

City of Gainesville

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



Meeting Minutes

Monday, April 24, 2000

1:00 PM

City Hall Auditorium

City Commission

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

Roll Call

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

Invocation

Reverend Carl Romey, First United Methodist Church

Board of Trustees of the General Employees Pension Plan

Commissioner Pegeen Hanrahan moved and Mayor Pro-Tem Bruce Delaney seconded to adopt the agenda of the Board of Trustees of the General Employees Pension Plan.

(Vote: 5-0)

991350 **Annual Performance Report for the General Employees' Pension Fund Year Ending December 31, 1999 (B)**

Chair Paula M. DeLaney recognized Pension Review Committee Chair Jonathan Visscher and Finance Director Mark Benton who gave presentations.

RECOMMENDATION *The Board of Trustees hear a pension performance update from the Pension Review Committee and accept the Annual Performance Report for the General Employees' Pension Fund for the Year Ending December 31, 1999.*

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

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

991376 **General Employees' Pension Fund - Social Implications of Investments (NB)**

RECOMMENDATION *The City Commission refer to the Pension Review Committee to: 1) review the issues of social implications of investments; 2) review other municipal government policies on these matters; 3) gather information with regard to overseas investments, specifically in south Africa and other African nations in general; 4) come back with recommendations to the Board of Trustees of the General Employees Pension Plan at the June 26, 2000 City Commission Meeting.*

A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem B. Delaney, that this matter be Referred to the Pension Review Committee, due back on June 26, 2000. The motion carried by the following vote:

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

Consent Agenda

The Consent Agenda was approved with the following modifications:

1. File No. 991355 - Page 12 - Settlement Agreement Among Florida Progress Corporation (Change Wording in Recommendation from "subject to approval of the City Commission as to form and legality" to "subject to approval of the City Attorney as to form and legality".)

2. File No. 991360 - Page 14 - City Commission Minutes - (Approve the minutes of April 10, instead of April 14, 2000.)

City Manager, Consent Agenda Items

991341 Contract Amendment #1 between the City of Gainesville and the State of Florida Office of Tourism, Trade and Economic Development (OTTED) under the Economic Development Transportation Fund Grant Program (B)

RECOMMENDATION *The City Commission approve and authorize the execution of Contract Amendment #1 with the State of Florida Office of Tourism, Trade and Economic Development designating July 31, 2000 as the new completion date of the road improvement project at the Airport Industrial Park, subject to approval from the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

991342 Urban Conservation Treaty for Migratory Birds (B)

RECOMMENDATION *The City Commission: 1) recommend the City Manager continue establishing relationships with the US Fish and Wildlife Office and seek support from conservation groups; and 2) approve the Mayor to send a letter to the Director of US Fish and Wildlife Service asking for inclusion into the treaty project.*

This Matter was Approved as Recommended on the Consent Agenda.

991343 Florida Humanities Council Grant (B)

RECOMMENDATION *The City Commission: 1) authorize the City Manager to submit an application; and 2) authorize the City Manager to execute the grant application, subsequent agreement, and other grant-related documents subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

991344 Grant Application - Noxious Weed Removal (NB)

RECOMMENDATION *The City Commission: 1) authorize the City Manager to submit a grant application to the Withlacoochee Region Invasive Plant Working Group and the State of Florida, Department of Environmental Protection; and 2) authorize the City Manager to execute the application, contract and other grant-related documents, if awarded, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

991345 Settlement of Worker's Compensation Claim - Katherine Elkins (NB)

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 Katherine Elkins, for an amount not to exceed \$166,750.*

This Matter was Approved as Recommended on the Consent Agenda.

991346 Federal Grant Funds from the U.S. Department of Justice for Fifth Year Funding of the DEA Asset Forfeiture Portion of the Weed and Seed Grant Program (NB)

RECOMMENDATION *The City Commission authorize the City Manager to: 1) apply to the Department of Justice for \$50,000 under this grant program, and if awarded; 2) execute the grant award contract, pending 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.

General Manager for Utilities, Consent Agenda Items

991353 Hogtown Creek Sewer Interceptor Phase V-A (B)

RECOMMENDATION *The City Commission authorize the issuance of purchase order(s) to Insituform Technologies, Inc. for the rehabilitation of 301 linear feet of 12 inch gravity sewer main in the Hogtown Creek Sewer Interceptor, and for the rehabilitation of 238 linear feet of 8 inch gravity sewer main in SE 2nd Street, in an amount not to exceed \$31,000.00.*

This Matter was Approved as Recommended on the Consent Agenda.

991354 Tower and Ground Space Lease Agreement - 5th Avenue Watertower Site (NB)

RECOMMENDATION *The City Commission authorize the General Manager or his designee to negotiate and execute Tower and Ground Space Lease Agreements for the placement of communications equipment on the Utility's 5th Avenue Watertower and site, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

991355 Settlement Agreement Among Florida Progress Corporation (on behalf of itself and Florida Power Corporation), Carolina Power & Light (on behalf of itself and its affiliates) and Florida Cities (B)

RECOMMENDATION *Authorize the General Manager or his designee to execute the settlement agreement between Florida Progress Corporation, Carolina Power & Light, and Florida Cities substantially in the form attached subject to approval of the City Attorney as to form and legality. Further authorize the General Manager to intervene and protest in any merger proceeding of the above named as anticipated in the settlement agreement if required.*

This Matter was Approved as Recommended on the Consent Agenda.

City Attorney, Consent Agenda Items**991340 JAMES AND BETTY DECOURSEY V. PAULA DELANEY, BRUCE DELANEY, EDWARD JENNINGS, PEGEEN HANRAHAN, WAYNE BOWERS, AND TOM SAUNDERS;
CASE NO.: 1:00CV31SPM (B)**

...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 James and Betty DeCoursey v. Paula DeLaney, Bruce Delaney, Edward Jennings, Pegeen Hanrahan, Wayne Bowers, and Tom Saunders.

...explanation

In 1995, the Code Enforcement Board found the DeCourseys to be in violation of the City's Code of Ordinances pertaining to the outdoor storage of non-operational vehicles and repair of vehicles in a residential area. The DeCourseys did not come into compliance within the time set by the Board. The Board imposed a \$25.00 per day fine and placed a lien on the property, which lien and fine were recently rescinded by the City.

On or about April 7, 2000, Mayor Paula DeLaney, Commissioners Pegeen Hanrahan, Ed Jennings, Bruce Delaney, City Manager Wayne Bowers, and Director of Community Development Tom Saunders were served with a complaint by Mr. and Mrs. James DeCoursey alleging that the placement of the lien on their property constituted a crime against them. The DeCourseys request \$5,000,000.00 in monetary damages, as well as other damages.

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 James and Betty DeCoursey v. Paula DeLaney, Bruce Delaney, Edward Jennings, Pegeen Hanrahan, Wayne Bowers, and Tom Saunders.

...explanation

In 1995, the Code Enforcement Board found the DeCourseys to be in violation of the City's Code of Ordinances pertaining to the outdoor storage of non-operational vehicles and repair of vehicles in a residential area. The DeCourseys did not come into compliance within the time set by the Board. The Board imposed a \$25.00 per day fine and placed a lien on the property, which lien and fine were recently rescinded by the City.

On or about April 7, 2000, Mayor Paula DeLaney, Commissioners Pegeen Hanrahan, Ed Jennings, Bruce Delaney, City Manager Wayne Bowers, and Director of Community Development Tom Saunders were served with a complaint by Mr. and Mrs. James DeCoursey alleging that the placement of the lien on their property constituted a crime against them. The DeCourseys request \$5,000,000.00 in monetary damages, as well as other damages.

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****Recreation and Cultural Affairs Committee, Consent****Clerk of the Commission, Consent Agenda Items****991314 Resignation - Development Review Board (B)**

RECOMMENDATION *The City Commission accept the resignation of member Alice M. Bojanowski from the Development Review Board effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

991335 Appointment - Art In Public Places Trust (NB)

RECOMMENDATION *The City Commission appoint Bobby Hom to a vacancy on the Art In Public Places Trust to expire September 30, 2002.
Commissioner John Barrow - Bobby Hom
Commissioner Pegeen Hanrahan - Bobby Hom
Commissioner Edward L. Jennings, Sr. - Bobby Hom
Mayor Commissioner Pro-Tem Bruce Delaney - Bobby Hom
Mayor Paula DeLaney - Bobby Hom*

This Matter was Approved as Recommended on the Consent Agenda.

991336 Appointment - City Beautification Board (NB)

RECOMMENDATION *The City Commission appoint Claire Ellis to a vacancy on the City Beautification Board to expire November 1, 2002.
Commissioner John Barrow - Claire Ellis
Commissioner Pegeen Hanrahan - Claire Ellis
Commissioner Edward L. Jennings - Claire Ellis
Mayor Commissioner Pro-Tem Bruce Delaney - Claire Ellis
Mayor Paul DeLaney - Claire Ellis*

This Matter was Approved as Recommended on the Consent Agenda.

991337 Appointment - Gainesville Enterprise Zone Development Agency (NB)

RECOMMENDATION *The City Commission reappoint Jeannie McDonald to a term on the Gainesville Enterprise Zone Development Agency to expire March 31, 2004.*

Commissioner John Barrow - Jeannie McDonald

Commissioner Pegeen Hanrahan - Jeannie McDonald

Commissioner Edward L. Jennings - Jeannie McDonald

Mayor Commissioner Pro-Tem Bruce Delaney - Jeannie McDonald

Mayor Paul DeLaney - Jeannie McDonald

This Matter was Approved as Recommended on the Consent Agenda.

991338 Appointment - Water Management Committee (NB)

RECOMMENDATION *The City Commission appoint Phyllis Saarinen to a vacancy on the Water Management Committee to expire August, 2000.*

Commissioner John Barrow - Phyllis Saarinen

Commissioner Pegeen Hanrahan - Phyllis Saarinen

Commissioner Edward L. Jennings - James D. (Dink) Henderson

Mayor Commissioner Pro-Tem Bruce Delaney - Phyllis Saarinen

Mayor Paul DeLaney - James D. (Dink) Henderson

This Matter was Approved as Recommended on the Consent Agenda.

991360 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of April 14, 2000.*

This Matter was Approved as Recommended on the Consent Agenda.

991362 Special Meeting Regarding Fire Services (Bus Tour) (NB)

RECOMMENDATION *The City Commission schedule a special City Commission meeting regarding Fire Services (Bus Tour) on Monday May 1, 2000 at 2:15pm.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

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

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

End of Consent Agenda

Adoption of the Agenda

MOTION: Mayor Commissioner Pro-Tem Bruce Delaney moved and Commissioner John R. Barrow seconded to adopt the Regular Agenda with the following modifications:

(VOTE: 5-0)

1. File No. 990715 - Page 31 - Residential High Density Districts - (recommendation should read "The City Commission adopt the proposed ordinance as amended.")

2. City Commission Salaries - (Additional Item with back-up)

Clerk of the Commission

991361 2001 City Election (B)

MOTION: The City Commission refer the issue of researching dates and what possible repercussions would result in changing the date of the City Commission election to March 20th with a possible run-off election the first week in April; and also research other dates in late March or early April.

RECOMMENDATION *The City Commission schedule the 2001 City Commission election for March 13, 2001 and direct the City Attorney to draft an ordinance and the Clerk of the Commission to advertise the ordinance.*

A motion was made by Mayor-Commissioner Pro Tem B. Delaney, seconded by Commissioner Hanrahan, that this matter be Referred to the Clerk of the Commission, due back on May 8, 2000. The motion carried by the following vote:

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

City Manager

991347 Metropolitan Transportation Planning Organization (MTPO) (NB)

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

RECOMMENDATION *The City Commission hear a report from staff regarding the May 11, 2000 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

Discussed

991348

Alachua County Transportation Disadvantaged Program (B)

Chair Paula M. DeLaney recognized Alachua County's Transportation Disadvantaged Coordinating Board representatives Lynn Godfrey and Marion Mark who gave presentations.

Chair Paula M. DeLaney recognized Alachua County Transportation Disadvantaged Coordinating Board Members Carlos Rainwater and John Scully; and Citizen Norm Stevenson who spoke to the matter.

MOTION: The City Commission; 1) authorize \$3000 per month for the next two months (May and June, maximum \$6000) from the City Commission Contingency Fund; 2) authorize non-emergency medical transports for City residents only on a reimbursement basis; 3) continue to have discussions with the County Commission regarding disadvantaged transportation issues; 4) and authorize the Mayor to write a letter to the Legislative Delegation requesting information on additional TD funding.

RECOMMENDATION *The City Commission not approve Alachua County's Transportation Disadvantaged Coordinating Board's request for an additional \$6,000 per month for transportation disadvantaged trips.*

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

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

991349

Lake Meta Special Area Plan (NB)

Chair Paula M. DeLaney recognized Community Development Director Tom Saunders who gave a presentation.

Chair Paula M. DeLaney recognized Attorney Sam Mutch who spoke to the matter.

MOTION: The City Commission refer the issue of neighborhood planning issues for the Lake Meta area to the Public Works Committee to arrange a meeting to be held at Gainesville High School if possible; invite University of Florida Interim Dean Stein and members of his faculty; Public Works staff; Comprehensive Planning staff; City

Attorney staff; and citizens of the Lake Meta neighborhood.

RECOMMENDATION *Authorize staff to start the neighborhood planning approach to identify issues.*

A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem B. Delaney, that this matter be Referred to the Public Works Committee, due back on May 8, 2000. The motion carried by the following vote:

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

General Manager for Utilities

NOTE: Item 991356 General Manager's Evaluation was moved to the end of the afternoon portion of the meeting.

City Attorney

City Auditor

Committee Reports (Pulled from Consent)

Public Works Committee

981035 Stormwater Improvement Plan - Tumblin' Creek Water Quality (NB)

Chair Paula M. DeLaney recognized P. K. Yonge teacher Brian Marchman; P.K. Yonge Students; Stacy Dyson, Jenny Gottschalch, and Marie Sedlacek; University of Florida's Center for Wetlands representative Laura Line; Public Works Engineer Stewart Pearson; and GRU Sr. Engineer for Water/Wastewater Engineering Kim Zoltek who gave presentations.

RECOMMENDATION *The City Commission hear a presentation on Tumblin' Creek Water Quality from students of P. K. Yonge School and Laura Line from the University of Florida's Center for Wetlands.*

Heard

Personnel & Organizational Structure Committee

Public Safety Committee

Regional Utilities Committee

Recreation & Cultural Affairs Committee

Advisory Boards/Committees (Appointments/Reports)

991351 East Gainesville Sprout Project Property Acquisitions: CSX Real Property (B)

Chair Paula M. DeLaney recognized Brownfields Coordinator Matt Dube' and Strategic Planning Director Ed Regan who gave presentations.

RECOMMENDATION *East Gainesville Sprout Project Task Force to the City Commission: Proceed with the waiver of the preacquisition rule.*

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

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

Outside Agencies

City Commission Salaries (B)

(See Scheduled Evening Agenda Item Category)

General Manager for Utilities (continued)

991356 General Manager's Evaluation (NB)

MOTION: The City Commission recommend a 3.75% increase in salary for Gainesville Regional Utilities General Manager Mike Kurtz.

RECOMMENDATION *The City Commission review the annual evaluation for Michael L. Kurtz, General Manager for Utilities.*

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

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

Commission Comments (if time available)

Commissioner Pegeen Hanrahan

991396 Median Landscaping Irrigation Costs (NB)

RECOMMENDATION *The City Commission refer the issue of utility rates for the installation and connection charges for the irrigation of median landscaping; and whether the commercial rate or the residential rate would be appropriate.*

Referred to General Manager for Utilities

991374 Blue Ribbon Task Force - Reconvene for a Final Report

RECOMMENDATION *The City Commission request that the Blue Ribbon Task Force reconvene in order to provide the City Commission with a final report at the May 8, 2000 City Commission Meeting.*

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

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

991398 Obelisk in Plaza

RECOMMENDATION *The City Commission refer the issue of the organization "Keep Alachua County Beautiful" placing an obelisk on the Downtown Plaza.*

Referred to City Manager

Mayor Paula M. DeLaney

Expo Kids Fest Announcement

Recess - 4:50 PM

Reconvene - 5:36 PM

Citizen Comment (5:30pm)

Germaine Ferguson

Blue Ribbon Task Force/EEO Charter Officer Status

Debbie Martinez

Rave and Drug Issues

Reverend Earl Young

Authority Issues

Jim Konish

GRU Corporate Discount Issues

Brad Guy

Old Train Depot Building

J.T. Frankenberger

City Commission Salaries

Kali Blount

Old Depot Building and Neighborhood Issues

Imani E. Ayobunmi

Old Depot Building Issues

Janet Crishner

Old Depot Building Issues

Reverend Tim Keyes

Prayer Issues

Janie Williams

Old Depot Building

Cynthia Cooper

Old Depot Building

991375 Old Depot Building - Usage Issues

RECOMMENDATION *The City Commission discuss usage of the Old Depot Building at 5:00 PM (Time Certain), May 8, 2000.*

Discussed

Commission Comments (if time available)**Pledge of Allegiance (6:00pm)****Troop #99****Proclamations/Special Recognitions****991331 Administrative Professionals Week - April 23-29, 2000 (B)**

RECOMMENDATION *International Association of Administrative Professionals Administrative Professionals Week Chair Susan Jarzen to accept the proclamation.*

Placed on File

991332 Holocaust Remembrance Day - May 2, 2000 (B)

RECOMMENDATION *Gainesville Jewish Appeal Yom Hashoah Observance Chairman David S. Cohen to accept the proclamation.*

Placed on File

991333 National Community Development Week - April 24-30, 2000 (B)

RECOMMENDATION *City of Gainesville Citizens' Advisory Committee for Community Development Chair Armando Corbelle to accept the proclamation.*

Placed on File

991334 Day of Prayer - May 4, 2000 (B)

RECOMMENDATION *Gainesville Christian Ministers Association President Dennis*

Watson to accept the proclamation.

Placed on File

991363 Recognition of Sadie Darnell (NB)

RECOMMENDATION *The City Commission hear presentation.*

Heard

Public Hearings

Plan Board Petitions

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

Chair Paula M. DeLaney recognized Sr. Planner Kathy Winburn, Public Works Director Teresa Scott, City Arborist Meg Niederhoffer and Attorney for the Petitioner Patrice Boyes who gave presentations.

*MOTION: Commissioner Pegeen Hanrahan and Commissioner Edward L. Jennings, Sr. seconded to approve the petition as amended with regard to the 5 ft. buffer.
(No Vote Taken)*

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

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

A motion was made by Commissioner Hanrahan, seconded by Commissioner Jennings, that this matter be Continued (Petition) for May 8, 2000. The motion carried by the following vote:

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

991285 (Quasi-Judicial) Petition 29 PDV-00 PB, Patrice Boyes, Esq., and Brown and Cullen, Inc. agents for Denney Family Limited Partnership. A Planned Development rezoning from Alachua County R-2 (multiple-family residential, 1-8 du/ac) to City of Gainesville PD (Planned Development) to allow commercial uses with development plan review for a restaurant for Magnolia Parke Pod I-1,

and a planned development amendment to include additional property in the Magnolia Parke PD. Located at 4620 Northwest 39th Avenue. Related to Petition 19PDA-00PB. (B)

Mayor Paula M. DeLaney recognized Sr. Planner Kathy Winburn, Public Works Director Teresa Scott, City Arborist Meg Niederhoffer, and Attorney for the Petitioner Patrice Boyes who gave presentations.

MOTION: Commissioner Pegeen Hanrahan and Commissioner Edward L. Jennings, Sr. seconded to approve the petition as amended with regard to the 5 ft. buffer.

(No Vote Taken)

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

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

A motion was made by Commissioner Hanrahan, seconded by Commissioner Jennings, that this matter be Continued (Petition) for May 8, 2000. The motion carried by the following vote:

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

Ordinances - 1st Readings- ROLL CALL REQUIRED

980475 FALSE ALARM (B)

Ordinance No. 0-00-36

An ordinance of the City of Gainesville, Florida, relating to false burglar and robbery alarms; repealing Article IV of chapter 21 of the Gainesville Code of Ordinances relating to burglar alarm systems; repealing article i, section 17-3 of chapter 17 of the Gainesville Code of Ordinances relating to automatic dialing telephonic alarm systems; creating and adding a new article iv to chapter 21 to be titled false burglar and robbery alarms; adding a short title; providing definitions; requiring permits; establishing fees and fines and penalties; providing for suspension, revocation and reinstatement of permit; providing for appeal; establishing response to alarm requirement; setting a deactivation requirement; requiring registration of alarm monitoring companies; requiring alarm verification; requiring the registration of alarm system contractors; prohibiting certain alarm devices; requiring an auxillary alarm power supply; requiring alarm modification upon service repair or inspection of the alarm; disclaiming a public duty; providing for civil citations and collection of fees;

providing for disposition of fees and fines; amending section 2-339, of the Gainesville Code of Ordinances relating to applicable codes and ordinances subject to civil citation; providing directions to the codifier; providing for severability; providing a repealing clause; providing an effective date.

Chair Paula M. DeLaney recognized Police Corporal Larrell Thomas, Assistant City Attorney Ron Combs and Police Lieutenant Ray Weaver who gave presentations.

Chair Paula M. DeLaney recognized Citizens Reverend Tim Keyes, John Pastore, Commissioner Elect Chuck Chestnut, Bernie Fox, John Stinson, Diane Moss Royal Village Apts., Manager, Mark Goldstein, Eric Penzine, Donna Ronin, Frederick Peterkin, GPD Alarm Administrator Eddie Williams, Ron Walters and Debbie Gibson who spoke to the matter.

First Motion: Commissioner Pegeen Hanrahan and Edward L. Jennings, Sr. seconded to approve the ordinance with an amendment on Page 17 to say "no special public duty".

(Vote: 4-0- Commissioner Bruce Delaney Absent)

Second Motion: Commissioner John R. Barrow moved and Commissioner Hanrahan seconded to refer to staff to clarify owner/tenant responsibility addressing section 21-52 Area C, pages 7 & 8 on second reading scheduled for May 8, 2000.

(Vote: 3-0, Commissioners Bruce Delaney and Ed Jennings - Absent)

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

990709

REZONING - HARTMAN (B)

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

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

Chair Paula M. DeLaney recognized Chief of Comprehensive Planning Dean Mimms,

Planning Manager Ralph Hilliard and Agent for the Petitioner Ralph Eng who gave presentations.

AMENDMENT: Provide a letter at the second reading of this ordinance from the property owner to the Mayor and the City Commission relating to the amendment to the petition regarding the pond (parcels 2 & 3A).

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Barrow, 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., John R. Barrow and Paula M. DeLaney
Absent: Pegeen Hanrahan and Bruce L. Delaney

990729 LAND USE CHANGE - ASHTON (B)

Ordinance No. 0-00-57; Petition 147LUC-99PB

An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by changing the land use categories of certain properties annexed into the City from the Alachua County land use categories to City of Gainesville land use categories as follows: 1) from "Recreation" to "Conservation" on Tax Parcel Nos. 06006-000-000, 06006-001-000, 06022-000-000, 06021-000-000 and 06023-003-001; 2) from "Institutional" to "Office" on Tax Parcel Nos. 06022-002-000 and 06022-001-000; 3) from "Low density residential" to "Single Family (up to 8 units per acre)" on Tax Parcel Nos. 06023-040-001 thru 074 inclusive; 4) from "Institutional" to "Education" on Tax Parcel 06020-002-000; and 5) from "Recreation" to "Agriculture" on Tax Parcel No. 06023-003-002; consisting of approximately 367 acres, located in the vicinity of N.W. 43rd Street north of N.W. 53rd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

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

RECOMMENDATION *The City Commission: 1) approve Petition No. 147LUC-99PB; and 2) adopt the proposed ordinance.*

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

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

991250 URBAN SERVICES REPORT - REGENCY OAKS APARTMENTS (B)

Ordinance No. 0-00-56

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area commonly known as Regency Oaks Apartments located in the vicinity of 3230 S.W. Archer Road; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, as amended, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

Chair Paula M. DeLaney recognized Interim Office of Management and Budget Director Heidi Lannon who gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Ordinances - 2nd Readings- ROLL CALL REQUIRED

990715 RESIDENTIAL HIGH DENSITY DISTRICTS (B)

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

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

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

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

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

990954 TREE AND LANDSCAPING REQUIREMENTS (B)

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

An ordinance of the City of Gainesville, Florida, revising and amending various sections of the land development code relating to trees and landscaping requirements; amending tree survey requirements for development plan submittals; clarifying the purpose of article viii of the land development code (environmental management) relative to water quality; amending tree island dimensions; amending provisions for landscaping of retention/detention basins; amending requirements for irrigation systems; adding a requirement for an on-site meeting with the city arborist prior to planting trees and shrubs; amending submittal requirements for landscape plans; adding a species to the invasive, nonnative plant list; amending requirements prior to tree removal; adding a provision requiring rows of parking to be enclosed by islands containing a shade tree; revising landscape buffer requirements for buffer strip areas; revising creek setback distances to protect creek banks at high water; revising tree protection and barricade specifications; amending the size for designation of heritage trees; amending the requirements for street trees in subdivisions; revising the gateway street tree planting requirements; requiring documentation of grade number 1 or better plants; amending the standard for pruning; requiring sod to be free of noxious weeds; amending the provisions for trees and overhead utilities; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

991039 STREET VACATION - VICINITY OF 322 NW 8TH STREET (B)

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

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Resolutions- ROLL CALL REQUIRED

991286 Kirkwood Roadways Improvement Special Assessment (B)

NOTE: Commissioner Edward L. Jennings Sr. requested that the language he used on this issue at the April 10, City Commission Meeting on this issue be duplicated in the minutes:

Commissioner Jennings stated that he opposed the 4th Motion (6% interest rate on the assessment) because he felt that the Kirkwood citizens were not being treated fairly and that they should not have to pay interest on the assessment.

RECOMMENDATION *The City Commission adopt the resolution establishing the special assessment for the Kirkwood Roadway Improvement project in accordance with Florida Statute 170.*

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

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

991352 Petition 109SUB-99DB, Brown & Cullen Inc., agent for Ronald J. Shema, Carl Picket and Michael Baker. Conditional Final Plat approval of Replat of Lot 3 of Northwest Industrial Park Unit No. 3, One lot on 2.53 acres more or less. Located in the vicinity of Northwest 18th Drive and Northwest 65th Place. Zoned: I-1 (B)

RECOMMENDATION *Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the conditional final replat of "Lot 3 of Northwest Industrial Park Unit No. 3" located in the vicinity of Northwest 18th Drive and Northwest 65th Place, and providing an immediate effective date.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner Barrow, that this matter be Continued for May 8, 2000. The motion carried by the following vote:

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

Scheduled Evening Agenda Items

991293 City Commission Salaries (B)

Note: This item began in the afternoon session of the meeting and was completed in the evening session.

Chair Paula M. DeLaney recognized Citizens Reverend Tim Keyes, Adam Guillette and Frederick Peterkin who spoke to the matter.

AMENDMENT: Commissioner Pegeen Hanrahan moved and Commissioner Edward L. Jennings, Sr., seconded to change item 3 in the Recommendation from same as Tallahassee to 1/2 of the current Alachua County Commission salaries as the index and arrive at a ratio to extrapolate the Mayor's salary.

(Vote: 4-0, Commissioner Bruce Delaney - Absent)

RECOMMENDATION *The City Commission; 1) approve reducing next year's City Commission Contingency Fund by the same percentage as each general government department; 2) approve using some of the remaining Contingency Fund amount to fund City Commission salary increases; 3) approve raising City Commissioner salaries to \$27,588 (same as the City of Tallahassee, Florida) and approve increasing the Mayor's salary to \$35,112 (using the same ratio); 4) and approve future annual increases at the rate of the Southeast Regional CPI and the City of Gainesville Professional Pay Plan.*

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

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

Unfinished Business

Commission Comment

991399 Special City Commission Meeting (NB)

RECOMMENDATION *The City Commission request a Special City Commission Meeting on May 15, 2000 at 6:00 PM to discuss the Plaza Royale and have the Second Reading of the City Commission Salary Ordinance.*

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

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

Citizen Comment

Frederick Peterkin

Industrial Areas around the City and County

Adjournment - 10:08 PM

Kurt M. Lannon, Clerk of the Commission