

City of Gainesville

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



Meeting Minutes

Monday, September 14, 1998

3:00 PM

City Hall Auditorium

City Commission

*Mayor Paula DeLaney, Chair
Mayor-Commissioner Pro Tem Pegeen Hanrahan, Member*

Invocation

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

Pastor Shirley Richards

Consent Agenda

A motion was made by Mayor- Commissioner Pro Tem Hanrahan, 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

980475 Referral of a Draft Model Alarm Ordinance to the Public Safety Committee

RECOMMENDATION *The City Commission refer discussions of an Alachua County Model Alarm Ordinance to the Public Safety Committee for review and recommendation*

This Matter was Approved as Recommended on the Consent Agenda.

980478 Acquisition of Tax Parcel No. 11342-001-000 as Right of Way for S.E. 8th Avenue

RECOMMENDATION *The City Commission accept the deed conveying Tax Parcel No. 11342-001-000 to the City.*

This Matter was Approved as Recommended on the Consent Agenda.

980480 Settlement of Worker's Compensation Claim - Robert Cobb

RECOMMENDATION *The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Robert Cobb in the amount of \$180,000.00.*

This Matter was Approved as Recommended on the Consent Agenda.

980482 Professional Federal Lobbying Services

RECOMMENDATION *The City Commission: 1) authorize the City Manager to amend the current agreement with Marilyn Berry Thompson for professional federal lobbying services to add services for GRU effective August 1, 1998, and to extend the current agreement for an additional one-year period through September 30, 1999, upon approval of the City Attorney as to form and legality; and, 2) authorize the City Manager and General Manager for Utilities to sign the First Extension and Amendment.*

This Matter was Approved as Recommended on the Consent Agenda.

General Manager for Utilities, Consent Agenda Items

980497 Approval of a Purchase Order to Storter Childs Printing Company, Inc. for the Gainesville Regional Utilities (GRU) Customer Bulletin for FY 98/99 (NB)

RECOMMENDATION *The City Commission approve the issuance of a blanket purchase order for FY 1998/99 to Storter Childs Printing Company, Inc. for printing 12 issues of the GRU Customer Bulletin in an amount not-to-exceed \$52,400, subject to the final appropriation of funds for FY 98/99.*

This Matter was Approved as Recommended on the Consent Agenda.

980498 Authorization to Conduct a Study Entitled "Fate of Chlorine in the Sulfide Oxidation Process at the Murphree Water Treatment Plant" (NB)

RECOMMENDATION *The City Commission approve the issuance of a purchase order in the amount of \$29,151 to the University of Florida to conduct a study entitled "Fate of Chlorine in the Sulfide Oxidation Process at the Murphree Water Treatment Plant."*

This Matter was Approved as Recommended on the Consent Agenda.

980499 Authorization to Conduct a Study Entitled "The Effects of Blending Water at the Murphree Water Treatment Plant" (NB)

RECOMMENDATION *The City Commission approve the issuance of a purchase order in the amount of \$28,051 to the University of Florida to conduct a study entitled "The Effects of Blending Water at the Murphree Water Treatment Plant."*

This Matter was Approved as Recommended on the Consent Agenda.

980500 Extension of Contract and approval of issuance of Purchase Orders to Florida Green Keepers, Inc. for Grounds Maintenance for FY 99 (NB)

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to execute an amendment to the contract to Florida Green Keepers, Inc. for grounds maintenance for the GRU Administration Building Compound, Springhills Service Center and Electric System Control for FY 99 in an amount not to exceed \$34,020.*

This Matter was Approved as Recommended on the Consent Agenda.

980501 Extension of Contract and approval of issuance of Purchase Orders to W.G. Johnson & Sons, Inc. for Proctor Dirt for FY 99 (NB)

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to execute an amendment to the contract with W.G. Johnson & Sons, Inc. for delivered proctor dirt for FY 99 in an amount not to exceed \$80,000, subject to the final appropriation of funds.*

This Matter was Approved as Recommended on the Consent Agenda.

City Attorney, Consent Agenda Items

980470 An ordinance of the City of Gainesville repealing Article II of Chapter 14.5 of the Code of Ordinances relating to Convenience Food Stores; amending Section 2-337 of the Code of Ordinances removing the Code Enforcement Board's jurisdiction over Article II of Chapter 14.5; providing a severability clause; providing an effective date.

RECOMMENDATION *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise the ordinance.*

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

Audit & Finance Committee, Consent

Legislative Committee, Consent**Regional Utilities Committee, Consent****Clerk of the Commission, Consent Agenda Items****980446 Board of Adjustment**

RECOMMENDATION *The City Commission accept the resignation of member Nona P. Upshaw from the Board of Adjustment effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

980447 Citizens' Advisory Committee for Community Development

RECOMMENDATION *The City Commission accept the resignation of member Thomas M. Vetica from the Citizens' Advisory Committee for Community Development effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

980465 City Commission Minutes of August 24 and 31, 1998

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 No. 980398 - General Government Budget - Additional back-up material submitted; 2. File No. 980432 - Tentative General Government Budget - Additional back-up material submitted; 3. File No. 980273 - Petition 142TCH-98PB - Additional back-up material submitted; 4. File No. 980502 - Lease and Lease Back - Recommendation should be modified to include in recommendation number 1 the lease/leaseback of Deerhaven Unit 1 if deemed appropriate. Explanation should be changed on page 2 (end of first paragraph) to read that the excess will be split with the General Fund receiving,

according to the GFT formula, 14.65% of the net proceeds, with the balance being retained in UPIF. Fiscal Impact needs to be changed to reflect the change noted above.

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

980507 Cindy Smith - Civil Citation Process in Residential Area

This item was later referred to the Code Enforcement Committee.

RECOMMENDATION *The City Commission refer to the Public Safety Committee the issue of rescinding landlord licenses.*

A motion was made by Commissioner Calkins, seconded by Commissioner Delaney, that this matter be Assigned to the Public Safety Committee, due back on March 14, 1999. The motion carried unanimously.

980508 Vivian Filer - Annual Health Fair

Health Fair Representative Vivian Filer gave a presentation.

RECOMMENDATION *The City Commission: 1) co-sponsor the Annual Health Fair; 2) waive the banner fees; and 3) waive the fee for use of the Martin Luther King, Jr. Facility.*

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

Carla Hotvedt - Response to Comments Made by Commissioner Hanrahan (NB)

Citizen Carla Hotvedt (Mrs. Julio Pomar) responded to comments made by Commissioner Hanrahan in a previous meeting.

980509 Tom Cunnilio - Biomass Energy

Gainesville Energy Advisory Committee Chair Tom Cunilio made comments.

A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Delaney, that this matter be Assigned to the Gainesville Energy Advisory Committee, due back on March 14, 1999. The motion carried unanimously.

City Commission Comment (If time available)

Charter Officer Updates

Clerk of the Commission**City Manager****980484 Agenda Update on September 17, 1998 Metropolitan Transportation Planning Organization (MTPO) Meeting**

Public Works Director Teresa Scott gave a presentation.

RECOMMENDATION *The City Commission hear an update from staff on the agenda for the September 17, 1998 MTPO meeting.*

This matter was Placed on File

980486 City Image Standardization

Cultural Affairs Manager Coni Gesualdi gave a presentation.

RECOMMENDATION *The City Commission: 1) hear a brief presentation by Coni Gesualdi, Chair of the City Image Committee; 2) approve the recommendation of the City Image Committee regarding the new design standards; and, 3) authorize staff to update the Code of Ordinances with a better quality graphic image.*

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

980487 Street Banners

Pine Grove Baptist Church Pastor Don Resinger gave a presentation.

FIRST MOTION: Remove the 39th Avenue banner site location, however, allow any previously permitted banners to use the site if they can not be relocated.

SECOND MOTION: Commissioner Hanrahan moved and Commissioner Calkins seconded to refer overall issue of across the street banners to City staff and City advisory boards staff feels is appropriate (Vote 5-0).

Chair P. DeLaney recognized Hippodrome Executive Director Mark Sexton who spoke to the matter.

RECOMMENDATION *The City Commission listen to the request from Pine Grove Baptist Church and take appropriate action.*

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

980489 Evaluation and Appraisal Report, Density Requirements and Accessory Dwelling Units.

Chief of Comprehensive Planning Dean Mimms and Planning Manager Ralph Hilliard gave presentations.

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

MOTION: Request staff go forward with the proposed alternative to the minimum density proposal, stated on page 4 of their memo dated August 31, 1998.

RECOMMENDATION *The City Commission: 1) hear a presentation from staff; and 2) take appropriate action.*

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

980491 Process for Land Use and Zoning Petitions in the Urban Reserve Area

City Manager Wayne Bowers and Community Development Director Tom Saunders gave presentations.

MOTION: Request staff to continue working with the City Plan Board and the Alachua County Planning Commission on this matter and return to the City Commission when there is a recommendation for further consideration.

RECOMMENDATION *The City Commission: 1) hear a presentation from staff; and 2) adopt the first option outlined above.*

A motion was made by Mayor- Commissioner Pro Tem Hanrahan, seconded by Commissioner Calkins, that this matter be Approved, as shown above. The motion carried unanimously.

General Manager for Utilities

980502 Lease and Lease Back of Deerhaven Unit 2 Facility (NB)

General Manager of Utilities Mike Kurtz gave a presentation.

RECOMMENDATION *The City Commission authorize:*
1. staff to proceed with lease and lease back of Deerhaven Unit 1 and 2, if deemed appropriate;
2. the selection of PriceWaterhouseCoopers as lessee advisor

for the transaction;

3. the General Manager or his designee to select firms necessary to provide other professional services as may be necessary to accomplish this transaction;

4. the General Manager in coordination with the City Attorney to conduct a bond validation proceeding pursuant to law to validate any potential legal issues involved in the transaction;

5. the General Manager to take all steps he deems appropriate to facilitate or maximize the benefits of the proposed transaction subject to approval of the City Commission of any documents before closing;

6. the General Manager in coordination with the City Attorney to hire outside local counsel to represent GRU as necessary in the transaction; and

7. the General Manager to negotiate a term sheet with investors and negotiate the documentation for the transaction, subject to approval of the City Attorney as to form and legality and final approval of the City Commission of the documentation prior to or at closing.

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

City Attorney

960846

Trader Tom's

Special Council Michael Kahn gave a presentation.

Chair P. DeLaney recognized Rev. Tim Keyes, Gainesville Symphony Orchestra Representative Karl Ashley, Citizens Vincent Mallet, Rita Milinar, Reginald Lewis, Attorney John Wagner, Oetta McNeil, Donnie Sloan, Tom Cunilio, Sidney Smith, Dawn Western and Thelma Nelson who spoke to the matter.

The Commission referred the new agreement to the City Attorney for review and return the item to the City Commission at the next regular meeting at 6:00 pm, or as soon as Mr. Kahn can be present at a regular meeting at 6:00 pm.

RECOMMENDATION

Michael Kahn, special counsel to the City, recommends that the City Commission: 1) approve the settlement agreement between the City and Trader Tom's Florida Fried Chicken, Inc., d/b/a Trader Tom's; and 2) authorize the Special Counsel to execute the agreement on behalf of the City.

This matter was Postponed for September 28, 1998

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 Boards/Committees (Appointments/Reports)

Outside Agencies

980349 **Downtown Alcohol Sales**

Community Redevelopment Agency Executive Director Corey O'Gorman gave a presentation.

Chair P. DeLaney recognized Hippodrome Theater Executive Director Mark Sexton, Courthouse Deli Representative David Blech, and Reverend Tim Keyes who spoke to the matter.

MOTION: Authorize the City Attorney to amend the appropriate ordinance(s) to allow possession, consumption and sale of alcohol at the Downtown Community Plaza by non-profit organizations (Vote 3-2; Commissioner Jennings and Chair P. DeLaney voted Nay).

RECOMMENDATION *Community Redevelopment Agency to the City Commission: Consider allowing alcohol possession, consumption and sales on the Gainesville Community Plaza as part of a special event.*

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

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

Members of the City Commission

980378 **Brownfield Grant**

AMENDMENT: Appoint Alachua County Commissioner Wheat and request a member from the Florida Department of Environmental Protection.

RECOMMENDATION *The City Commission appoint the "Sprout Project Task Force" as detailed in the August 24, 1998 memorandum.*

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

980504 **Recreation Initiative Follow-Up**

RECOMMENDATION *The City Commission 1)Hear comments on the Recreation initiative and 2) Discuss establishing and staffing a standing committee on Recreation and Cultural Affairs.*

A motion was made by Commissioner Delaney, seconded by Commissioner Calkins, that this matter be Referred to the City Manager, due back on March 14, 1999. The motion carried unanimously.

Commission Comments

Recess Until 6:00 PM

Pledge of Allegiance

Troop #88, Lion's Club

Proclamations/Special Recognitions

Public Hearings

980397 A Resolution of the City Commission of the City of Gainesville, Florida; Relating to the Levy of General Municipal Purpose Ad Valorem Taxes for the 1998-1999 Fiscal Year; Establishing a Proposed Millage Rate; Setting a Public Hearing; Providing for the Publication of Notice; and Providing an Immediate Effective Date.

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

Millage Rate: 4.9416

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

980432

A Resolution of the City Commission of the City of Gainesville, Florida; Relating to its General Government Budget for the Fiscal Year Beginning October 1, 1998 and Ending September 30, 1999, Adopting an Amended Tentative General Operating and Financial Plan Budget; Providing an Immediate Effective Date.

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

Chair P. DeLaney recognized Citizen David Whidden who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

980398

Ordinance No. 0-98-95

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, 1998 and Ending September 30, 1999; Adopting the General Operating and Financial Plan Budget; and Providing an Immediate Effective Date.

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

980399

Ordinance No. 0-98-93

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF

GAINESVILLE, FLORIDA, ADOPTING THE BUDGET FOR THE CITY OF GAINESVILLE REGIONAL UTILITIES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1998, AND ENDING SEPTEMBER 30, 1999; 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 an ordinance adopting the budget for the City of Gainesville Regional Utilities for the fiscal year beginning October 1, 1998, and ending September 30, 1999.*

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

980495 Proposed Use of U.S. Department of Justice Local Law Enforcement Block Grant Funds

Gainesville Police Chief Donald Shinnamon gave a presentation.

RECOMMENDATION *The City Commission: 1) hold a public hearing regarding the City's proposed use of funds awarded under the Local Law Enforcement Block Grants Program, established within the Bureau of Justice Assistance under the Fiscal Year 1996 Omnibus Appropriations Act (Public Law 104-134); 2) hear a report from staff on the recommendation to purchase radios for the new 800 MHz system; and, 3) receive written and oral public input about the local government's entire budget and the relation of the grant to the entire budget.*

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

Ordinances - 1st Readings- ROLL CALL REQUIRED

961098 Ordinance No. 0-97-49, Petition No. 70LUC-97PB

An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan, Future Land Use Map; by overlaying the Planned Use District Category over certain property with the future land use category of "Residential Medium Density (10-30 units per acre)"; located in the vicinity of 2424 N.W. 23rd Blvd.; providing a severability clause; providing a repealing clause; and providing an

effective date.

Chair P. DeLaney recognized Citizen Frederick Peterkin who spoke to the matter.

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

961099 Ordinance No. 0-97-48, Petition No. 71PDV-97PB

An ordinance of the City of Gainesville, Florida, rezoning certain lands within the City and amending the Zoning Map Atlas from "RMF-6: 10-15 units/acre multiple-family residential district" to "Planned Development District"; adopting development plan maps and a development plan report to allow expansion of the existing facility commonly known as "Elk's Lodge"; located at 2424 N.W. 23rd Boulevard; providing conditions; providing for penalties; providing a severability clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

980102 Ordinance No. 0-98-85, Petition No 99PDA-98PB

An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "Hunter's Crossing"; amending the planned development by adopting revised development plan maps with specific reference to Phase II to allow an additional off-street parking area for an office development; located in the vicinity of 4701 N.W. 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 Jennings, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

980215 Ordinance No. 0-98-90; Petition No. 133TCH-98PB

An ordinance of the City of Gainesville, Florida, creating and adding a section to the Special Area Plan for College Park providing that the development review board has the duty and authority to grant variances from the Plan and certain code requirements associated with a development plan within the College Park Special Area; 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 Calkins, 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, Bruce L. Delaney, Pegeen Hanrahan, Edward L. Jennings, Sr. and Paula M. DeLaney

980222 On-Street Parking/Central City District**Ordinance No. 0-98-97**

An ordinance of the City of Gainesville, Florida, amending subsection 26-50.1 of the Code of Ordinances relating to on-street parking in the Central City District, allowing such parking to be on areas designated by the City Manager and approved by the Florida Department Of Transportation; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair P. DeLaney recognized Citizens Frederick Peterkin, Rev. Tim Keyes, Cindy Smith and Tom Fay who spoke to the matter.

Commissioner Hanrahan moved and Commissioner Calkins seconded to refer turns onto Main Street to the City Manager (Public Works Department) (Vote 5-0).

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

980281 Ordinance No. 0-98-92

An ordinance of the City of Gainesville, Florida, amending section 2-602 of the Code of Ordinances relating to the City of Gainesville Police Officers and

Firefighters Consolidated Retirement Plan; amending the voting requirements, duties of the secretary, clarifying the authority of the Board in regard to retention of agents and consultants; 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, Bruce L. Delaney, Pegeen Hanrahan, Edward L. Jennings, Sr. and Paula M. DeLaney

980362 Stormwater Management Utility Fee Change

Ordinance No. 0-98-96

An ordinance of the City of Gainesville, Florida, amending subsection 27-241(a) of the Code of Ordinances relating to the stormwater management utility changing the utility fee to \$5.25/ERU; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date in accordance with the schedule herein.

Public Works Department Teresa Scott gave a presentation.

Chair P. DeLaney recognized Citizens Cindy Smith and Frederick Peterkin who spoke to the matter.

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

980395 Ordinance No. 0-98-98

An ordinance of the City of Gainesville, Florida, amending subsection 15-4(2)d. of the Code of Ordinances relating to hours for special noise permits, extending the hours for events held 0.5 mile or more from any private residence, hospital or nursing home; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair P. DeLaney recognized Citizens David Blech who asked for the Halloween Party on S.W. 2nd Street be included in this ordinance, Arnall Downs and Tom Fay who spoke to the matter.

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

980467 Ordinance No. 0-98-100

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 located in an area bounded on the north by the Gainesville City Limits, on the east by the Gainesville City Limits, on the west by Deer Run Subdivision and on the south by the Gainesville City Limits and NW 53rd Avenue; providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the Clerk of the Commission; providing ballot language; providing for Land Use Plan and Zoning Regulations; providing a severability clause; and providing effective dates.

Strategic Planner Heidi Lannon gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Ordinances - 2nd Readings- ROLL CALL REQUIRED

980174 Ordinance No. 0-98-80

An ordinance of the City of Gainesville, Florida, amending Article V of Chapter 27 of the Code of Ordinances relating to the stormwater management utility adding provisions for partially impervious area to the calculation of the stormwater management fee and clarifying definitions; 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 Calkins, seconded by Commissioner Jennings, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

980285 Ordinance No. 0-98-87

An ordinance of the City of Gainesville, Florida, amending section 26-46 of the code of ordinances relating to vehicle owner's liability for illegal parking, clarifying the procedure for notification of owner and payment of fees; allowing collection activity by an agency designated by the city manager and allowing the city to provide a list of owners with three or more outstanding parking violations to the state; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission: (1) hear proposed amendments to the ordinance by the City Manager; and (2) adopt the proposed ordinance (as amended).*

Adopted on Final Reading, as amended (Ordinance)

Resolutions- ROLL CALL REQUIRED

980471 A Resolution of the City Commission of the City of Gainesville requesting release of certain real property from certain terms, conditions, reservations, obligations and restrictions contained in or referred to in existing grant agreements and instruments of transfer as they may relate to the property for purposes of sale and agreeing to use proceeds of such sale for developing and improving the Gainesville Regional Airport; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

980496 Resolution authorizing the City Manager or his designee to file an application and to execute a joint participation agreement with the Florida Department of Transportation to fund a service demonstration for additional enhanced bus service.

Regional Transit System Director Perry Maull gave a presentation.

RECOMMENDATION *The City Commission: 1) hear a presentation by staff on this proposed project; 2) approve the authorizing resolution; and 3) authorize the City Manager to file a grant application with the Florida Department of Transportation.*

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

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

Plan Board Petitions

980273 Petition 142TCH-98 PB, amend the City of Gainesville Land Development Code, Sections 30-61 (BUS), 30-62 (BA), 30-64 (MU-1), 30-65 (MU-2) and 30-66 (CCD) to add silk screening on cloth, IN 2261 and 2262 as a permitted use.

Planning Manager Ralph Hilliard gave a presentation.

Chair P. DeLaney recognized Citizen Joy Revels who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 142TCH-98 PB. Plan Board vote 7-0*

Staff to Plan Board - Approve

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

980270 (QUASI-JUDICIAL) Petition 153PDA-98 PB, Merrill L. Pugh, Agent for Howard Wallace. Planned Development amendment to reduce the west 100-foot buffer of Mill Pond along Newberry Road to a 25-foot buffer to create a buildable lot. Located in the 600 block of N.W. 51st Street, east side.

Planning Manager Ralph Hilliard gave a presentation.

Chair P. DeLaney recognized Citizens David Whidden, Rochelle Anstead and Tom Fay who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 153PDA-98 PB, with conditions. Plan Board vote 6-1*

Staff to Plan Board - Approve, with same conditions.

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

Votes: Aye: Edward L. Jennings, Sr.

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

980274 Petition 154TCH-98PB, City Plan Board. Amendment of the City of Gainesville Land Development Code regarding notice of hearings on Plan Board, Development Review Board and Board of Adjustment petitions, and modifying the quasi-judicial procedures.

Planning Manager Ralph Hilliard gave a presentation.

AMENDMENTS: 1) Page 6, line 25, remove wording regarding reduction of area; and 2) Page 9, line 13, add wording to include small scale land use and zoning changes in the quasi-judicial section

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 154TCH-98 PB Plan Board vote 7-0*

Staff to Plan Board - Approve

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

980275 Legislative Matter No. 980275. Petition 155TCH-98PB, City Plan Board. Amend the City of Gainesville Land Development Code to allow temporary signs for for-profit businesses and non-profit organizations.

Community Development Director Tom Saunders gave a presentation.

Chair P. DeLaney recognized Gainesville Area Chamber of Commerce Sign Ordinance Committee Chairman Ken McGurn, Citizen Var Hyle, Gainesville Sports Organizing Committee Representative Jack Hughes, University of Florida Student Michael Farley, Hippodrome Theater Executive Director Mark Sexton, Gainesville Area Chamber of Commerce Representative Albert White, City Beautification Board Chair Cindy Smith, Citizens Glen Smerage, and Chuck Woods, Thomas Oil Company Representative Charles McClaury and Citizen Roland Daniels who spoke to the matter.

SECOND MOTION: Commissioner Hanrahan moved and Commissioner Calkins seconded to refer sororities and fraternities sign issue to the City Manager (Planning Staff) and the City Attorney to review the regulations on the University of Florida campus and return to the City Commission with recommendations for the City to enforce (Vote 5-0).

THIRD MOTION: Commissioner Hanrahan moved and Commissioner B. Delaney seconded to refer the overall issue of sign regulations to the City Manager and

appropriate staff, City Beautification Board, Chamber of Commerce, Eastside Development Task Force and any other advisory boards (Vote 5-0).

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 155TCH-98 PB with Plan Board modification. Plan Board vote 4-3*

Staff to Plan Board - Approve

A motion was made by Commissioner Delaney, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Denied (Petition). The motion carried unanimously.

980276 **Legislative Matter No. 980276. Petition 156TCH-98PB, City Plan Board. Amend the City of Gainesville Land Development Code to allow stormwater facilities developed by the City as a permitted use in all zoning districts and to require the undergrounding of all utilities for all new development.**

Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 156TCH-98 PB. Plan Board vote 7-0*

Staff to Plan Board - Approve

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

Development Review Board Petitions

Scheduled Evening Agenda Items

980385 **PCR Releases**

Public Works Committee Chairman B. Delaney and Member Hanrahan gave presentations.

AMENDMENT: City Manager develop a schedule for reporting back to the Commission, including an implementation timeline with first report within one month ; and further, send a letter to the Alachua County Board of County Commissioners and the State Department of Environmental Protection to notify them of the City Commission Action through the Public Works Committee.

RECOMMENDATION *The City Commission authorize the City Manager to investigate/take action, as appropriate, on recommendations from the Public Works Committee related to the prevention of hazardous materials releases and community safeguards and*

as outlined in a memorandum from the Public Works Committee (Commissioner Bruce Delaney, Chair, Commissioner Pegeen Hanrahan, Member) dated August 31, 1998.

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

Unfinished Business

Commission Comment

980569 Burned House on Clear Lake Drive

RECOMMENDATION *The City Commission refer to the City Attorney.*

A motion was made by Commissioner Delaney, seconded by Commissioner Calkins, that this matter be Referred to the City Attorney, due back on March 13, 1999. The motion carried unanimously.

980570 Traffic Calming Referrals

RECOMMENDATION *The City Commission refer 11th Road and 21st Street and 49th Avenue to the City Manager (Public Works Department) for traffic calming.*

Referred to City Manager

C/Hanrahan - Hot Line Comment (NB)

Commissioner Hanrahan discussed a Hot Line comment.

980571 C/Calkins - Unsafe Building

RECOMMENDATION *The City Commission refer to the Public Safety Committee the building located on the corner of NW 5th Avenue and 8th Street in the Pleasant Street neighborhood.*

A motion was made by Commissioner Calkins, seconded by Mayor-Commissioner Pro Tem Hanrahan, that this matter be Assigned to the Public Safety Committee, due back on March 13, 1999. The motion carried unanimously.

C/Calkins - Florida Redevelopment Conference (NB)

Commissioner Calkin briefly informed the Commission of the conference.

Chair P. DeLaney - I-75 Corridor Council Member (B)

Chair P. DeLaney asked for a volunteer to serve on the I-75 Corridor Council

Commissioner B. Delaney volunteered to be the member.

Chair P. DeLaney - UF Football Game Traffic (B)

Chair P. DeLaney told the Commission that the Gator Express Buses were caught in traffic like everyone else and suggested that the City open up a bus lane.

Citizen Comment

Rev. Tim Keyes - Opposition to Alcohol on the Plaza & Trader Tom's Agreement (NB)

Rev. Tim Keyes expressed opposition to alcohol on the plaza and asked the Commission to reduce the 10 year timeframe at Trader Tom's to 3, 4 or 5 years.

Mark Sexton - Support of Alcohol on the Plaza & Halloween Event (NB)

Adjournment - 12:18 am

Kurt M. Lannon, Clerk of the Commission