

City of Gainesville

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



Meeting Minutes

Monday, April 14, 1997

3:00 PM

City Hall Auditorium

City Commission

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

Invocation

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

Edward Respass, Baha'I Center of Gainesville

Consent Agenda

With the following modification: 1) File No. 961004 - Amendment of Kenneth O. Lester Option Agreement - Additional back-up material submitted; and 2) File No. 961034 - Quit Claim Deed to Kenneth O. Lester Company - Modified back-up material submitted

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

961002 **First Extension of the Evergreen Cemetery Grounds Maintenance Agreement between Oasis Landscape Services, Inc. and the City of Gainesville**

RECOMMENDATION *The City Commission approve the first extension to the contract with Oasis Landscape Services, Inc. for grounds maintenance at Evergreen Cemetery in the amount of \$52,050 for the period of May 2, 1997 through May 1, 1998, subject to the appropriation of funds in FY 98.*

This Matter was Approved as Recommended on the Consent Agenda.

961003 **Amendment of Florida Food Service, Inc. Contract**

RECOMMENDATION *The City Commission: 1) approve the amendment of the Florida Food Service, Inc. contract for Purchase and Sale and Option Agreement; and, 2) authorize the City Manager to execute the amendment, subject to approval of the City Attorney as to form and legality*

This Matter was Approved as Recommended on the Consent Agenda.

961004 **Amendment of Kenneth O. Lester Option Agreement**

RECOMMENDATION *The City Commission: 1) approve the amendment of the*

Kenneth O. Lester Option Agreement for the purchase of Airport Industrial Park property; and, 2) authorize the Mayor-Commissioner and Clerk of the Commission to execute the contact, subject to the approval of the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

961005 Approval to Apply for Federal Grant Funds from the U.S. Department of Justice's Executive Office of Weed and Seed

RECOMMENDATION *The City Commission authorize the City Manager: 1) to apply to the Department of Justice for \$275,000 in grant funds under this program; 2) to execute the grant contract, pending approval by the City Attorney as to form and legality; and, 3) to authorize the City Manager to execute any additional documents that may be necessary.*

This Matter was Approved as Recommended on the Consent Agenda.

961006 Special Agency Agreement between the City of Gainesville and the Gainesville Housing Authority

RECOMMENDATION *The City Commission authorize the Mayor to execute the contract between the City of Gainesville and the Gainesville Housing Authority for the purpose of enforcing trespassing laws and assisting the Housing Authority in enforcing certain rules and regulations of the Housing Authority, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

961007 Claude Pepper Florida Cities Awards Program

RECOMMENDATION *The City Commission authorize the City Manager to submit an application to the Claude Pepper Foundation, Inc. for a Claude Pepper Florida Cities Award and, if granted, to accept the award on behalf of the City and Altrusa House.*

This Matter was Approved as Recommended on the Consent Agenda.

961008 Release and Acceptance of Drainage Easements within the Mile Run East, Phase V Subdivision

RECOMMENDATION *The City Commission: 1) approve the release of a drainage easement located between Lots 6 and 7 in the "Mile Run East*

Phase V" platted subdivision; 2) authorize the Mayor-Commissioner to execute the Release of Easement instrument, subject to approval by the City Attorney as to form and legality; 3) authorize the City Manager to accept a drainage easement between Lots 5 and 6 of the above referenced subdivision; and 4) authorize the Clerk of the Commission to record the easement, subject to the approval of the City Attorney to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

961009 Acceptance of Right-of-Way of NE 18th Terrace

RECOMMENDATION *The City Commission accept the conveyance of NE 18th Terrace, north of NE 23rd Avenue, to and including portions of NE 27th Avenue, as public right-of-way for perpetual maintenance as filed in the Public Records by the Revocable Trust of Carlos M. Hope.*

This Matter was Approved as Recommended on the Consent Agenda.

961011 LECFTF Funding for Third Extension of C-COP Program

RECOMMENDATION *The City Commission approve the expenditure of \$19,500 from the Law Enforcement Contraband Forfeiture Trust Fund Account (LECFTF) and authorize the City Attorney to execute a third extension to the contract, for the period April 1, 1997 through June 30, 1997 of a special targeted program of the Gainesville Police Department C-COP Program (Codes and Civil on Patrol).*

This Matter was Approved as Recommended on the Consent Agenda.

961012 Contract For Full Groundskeeping and Maintenance of Ironwood Golf Course

RECOMMENDATION *The City Commission: 1) approve the award of the contract for full groundskeeping and maintenance services to ISS Golf Services; and 2) authorize the City Manager to execute the contract subject to the approval of the City Attorney as to form and legality; and, 3) approve the issuance of a purchase order for the remainder of this fiscal year.*

This Matter was Approved as Recommended on the Consent Agenda.

961013 Quick Copy Services Contract

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute a contract with Renaissance Printing for a period of one year, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

961014 City-wide ProClub Program

RECOMMENDATION *The City Commission authorize the City Manager to reimburse up to \$100 of the deductible costs per employee for those who successfully participate in the City's Wellness Program - ProClub and are covered by the City's Group Health Insurance Program.*

This Matter was Approved as Recommended on the Consent Agenda.

961034 Quit Claim Deed to Kenneth O. Lester Company (B)

RECOMMENDATION *The City Commission: 1) approve the granting of a quit claim deed to Kenneth O. Lester Company for a portion of Tax Parcel No. 8161-000-000 in essentially the form attached, located approximately in the 5400 block N.E. 40th Terrace; 2) release the mineral and petroleum rights to the subject property; 3) accept the quit claim deed from the Kenneth O. Lester Company; and 4) authorize the Mayor-Commission and Clerk of the Commission to execute same, subject to the approval by the City Attorney.*

This Matter was Approved as Recommended on the Consent Agenda.

General Manager for Utilities, Consent Agenda Items

961019 Release of Public Utilities Easement to the Neighborhood Housing and Development Corporation located in the 600 blk. of SW 5 Street in Fleming Subdivision, (a portion of SW 6th Place previously vacated)

RECOMMENDATION *The City Commission: 1) approve the release of a public utilities easement located in the 600 blk. of SW 5 Street, to the Neighborhood Housing and Development Corporation (NHDC); and 2) authorize the Mayor-Commissioner and Clerk of the Commission to execute a Release of Easement instrument, subject to approval by the City Attorney.*

This Matter was Approved as Recommended on the Consent Agenda.

961020 Release of Public Utilities Easement to Hidden Village, Inc., Located in Hidden Village Apartments at 2725 SW 27 Avenue

RECOMMENDATION *The City Commission; 1) approve the release of a public utilities easement located at 2725 SW 27 Avenue, to Hidden Village, Inc.; and 2) authorize the Mayor-Commissioner and Clerk of the Commission to execute a Release of Easement instrument, subject to approval by the City Attorney.*

This Matter was Approved as Recommended on the Consent Agenda.

961021 Purchase Order to Altec Industries, Inc., for Two (2) Heavy Duty Digger Derricks

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Altec Industries, Inc., for two (2) heavy duty digger derricks and associated bodies in the amount of \$188,246.00.*

This Matter was Approved as Recommended on the Consent Agenda.

961022 Purchase order to Envirotemp, Inc., for Heating and HVAC Units for the Electric Operations Center and the Murphree Water Treatment Plant

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Envirotemp, Inc., for five(5) heating and HVAC units for the Electric Operations Center and the Murphree Water Treatment Plant in an amount not to exceed \$30,573.00.*

This Matter was Approved as Recommended on the Consent Agenda.

961023 Purchase Order to Hathaway Corporation for a Digital Fault Recorder for the John R. Kelly substation

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Hathaway Corporation, as the specified supplier, for a digital fault recorder in an amount not to exceed \$29,440.00.*

This Matter was Approved as Recommended on the Consent Agenda.

961024 Purchase Order to Electric Services, Inc. (ESI) for three (3) Westinghouse Vacuum Circuit Breakers

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Electric Services, Inc. (ESI) for three (3)*

Westinghouse vacuum circuit breakers in an amount not to exceed \$54,372.

This Matter was Approved as Recommended on the Consent Agenda.

961025 Agreement with Council for Economic Outreach

RECOMMENDATION *The City Commission authorize the General Manager or his designee to execute the agreement with the Council for Economic Outreach, substantially in the form on file, subject to approval of the City Attorney.*

This Matter was Approved as Recommended on the Consent Agenda.

961026 International Chemical Workers Union Contract Modification Agreement

RECOMMENDATION *The City Commission: 1) ratify the Agreement dated October 23, 1996 which amends the Labor Agreement covering the period October 1, 1995 through September 30, 1997, between the City of Gainesville and Local 354 of the International Chemical Workers Union (ICWU) regarding positions for the ICWU bargaining unit; and 2) authorize the General Manager to execute the Agreement on behalf of the City, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

961027 Communications Workers of America Contract Modification Agreement

RECOMMENDATION *The City Commission: 1) ratify the Agreement dated March 1997 which amends the Labor Agreement covering the period October 1, 1995 through September 30, 1998 between the City of Gainesville and Local 3170 of the Communications Workers of America (CWA) labor union regarding the transfer of positions from the International Chemical Workers Union (ICWU) bargaining unit to the CWA bargaining unit; and 2) authorize the General Manager to execute the Agreement on behalf of the City, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

City Attorney, Consent Agenda Items

961028 Karl W. Hoff, III, Plaintiff, vs. City of Gainesville, Defendant; Case No. 97-227-CA; Division K.

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 Karl W. Hoff, III, Plaintiff, vs. City of Gainesville, Defendant; Case No. 97-227-CA; Division K.*

This Matter was Approved as Recommended on the Consent Agenda.

Committee Reports, Consent Agenda Items

Public Works Committee, Consent

Personnel & Organizational Structure Comm, Consent

Public Safety Committee, Consent

961010 Project Payback Request for LECFTF Funding

RECOMMENDATION *The City Commission authorize the appropriation and expenditure of \$3,500 from the Law Enforcement Contraband Forfeiture Trust Fund to assist Project Payback with a Project Coordinator and Staff Support.*

This Matter was Approved as Recommended on the Consent Agenda.

960127 Flyers on Utility Poles

RECOMMENDATION *The City Commission refer to the CRA staff's report on kiosks and snipe signs as presented to the Public Safety Committee at their 3/13/97 meeting, to refer to the College Park/University Heights Advisory Board and the Downtown Advisory Board review of 1) erecting two demonstration sites of a bulletin board or kiosk type in two locations, such as the 13th St./University Avenue area and one in the downtown area, 2) while also identifying those most prevalent areas where flyers are erected, considering size, construction and costs and 3) report back to the CRA with final recommendations, and 4) remove this item from the Public Safety Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

Audit & Finance Committee, Consent**Legislative Committee, Consent****Regional Utilities Committee, Consent****960498 Electric Rate Options Ordinance**

RECOMMENDATION *The Regional Utilities Committee recommends the City Commission authorize the Clerk of the Commission to advertise proposed Ordinance No. 960498 regarding Electric Rate Options for a first public hearing at a special City Commission meeting on Monday, May 19, 1997 at 6:00 p.m.*

This Matter was Approved as Recommended on the Consent Agenda.

Clerk of the Commission, Consent Agenda Items**961000 City Commission Minutes of March 17 and 24, 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 modifications: 1) File No. 961001 - Resolution - Referendum Election - Additional back-up material submitted; 2) New Item Submitted - File No. 960936 - Petition No. 37LUC-97PB; and 3) Move File No. 961018 to the 6pm portion of the meeting.

Citizen Comment (3:00 PM - 3:30 PM)**Robert Pearce - Accessory Dwelling Units (NB)**

Citizen Robert Pearce suggested that in-fill development by using accessory dwelling units be considered by the City Commission.

Commissioner P. DeLaney recommended the issue be referred to the City Manager (Community Development Department).

Commissioner Hanrahan recommended that the issue be discussed at the Special City Commission Meeting on Community Development to be held on April 21, 1997.

City Manager Wayne Bowers stated that staff would place the issue on the agenda of the special meeting.

Rev. Earl Young - Comments (NB)

961038 Public Safety Concerns - William J. Stokes, Sr.

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

A motion was made by Commissioner Delaney, seconded by Commissioner Calkins, that this matter be Assigned to the Public Safety Committee, due back on October 14, 1997. The motion carried unanimously.

City Commission Comment (If time available)

Charter Officer Updates

Clerk of the Commission

960997 May 26, 1997 City Commission Meeting

RECOMMENDATION *The City Commission consider changing the City Commission meeting scheduled for May 26, 1997.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Hanrahan, to reschedule the regular City Commission meeting from May 26, 1997 to May 27, 1997. The motion carried unanimously.

City Manager

961016 ARTSREACH Exhibits

RECOMMENDATION *The City Commission hear a brief presentation by Donna Born Drake, ARTSREACH Coordinator for the Department of Cultural Affairs, introducing the exhibitions of Art in City Hall, Art in the County Administration Building, and Art in the Airport.*

This matter was Placed on File**961029****Alfred A. Ring Park Update**

Nature Operations Manager Steve Phillips gave a presentation.

Chairman Jennings recognized Citizen Alfred A. Ring who spoke to the matter.

FIRST MOTION: Approve the following: 1) funding for restroom construction and sanitary sewer hookup at Ring Park; 2) funding for a 10-year lease with the Elk's Lodge for parking access subject to successful negotiations with the Elks Lodge and upon the approval of the City Attorney as to form and legality; and 3) funding for a pedestrian bridge to be placed from the Elk's Lodge property to Ring Park.

SECOND MOTION: Commissioner Hanrahan moved and Commissioner B. Delaney seconded to approve the funding the transfer of \$30,000 as a match by Dr. Alfred A. Ring to be placed in the Ring Park Trust Fund from the City Commission Contingency Fund (Motion Carried Unanimously).

RECOMMENDATION *The City Commission: 1) hear an update report from staff; 2) approve the funding for restroom construction and sanitary sewer hookup at Ring Park; 3) consider the request to waive the City's purchasing policy for the maintenance agreement; 4) approve the funding for a 10-year lease with the Elk's Lodge for parking access subject to successful negotiations with the Elks Lodge and to the approval of the City Attorney as to form and legality; 5) approve funding for a pedestrian bridge to be placed from the Elk's Lodge property to Ring Park; and, 6) consider funding the transfer of \$30,000 as a match by Dr. Alfred A. Ring to be placed in the Ring Park Trust Fund.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner Calkins, that this matter be Approved, as shown above (First Motion). The motion carried unanimously.

960946**Economic Development**

Economic Development Director Conchi Ossa gave a presentation.

MOTION: Approve to: 1) recommit to the City's economic development efforts; 2) endorse the concept of replenishment of the Economic Development Fund; and, 3) review the City's purchasing policies for the impact on the economic development in the community.

RECOMMENDATION *The City Commission take the following action: 1) recommit to the City's economic development efforts; 2) endorse the concept of replenishment of the Economic Development Fund;*

and, 3) provide other direction related to economic development processes.

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

961017 Gainesville Council for Economic Outreach Update

Gainesville Council for Economic Outreach Executive Director Bob Rohrlack gave a presentation.

RECOMMENDATION *The City Commission hear an update from Executive Director Bob Rohrlack.*

This matter was Placed on File

961033 Appropriation of Infrastructure and Beautification Funds

Chairman Jennings recognized Gainesville Womans Club President Sarah Brown and City Beautification Board Chair Arnall Downs and Member Cindy Smith who spoke to the matter.

RECOMMENDATION *The top sidewalk priority located on N.W. 41st Street be approved (estimated cost of \$30,000.00.) This new sidewalk will be of great benefit to the senior citizens who reside at the Atrium and Courtyards. For beautification projects it is recommended that the City Commission approve \$5,000.00 for landscape architect professional services to provide a preliminary design for gateway roads (\$5,000.00). Also, it is recommended that \$5,000.00 be appropriated for landscape architect professional services to provide a design concept, sketch, approach to design, and detailed design for N.W. 39th Avenue from the Airport to Waldo Road (\$5,000.00). An additional \$15,000.00 should be reserved to begin implementation of the recommendations for the N.W. 39th Avenue landscaping improvements.*

For the remaining \$35,000.00 it is recommended that these funds not be appropriated at this time but held in reserve for further deliberation. The first priority should be given to appropriate these funds to hire a temporary City employee to maintain proposed kiosks for the posting of handbills and removing illegal signs posted on poles on City property. The City Commission has referred to the City Manager and General Manager of Utilities the issue of flyers on utility poles. An interim report was provided to the Public Safety Committee at its last meeting (a copy of the report is provided as background material). The report will next be reviewed by

the Downtown and College Park/University Heights Advisory Boards. It is anticipated that the final report will include a recommendation to erect kiosks in the downtown area and near the University of Florida campus. The recommendation will also likely include the hiring of a temporary position to maintain the kiosks and remove handbills illegally posted in other locations. Although this report is not in final form, funds will be needed to pay for the kiosk purchases, employee salary and benefits, and other costs for the program. Such expenditures would be a valid use of infrastructure and beautification funds. The amount recommended for reservation for the kiosks and flyer removal program is \$35,000.00.

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

General Manager for Utilities

City Attorney

City Auditor

Committee Reports (Pulled from Consent)

Public Works Committee

Personnel & Organizational Structure Committee

Public Safety Committee

Audit & Finance Committee

Legislative Committee

Regional Utilities Committee

Advisory Brds/Comm (Appointments/Waivers/Reports)

961031

Public Recreation Advisory Board's By-law Changes

RECOMMENDATION *The City Commission approve the proposed changes to the Public Recreation Advisory Board's by-laws.*

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

Outside Agencies

961030 Recognition of Dr. Kermit Sigmon

RECOMMENDATION *The City Commission name the bicycle commuter facility at the new Regional Transit System (RTS) Transfer Facility in memory of Dr. Kermit Sigmon.*

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

Members of the City Commission

960998 Boys & Girls Club of Alachua County

Boys & Girls Club of Alachua County Executive Director Jerry Lane gave a presentation.

RECOMMENDATION *The City Commission hear a presentation.*

This matter was Postponed for April 28, 1997

960999 Night Time Noise Generation from Downtown Street Parties on Magnolia Plantation Bed and Breakfast Inn

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 Commissioner Calkins, that this matter be Assigned to the Public Safety Committee, due back on October 14, 1997. The motion carried unanimously.

Commission Comments

Adjourn Until 6:00 PM

Pledge of Allegiance

Mt. Moriah Baptist Church Boy Scout Pack #713

961018 Special Presentation on the City Wide Youth Basketball Program

RECOMMENDATION *The City Commission: 1) hear a special presentation by Cliff Crawford, Recreation and Parks Director and Clarence Mills, Recreation Manager on the City's Youth Basketball Program; and 2) assist in the awards ceremony for the children and the recognition of volunteers involved in this program.*

This matter was Placed on File

Proclamations

960991 Officer Janice Vores, Spotlited Employee for the month of February 1997

RECOMMENDATION *Officer Janice Vores to receive a proclamation.*

This matter was Placed on File

960992 Fair Housing Month

RECOMMENDATION *Rueben Ramos, Fair Housing Board Vice-Chairman, to receive a proclamation.*

This matter was Placed on File

960993 Great Florida Cleanup Day

RECOMMENDATION *Bob Gasche, Great Florida Cleanup Chairman; Jeanne Rochford, Keep Alachua County Beautiful Executive Director; and Howard Patrick, Keep Alachua County Beautiful Chairman, to receive a proclamation.*

This matter was Placed on File

960994 Professional Secretaries Week and Professional Secretaries Day

RECOMMENDATION *Kathy Birthisel, President, Professional Secretaries International; Patty Foster, Vice President, Professional*

Secretaries International; and Tommie Boland, Membership Committee Chairperson, to receive a proclamation.

This matter was Placed on File

960995 National Volunteer Week

RECOMMENDATION *Carol Oyenarte, Executive Director, The Volunteer Center of Alachua County, Inc., to receive a proclamation.*

This matter was Placed on File

Public Hearings

Ordinances - 1st Readings- ROLL CALL REQUIRED

960644 Ordinance 0-97-02; Petition No. 158PDA-96PB

An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 3978, which amended the Planned Development commonly known as "Hunter's Crossing"; amending the planned development by adopting revised development plan maps and a revised development plan report to permit office use; providing for concurrency requirements; located in the vicinity of 4701 NW 53rd Avenue; 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, Pegeen Hanrahan and Edward L. Jennings, Sr.

Absent: Bruce L. Delaney

960693 Ordinance No. 0-97-08; Petition No. 225TCH-96PB

An ordinance of the City of Gainesville, Florida, amending section 30-112(d)(4)b. of the Land Development Code providing flexibility in modifying setback, building height and other requirements for historic preservation; amending section 30-112(d)(4)d. of the Land Development Code setting a one year effective period for certificates of appropriateness; amending section 30-112(d)(4)e. of the Land Development Code providing requirements before a demolition permit is obtained; creating and adding section 30-112(d)(4)f. of the Land Development Code advising of the availability of historic preservation tax exemptions; creating and adding section 30-112(d)(4)g. of the Land Development

Code providing procedures to prevent demolition by neglect; amending section 30-112(d)(6)e. of the Land Development Code clarifying the process for consideration of economic hardship; 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, Bruce L. Delaney, Paula M. DeLaney, Pegeen Hanrahan and Edward L. Jennings, Sr.

960645 Ordinance No. 0-97-19; Petition No. 206TCH-96PB

An ordinance of the City of Gainesville, Florida, amending the Special Area Plan for Triangle to allow physical fitness facilities in the Triangle area to have right-turn only egress onto NW 8th Avenue; 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 Delaney, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

960843 Ordinance No. 0-97-20; Petition No. 15CPA-97PB

An ordinance of the City of Gainesville, Florida, amending the Transportation Mobility Element of the City of Gainesville 1991-2001 Comprehensive Plan; amending Policy 1.1.1 creating a new level of service for a segment of N.W. 13th Street; amending Policy 1.1.5 removing a segment of N.W. 13th Street from the table showing level of service for state roadways included in the TCMA; creating and adding policy 1.8.7 providing mitigation requirements and standards for a segment of N.W. 13th Street; providing directions to the city manager; providing directions to the codifier; 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, Bruce L. Delaney, Paula M. DeLaney, Pegeen Hanrahan and Edward L. Jennings, Sr.

960970 Ordinance No. 0-97-24

An ordinance of the City of Gainesville, Florida, amending Appendix A of the Code of Ordinances reducing the rates for certain charges for residential solid waste and recyclables collection; providing directions to the codifier; 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, Bruce L. Delaney, Paula M. DeLaney, Pegeen Hanrahan and Edward L. Jennings, Sr.

Ordinances - 2nd Readings- ROLL CALL REQUIRED

960834 Ordinance No. 0-97-16

An ordinance of the City of Gainesville, Florida, amending section 9-14 of the Code of ordinances relating to the board of canvassers, allowing the board to begin canvassing absentee ballots four days before the election; 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 Hanrahan, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

Resolutions- ROLL CALL REQUIRED

960473 Legislative Matter No. 960473. Petition 147SUB-96 DB, Jim Dyksterhouse, agent for Gainesville Neighborhood Housing & Development Corporation. Final plat approval of Porters Place Cluster Subdivision, 9 lots located on 1.06 acres more-or-less. Located in the vicinity of S.W. 4th and 5th Streets and S.W. 7th Avenue. Zoned: RMF-5

RECOMMENDATION *Planning Staff to City Commission - The City Commission*

adopt the resolution approving the final plat of Porters Place Cluster Subdivision, Petition 147SUB-96 DB.

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

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

960840 Amended Downtown Redevelopment Plan

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

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

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

960947 First Amendment to FY 1997 General Operating and Financial Plan Budget Resolution

RECOMMENDATION *The Audit and Finance Committee: 1) review the proposed amendatory budget resolution, and if acceptable; 2) recommend its adoption by the City Commission.*

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

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

961032 Airport Industrial Park Covenants and Restrictions

RECOMMENDATION *The City Commission adopt a Resolution adopting the amended Declaration of Protective Covenants and Restrictions for the Airport Industrial Park; Unit I and Unit II, located in the City of Gainesville, Florida; providing directions to the Clerk; and providing an immediate effective date; subject to approval of the City Attorney as to form and legality.*

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

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

960982 **Petition 1 SUB-97 DB, Public Works Department, agent for City of Gainesville. Final Plat approval of Airport Industrial Park, Unit II that includes a partial replat of Airport Industrial Park, Unit I. Four (4) lots located on 33.47 acres more-or-less. Located in the vicinity of N.E. 40th Terrace, between NE 54th Avenue and N.E. 49th Avenue. Zoned: I-2**

RECOMMENDATION *Planning Staff to City Commission - The City Commission adopt the resolution approving the final plat of Airport Industrial Park, Unit II. Petition 1 SUB-97 DB.*

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

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

961001 **A resolution of the City of Gainesville, Florida, calling a referendum election to be held the same day as the regular city election in 1998, placing the city charter amendment contained in the initiative petition of the Coalition to Save Gainesville's Greenspaces on the ballot; specifying the ballot language for the referendum; and providing an immediate effective date.**

Assistant City Attorney Pat Carter, Planner Rick Smith, and Consultant Gail Easley gave presentations.

Chairman Jennings recognized Citizens Tom Cunilio, Francine Robinson, Moody and Salzman Attorney John Crotty, Citizens Ron Carpenter, and Sal Locasio who spoke to the matter.

MOTION WITHDRAWN: Ask the Courts for a declaratory judgement on the meaning of ballot language (later withdrawn).

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

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

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

Plan Board Petitions

960934 **(Quasi-Judicial). Petition 35LUC-97 PB, T.C. Skinner & Associates, Inc., agent for Wei Te Tung & Man Li Tung. Amend the Gainesville Comprehensive Plan, 1991-2001, Future Land Use Map from O (Office) to PUD (Planned Use District)**

for a restaurant. Located at 2201 and 2219 N.E. 2nd Street. (Related to Petition 36PDV-97 PB.)

Chairman Jennings recognized Citizen Sarah Poll who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 35LUC-97 PB. Plan Board vote 7-0*

Staff to Plan Board - Approve, with conditions

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

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

960935

(Quasi-Judicial). Petition 36PDV-97 PB, T.C. Skinner & Associates, Inc., agent for Wei Te Tung & Man Li Tung. A planned development with development plan review to rezone property from OF (General Office) to PD (Planned Development) for construction of a restaurant. Related to petition 35LUC-97 PB. Located at 2201 and 2219 N.E. 2nd Street.

Chairman Jennings recognized Citizen Sarah Poll who spoke to the matter.

AMENDMENT: Condition 17 - Add wording - remove or cover - orange paint from trees.....

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 36PDV-97 PB with conditions. Plan Board vote 7-0*

Staff to Plan Board - Approve with conditions

A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, that this matter be Approved as Amended (Petition). The motion carried unanimously.

960936

Petition 37LUC-97 PB, Zach Osbrach, agent for T.J. Hawes, Pansy Hawes, Porter Crapps and Mary Crapps. Amend the Gainesville Comprehensive Plan, 1991-2001, Future Land Use Map from R-L (Residential Low Density, 0-12 units/acre) and CON (Conservation) to PUD (Planned Use District) for commercial, warehousing and residential uses. Related to Petition 38PDV-97 PB. Located in the 900 block of NE 39th Avenue, south side.

RECOMMENDATION *City Plan Board Action - Continue Petition 37LUC-97 PB until further notice. Plan Board vote 7-0*

CITY MANAGER'S RECOMMENDATION

The City Commission continue the Public Hearing on Petition 37LUC-97 PB until further notice.

A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, that this matter be Continued (Petition). The motion carried unanimously.

960937 Petition 38PDV-97 PB, Zach Osbrach, agent for T.J. Hawes, Pansy Hawes, Porter Crapps and Mary Crapps. Rezone property from RSF-4 (8 units/acre single-family residential district) and CON (Conservation) to PD (Planned Development District) for commercial, warehousing and residential development with a PD layout plan. Related to Petition 37LUC-97 PB. Located in the 900 block of N.E. 39th Avenue, south side, between N.E. 39th Avenue and N.E. 31st Avenue.

RECOMMENDATION *City Plan Board Action - Continue Petition 38PDV-97 PB until further notice. Plan Board vote 7-0*

CITY MANAGER'S RECOMMENDATION
The City Commission continue the Public Hearing on Petition 38PDV-97 PB until further notice.

A motion was made by Commissioner Hanrahan, seconded by Commissioner Calkins, that this matter be Continued (Petition). The motion carried unanimously.

960938 (Quasi-Judicial). Petition 31LUC-97PB, Amend the Gainesville Comprehensive Plan, 1991-2001, Future Land Use Map from O (Office) to PUD (Planned Use District) to allow a drug store with a drive-thru. Located at 3904 N.W. 13th Street. (Related to Petition 27PDV-97 PB.)

Chairman Jennings recognized Attorney Ron Carpenter who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 31LUC-97 PB. Plan Board vote 4-3*

A motion was made by Commissioner Calkins, seconded by Commissioner DeLaney, that this matter be Continued (Petition) for April 28, 1997. The motion carried unanimously.

960939 (Quasi-Judicial). Petition 27PDV-97PB, A Planned Development with a PD Layout Plan to rezone property from OF (General Office District) to PD (Planned Development District) to allow removal of an office building and construction of a drug store with a drive-thru. Located at 3904 N.W. 13th Street. (Related to Petition 31LUC-97PB)

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 27PDV-97 PB. Plan Board vote 4-3*
Staff to Plan Board - Deny

A motion was made by Commissioner Calkins, seconded by Commissioner DeLaney, that this matter be Continued (Petition) for April 28, 1997. The motion carried unanimously.

960940 (Quasi-Judicial). Petition 8 LUC-97 PB, Linda Portal, agent for Clifford W. Denney. Amend the Gainesville Comprehensive Plan 1991-2001, Future Land Use Map from MU-L (Mixed Use Low Intensity, 10-30 units/acre) to PUD (Planned Use District) for self-storage. Related to Petition 29PDV-97PB. Located in the 4900 block of N.W. 39th Avenue, north side.

RECOMMENDATION *The City Commission continue this petition to the April 28, 1997, City Commission meeting.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Hanrahan, that this matter be Continued (Petition) for April 28, 1997. The motion carried unanimously.

960941 (Quasi-Judicial). Petition 29 PDV-97 PB, Linda Portal, agent for Clifford W. Denney and Ella J. Miller. A Planned Development with a PD Layout Plan to rezone property from MU-1 (Mixed Use Low Intensity) to PD (Planned Development) to allow retail, office, self-service storage and residential. Related to Petition 8LUC-97PB. Located in the 4900 block of N.W. 39th Avenue, north side.

RECOMMENDATION *The City Commission continue this petition to the April 28, 1997, City Commission meeting.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Hanrahan, that this matter be Continued (Petition) for April 28, 1997. The motion carried unanimously.

Development Review Board

Unfinished Business

Chairman Jennings left the meeting room (9:47pm)

Commission Comment

961039 **Illegal Left Hand Turns**

RECOMMENDATION *The Public Works Committee: 1) hear a report from staff; and 2) take action deemed appropriate.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner DeLaney, that this matter be Assigned to the Public Works Committee, due back on October 14, 1997. The motion carried by the following vote:

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

Process of Citizens Advisory Committee for Community Development

Commissioner Hanrahan discussed a concern regarding the process used by the Citizens Advisory Committee for Community Development in considering applications for funding.

Commissioner Hanrahan suggested that the process be reviewed after the FY 97/98 Budget Process.

961040 Signals and/or Pedestrian Safety Island - Commissioner B. Delaney

RECOMMENDATION *The City Commission refer the need for traffic signals and/or a pedestrian safety island at 25th and 28th Streets on University Avenue to the Public Works Committee.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, that this matter be Assigned to the Public Works Committee, due back on October 14, 1997. The motion carried by the following vote:

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

Recreation Initiative (NB)

Commissioner Hanrahan asked for an update on the Recreation Initiative and suggested that the issue not be placed on the same ballot as the greenway ballot.

Commissioner P. DeLaney stated that staff was working on the issue.

City Manager Issues (NB)

City Manager Bowers informed the Commission of the following: 1) the Special Meeting of April 21, 1997 will go through the lunch hour; and 2) the need for a special meeting of the Community Redevelopment Agency regarding the Union Street Station Project.

Citizen Comment

Tom Cunilio - Gainesville Energy Advisory Committee (NB)

GEAC Chair Tom Cunilio invited the City Commission to a meeting of the Committee on April 15, 1997, 5:30pm at the GRU Administration Building. The meeting will

include discussion on deregulation and the cash flow from GRU to General Government.

Kali Blount - Community Policing Concerns (NB)

Citizen Kali Blount relayed to the Commission concerns about community policing resulting from an arrest made during the Pleasant Street tour and other witnessed incidents.

Chairman Pro Tem B. Delaney invited Mr. Blount to the next Public Safety Committee meeting to further discuss his concerns.

Adjournment (10:00 PM; motion needed to continue) - ADJ - 10:20pm

Items Pending in Committee (for information only)

Kurt M. Lannon, Clerk of the Commission