

City of Gainesville

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



Meeting Minutes

Monday, April 10, 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

Reverend Tim Keyes

Roll Call

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

Consent Agenda

Chair Paula M. DeLaney was not in the meeting room at the beginning of the meeting and Chair Pro-Tem Bruce L. Delaney temporarily assumed the gavel.

*Commissioner Edward L. Jennings, Sr. moved and Commissioner John R. Barrow seconded to approve the Consent Agenda with the modification shown below:
(Vote: 4-0, Chair Paula M. DeLaney absent)*

*1. File No. 991275 - Acquisition of Abandoned 6th Street Railroad Right-of-Way
Page 4 - (withdrawn from the agenda)*

City Manager, Consent Agenda Items

991271 Comprehensive Annual Financial Report for Fiscal Year 1999 (B)

RECOMMENDATION *The City Commission accept the City's Comprehensive Annual Financial Report for the fiscal year ended September 30, 1999.*

This Matter was Approved as Recommended on the Consent Agenda.

991272 1999 Citizen's Report (B)

RECOMMENDATION *The City Commission accept the 1999 Citizen's Report.*

This Matter was Approved as Recommended on the Consent Agenda.

991273 Funding for Study of Reducing Travel Lanes on Main Street and University Avenue (NB)

RECOMMENDATION *The City Commission authorize an expenditure of \$7,702 from the City Commission Contingency Fund to the Metropolitan Transportation Planning Organization for the City's*

contribution for funding the study of the impact of reducing travel lanes on University Avenue and Main Street.

This Matter was Approved as Recommended on the Consent Agenda.

991274 Retrofit RTS Buses with Wheelchair Lifts (B)

RECOMMENDATION *The City Commission: 1) award the contract for the retrofit of buses with wheelchair lifts to Coach Crafters; 2) authorize the City Manager, or his designee, to execute the contract, subject to approval of the City Attorney as to form and legality; and 3) authorize the issuance of a purchase order to Coach Crafters in the amount of \$245,000.*

This Matter was Approved as Recommended on the Consent Agenda.

001275 Acquisition of Abandoned 6th Street Railroad Right-of-Way (B)

RECOMMENDATION *The City Commission: 1) approve the Purchase Agreement with CSX Transportation, Inc. for the acquisition of the 6th Street Rail Corridor; 2) authorize the City Manager, or his designee, take any other actions necessary to finalize the acquisition of the rail corridor from CSX and the subsequent sale of the corridor; and 3) authorize the City Manager, or his designee, to execute any applications, agreements, or other related documents, subject to review and approval by the City Attorney as to form and legality, necessary to complete the acquisition and subsequent sale of the subject property.*

Withdrawn

991276 Government Access Channel Interlocal Agreement (B)

RECOMMENDATION *The City Commission authorize the City Manager to sign the Interlocal Agreement between the City of Gainesville and Alachua County for Government Access Television Channel Character Generation and Signal Switching upon the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

991277 Thomas Center Reservation Deposit (B)

RECOMMENDATION *The City Commission approve the Building Use Agreement for Thomas Center Building A to increase the non-refundable reservation deposit to \$100 upon approval of the City*

Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

991278 New Service Requirements for Code Violations (NB)

RECOMMENDATION *The City Commission authorize the City Attorney to draft an ordinance amending the service requirements to match state law and the Clerk of the Commission to advertise the ordinance change.*

This Matter was Approved as Recommended on the Consent Agenda.

General Manager for Utilities, Consent Agenda Items

991287 Contract Amendment for Grounds Maintenance (NB)

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to execute an amendment to the contract with Florida Green Keepers, Inc. for grounds maintenance for GRU's administrative facilities for the remainder of FY 2000 in the amount of \$11,670 (new not to exceed amount of \$30,240).*

This Matter was Approved as Recommended on the Consent Agenda.

991288 Annual City-wide Contracts for Temporary Personnel Services (B)

RECOMMENDATION *The City Commission: 1) authorize the General Manager and City Manager or their designees to execute contracts with (a) Temp Force, as the primary provider for temporary personnel services and (b) Manpower and Norrell as the secondary, backup providers; and 2) approve the issuance of purchase orders in amounts not to exceed the budgeted amounts for these services for the balance of Fiscal Year 2000, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

991289 Purchase of Database Monitoring & Analysis Software (NB)

RECOMMENDATION *The City Commission authorize the General Manager or his designee to negotiate and execute a license agreement with Quest Software and issue a purchase order in the amount of \$30,855 for software to enhance GRU's capability for*

proactively monitoring, diagnosing, and resolving performance issues for our business-critical databases and applications.

This Matter was Approved as Recommended on the Consent Agenda.

991290 Disposal of Surplus Property (B)

RECOMMENDATION *The City Commission: 1) approve a Purchase and Sale Agreement with J. Douglas Lawrence for the sale of 7.08 acres, as negotiated by staff; and 2) authorize the Mayor to execute a Special Warranty Deed to J. Douglas Lawrence necessary to complete the transfer of the 7.08 acres, subject to approval as form and legality by the City Attorney.*

This Matter was Approved as Recommended on the Consent Agenda.

Committee Reports, Consent Agenda Items

Public Works Committee, Consent

Personnel & Organizational Structure Comm, Consent

991281 Amendment to Personnel Policies (B)

RECOMMENDATION *The Personnel and Organizational Structure Committee recommends the City Commission approve the policy amendments as presented.*

This Matter was Approved as Recommended on the Consent Agenda.

Public Safety Committee, Consent

Audit & Finance Committee, Consent

Recreation and Cultural Affairs Committee, Consent

Clerk of the Commission, Consent Agenda Items

991294 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of March 20 and*

March 27, 2000.

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Jennings, seconded by Commissioner Barrow, including all the preceding items marked as having been adopted on the Consent Agenda. 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

End of Consent Agenda

Adoption of the Agenda

*Commissioner John R. Barrow moved and Commissioner Pegeen Hanrahan seconded to adopt the Regular Agenda with the modifications shown below:
(Vote: 4-0, Chair Paula M. DeLaney absent)*

1. File No. 991270 - Interlocal Agreement w/ Alachua Co. to Create an All Hazards Emergency Services Department - Page 13 - (updated pages 2,3,&4)

2. File No. 990709 - Petition 148ZON-99PB, Eng, Denman & Associates, Inc. (Hartman Rezoning) - Page 23 - (strike from the agenda)

3. File No. 991039 - Street Vacation - Vicinity of 322 NW 8th Street - Page 27 - (Change the recommendation to read "The City Commission approve Petition 11SVA-00PB and adopt the proposed ordinance")

Clerk of the Commission

*Commissioner Edward L. Jennings moved and Commissioner John Barrow seconded to delay; 1) File No. 991293 "City Commissioner Compensation"; and 2) File No. 991270 "Interlocal Agreement w/Alachua Co. to Create an All Hazards Emergency Services Department" until Chair Paula M. DeLaney arrived.
(Vote: 4-0, Chair Paula M. DeLaney absent)*

City Manager

991279 Census 2000 Information Update (B)

Chair Pro-Tem Bruce L. Delaney recognized City of Gainesville Senior Planner Onelia Lazzari and United States Census Representative Mr. Cornelius Cox who gave presentations.

Chair Pro-Tem Bruce L. Delaney recognized Reverend Tim Keyes who spoke to the

matter.

RECOMMENDATION *The City Commission hear an update about Census 2000 in Gainesville.*

Heard

991280 East Gainesville Sprout Project Property Acquisitions (B)

Chair Pro-Tem Bruce L. Delaney recognized Brownfields Coordinator Matt Dube' who gave a presentation.

RECOMMENDATION *The City Commission: 1) hear a presentation from staff; 2) adopt the proposed FCT acquisition plan boundary modification; and, 3) authorize staff to develop conceptual design standards for urban infill along the park edge.*

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

General Manager for Utilities

991291 Construction of Rocky Point Power Delivery System (PDS) (B)

Chair Pro-Tem Bruce L. Delaney recognized GRU Electric Engineering Manager Reid Rivers who gave a presentation.

RECOMMENDATION *The City Commission: 1) authorize the General Manager or his designee to execute a contract with Beta Engineering Corporation to engineer, procure and construct the compact electric Power Delivery System (PDS), subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Beta Engineering Corporation in an amount not to exceed \$1,430,000.*

A motion was made by Commissioner Jennings, 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 and John R. Barrow
Absent: Paula M. DeLaney

City Attorney

City Auditor

Committee Reports (Pulled from Consent)

Public Works Committee

Personnel & Organizational Structure Committee

Public Safety Committee

Audit & Finance Committee

Regional Utilities Committee

990791 Regional Utilities Committee Referral Item #990791 -Green Energy (B)

Chair Pro-Tem Bruce L. Delaney recognized GRU Strategic Planning Utility Analyst II Mark Spiller who gave a presentation.

RECOMMENDATION *The City Commission: 1) hear a report from staff; and 2) remove this item from the referral list.*

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

991304 Energy Efficiency of City Buildings

RECOMMENDATION *The City Commission refer to the City Manager and the General Manager for Utilities to look into the cost and time it would take for staff to study the energy efficiency of City buildings.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner Barrow, that this matter be Referred to the City Manager, due back on October 10, 2000. 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

Recreation & Cultural Affairs Committee

Advisory Boards/Committees (Appointments/Reports)

Outside Agencies

Members of the City Commission

Commission Comments (if time available)

Chair Paula M. DeLaney arrived at 2:35 PM and assumed the gavel.

Commissioner Pegeen Hanrahan

991307 **Budgetary Issues & Decisions**

RECOMMENDATION *The City Commission refer the memo regarding budgetary issues and decisions from David Welch to City Manager Wayne Bowers and General Manager for Utilities Mike Kurtz for their consideration in the budget process.*

A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem B. Delaney, that this matter be Referred to the City Manager, due back on October 10, 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

991308 **Pedestrian Safety - Intersection of 8th Avenue & 34th Street and 16th Avenue and 34th Street**

RECOMMENDATION *The City Commission recommend that the Mayor write a letter to the DOT asking that the City of Gainesville Public Works Department and citizen input be included in the conceptual design phase of these intersections.*

A motion was made by Commissioner Hanrahan, 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

991306 **Anglewood Residents - Glikes Property**

RECOMMENDATION *The City Commission refer the issue of resubmitting the application for an FCT Grant for the Glikes Property to staff.*

A motion was made by Mayor-Commissioner Pro Tem B. Delaney, seconded by Commissioner Hanrahan, that this matter be Referred to the City Manager, due back on October 10, 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

Mayor-Commissioner Pro Tem Bruce L. Delaney

1. *Golf Carts for Law Enforcement*
2. *Property acquisition next to Bivens Arms Nature Park*

991305 City of Chicago Bird Sanctuaries

RECOMMENDATION *The City Commission request that staff contact the City of Chicago regarding bird sanctuaries.*

Referred to City Manager

Mayor Paula M. DeLaney

991309 Limitation of Dogs Inside the City Limits (NB)

Gainesville Police Chief Norman Botsford gave a presentation and an update.

RECOMMENDATION *The City Commission refer the issue of limiting the number of dogs at a specific residence within the City limits to the City Attorney and the Public Safety Committee.*

A motion was made by Mayor-Commissioner Pro Tem B. Delaney, seconded by Commissioner Hanrahan, that this matter be Referred to the Public Safety Committee, due back on October 10, 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

991310 Reimbursement of Travel Expenses for Mayor Paula M. DeLaney's trip to Washington, DC.

RECOMMENDATION *The City Commission authorize reimbursement of \$2,575 from the City Commission Contingency Fund.*

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

991311 Underground Utilities Policy

There will be a file number created relating to this item.

RECOMMENDATION *The City Commission refer the Underground Utilities Policy to the Regional Utilities Committee and move petition forward.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner Barrow, that this matter be Referred to the Regional Utilities Committee, due back on October 10, 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

Commissioner Edward L. Jennings, Sr.**991312 Parking for Tractor Trailers and Service Vehicles**

RECOMMENDATION *The City Commission refer the issue of tractor trailers and service vehicles parking on residential streets and yards to the City Manager and the City Attorney to survey other cities.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner Jennings, that this matter be Referred to the City Manager, due back on May 8, 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

Clerk of the Commission (continued)**991293 City Commissioner Compensation (B)**

Chair Paula M. DeLaney recognized Administrative Services Director Glenda Currie who gave a presentation.

Chair Paula M. DeLaney recognized Reverend Tim Keyes who spoke to the matter.

*1st MOTION: Commissioner John R. Barrow moved and Commissioner Edward L. Jennings seconded to refer this item to the Clerk of the Commission to research the relationship between Alachua County Commission and City Commission Salaries; Clerk of the Commission Kurt Lannon returned this referral at the meeting.
(Vote: 5-0)*

2nd MOTION: Commissioner Pegeen Hanrahan moved and Commission John R. Barrow seconded to appoint Commissioner Edward L. Jennings, Sr. and Mayor Commissioner Pro-Tem Bruce L. Delaney to an Ad Hoc Committee to study City

*Commission salaries and come back with a recommendation as soon as possible.
(Vote: 5-0)*

RECOMMENDATION *The City Commission discuss City Commissioner compensation and take action deemed appropriate.*

Approved, as shown above

City Manager (continued)

991270 Interlocal Agreement with Alachua County to Create an All Hazards Response Emergency Services Department (B)

Chair Paula M. DeLaney recognized Gainesville Fire Chief Richard Williams and IAFF President Jeff Lane who gave presentations.

RECOMMENDATION *The City Commission approve the Interlocal Agreement between the City of Gainesville and Alachua County to Create an All Hazards Response Emergency Service Department and authorize the Mayor to sign on behalf of the City subject to approval of the City Attorney as to form and legality.*

A motion was made by Commissioner Jennings, seconded by Commissioner Hanrahan, that this matter be Tabled. 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 4:29 PM.

Citizen Comment (5:30pm)

Reverend Tim Keyes

NE 15th St. & East University Avenue - Trash and Shopping Carts.

Jim Konish

Water and Sewer Connection Policies.

Reverend Earl Young

Incident at Barber Shop - Referred to the City Manager

Debbie Martinez

*Downtown Art Festival/Day Raves/Homeless Issue***991313 Gainesville Chess Club Funding Request**

Chair Paula M. DeLaney recognized George Pine of the Gainesville Chess Club and Cultural Affairs Manager Coni Gesualdi who gave presentations.

RECOMMENDATION *The City Commission transfer \$1,136 from the City Commission Contingency Fund to the Cultural Affairs Department to cover expenses for The Gainesville Chess Club Tournament July 24th and 25th to be held at the Thomas Center; also the City of Gainesville be listed as co-sponsor of this event in any advertisements.*

A motion was made by Commissioner Hanrahan, 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

Commission Comments (if time available)**Pledge of Allegiance (6:00pm)****Brownie Troop #328****Proclamations/Special Recognitions****991269 National Telecommunications Week (B)**

RECOMMENDATION *For Gainesville Police Department Professional Public Safety Dispatchers, John Rollins, Dispatcher III to accept the proclamation.*

Placed on File

Public Hearings**991286 Kirkwood Roadways Special Assessment (B)**

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

Chair Paula M. DeLaney opened the public hearing and later called the equalization board to order to hear and consider complaints.

Chair Paula M. DeLaney recognized Citizens Philip Barton, Kathryn Trimble (President of Kirkwood Environmental Improvement Association), Ian Phillips, Gary Miller, Reverend Tim Keyes and Emily Maren.

1st MOTION: Commissioner Edward L. Jennings, Sr. moved and Commissioner Pegeen Hanrahan seconded that the interest on the assessments not be charged.

2nd MOTION: Commissioner Edward L. Jennings, Sr. moved and Mayor Commissioner Pro-Tem Bruce Delaney seconded to move the previous question. MOTION FAILED (Vote: 1-4, Commissioner Jennings voted aye)

3rd MOTION: SUBSTITUTE MOTION: Commissioner John Barrow moved and Mayor Commissioner Pro-Tem Bruce Delaney seconded to charge a 6% interest rate on the assessment rather than the 8% interest rate. (Vote: 3-2, Commissioners Hanrahan and Jennings voted nay)

4th MOTION: Mayor Commissioner Pro-Tem Bruce Delaney moved and Commissioner Hanrahan seconded to approve recommendation 4 using a 6% interest rate. (Vote: 4-1, Commissioner Jennings voted nay)

Commissioner Edward L. Jennings, Sr. stated he opposed the 4th Motion, because he felt that the Kirkwood citizens were not being treated fairly and that they should not have to pay interest on the assessment.

RECOMMENDATION *The City Commission: 1) hold a public hearing allowing affected property owners and other interested citizens to speak to the propriety and advisability of making such improvements and funding them with special assessments; 2)after the public hearing, decide whether to levy the special assessments; 3) meet as the equalizing board to hear and consider complaints as to the special assessments, and adjust and equalize the assessments on a basis of justice and right; and 4)authorize the City Manager or his designee to prepare a resolution establishing the special assessment as defined by the City Commission.*

Approved, as shown above

Ordinances - Adoption Readings

991037 LAND USE CHANGE - EXACTECH, INC. (B)

Ordinance No. 0-00-44; Petition 14LUC-00PB

An ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan,

Future Land Use Map; by changing the land use category of certain property from "Conservation" to "Industrial"; located in the vicinity of 6925 Northwest 23rd Way; providing a severability clause; providing a repealing clause; and providing an effective date.

Chair Paula M. DeLaney recognized Planning Manager Ralph Hilliard who gave a presentation.

Chair Paula M. DeLaney recognized Petitioner Agent Ralph Eng who spoke to the matter.

RECOMMENDATION *The City Commission: 1) approve Petition 14LUC-00PB; and 2) adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem B. Delaney, seconded by Commissioner Hanrahan, that this matter be Approved and Adopted on Adoption 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

991038

REZONING - EXACTECH, INC. (B)

Ordinance No. 0-00-45, Petition No. 15ZON-00PB

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 "I-1: Limited industrial district"; located in the vicinity of 6925 Northwest 23rd Way; providing a severability clause; providing a repealing clause; and providing an effective date.

Chair Paula M. DeLaney recognized Planning Manager Ralph Hilliard who gave a presentation.

RECOMMENDATION *The City Commission: 1) approve Petition No. 15ZON-00PB; and 2) adopt the proposed ordinance.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner Barrow, that this matter be Approved and Adopted on Adoption 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 - 1st Readings- ROLL CALL REQUIRED

990709

REZONING - HARTMAN (B)

Ordinance No. 0-00-47, Petition No. 148ZON-00PB

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from the zoning category of "Planned Development District" to the following zoning categories: 1) "BUS: General business district" on Parcel 1; 2) RMF-6: 8-15 units/acre multiple-family residential district" on Parcel 2; 3) RSF-1: 3.5 units/acre single-family residential district" on Parcel 3A; 4) "RMF-6: 8-15 units/acre multiple-family residential district" on Parcel 4; 5) "RMF-5: 12 units/acre single-family/multiple-family residential district" on Parcel 5; and 6) "CON: Conservation district" on Parcel 3B; consisting of approximately 98.46 acres; and located in the vicinity between Northwest 45th and 53rd Avenues and between Northwest 13th and 19th Streets; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Striken From the Agenda (Ordinance)

990715

RESIDENTIAL HIGH DENSITY DISTRICTS (B)

Ordinance No. 0-00-49; Petition No. 173TCH-99PB

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, REVISING AND AMENDING THE LAND DEVELOPMENT CODE RELATING TO DIMENSIONAL REQUIREMENTS IN RESIDENTIAL HIGH DENSITY ZONING DISTRICTS (RH-1 AND RH-2); AMENDING SUBSECTIONS 30-55(E) AND 30-55(F) TO MODIFY SOME OF THE DIMENSIONAL REQUIREMENTS FOR MULTIPLE-FAMILY AND SINGLE-FAMILY PRINCIPAL STRUCTURES AND ACCESSORY STRUCTURES AND TO ESTABLISH THAT ACCESSORY STRUCTURES CAN BE USED AS RESIDENTIAL DWELLINGS IN THE RH-1 AND RH-2 DISTRICTS; REFORMATTING THE DIMENSIONAL REQUIREMENTS INTO A TABLE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Chair Paula M. DeLaney recognized Chief of Comprehensive Planning Dean Mimms who gave a presentation.

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

AMENDMENT: Page 4, under Principal Structures, change "Side (street)" language to be the same as for "Front".

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

A motion was made by Commissioner Barrow, seconded by Commissioner Hanrahan, that this matter be Approved (Petition) and Adopted on First Reading (Ordinance), as amended. 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

990954 TREE AND LANDSCAPING REQUIREMENTS (B)

Ordinance No. 0-00-52; Petition No. 195TCH-99PB

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, REVISING AND AMENDING VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE RELATING TO TREES AND LANDSCAPING REQUIREMENTS; AMENDING TREE SURVEY REQUIREMENTS FOR DEVELOPMENT PLAN SUBMITTALS; CLARIFYING THE PURPOSE OF ARTICLE VIII OF THE LAND DEVELOPMENT CODE (ENVIRONMENTAL MANAGEMENT) RELATIVE TO WATER QUALITY; AMENDING TREE ISLAND DIMENSIONS; AMENDING PROVISIONS FOR LANDSCAPING OF RETENTION/DETENTION BASINS; AMENDING REQUIREMENTS FOR IRRIGATION SYSTEMS; ADDING A REQUIREMENT FOR AN ON-SITE MEETING WITH THE CITY ARBORIST PRIOR TO PLANTING TREES AND SHRUBS; AMENDING SUBMITTAL REQUIREMENTS FOR LANDSCAPE PLANS; ADDING A SPECIES TO THE INVASIVE, NONNATIVE PLANT LIST; AMENDING REQUIREMENTS PRIOR TO TREE REMOVAL; ADDING A PROVISION REQUIRING ROWS OF PARKING TO BE ENCLOSED BY ISLANDS CONTAINING A SHADE TREE; REVISING LANDSCAPE BUFFER REQUIREMENTS FOR BUFFER STRIP AREAS; REVISING CREEK SETBACK DISTANCES TO PROTECT CREEK BANKS AT HIGH WATER; REVISING TREE PROTECTION AND BARRICADE SPECIFICATIONS; AMENDING THE SIZE FOR DESIGNATION OF HERITAGE TREES; AMENDING THE REQUIREMENTS FOR STREET TREES IN SUBDIVISIONS; REVISING THE GATEWAY STREET TREE PLANTING REQUIREMENTS; REQUIRING DOCUMENTATION OF GRADE NUMBER 1 OR BETTER PLANTS; AMENDING THE STANDARD FOR PRUNING; REQUIRING SOD TO BE FREE OF NOXIOUS WEEDS; AMENDING THE PROVISIONS FOR TREES AND OVERHEAD UTILITIES; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Chair Paula M. DeLaney recognized City Arborist Meg Niederhoffer who gave a presentation.

Chair Paula M. DeLaney recognized Citizen Mark Goldstein who spoke to the matter.

SECOND MOTION: Commissioner Pegeen Hanrahan moved and Mayor Commissioner Pro-Tem Bruce Delaney seconded to refer the issue of the view shed of billboards to staff and have them come back with a recommendation with regard to how it is perhaps excessive for urban areas, and that we may carry forward to the League of Cities.

(Vote: 5-0)

RECOMMENDATION *The City Commission (1) approve Petition 195TCH-99 PB, with changes, and (2) adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem B. Delaney, seconded by Commissioner Hanrahan, that this matter be Approved (Petition) and 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

991039

STREET VACATION - VICINITY OF 322 NW 8TH STREET (B)

Ordinance No. 0-00-46; Petition No. 11SVA-00PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close an area comprising of approximately 3 feet by 52.15 feet on Northwest Fourth Avenue, located in the vicinity of 322 Northwest Eighth Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Paula M. DeLaney recognized Planning Manager Ralph Hilliard who gave a presentation.

RECOMMENDATION *The City Commission: 1) approve petition 11SVA-00PB; and 2) adopt the proposed ordinance.*

A motion was made by Commissioner Jennings, seconded by Commissioner Barrow, that this matter be Approved (Petition) and 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

981314

REGULATION OF NOISE (B)

Ordinance No. 0-00-48

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES RELATING TO REGULATION OF NOISE; REVISING DEFINITIONS; REVISING THE POINT FROM WHICH SOUND LEVEL MEASUREMENTS WILL BE TAKEN; MODIFYING THE TABLE OF MAXIMUM PERMITTED SOUND LEVELS; REMOVING REQUIREMENT FOR SIGNS IN PUBLIC PLACES OF ENTERTAINMENT WARNING OF POSSIBLE HEARING IMPAIRMENT DUE TO SOUND LEVELS; INCLUDING NON-RESIDENTIAL PROPERTY IN PROVISIONS REGARDING SOUND FROM CONSTRUCTION, DEMOLITION AND SIMILAR WORK AND

CONTINUOUSLY OPERATING MOTORIZED EQUIPMENT; REVISING THE EXEMPTION FOR UNAMPLIFIED HUMAN VOICE FROM THE PROHIBITIONS OF THE CHAPTER; MODIFYING PROVISIONS CONCERNING SPECIAL PERMITS; REMOVING PROVISION FOR NOTIFICATION OF OWNER OF BUSINESS OF NOISE WARNING; ADDING A REQUIREMENT THAT PROPERTY BE POSTED PROVIDING WARNING OF NOISE VIOLATIONS UNDER CERTAIN CONDITIONS; CLARIFYING THE ENFORCEMENT PROCEDURES; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Chair Paula M. DeLaney recognized Citizens Dian Deevey, David Steadman, Ann Stokes, Reverend Tim Keyes, Tom Mareci, Susan Wright, Mark Goldstein, Kim Tovkach, Walter Tovkach, Thomas H. Fay, Bill Carpenter, Sara Poll, Sarah Cain, Alexandra Lozano and Cindy Smith who spoke to the matter.

1st MOTION: Mayor Commissioner Pro-Tem Bruce Delaney moved and Commissioner Pegeen Hanrahan seconded to change the language on Page 4, line 13, to "plainly audible means any sound or noise produced by any source, or reproduced by a CD, tape player, television or radio".

(Vote: 5-0)

2nd MOTION: Mayor Commissioner Pro-Tem Bruce Delaney moved and Commissioner Pegeen Hanrahan seconded to add the language on page 4 line 16 "can be clearly heard by a person using his/her normal and/or accustomed hearing faculties".

MOTION FAILED (Vote: 1-4, Commissioner Bruce Delaney voted aye)

3rd MOTION: Mayor Commissioner Pro-Tem Bruce Delaney and Commissioner Pegeen Hanrahan seconded, to add language to page 24, line 24 under "Other Limits" and after the word "judge" "the complaint may be filed at the time of the disturbance or within a reasonable period of time after the fact".

(Vote: 5-0)

4th MOTION: Mayor Commissioner Pro-Tem Bruce Delaney and Commissioner Pegeen Hanrahan seconded to replace the word measure and/or measurement with assess and/or assessment; page 17, line 20 "measurement without a sound level meter", was changed to "assessment without a sound level meter"; page 17 line 22 "measure" was changed to "assess"; page 18 line 12 measurement was changed to "assessment"; and to make changes where appropriate.

(Vote: 5-0)

5th MOTION: Commissioner Pegeen Hanrahan moved and Mayor Commissioner Pro-Tem Bruce Delaney seconded to add language to page 16 under Fraternities/sororities, adding section "d"; "Other student organizations officially registered with the University of Florida may file an application with the City Manager or Designee for issuance of a special permit for equivalent special events".

(Vote: 5-0)

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner Barrow, that this matter be Adopted on Final Reading, as amended (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

991231

ANNEXATION (KIDD) (B)

Ordinance No. 0-00-38

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, ANNEXING A PORTION OF THE CITY OF GAINESVILLE RESERVE AREA PURSUANT TO CHAPTER 90-496, AS AMENDED, BY SPECIAL ACTS, LAWS OF FLORIDA, KNOWN AS THE ALACHUA COUNTY BOUNDARY ADJUSTMENT ACT; MAKING CERTAIN FINDINGS; INCLUDING WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE, FLORIDA, THAT CERTAIN COMPACT AND CONTIGUOUS AREA GENERALLY BOUNDED ON THE NORTH BY THE GAINESVILLE CITY LIMITS, ON THE EAST BY SW 21ST STREET AND SW 20TH STREET, ON THE WEST BY THE GAINESVILLE CITY LIMITS, AND ON THE SOUTH BY WILLISTON ROAD; PROVIDING FOR INCLUSION OF THE AREA IN APPENDIX I OF THE CITY CHARTER; PROVIDING FOR LAND USE AND ZONING REGULATIONS; PROVIDING DIRECTIONS TO THE CITY MANAGER AND CLERK OF THE COMMISSION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Chair Paula M. DeLaney recognized Alachua County Principal Planner Ken Zeichner who gave a presentation.

Chair Paula M. DeLaney recognized Citizens Mary Alice Bryan, Bill Sullivan (President of the Serenola-Idylwild Neighborhood Association), Ingrid Wasserfal, Pete LeShane, Margaret Carroll, Shirley Dresner, Raphael Jerrell, John Stinson, Eric Please, Paul Ruppert, Dian Deevey, Agent for the Kidd Property Ben Tecler; and Representative of Endangered Neighborhoods, Mary Helen Wheeler.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner Barrow, that this matter be Adopted on Final 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

WAIVED RULES - EXTEND MEETING

Commissioner Edward L. Jennings, Sr. moved and Mayor-Commissioner Pro-Tem Bruce L. Delaney seconded to extend the meeting until File # 991230 Annexation (Home Depot) was completed.

991230 ANNEXATION (HOME DEPOT) (B)

Ordinance No. 0-00-37

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area generally bounded on the north by a body of water contiguous to the Gainesville city limits and I-75, on the east by Circuit City (tax parcel 6654-7), on the west by Tower Center (tax parcel 6654-3) and on the south by the property line of Home Depot located approximately 300 feet north of University Avenue; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

Chair Paula M. DeLaney recognized Interim Office of Management and Budget Director Heidi Lannon, Alachua County Attorney Dave Wagner, Alachua County Code Enforcement Director Rick Wolfe, Alachua County Principal Planner Ken Zeichner and Alachua County Commissioner Robert Hutchinson who gave presentations.

Chair Paula M. DeLaney recognized Citizen Jim Konish, Corporate General Manager for Home Depot David Hill, Home Depot Representative Attorney David Goldstein and Dr. Robert Karp 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 Final 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

RECESS

The April 10, 2000 City Commission Meeting recessed at 11:37 PM and will reconvene Monday April 17, 2000 @ 7:00 PM.

RECONVENE

The April 10, 2000 City Commission Meeting reconvened at April 17, 2000 at 7:04

PM.

Resolutions- ROLL CALL REQUIRED

991282 Final Plat Capri Subdivision, Phase IV (B)

RECOMMENDATION *The City Commission adopt the Resolution approving the Final Plat of Capri Subdivision, Phase IV.*

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

991283 Florida Department of Transportation (FDOT) Service Development Grant Funds for the Campus Circulation Route (B)

RECOMMENDATION *The City Commission: 1) approve the resolution authorizing execution of a joint participation agreement with the FDOT; and, 2) authorize the Mayor and Clerk of the Commission to execute the Resolution, subject to approval by the City Attorney as to form and legality.*

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

991292 Resolution Requesting Transfer of Property from FDOT (B)

RECOMMENDATION *The City Commission adopt a resolution: 1) determining the necessity and public purpose of acquiring property located along the northern right-of-way of SE Depot Avenue adjacent to the southwest corner of the Kelly Generating Station; 2) authorizing the acquisition of said property; and 3) authorizing the General Manager or his designee to execute all documents necessary to effect the transfer of said property, 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, John R. Barrow and Paula M. DeLaney
Absent: Edward L. Jennings, Sr. and Bruce L. Delaney

991295 Board of Canvasser's Resolution (B)

RECOMMENDATION *The City Commission adopt the resolution.*

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

Plan Board Petitions

991284 (Quasi-Judicial) Petition 19PDA-00 PB, Patrice Boyes, Esq., agent for the Denney Family Limited Partnership. A planned development amendment to amend regulations related to Pod G of the Magnolia Parke PD. Zoned PD (planned development district). Located at 4620 Northwest 39th Avenue. Related to Petition 29PDV-00PB. (B)

MOTION: Continued to the next regular City Commission Meeting, April 24, 2000 at 6:00 PM or as soon thereafter as can be heard.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 19PDA-00 PB, with staff conditions. Plan Board vote 5-0*

Staff to Plan Board - Planning Division staff recommends approval of Petition 19PDA-00PB, with staff conditions.

A motion was made by Commissioner Hanrahan, seconded by Commissioner Barrow, that this matter be Continued (Petition) for April 24, 2000. The motion carried by the following vote:

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

991285 (Quasi-Judicial) Petition 29 PDV-00 PB, Patrice Boyes, Esq., and Brown and Cullen, Inc. agents for Denney Family Limited Partnership. A Planned Development rezoning from Alachua County R-2 (multiple-family residential, 1-8 du/ac) to City of Gainesville PD (Planned Development) to allow commercial uses with development plan review for a restaurant for Magnolia Parke Pod I-1, and a planned development amendment to include additional property in the Magnolia Parke PD. Located at 4620 Northwest 39th Avenue. Related to Petition 19PDA-00PB. (B)

MOTION: Continued to the next regular City Commission Meeting, April 24, 2000 at 6:00 PM or as soon thereafter as can be heard.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 29PDV-00 PB, with conditions and as specified conditions of the Technical Review Committee for development plan review. Plan Board vote 3-2.*

Staff to Plan Board - Staff recommends approval of Petition 29 PDV-00 PB, with conditions and as specified by the conditions of the Technical Review Committee for development plan review.

A motion was made by Commissioner Hanrahan, seconded by Commissioner Barrow, that this matter be Continued (Petition) for April 24, 2000. The motion carried by the following vote:

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

Scheduled Evening Agenda Items

Unfinished Business

Commission Comment

Citizen Comment

Bill Sullivan - President of the Serenola-Idylwild Neighborhood Association

991357 Serenola-Idylwild Special Area Plan (NB)

RECOMMENDATION *The City Commission refer the Serenola-Idylwild Special Area Plan to staff to review and come back with a recommendation on how to implement the plan.*

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

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

991359 Kidd Property Land Acquisition - Florida Communities Trust (NB)

RECOMMENDATION *The City Commission request that; 1) staff look at whether or*

not the Kidd property would be suitable for acquisition through the Florida Communities Trust or another program; 2) if staff finds that it is, then refer it also to the Nature Centers Commission for their consideration.

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

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

Adjournment - 7:16 PM, April 17, 2000.

Kurt M. Lannon, Clerk of the Commission