

City of Gainesville

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



Meeting Minutes

Monday, August 25, 1997

3:00 PM

City Hall Auditorium

City Commission

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

Invocation

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

Pastor Charles Reich, Abiding Savior Lutheran Church

Consent Agenda

With the following modifications: 1) File No. 970324 - New Item Submitted - Motion to Intervene in Complaint for Validation of the Florida Capital Improvement Revenue Bonds; 2) Remove File No. 970309 from Consent Agenda and place on the Regular Agenda; and 3) Remove File No. 970285 from the Consent Agenda and place on the Regular Agenda (Motion Carried 3-0).

Commissioner Jennings moved and Commissioner Hanrahan seconded to reconsider the motion to adopt the Consent Agenda with modifications (Motion Carried 3-0).

MOTION UNDER CONSIDERATION: Adopt the Consent Agenda with modifications.

Commissioner Jennings requested File No. 970294 be removed from the Consent Agenda and placed on the Regular Agenda.

Commissioner Hanrahan moved to amend the motion to add the following modification: 4) Remove File No. 970294 from the Consent Agenda and place on the Regular Agenda (Motion Carried 3-0).

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

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

City Manager, Consent Agenda Items

961049 **Hiring of Consultant for University Avenue Corridor, University Heights and College Park.**

RECOMMENDATION *The City Commission authorize staff to issue a request for proposals for a consultant to assist with the creation of a Special Area Plan for University Heights, including a study of options for improvements to the University Avenue corridor, and modifications to the College Park Special Area Plan.*

This Matter was Approved as Recommended on the Consent Agenda.

9 Royal Village Challenge Grant

RECOMMENDATION *City Commission: 1) declare Lot 102 of O.A. Porter's Addition to Gainesville as surplus property; 2) authorize the Mayor to sign the deed on behalf of the Commission; and 3) authorize the City Manager or his designee to sign any necessary closing documents.*

This Matter was Approved as Recommended on the Consent Agenda.

970289 Modification and Extension of Contract with Arthur J. Gallagher & Co., for Insurance Brokerage/Consultant Services

RECOMMENDATION *The City Commission: 1) approve and authorize the modification and extension to the contract through February 28, 1998; and authorize the City Manager or his designee to execute the agreement with Arthur J. Gallagher & Co. subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Arthur J. Gallagher & Co. for insurance brokerage/consultant contract services not to exceed \$19,800 for the period of time from August 31, 1997, through February 28, 1998.*

This Matter was Approved as Recommended on the Consent Agenda.

970290 Second Amendment to the Training Officer Agreement between Santa Fe Community College and the City of Gainesville Police Department

RECOMMENDATION *The City Commission authorize the City Manager to execute the second amendment to the existing Training Officer Agreement dated October 1, 1995 between Santa Fe Community College and the City of Gainesville Police Department, subject to approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

970291 The WasteWiSe Partnership Program

RECOMMENDATION *The City Commission authorize the City Manager to sign the Partner Registration Form, subject to approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

970292 Continuation of Public Education for Recycling and Reduction of Solid Waste and Yard Trash

RECOMMENDATION *The City Commission: 1) authorize the City Manager, or his designee, to execute an amendment to the Contract with Group 5 & Associates, Inc. and Alachua County, extending the term through September 30, 1998, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Group 5 & Associates, Inc., for public education for recycling and reduction of solid waste and yard trash in an amount not to exceed \$40,000, for fiscal year 1997-98, subject to availability of funds.*

This Matter was Approved as Recommended on the Consent Agenda.

970293 Agreement with R. O. Camp for the right-of-way extension of NE 12th Avenue from Waldo Road to Cedar Grove II.

RECOMMENDATION *The City Commission: 1) authorize the City Manager to execute a Memorandum of Agreement between the City of Gainesville and R. O. Camp, and to execute any other documents necessary to secure the right-of-way and easements associated with the extension of N.W. 12th Avenue from Waldo Road to Cedar Grove II, subject to approval by the City Attorney as to form and legality; 2) authorize the City Manager to accept the deed and easements from R. O. Camp on behalf of the City, subject to approval by the City Attorney as to form and legality; and 3) instruct the Clerk of the Commission to record the deed and easements in the Public Records of Alachua County.*

This Matter was Approved as Recommended on the Consent Agenda.

970295 Application for funding under the Edward Byrne Memorial State and Local Law Enforcement Assistance Discretionary Grants Program

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply to the Florida Department of Community Affairs for \$36,000 in grant funds under the Edward Byrne Memorial State and Local Law Enforcement Assistance Discretionary Grants Program for the United Gainesville Community Development Corporation, Inc.'s five proposed projects; 2) execute the grant contract, subject to approval by the City Attorney as to form and legality; and 3) execute any additional documents that may be necessary.*

This Matter was Approved as Recommended on the Consent Agenda.

970296 The location of places of religious assembly in proximity of an alcoholic beverage establishment

RECOMMENDATION *The City Commission refer this issue to the Public Safety Committee for review.*

This Matter was Approved as Recommended on the Consent Agenda.

970297 Gainesville Police Department Uniform Purchase Contract with R & R Uniforms, Inc.

RECOMMENDATION *The City Commission authorize the City Manager to execute a contract with R & R Uniforms, Inc., of Orlando, Florida subject to the approval of the City Attorney as to form and legality, and authorize the issuance of a Purchase Order subject to final appropriation of funds for FY 98 in an amount not to exceed \$75,000.*

This Matter was Approved as Recommended on the Consent Agenda.

970308 Interlocal Agreement between Alachua County and the City of Gainesville to execute programs and use of equipment.

RECOMMENDATION *The City Commission authorize the City Manager to execute the Interlocal Agreement between Alachua County and the City of Gainesville for execution of programs and use of equipment acquired through funding in the 1996 County Grant Awards Program, effective the date of execution, at no cost to the City, as funded through a grant awarded to Alachua County from the State of Florida, Department of Health, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

970319 Amendment of the Gainesville Code of Ordinances Appendix A , Fees, Rates and Charges.

RECOMMENDATION *The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an amendment to the Code of Ordinances adding a fax permitting application administrative service fee to Appendix A of the Gainesville Code of Ordinances.*

This Matter was Approved as Recommended on the Consent Agenda.

General Manager for Utilities, Consent Agenda Items

970304 Approval of an Amendment to the Contract for Wood Pole Inspection and Groundline Treatment for FY98

RECOMMENDATION *The City Commission authorize the General Manager or his designee to execute an amendment to the contract with Utility Pole Technologies, Inc. for wood pole and groundline treatment for FY 98 and approve the issuance of a purchase order to Utility Pole Technologies, Inc. in an amount not to exceed \$55,000 subject to final appropriation of funds for FY 98.*

This Matter was Approved as Recommended on the Consent Agenda.

970306 An Ordinance amending Appendix A, Section UTILITIES (1) ELECTRICITY, of the Gainesville Code of Ordinances

RECOMMENDATION *The City Commission authorize the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance amending Appendix A, Section UTILITIES (1) ELECTRICITY, decreasing rates for residential electric service; providing for a severability clause; and providing an effective date in accordance with the schedule provided in the Gainesville Code of Ordinances.*

This Matter was Approved as Recommended on the Consent Agenda.

970307 An Ordinance amending Appendix A, subsection UTILITIES (3)g.3., of the Gainesville Code of Ordinances

RECOMMENDATION *The City Commission authorize the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance amending Appendix A, subsection UTILITIES(3)g.3., of the Gainesville Code of Ordinances, increasing water rates for the University of Florida (UF); providing for a repealing clause; providing for a severability clause; and, providing an effective date in accordance with the schedule provided herein.*

This Matter was Approved as Recommended on the Consent Agenda.

City Attorney, Consent Agenda Items

**970299 City of Gainesville vs. Douglas F. a/k/a D.F. Englert and Tammy J. Englert;
Case No. 96-4575-CA**

RECOMMENDATION *The City Commission authorize the City Attorney to file an appeal in the First District Court of Appeals in the case City of Gainesville vs. Douglas F. a/k/a D.F. Englert and Tammy J. Englert; Case No. 96-4575-CA*

This Matter was Approved as Recommended on the Consent Agenda.

970300 Eddie Johnson and Geneva Johnson, his wife vs. City of Gainesville, a Municipal Corporation; Case No. 97-2440-CA

RECOMMENDATION *The City Commission authorize the City Attorney and/or Special Counsel, if insurance coverage is available, to represent the City in the case styled Eddie Johnson and Geneva Johnson, his wife vs. City of Gainesville, a Municipal Corporation; Case No. 97-2440-CA.*

This Matter was Approved as Recommended on the Consent Agenda.

**970301 Final Administrative Orders In the Matter of Juan and David Holbrook;
(Property located at the 1320 and 1328 NW 34th Road, Gainesville, Florida);
Legislative Item No. 970136, Petition No. 111LUC-97PB and Legislative Item No.
970137, Petition No. 112ZON-97PB**

RECOMMENDATION *The City Commission authorize the Mayor-Commissioner and Clerk of the Commission to execute the Final Administrative Orders in the Matter of Juan and David Holbrook.*

This Matter was Approved as Recommended on the Consent Agenda.

970324 City's Motion to Intervene in Complaint for Validation of the Florida Capital Improvement Revenue Bonds

RECOMMENDATION *The City Commission: (1) Authorize the City Attorney to file a Motion to Intervene in the case styled ALACHUA COUNTY, FLORIDA, a political subdivision of the State of Florida vs. THE STATE OF FLORIDA, and the Taxpayers, Property Owners and Citizens of Alachua County, Florida, including non-residents owning property or subject to taxation therein, and all others having or claiming any right, title or interest in property to be affected by the issuance of the Bonds, herein described, or to be affected thereby; Case No. 97-3088-CA; (2) Authorize the City Attorney to intervene in any other lawsuits related to the privilege fee ordinance or bond resolution; and (3) Authorize the City Attorney to retain Mr.*

*Fred Karl of the law firm of Annis, Mitchell, Cockey,
Edwards & Roehn to act as special counsel as necessary.*

This Matter was Approved as Recommended on the Consent Agenda.

Committee Reports, Consent Agenda Items

Disability Review Committee

970298 Applications for Disability Retirement

RECOMMENDATION *The City Commission approve the submitted applicants for disability retirement for the below listed employees:*

*Paul C. Moody, Maintenance Worker I, Public Works
Department, Streets Division*

Charlene Patterson, Bus Driver, Regional Transit System

This Matter was Approved as Recommended on the Consent Agenda.

Public Works Committee, Consent

Personnel & Organizational Structure Comm, Consent

Public Safety Committee, Consent

960423 Special Noise Permits on Public Space Property

RECOMMENDATION *The Public Safety Committee recommends that the City Commission direct the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance amending Chapter 15 of the Code of Ordinances relating to noise, Section 15-4 Special Permits, to allow no more than twelve (12) special permits per year on public space property and limit the permits to 11:00 p.m. on Fridays and Saturdays and to 10:00 p.m. on all other days.*

This Matter was Approved as Recommended on the Consent Agenda.

Audit & Finance Committee, Consent

Legislative Committee, Consent

970315 Clean Indoor Air Act

RECOMMENDATION *The City Commission refer the Clean Indoor Air Act to the Legislative Committee.*

This Matter was Placed on File on the Consent Agenda.

Regional Utilities Committee, Consent**970120 Utilities Committee Referral Item # 970120**

RECOMMENDATION *The City Commission remove the Lifeline Rates (Item # 970120) from the referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

Gville Enterprise Zone Development Agency, Consent**970303 Enterprise Zone Business Facade Improvement Grant Program (for FY 97/98)**

RECOMMENDATION *The City Commission approve the FY 97/98 Enterprise Zone Business Facade Improvement Grant Program and allocate \$50,000 from the Economic Development Fund to match the \$50,000 CDBG grant.*

This Matter was Approved as Recommended on the Consent Agenda.

Clerk of the Commission, Consent Agenda Items**970275 City Commission Minutes of August 4 and 11, 1997**

RECOMMENDATION *The City Commission approve the minutes as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

970276 Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan

RECOMMENDATION *Appoint Paula M. DeLaney to a vacancy on the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan to expire May 23, 1999.*

*Commissioner Sande Calkins - DeLaney
Commissioner Paula DeLaney - DeLaney
Commissioner Edward Jennings, Sr. - DeLaney
Mayor Pro Tem Pegeen Hanrahan - DeLaney
Mayor Bruce Delaney - DeLaney*

This Matter was Approved as Recommended on the Consent Agenda.

970277 Citizens' Advisory Committee for Community Development

RECOMMENDATION *Appoint William Brumfield and Lauren M. Freeman to vacancies on the CACCD to expire November 1, 1999; appoint Lula Maxwell to a vacancy to expire November 1, 1998 and appoint Leticia M. Solaun to a vacancy to expire November 1, 1997.
Commissioner Sande Calkins - Brumfield, Freeman, Maxwell & Solaun
Commissioner Paula DeLaney - Brumfield, Freeman, Maxwell & Solaun
Commissioner Edward Jennings, Sr. - Brumfield, Freeman, Maxwell & Solaun
Mayor Pro Tem Pegeen Hanrahan - Brumfield, Freeman, Maxwell & Solaun
Mayor Bruce Delaney - Brumfield, Freeman, Maxwell & Solaun*

This Matter was Approved as Recommended on the Consent Agenda.

970279 Gainesville Code Enforcement Board

RECOMMENDATION *Reappoint Marty R. Eskridge to a term on the Gainesville Code Enforcement Board to expire August 1, 2000 and appoint Jane D. Myers to a vacancy to expire August 1, 2000.
Commissioner Sande Calkins - Eskridge & Myers
Commissioner Paula DeLaney - Eskridge & Myers
Commissioner Edward Jennings, Sr. - Eskridge & Myers
Mayor Pro Tem Pegeen Hanrahan - Eskridge & Myers
Mayor Bruce Delaney - Eskridge & Myers*

This Matter was Approved as Recommended on the Consent Agenda.

970280 Gainesville Energy Advisory Committee

RECOMMENDATION *Reappoint Charles Balanis and Erik Esselstyn to terms on the Gainesville Energy Advisory Committee to expire September 30, 2000.
Commissioner Sande Calkins - Balanis & Esselstyn*

*Commissioner Paula DeLaney - Balanis & Esselstyn
Commissioner Edward Jennings, Sr. - Balanis & Esselstyn
Mayor Pro Tem Pegeen Hanrahan - Balanis & Esselstyn
Mayor Bruce Delaney - Balanis & Esselstyn*

This Matter was Approved as Recommended on the Consent Agenda.

970281 Gainesville/Alachua County Cultural Affairs Board

RECOMMENDATION *Reappoint Mary Beth R. Warren to a term on the
Gainesville/Alachua County Cultural Affairs Board to expire
September 30, 2000.
Commissioner Sande Calkins - Warren
Commissioner Paula DeLaney - Warren
Commissioner Edward Jennings, Sr. - Warren
Mayor Pro Tem Pegeen Hanrahan - Warren
Mayor Bruce Delaney - Warren*

This Matter was Approved as Recommended on the Consent Agenda.

970282 Nature Centers Commission

RECOMMENDATION *Appoint Gloria Ewell to a vacancy on the Nature Centers
Commission to expire November 1, 1999 and Penny Weber to
a vacancy to expire November 1, 1998.
Commissioner Sande Calkins - Ewell and Weber
Commissioner Paula DeLaney - Ewell and Weber
Commissioner Edward Jennings, Sr. - Ewell and Weber
Mayor Pro Tem Pegeen Hanrahan - Ewell and Weber
Mayor Bruce Delaney - Ewell and Weber*

This Matter was Approved as Recommended on the Consent Agenda.

970283 Pension Review Committee

RECOMMENDATION *Appoint Elinor V. Bowman to a vacancy on the Pension
Review Committee to expire July, 2000.
Commissioner Sande Calkins - Bowman
Commissioner Paula DeLaney - Bowman
Commissioner Edward Jennings, Sr. - David A. Laird
Mayor Pro Tem Pegeen Hanrahan - Bowman
Mayor Bruce Delaney - Bowman*

This Matter was Approved as Recommended on the Consent Agenda.

970284 Public Recreation Board

RECOMMENDATION *Appoint Albert "Ray" Massey to a vacancy on the Public Recreation Board to expire June 1, 2000.
Commissioner Sande Calkins - Massey
Commissioner Paula DeLaney - Massey
Commissioner Edward Jennings, Sr. - Massey
Mayor Pro Tem Pegeen Hanrahan - Massey
Mayor Bruce Delaney - Massey*

This Matter was Approved as Recommended on the Consent Agenda.

970286 Tree Board of Appeals

RECOMMENDATION *Appoint Edward F. Gilman to a vacancy on the Tree Board of Appeals to expire January 1, 2000 and appoint Noel R. Lake to a vacancy to expire January 1, 1998.
Commissioner Sande Calkins - Gilman and Lake
Commissioner Paula DeLaney - Gilman and Lake
Commissioner Edward Jennings, Sr. - Gilman and Lake
Mayor Pro Tem Pegeen Hanrahan - Gilman and Lake
Mayor Bruce Delaney - Gilman and Lake*

This Matter was Approved as Recommended on the Consent Agenda.

970287 Water Management Committee

RECOMMENDATION *Reappoint Douglas Dycus and Donnie L. Ellington to terms on the Water Management Committee to expire August, 2000.
Commissioner Sande Calkins - Dycus and Ellington
Commissioner Paula DeLaney - Dycus and Ellington
Commissioner Edward Jennings, Sr. - Dycus and Ellington
Mayor Pro Tem Pegeen Hanrahan - Dycus and Ellington
Mayor Bruce Delaney - Dycus and Ellington*

This Matter was Approved as Recommended on the Consent Agenda.

970322 Development Review Board

RECOMMENDATION *The City Commission accept the resignation of member Buddy J. Hall from the Development Review Board effective August 31, 1997.*

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: Waive the Rules of the City Commission to move File No. 970313 to after the Public Hearing category.

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

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

J.T. Frankenberger - Support of Ordinance 970219

970330 Cindy Smith - Heritage Tree Removal from Hibiscus Park of a tree under 30 inches in diameter

RECOMMENDATION *The City Commission ask the Tree Advisory Board to look for a more reasonable standard diameter size for removal of heritage trees.*

A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Jennings, that this matter be Assigned to the Tree Advisory Board, due back on February 25, 1998. The motion carried by the following vote:

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

Vincent Mallet - City Commission Decisions

City Commission Comment (If time available)

Charter Officer Updates

Clerk of the Commission

City Manager

970302 Actuarial Valuation Reports for the City of Gainesville General Employees' Pension Plan, the City of Gainesville Disability Plan, and the City of Gainesville Consolidated Police Officers' and Firefighters' Pension Plan for the Fiscal Year Ending September 30, 1996.

Actuarial Concepts Representative Michael Tierney and Barbara Demi gave presentations.

Chairman B. Delaney recognized Citizen Vincent Mallet and International Association of Firefighters President Gene Prince who spoke to the matter.

RECOMMENDATION *The City Commission: 1) hear a presentation from Actuarial Concepts on the September 30, 1996, Actuarial Valuation Reports for the City of Gainesville General Employees' Pension Plan, the City of Gainesville Disability Plan, and the City of Gainesville Consolidated Police Officers' and Firefighters' Pension Plan; 2) accept the respective Valuation Reports; and, 3) approve the recommended contribution rates for Fiscal Years 1998 and 1999.*

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

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

970312 Status of Public Education Campaign for Recycling and Reduction of Solid Waste

Solid Waste Manager Steve Hiney introduced Group 5 Productions Representative Suzanne Backus and Anthony Johnson who gave presentations.

RECOMMENDATION *The City Commission: 1) hear a presentation and receive a report on the Public Works Department's Solid Waste Division's efforts to encourage residents and businesses to recycle and otherwise reduce their solid waste; and 2) authorize the Mayor-Commissioner to sign an informational letter addressed to Gainesville businesses regarding the mandatory commercial recycling ordinance.*

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

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

970250 Fee Increase for Landlord License

Community Development Director Tom Saunders gave a presentation.

Chairman B. Delaney recognized Citizens Virginia Letz, Harold Stahmer, Cindy Smith and Vincent Mallet who spoke to the matter.

AMENDMENT: Increase the fee to \$40.00.

RECOMMENDATION *The City Commission: 1) hear a presentation from Code Enforcement staff; 2) approve an increase in the landlord license fee from \$25.00 to \$35.00; and 3) request the City Attorney's office to prepare an ordinance amending the schedule of fees in the Code of Ordinances.*

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

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

970331 Non-Compliant Rental Property Landlords

RECOMMENDATION *The City Commission 1) accept the report as presented by Code Enforcement Manager Lisa Bruns (attached), showing the current success of the civil citation process through more efficient, effective enforcement with civil warnings and citations to meet compliance, and 2) remove from the Public Safety Committee referral list.*

A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Jennings, that this matter be Assigned to the Public Safety Committee, due back on February 25, 1998. The motion carried by the following vote:

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

970294 Sale of surplus property to Shady Grove Baptist Church

AMENDMENT: Purchaser not be required to pay the cost of the appraisal.

Chairman B. Delaney recognized Citizen Evelyn Fox who spoke to the matter.

RECOMMENDATION *The City Commission: 1) declare the property surplus; 2) authorize the City Manager to negotiate the sale of the property to the Church for its appraised value including the cost of the appraisal; and 3) authorize the Mayor and Clerk of the Commission to execute the appropriate documents subject to approval by the City Attorney as to form and legality.*

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

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

970309 Extensions to the Agreements for Professional Architectural Services for FY 1998

RECOMMENDATION *The City Commission authorize the City Manager, or his designee, to execute Extensions to the existing Agreements for Professional Architectural Services with James McGinley, AIA, and Skinner & Associates, Inc., extending the term of each from October 1, 1997 through September 30, 1998, subject to approval of the City Attorney as to form and legality.*

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

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

General Manager for Utilities**970305 Purchase of Computer Systems Hardware and Software**

RECOMMENDATION *The City Commission authorize the General Manager or his designee to negotiate agreements for the purchase of computer hardware and related software and services and authorize the issuance of purchase orders in amounts not to exceed \$769,950 for the project.*

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

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

City Attorney**Recessed: 5:05pm Reconvened: 5:10pm****970141 Amendments to Fair Housing Ordinance**

Assistant City Attorney Richard Whidden and Interim Equal Opportunity Director Sandy Barnard gave presentations.

MOTION: Authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the City's Fair Housing Ordinance.

RECOMMENDATION *The City Commission hear a report from City staff on the history of the Fair Housing Ordinance and from the City Attorney's Office on comparing the City's and County's Fair Housing Ordinances.*

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

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

970317 Conflict of Interest - Robert L. Nabors

City Attorney Marion J. Radson gave a presentation and recommended terminating the relationship with Mr. Nabors as special counsel relating to the Recreation Sales Tax.

MOTION: Approve the following: 1) terminate the attorney/client relationship with Nabors, Giblin & Nickerson, P.A. law firm and the pending lawsuit before the Florida Supreme Court, Alachua County and the City of Gainesville vs. Adams; 2) terminate the attorney/client relationship with the Nabors, Giblin & Nickerson, P.A. law firm relating to the recreation sales tax; and 3) postpone any further action regarding Attorney Robert Nabors until a future City Commission meeting (Motion Carried 3-0)

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

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

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

City Auditor

Committee Reports (Pulled from Consent)

Public Works Committee

950719 Palm trees on N.E. 1st Street

RECOMMENDATION *The Public Works Committee recommends the City Commission reconsider funding for landscaping one median on N.E. 1st Street.*

A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Jennings, to ask the City Manager to come back to the City Commission with an amount left from the current budget to complete the median on NE 1st Street. The motion carried by the following vote:

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

960164 Robert W. Meier - Cumberland Circle

RECOMMENDATION *The Public Works Committee recommends the City Commission deny the request to accept the stormwater management system in Cumberland Circle.*

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

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

Personnel & Organizational Structure Committee

Public Safety Committee

Audit & Finance Committee

Legislative Committee

Regional Utilities Committee

Advisory Brds/Comm (Appointments/Waivers/Reports)

970288 Citizens' Advisory Committee for Community Development

Citizens Advisory Committee for Community Development Chair Jane Burman-Holtom gave a presentation.

RECOMMENDATION *The City Commission hear a presentation from the Citizens' Advisory Committee for Community Development and take appropriate action.*

This matter was Placed on File

970285 Regional Transit System Advisory Board

Commissioner Hanrahan changed her vote to Van Sickle and Readvertise

MOTION: Appoint William E. Van Sickle to a vacancy on the Regional Transit System Advisory Board to expire June 1, 2000

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

RECOMMENDATION *Appoint William E. VanSickle to a vacancy on the Regional Transit System Advisory Board to expire June 1, 2000.
Commissioner Sande Calkins - Marbury and VanSickle
Commissioner Paula DeLaney - VanSickle and Readvertise
Commissioner Edward Jennings, Sr. - Marbury and VanSickle
Mayor Pro Tem Pegeen Hanrahan - VanSickle and Readvertise
Mayor Bruce Delaney - VanSickle and Readvertise*

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

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

Outside Agencies

Members of the City Commission

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

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

This matter was Postponed for September 8, 1997

Commission Comments

Adjourn Until 6:00 PM

Pledge of Allegiance

Brownie Troop #94

Proclamations

970254 Florida Firefighter Appreciation Week - August 25 - September 1, 1997

RECOMMENDATION *Gainesville Professional Firefighters IAFF Local 2157 President Lt. Gene Prince receive a proclamation.*

This matter was Placed on File

970321 Spotlited Employee of the Month for July 1997

RECOMMENDATION *City of Gainesville Temporary Fitness Coordinator Lee Chenoweth to accept proclamation.*

This matter was Placed on File

Public Hearings**The Commission took a brief recess****970313 RTS Service and Budget Parameters**

Regional Transit System Director Perry Maull gave a presentation.

Chairman B. Delaney recognized Regional Transit System Employee Norm Tyson, Amalgamated Transit Union Representatives Sherman Martin and Eddie Johnson and Citizen Vincent Mallet who spoke to the matter.

MOTION: Ask the City Manager to return to the City Commission with a report on the employee access to management, employee morale, communication and team building support and a proactive stance the City can take regarding the Regional Transit System Department.

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

A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Jennings, that this matter be Referred to the City Manager, due back on February 25, 1998. The motion carried by the following vote:

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

Ordinances - 1st Readings- ROLL CALL REQUIRED**970042 Ordinance No. 0-97-53**

An ordinance of the City of Gainesville, Florida, amending Section 4-2 of the Code of Ordinances by creating a new subsection (c); permitting a licensed

alcoholic beverage establishment to be rented, leased, or used during the hours in which the sale or consumption of alcoholic beverages is prohibited; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

AMENDMENT: Page 2, Section 4.2, line 12, omit the word during and insert the word between and after the word hours, add the wording, of 2:00am and 3:00am.

Chairman B. Delaney recognized Citizens Vincent Mallet and T.J. Morrissey who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

970051

Ordinance No. 0-97-46, Petition No. 99ZON-97PB

An ordinance of the City of Gainesville, Florida, rezoning certain lands within the City and amending the Zoning Map Atlas from "RSF-1: (3.5 units/acre single-family residential district)" to "RSF-4: (8 units/acre single-family residential district)"; located at 2450 NW 31st Avenue; providing a severability clause; and providing an immediate effective date.

Planning Manager Ralph Hilliard gave a presentation.

Chairman B. Delaney recognized Petitioner George Fletcher, Citizens Chris Ott, John McBride, Gale Page, Lejean Norman, Vincent Mallet, Petitioner Contractor Robert Hartley, Citizens Florence Vendeland, Frederick Peterkin and Michelle Ott who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Jennings, that this matter be Continued (1st Reading) for September 22, 1997. The motion carried by the following vote:

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

970052

Ordinance No. 0-97-47, Petition No. 100ZON-97PB

An ordinance of the City of Gainesville, Florida, rezoning certain lands within the City and amending the Zoning Map Atlas from "RSF-1: 3.5 units/acre single-family residential district" to "RSF-4: 8 units/acre single-family residential district"; located in the vicinity of 1719 NW 55th Street; providing a severability clause; and providing an immediate effective date.

FIRST MOTION: Commissioner Hanrahan moved and Commissioner Jennings seconded to continue the first reading until September 22, 1997 (Motion Carried 2-1, Chairman Delaney voted Nay)

Chairman B. Delaney recognized Citizens John Leibach, Melvin New, William Tucker, Frank Holt, Petitioner George Fletcher, Citizens Leonard Smith, Joan New, Karen Almond, Ken Smith and Marty Todd, who spoke to the matter.

Commissioner Hanrahan asked staff to contact the Alachua County Environmental Department to render an opinion on the surface water run-off and the impact to the lake issues relating to this site.

SECOND MOTION: Commissioner Hanrahan moved and Commissioner Jennings seconded to reconsider the motion to continue (Motion Carried 3-0)

MOTION UNDER CONSIDERATION: Continue until September 22, 1997.

During renewed discussion of the continuance, Commissioner Hanrahan moved and Commissioner Jennings seconded a motion to adopt the proposed ordinance on first reading by title only (This new motion was ruled out of order and the Commission voted on the reconsidered motion to continue until September 22, 1997).

Motion to continue until September 22, 1997 (Motion Carried 2-1, Chairman Delaney voted Nay).

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Jennings, that this matter be Continued (1st Reading). The motion carried by the following vote:

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

970219

Ordinance No. 0-97-52

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

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Ordinances - 2nd Readings- ROLL CALL REQUIRED

960494 Ordinance No. 0-97-38; Petition No. 186TCH-96PB

An ordinance of the City of Gainesville, Florida, amending the sign regulations in the Master Plan and Land Development Regulations for the College Park Neighborhood of the City of Gainesville, Florida; amending the plant list in the landscape regulations in the Master Plan and Land Development Regulations for the College Park Neighborhood of the City of Gainesville, Florida; providing directions to the codifier, 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 Jennings, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

960934 Ordinance No. 0-97-26, Petition No. 35LUC-97PB

An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by overlaying and re-establishing the Planned Use District Category over certain property with the future land use map category of "Office" to allow an eating place; located in the vicinity of 2201 and 2219 N.E. 2nd Street; providing additional conditions and directions; providing a severability clause; providing a repealing clause; and providing an effective date.

Chairman B. Delaney recognized Citizen Sarah Poll who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

960935 Ordinance No. 0-97-27, Petition No. 36PDV-97PB

An ordinance of the City of Gainesville, Florida, rezoning certain lands within the City and amending the Zoning Map Atlas from "OF: General office district" to "Planned Development District"; adopting development plan maps and a development plan report for a restaurant commonly known as "Szechuan Omei"; located in the vicinity of 2201 and 2219 N.E. 2nd Street; providing conditions; providing for penalties; providing a severability clause; and providing an immediate effective date.

Chairman B. Delaney recognized Citizen Sarah Poll who spoke to the matter.

Commissioner Jennings moved and Commissioner Hanrahan seconded to extend the City Commission meeting for thirty (30) minutes (Motion Carried 3-0).

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Resolutions- ROLL CALL REQUIRED**970310 Agreement with the State of Florida Office of Tourism, Trade and Economic Development (OTTED) under the Economic Development Transportation Fund Grant Program**

RECOMMENDATION *The City Commission: 1) approve the Agreement in essentially the form attached, with the State of Florida Office of Tourism, Trade and Economic Development for a grant in the amount of \$128,150.00 for the reconstruction of a 337-foot section of NE 49th Terrace in the Airport Industrial Park, subject to approval by the City Attorney as to form and legality; 2) adopt a Resolution accepting future maintenance and other attendant costs occurring after completion of the project, subject to review by the City Attorney as to form and legality; and 3) authorize the Public Works Department to perform the design and permitting work and construction management of the transportation project.*

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

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

Plan Board Petitions**Development Review Board****Unfinished Business****Commission Comment****Quasi-Judicial Hearing (NB)**

Commissioner Hanrahan asked the City Attorney to return to the City Commission with a report regarding the quasi-judicial process in the Rules of the City Commission, particularly the ex parte discussions.

City Attorney Marion Radson stated that he could return to the City Commission on 9/22/97 with a report.

Commissioner Jennings moved and Commissioner Hanrahan seconded to extend the meeting until 10:40pm (Motion Carried 3-0).

Citizen Comment**Sarah Poll - Szechuan Omei Ordinance Complaints (NB)**

Commissioner Hanrahan moved and Commissioner Jennings seconded to extend the meeting for ten (10) minutes.

Sarah Poll - Asphalt Plant (NB)

Citizen Sarah Poll expressed concerns regarding the plans for an asphalt plant under consideration by the Development Review Board.

Commissioner Hanrahan moved and Commissioner Jennings seconded to request staff return at the September 8, 1997 Commission meeting with a recommendation for a temporary moratorium so the Commission can study this issue (Motion Carried 3-0).

Commissioner Hanrahan moved and Commissioner Jennings seconded to extend the City Commission meeting for five (5) minutes.

Vincent Mallet - Regional Transit System Changes (NB)**Adjournment - 10:55pm**

Items Pending in Committee (for information only)

Kurt M. Lannon, Clerk of the Commission