissioner Jennings voted Nay on the Amendment)*

*Chairman B. Delaney recognized Citizens T.J. Morrisey, Kevin Gunter, Vincent Mallet, Joe Courter, Pete Enwall and Frederick Peterkin who spoke to the matter.*

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

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

**970219 Ordinance No. 0-97-52**

**An ordinance of the City of Gainesville, Florida, creating and adding section 27-17 to the Code of Ordinances; making findings concerning the Alachua County Electric Utility Privilege Fee Ordinance; creating and adding section 27-18 excepting sale of electricity to consumers within the corporate limits of the City of Gainesville from the Alachua County Electric Utility Privilege Fee Ordinance; declaring this ordinance to be in conflict with Alachua County ordinance 97-12 commonly referred to as the Alachua County Electric Utility Privilege Fee Ordinance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Economic Development Director Conchi Ossa, Community Development Director Tom Saunders and Systems Integration Manager Bob Bergdoll gave presentations.*

*Chairman B. Delaney recognized Citizen Vincent Mallet who spoke to the matter.*

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

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

## **Resolutions- ROLL CALL REQUIRED**

### **Development Review Board**

**970359 Petition 124SUB-97CD, Ricardo Cavallino, agent for Faustimo and Elba Escalera. Modification pursuant to the Subdivision Ordinance to allow a minor subdivision with three lots fronting on an arterial. Zoned: RSF-1 (3.5 units per acre). Located at 1801 NW 43rd Street.**

*Planning Manager Ralph Hilliard gave a presentation.*

**RECOMMENDATION** *Development Review Board to City Commission - The City Commission approve Petition 124SUB-97CD. Development Review Board Vote 7-0.*

*Staff to Development Review Board - Approve*

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

**970360**      **Petition 138 SUB-97 DB, James Meehan, agent for Larry Cheshire. Design plat approval of Tall Trees Subdivision. Ten (10) lots located on 4.3 acres more or less. Located in the vicinity of the 2800 block of N.W. 23rd Boulevard (Glen Springs Road). Zoned: RSF-1 (3.5 units/acre single-family residential district).**

**RECOMMENDATION**      *Development Review Board to City Commission - The City Commission approve Petition 138SUB-97 DB, with conditions. DRB vote 4-0*

*Staff to Development Review Board - The design plat is approvable, with conditions.*

**A motion was made by Commissioner DeLaney, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Continued (Petition) for September 22, 1997. The motion carried unanimously.**

## **Plan Board Petitions**

## **Unfinished Business**

**970354**      **East Gainesville Development Task Force Agreement**

*East Gainesville Development Task Force Members Bill Warriner, Anne Orlando, Ed Jennings, Jr. and Sherwin Henry and Gainesville Area Chamber of Commerce Eastside Economic Development Committee Member Pete Enwall gave presentations.*

*ADDITIONAL REFERRAL: Referred the funding request to the Charter Officers.*

*Chairman B. Delaney recognized Citizens Jeanne Rochford, Vincent Mallet and Jack Carter who spoke to the matter.*

**RECOMMENDATION**      *The City Commission authorize the City Manager to enter into an agreement with the East Gainesville Development Task Force for a twelve month period beginning January 1, 1998, in an amount not to exceed \$37,500; subject to approval as to form and legality by the City Attorney. (Attachments A and B are on file in the Clerk of the Commission Office.)*

**A motion was made by Commissioner DeLaney, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Assigned to the Citizens Adv Committee for Community Development, due back on March 8, 1998. The motion carried unanimously.**

**960127**

**Flyers on Utility Poles**

*AMENDMENT: Include a section to encourage removal of old flyers by those posting new flyers.*

*Chairman B. Delaney recognized Citizens Sara Zia-Ebrahimi, Kali Blount, Michael Bailey, Howard Rosenfeld, Glen Smurge, Matt Sweeny, Kevin Gunter, Heather Parker, Vincent Mallet, Megan Harris, Heather McPherson, Joe Courter, Sam Harris, Arnall Downs, Linda McGurn and Jeanne Rochford who spoke to the matter.*

*Commissioner Jennings moved and Commissioner Harnahan seconded to extend the City Commission meeting for one hour (Motion Carried Unanimously).*

*Commissioner Hanrahan moved and Commissioner Calkins seconded to extend the City Commission meeting until the business is completed (Motion Carried Unanimously).*

*Commissioner Hanrahan moved and Commissioner Calkins seconded to call the question on the motion (Motion Carried 4-1, Commissioner P. DeLaney voted Nay).*

**RECOMMENDATION**

*The Public Works Committee recommends the City Commission: (1) authorize an amendment to Section 17-2 of the City of Gainesville Code of Ordinances to: (a) clarify that persons subject to the provisions of Section 17-2 are not only those who physically affix the signs and flyers but also those who cause the affixing of signs to utility poles and other facilities, (b) expand facilities and fixtures subject to the prohibition to include other utility equipment and traffic signal control facilities, (c) allow an exemption to the prohibition for non ornamental concrete utility poles only in an area to be determined in the vicinity of the University of Florida campus; (2) approve the implementation of an administrative policy that establishes the following criteria: (a) each pedestrian message shall be no larger than 11" x 17", (b) messages shall be affixed with easily removable adhesives, (c) messages shall be limited to one flyer per event per concrete pole, (d) all flyers shall be dated, (e) flyers may be posted no sooner than 10 days prior to an event and must be removed within 7 days after an event, (f) obscene or hate mongering messages shall be prohibited, (g) flyers should not cover identifying labels on poles such as pole numbers, (h) City Manager shall reserve the right to remove messages and flyers on a periodic basis; (3) authorize the placement of two pedestrian message boards in the downtown area at high pedestrian locations; (4) authorize staff to place additional*

*trash receptacles in the downtown area and the above described context area; (5) direct the City Manager to develop a cleanup program and a public information campaign to notify the public of the new ordinance and administrative policy regarding flyers; (6) authorize the City Attorney to amend the Code to permit Section 17-2 to be enforced through the civil citation process; and (7) direct staff to research sign regulations to find possible ways to encourage businesses in the University area to put up message boards on their property.*

*Staff Recommendation: Staff supports committee recommendations 1 (a & b), 3, 4, 5, 6 and 7 and further recommends enforcement of a total prohibition and installation of the pedestrian boards on a demonstration basis. Staff is concerned that allowing placement of flyers on concrete utility poles within a particular location will lead citizens to conclude that flyers are allowed at other locations as well, and will create a significant enforcement burden in order to prohibit them in some locations and allow them in others.*

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

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

## **Commission Comment**

### **Code Enforcement Districting (NB)**

*Commissioner Jennings and Commissioner P. DeLaney expressed their support for the proposed districting program of code enforcement.*

### **Street Begging (NB)**

*Commissioner Jennings asked if there were any ordinances regulating street begging.*

*City Attorney Marion Radson informed Commissioner Jennings on the related ordinances.*

**970373**

### **Police Drunk Driving Processing**

**RECOMMENDATION** *The City Commission remove this item from the Public Safety Committee's pending referral list.*



**A motion was made by Commissioner DeLaney, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Assigned to the Public Safety Committee, due back on March 8, 1998. The motion carried unanimously.**

### **Issues & Concerns (NB)**

*Commissioner Hanrahan discussed the following:*

*Encouragement of Commissioners to attend Redevelopment Advisory Board meetings.*

*Requested a report on the truck traffic at the new Regional Transit System facility.*

*Consideration of rescheduling the November 10, 1997 regular City Commission meeting due to the legal holiday the following day and University of Florida Homecoming the previous Friday.*

*Appreciation to Gainesville Regional Utilities staff for the attention and cooperation with the Youth Leadership Group.*

### **Announcements (NB)**

*Commissioner P. DeLaney made the following announcements:*

*Appreciation to the Code Enforcement and the Firefighters for participation in the League of Cities picnic and would be sending a letter of thanks.*

*The Commission agreed for Commissioner P. DeLaney to continue serving on the I-75 Corridor Council of the North Central Florida Regional Planning Council.*

**970374**

#### **City Commission Standing Committee Addition - Local Government Cooperation and Collaboration Committee - Commissioner P. DeLaney**

**RECOMMENDATION** *The City Commission approve the creation of the new standing committee and amend the Rules of the City Commission to add the new committee.*

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

**970375**

**City of Newberry Resolution Rejecting the Florida Department of Transportation's (FDOT) Proposed One Way Pair Route Through Downtown Newberry and the Plan to Widen State Road 26 Through the City's Downtown Historic District and Requesting FDOT to Study to Adopt the Plan for Widening State Road 26 Using Alternate Alignment Concepts One, Two (A) and Two (B) as Alternate Routes**

**RECOMMENDATION** *The City Commission support the Resolution submitted by the City of Newberry to the Metropolitan Transportation and Planning Organization (MTPO), announce the position at the MTPO meeting on Thursday, September 11, 1997 and send a copy of the position to FDOT and the City of Newberry.*

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

### **Citizen Comment**

#### **Doyle Hayes - Scout Hut Preservation Society (B)**

*Citizen Doyle Hayes discussed the moving of the Scout Hut and the history involved with this issue.*

*The City Manager stated that the City will continue to work with the City of Micanopy to move the building and return to the City Commission with an update.*

### **Vincent Mallet - Comments**

#### **Sarah Poll - District I Elections & Asphalt Plant Zoning & Traffic (NB)**

### **Adjournment - 12:39am**

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

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Kurt M. Lannon, Clerk of the Commission