

City of Gainesville

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



Meeting Minutes

Monday, May 14, 2001

1:00 PM

City Hall Auditorium

City Commission

*Mayor Paula M. DeLaney (At-Large)
Commissioner Warren Nielsen (At-Large)
Commissioner Chuck Chestnut (District 1)
Mayor-Commissioner Pro Tem John R. Barrow (District 2)
Commissioner Pegeen Hanrahan (District 3)*

CALL TO ORDER

The meeting was called to order at 1:04 PM.

INVOCATION

Scott Whitaker, Associate Minister

ROLL CALL

Present: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

CONSENT AGENDA

*Mayor-Commissioner Pro Tem John R. Barrow moved and Commissioner Warren Nielsen seconded to approve the Consent Agenda.
(VOTE: 4-0, Commissioner Pegeen Hanrahan - Absent)*

CITY MANAGER, CONSENT AGENDA ITEMS

001311 **RTS Comprehensive Operational Analysis (COA) Consultant Selection (B)**

RECOMMENDATION *The City Commission: 1) approve the ranking of firms as presented; 2) authorize the City Manager, or his designee, to negotiate a contract for conducting a Comprehensive Operational Analysis for RTS; and 3) authorize the City Manager, or his designee, upon successful contract negotiations, to execute the contract.*

This Matter was Approved as Recommended on the Consent Agenda.

001312 **Award of Bid - Northwest 10th Avenue and Northwest 18th Terrace Traffic Calming (B)**

RECOMMENDATION *The City Commission: 1) award the contract for the construction of the Northwest 10th Avenue and 18th Terrace Traffic Calming project to Anglin Cavallino; 2) authorize the City Manager, or his designee, to execute the contract; and 3) authorize the issuance of a purchase order to Anglin Cavallino, in the amount of \$53,500.00.*

This Matter was Approved as Recommended on the Consent Agenda.

001313**Award of Bid - Diesel Fuel For RTS (B)**

RECOMMENDATION *The City Commission: 1) approve the award to Petroleum Traders Corporation and 2) authorize the City Manager or his designee to execute a one-year contract with Petroleum Traders Corporation for the supply of diesel fuel.*

This Matter was Approved as Recommended on the Consent Agenda.

001314**Release of Right of Way to Mount Moriah Baptist Church (B)**

RECOMMENDATION *The City Commission: 1) approve the releasing of any claimed rights to the dedicated right of way; 2) approve the issuance of a Quit Claim Deed; and 3) authorize the City Manager to execute the deed.*

This Matter was Approved as Recommended on the Consent Agenda.

001315**Application for FY 2001 HUD Continuum of Care Homeless Assistance Program Funding (NB)**

RECOMMENDATION *The City Commission: (1) authorize the City Manager or designee to apply for grant funding under the U.S. Department of Housing & Urban Development (HUD) Continuum of Care Homeless Assistance Program and to act on behalf of the City of Gainesville in all matters pertaining to said program; and (2) authorize the City Manager to execute a subrecipient agreement with VETSPACE, Inc. if selected by HUD to receive funding through the Continuum of Care Homeless Assistance Program, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

001316**Rehabilitation and Sale of City Owned Property Located at 707 Northwest 7th Avenue (Parcel # 13552-000-000) (NB)**

RECOMMENDATION *The City Commission: 1) declare the property located at 707 Northwest 7th Avenue (Parcel #13551-000- 000) as surplus property; 2) authorize the Housing Division to rehabilitate the property for resale to a low-income family; 3) authorize the sale of the rehabilitated property at market value to a low-income household that will be identified at a future date; 4) authorize the Housing Division to provide the grant and/or subsidy required to make the purchase of the property affordable for a low-income household; 5) authorize the City Manger or designee to execute the required construction contract, purchase and sale agreement, grant or subsidy agreements and any other certifications or assurances*

required to rehabilitate the property and transfer ownership to a homebuyer that will be identified at a later date; 6) authorize the Mayor and Clerk of the Commission to execute the warranty deed required to transfer title to a low-income homebuyer that will be identified at a later date; 7) authorize the Housing Division to use the standard Rehabilitation Program subsidy, purchase and sale, and construction documents to consummate the transaction; and 8) authorize the issuance of a purchase order to the contractor, M.J Koken, in an amount not to exceed \$21,022 plus a contingency of \$2,102.

This Matter was Approved as Recommended on the Consent Agenda.

001317 Ad Hoc Committee on University Neighborhoods (B)

RECOMMENDATION *Refer the action items as specified.*

This Matter was Approved as Recommended on the Consent Agenda.

001318 Increase in Lot Clear Funds (NB)

RECOMMENDATION *The City Commission grant a \$2000 increase to the Code Enforcement Division for lot clears in the Duval area.*

This Matter was Approved as Recommended on the Consent Agenda.

001319 Police Service Agreement with the University Athletic Association for the 2001 University of Florida Home Football Games (B)

RECOMMENDATION *The City Commission authorize the City Manager to execute the Police Services Agreement between the City of Gainesville and the University Athletic Association and the University of Florida for police security services at the University of Florida's 2001 home football games, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

001320 Appropriation of State Law Enforcement Contraband Forfeiture Trust Funds for Gainesville Police Department Special Investigations Division Confidential Buy Account (NB)

RECOMMENDATION *The City Commission approve the appropriation and expenditure of \$15,000 from the State Law Enforcement Contraband Forfeiture Trust Fund to a confidential buy fund for use by the Gainesville Police Department's Special*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

001327 Construction of Kanapaha Power Delivery System (PDS) (B)

RECOMMENDATION *The City Commission: 1) authorize the General Manager or his designee to execute a contract with Beta Engineering Corporation to engineer, procure and construct the compact electric Power Delivery System (PDS), subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Beta Engineering Corporation in an amount not to exceed \$1,674,000.*

This Matter was Approved as Recommended on the Consent Agenda.

001328 Perpetual Transportation Easement to State of Florida, Department of Transportation (B)

RECOMMENDATION *The City Commission: 1) approve the granting of a Perpetual Transportation Easement to the State of Florida, Department of Transportation located on City of Gainesville lift station right-of-way in the 9800 block of NW 39th Avenue; and 2) authorize the Mayor and Clerk of the Commission to execute the easement document, subject to the approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

001308 DWIGHT ADAMS v CITY OF GAINESVILLE; CASE NO.: 2001-1560-CA (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled Dwight Adams v. City of Gainesville, Alachua County Case No.: 2001-1560-CA.*

This Matter was Approved as Recommended on the Consent Agenda.

001335 STORMWATER MANAGEMENT UTILITY ORDINANCE AMENDMENT (NB)

RECOMMENDATION *The City Commission authorize the City Attorney to prepare,*

and the Clerk of the Commission to advertise an ordinance amending the Stormwater Management Utility Ordinance.

This Matter was Approved as Recommended on the Consent Agenda.

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

000178 Board of Adjustment Voting Record (NB)

RECOMMENDATION *The City Commission recommended removal of the Board of Adjustment voting record (Referral No. 000178) from their referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

RECREATION & CULTURAL AFFAIRS COMMITTEE, CONSENT

990777 Park Pavilions (NB)

RECOMMENDATION *The Recreation and Cultural Affairs Committee recommends that the City Commission: 1) approve funding in the amount of \$7,500 from the City Commission contingency for the design and construction of two park pavilions along the Depot Avenue Bike Trail; and 2) authorize the City Manager to initiate and execute an agreement upon approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

001267 Resignation - Citizens' Advisory Committee for Community Development (B)

RECOMMENDATION *The City Commission accept the resignation of members Armando Corbelle and Lula Maxwell from the Citizens' Advisory Committee for Community Development effectively immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

001256 Resignation - Gainesville/Alachua County Regional Airport Authority (B)

RECOMMENDATION *The City Commission accept the resignation of member Roger J. Brower from the Gainesville/Alachua County Regional Airport Authority effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

001302 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of April 20, 2001, April 23, 2001 and April 30, 2001 as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT

001202 Relocation of State Offices from the Downtown Area (NB)

RECOMMENDATION *CRA to the City Commission: Recommend that the City Commission authorize the Mayor to send a letter to the Department of Corrections requesting that a broader area including downtown and other economically viable areas in our community be considered for this contract.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Mayor-Commissioner Pro Tem Barrow, seconded by Commissioner Nielsen, that the consent agenda be passed. The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, John R. Barrow and Paula M. DeLaney
Absent: Pegeen Hanrahan

ADOPTION OF THE REGULAR AGENDA

*Mayor-Commissioner Pro Tem John R. Barrow moved and Commissioner Chuck Chestnut seconded to approve the Regular Agenda with the following modifications:
(VOTE: 4-0, Commissioner Pegeen Hanrahan - Absent)*

- 1. File No. 000566 - Comprehensive User Fee Study - Recreation & Public Works - (City Manager requested that this item be withdrawn from the agenda and moved to the May 29, 2001 City Commission Meeting).*
- 2. File No. 000902 (Ordinance) - Citizen Participation in the Planning Process - (Additional back-up submitted).*
- 3. File No. 001066 - (Ordinance) - Industrial Zoning District Moratorium (I-2 Zoning) - (New recommendation and additional back-up submitted).*
- 4. File No. 001326 (Resolution) - Eminent Domain - Northwest 45th Avenue Reconstruction Project - (Withdrawn from the agenda).*

BOARD OF TRUSTEES

001310 General Employees' Pension Plan Board of Trustees Referral on Socially Responsible Investing (B)

NOTE: Commissioner Pegeen Hanrahan entered the meeting room at 1:08 PM.

Pension Review Committee Chair Jonathan Visscher gave a presentation.

MOTION: The City Commission instructed staff to work with its defined contribution and deferred compensation providers to include the availability of Socially Responsible Investing (SRI) instruments to employees through these plans.

RECOMMENDATION *The General Employees' Pension Plan Board of Trustees hear a presentation on socially responsible investing from Pension Review Committee Chairman Jonathan Visscher.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

CLERK OF THE COMMISSION

001270

2002 Elections (B)

RECOMMENDATION *The City Commission schedule the 2002 election for April 2 and April 16, 2002 and direct the City Attorney to draft and the Clerk of the Commission to advertise an ordinance.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

001334

Special Meetings (NB)

RECOMMENDATION *The City Commission schedule special meetings as shown above.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

CITY MANAGER

001321

Leadership General Government III (NB)

Leadership General Government representative Gene Prince gave a presentation.

RECOMMENDATION *The City Commission hear a presentation from Gene Prince representing Leadership General Government III.*

Heard

000713

Skateboard Park Project Update (NB)

City of Gainesville Parks and Recreation Director Cliff Crawford gave a presentation.

Chair Paula M. DeLaney left the meeting room at 1:56 PM and Mayor-Commissioner Pro Tem John R. Barrow assumed the gavel.

Chair Pro Tem John R. Barrow recognized Billy Rohan who spoke to the matter.

RECOMMENDATION *The City Commission hear a report from staff on the skateboard park project.*

Referred to City Manager

991436

Policy for Public Memorials and Monuments (B)

Cultural Affairs Manager Coni Gesualdi gave a presentation.

MOTION: The City Commission approved the recommendation with the changes in the wording recommended by Mr. Kurtz in the policy guidelines; item 7, bullet 4, to read "Have sources of funds for ongoing operation and maintenance been identified and secured?"

RECOMMENDATION *The City Commission: 1) hear a report from Cultural Affairs staff regarding policy guidelines for public memorials and monuments; and 2) approve the policy guidelines subject to review and approval by the City Attorney.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan and John R. Barrow
Absent: Paula M. DeLaney

001322

Best Maintained Property Awards (NB)

City of Gainesville Code Enforcement Manager Lisa Koehler gave a presentation.

Chair Paula M. DeLaney re-entered the meeting room at 2:29 PM and assumed the gavel.

MOTION: The City Commission: 1) accepted staff's recommendation for developing a program for recognizing citizens who maintain outstanding properties; 2) requested that staff look further at the issue of some public recognition, but move forward with establishing a program as recommended; and 3) also requested having a certificate and a designation presented at a City Commission meeting.

RECOMMENDATION *The City Commission hear a brief presentation from staff and give direction on the requested program.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

001323

Pay Study Status Report (NB)

Communications Worker's of America (CWA) President Tom Bolduc, Human Resources Director Tom Motes, Pay Study Team Representative David Welch, Assistant City Attorney Charlie Hauck and Affirmative Action Officer Steve Malu gave presentations.

NOTE: The City Commission requested that the Charter Officers provide a couple of solutions to resolve the issues concerning the Pay Study.

RECOMMENDATION *The City Commission receive a status report from the Pay Study Team.*

Discussed

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

AUDIT & FINANCE COMMITTEE

000566 Comprehensive User Fee Study - Planning Fees (B)

RECOMMENDATION *Hear a presentation from Staff and accept the Audit and Finance Committee's recommendation that the City Commission approve the recommended revisions to the Planning fees.*

Withdrawn

PERSONNEL AND ORGANIZATIONAL STRUCTURE COMMITTEE

001269 Department of Small Business Development (Step 2 Request to CCRP) (B)

Human Resource Analyst Rick Zumwalde gave a presentation.

RECOMMENDATION *The Personnel & Organizational Structure Committee request City Commission's approval to reclassify the Minority Business Enterprise Coordinator position from a non-management position to a management position (from pay grade 42 in the Professional Pay Plan to pay grade 71 in the Management Pay Plan). This position will manage the Small business Development Department.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

001325 Sidewalk Referral from the Development Review Board (B)

Development Review Board Member Stephen Boyes gave a presentation.

*MOTION: The City Commission approved the recommendation and referred this issue to the Public Works Committee (having staff bring a recommendation to the Public Works Committee and the City Plan Board)
(Also see File # 001343 relating to this item.)*

RECOMMENDATION *Hear a presentation from the Development Review Board, refer this issue to the Public Works Committee for discussion and to the City Plan Board to amend the sidewalk requirements to provide exceptions in cases of extraordinary costs or topographic situations.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Chestnut, that this matter be Referred to the Public Works Committee, due back on November 14, 2001. The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

001343 Sidewalk Referral from the Development Review Board (B)

RECOMMENDATION *Refer the sidewalk referral from the Development Review Board to the City Plan Board.*

A motion was made by Commissioner Nielsen, seconded by Commissioner Chestnut, that this matter be Referred to the Plan Board, due back on November 14, 2001. The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

Commissioner Warren Nielsen

Annexation Policies

Mayor-Commissioner Pro Tem John R. Barrow

See following item # 001341.

001341 Charter Officer Employment Agreements (B)

RECOMMENDATION *Refer the Charter Officer Employment Agreements to the Personnel and Organizational Structure (P&O) Committee for review.*

A motion was made by Mayor-Commissioner Pro Tem Barrow, seconded by Commissioner Hanrahan, that this matter be Referred to the Personnel and Organizational Structure Committee, due back on November 14, 2001. The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

RECESS

The meeting recessed at 4:18 PM.

RECONVENE

The meeting reconvened at 5:36 PM.

COMMISSION COMMENTS (if time available)

CITIZEN COMMENT (5:30pm)

Monica Cooper

Concerns of NE Park Stormwater Park - Referred to the City Manager to bring back to the June 11, 2001 City Commission Meeting.

Clayton Coleman - Looking Glass Apartments

Cox Cable Service Issues

See following item #001342.

001342 Franchise Agreement between the City of Gainesville and Cox Cable

RECOMMENDATION *Refer the issue of concerns regarding the Franchise Agreement with Cox Cable to the City Manager and the City Attorney.*

A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem Barrow, that this matter be Referred to the City Manager, due back on November 14, 2001. The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

Sam Harvey

Dumping of Raw Sewage.

Edward Earl Young

City Issues.

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Troop No. 1376

PROCLAMATIONS/SPECIAL RECOGNITIONS

001305 National Public Works Week - May 20-26, 2001 (B)

RECOMMENDATION *City of Gainesville Public Works Director Teresa Scott, City Engineer Stewart Pearson, and Streets Division Manager Tom Frisbie to accept the proclamation.*

Heard

001306 Youth Week - May 6-12, 2001 (B)

RECOMMENDATION *Benevolent and Protective Order of the Elks Exalted Ruler Max Danford to accept the proclamation.*

Placed on File

001307 Annual Fifth Avenue Arts Festival Days - May 18-20, 2001 (B)

RECOMMENDATION *Cultural Arts Coalition Executive Director Nkwanda Jah to accept the proclamation.*

Heard

001330 **March for Jesus - May 26, 2001 (local) and June 2, 2001 (national) (B)**

RECOMMENDATION *March for Jesus Gainesville March Coordinator Vashti Osborne to accept the proclamation.*

Placed on File

001332 **Memorial Day - Monday, May 28, 2001 (B)**

RECOMMENDATION *Gator Detachment Marin Corps League Commandant Bob Gasche, Junior Vice Commandant Gary Powers and Junior Past Commandant Scott Dupree to accept the proclamation.*

Heard

001333 **Civility Month - May 2001 (B)**

RECOMMENDATION *City of Gainesville Attorney Marion J. Radson to accept the proclamation.*

Heard

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

000617 **STREET VACATION (B)**

ORDINANCE NO. 0-00-143; PETITION NO. 150SVA-00PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way of Southwest 11th Place, approximately 251 feet MOL west of South Main Street; reserving an emergency and public utilities easements; 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 Chestnut, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

000618

PLANNED DEVELOPMENT AMENDMENT - OAKBROOK WALK (B)**ORDINANCE NO. 0-00-144; PETITION NO. 155PDA-00PB**

An Ordinance of the City of Gainesville, Florida; amending and expanding the Planned Development commonly known as "Oakbrook Walk Planned Development", located in the vicinity of 1331 Southwest 13th Street; rezoning certain additional property from the zoning category of "RH-1: 8-43 units/acre residential high density" to "Planned Development District"; amending or repealing obsolete portions of City of Gainesville Ordinance Nos. 3248 and 3378 by adopting revised and additional development plan maps and a revised planned development report; amending and adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Senior Planner Carolyn Morgan gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

000902

CITIZEN PARTICIPATION IN THE PLANNING PROCESS (B)**ORDINANCE NO. 0-01-23; PETITION NO. 13TCH-01PB**

An ordinance of the City of Gainesville, Florida, relating to citizen participation in the planning process; creating and adding section 30-350 to the Land Development Code stating the purpose and procedures to be used to encourage citizen participation prior to any application that requires a public hearing for a site plan, rezoning, special use permit or change to the future land use map being deemed complete; amending section 30-234 relating to applications for special use permits to require the citizen participation process be followed; amending section 30-214 relating to applications for rezonings for planned developments to require the citizen participation process be followed; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Community Development Director Tom Saunders and Planning Manager Ralph Hilliard gave a presentation

ADDITIONAL MOTION: Commissioner Pegeen Hanrahan moved and Mayor-Commissioner John R. Barrow seconded to refer to the City Manager to: 1) come back with some refined information about hard costs and also personnel impacts in terms of the amount of calls that would be handled and mail outs due to increasing the 400 ft. distance to 1000 ft. on an approximate annual cost basis; and 2) also bring back some greater information about options for including a neutral third party in facilitating the meeting process.

(VOTE: 5-0)

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

ORDINANCES 2ND READING- ROLL CALL REQUIRED

001160 ANNEXATION - SOUTH WEST PROPERTY (B)

ORDINANCE NO. 0-01-08

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended, by Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area generally located south of SW 20th Avenue, east of the extension of SW 63rd Blvd., west of I-75 and north of Kanapaha Lake and Prairie; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for land use plan and zoning regulations; providing for enforcement of Alachua County, land use plan, zoning and subdivision regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

Chair Paula M. DeLaney left the meeting room at 6:33 PM and Mayor-Commissioner Pro Tem John R. Barrow assumed the gavel.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan and John R. Barrow
Absent: Paula M. DeLaney

001161 ANNEXATION - BLUES CREEK AREA 2 (B)

ORDINANCE NO. 0-01-05

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended, by Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprising

approximately 12.79 acres (MOL), generally located north of NW 73rd Street, east of Blues Creek Unit 3-A and NW 50th Street, south of Blues Creek Unit 6B and west of the City limits; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for land use plan and zoning regulations; providing for enforcement of Alachua County, land use plan, zoning and subdivision regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability 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 Nielsen, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan and John R. Barrow
Absent: Paula M. DeLaney

001162 ANNEXATION - BLUES CREEK AREA 3 (B)

ORDINANCE NO. 0-01-06

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended, by Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprising approximately 129.96 acres (MOL) generally located north of NW 69th Lane and Blues Creek Unit-2, west of NW 52nd Terrace, NW 50th Street and the Blues Creek Subdivisions, south of the City limits, east of Section 9, Township 9S, Range 19E; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for land use plan and zoning regulations; providing for enforcement of Alachua County, land use plan, zoning and subdivision regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan and John R. Barrow
Absent: Paula M. DeLaney

001163 ANNEXATION - BLUES CREEK AREA 4 (B)

ORDINANCE NO. 0-01-07

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended, by Special

Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprising ; approximately 21.71 acres (MOL) generally located north of Blues Creek Units 6-D and 3-C, west of the City limits, south of the City limits, east of Blues Creek 3-C; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for land use plan and zoning regulations; providing for enforcement of Alachua County, land use plan, zoning and subdivision regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan and John R. Barrow
Absent: Paula M. DeLaney

000901

HISTORIC PRESERVATION - CERTIFICATE OF APPROPRIATENESS FOR FENCING (B)

ORDINANCE NO. 0-01-21; PETITION NO. 12TCH-01PB

An ordinance of the City of Gainesville, Florida, relating to historic preservation; amending section 30-112 of the Land Development Code to require a certificate of appropriateness be obtained for fencing on vacant property within an historic district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission (1) approve Petition 12TCH-01 PB, and (2) adopt the proposed ordinance.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan and John R. Barrow
Absent: Paula M. DeLaney

000903

TEMPORARY OUTDOOR ALCOHOLIC BEVERAGE SALES FOR UF HOME FOOTBALL GAME DAY EVENTS (B)

ORDINANCE NO. 0-01-22; PETITION NO. 14TCH-01 PB

An ordinance of the City of Gainesville, Florida, relating to temporary outdoor alcoholic beverage sales for University of Florida home football game day events; amending section 30-67 to provide regulations for such sales; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission (1) approve Petition 14TCH-01 PB, and (2) adopt the proposed ordinance.*

A motion was made by Commissioner Chestnut, seconded by Commissioner Nielsen, that this matter be Approved (Petition) and Adopted on Final Reading (Ordinance). The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan and John R. Barrow
Absent: Paula M. DeLaney

001066

TEMPORARY MORATORIUM (I-1 AND I-2 DISTRICTS) - (B)

Ordinance No. 0-01-25

An ordinance of the City of Gainesville, Florida, imposing a temporary moratorium on building permits, zoning permits, site plan approval and any other official action of the City of Gainesville permitting or having the effect of permitting certain industrial development or use on all real property located in whole or in part within the "I-1: Limited industrial district" and the "I-2: General industrial district" of the City of Gainesville, as more specifically set forth in this ordinance; providing a procedure for extraordinary hardship; providing severability clause; and providing an immediate effective date.

NOTE: Chair Paula M. DeLaney re-entered the meeting room at 6:45 PM and assumed the gavel.

City of Gainesville Litigation Attorney Elizabeth Waratuke gave a presentation.

AMENDMENT:

The City Commission amended Section 4. (b) of Ordinance No. 0-01-25 (001066) as follows:

2) the processing of an application for and approval of a minor review of a development plan, that conforms to a prior approved master plan, as provided in Sections 30-159 and 30-164 of the Land Development Code; 3) the processing of an application for and issuance of a building permit associated with such minor development plan; or 4) the processing of an application for an issuance of a building permit for safety modification for an existing process or use, including , but not limited to, a fire suppression system or secondary containment, as otherwise permitted by the City's building or fire codes."

Chair Paula M. DeLaney recognized Attorney for Watson Construction Patrice Boyes, Attorney for Conrad Yelvington Distributors, Inc. Dick Jones, and Engineer Ralph Eng, Margaret Archer, Charlie Latham, Ilene Kanely, Vincent Mallet, Clarence Stephens, Stanley Leroy James, Sam Harvey, Alan Fischer, Catherine Sprigg, Peggy Trudeau, Mark Federline, Frank Gaffney, Steve Miller, Mark Goldstein, Marilyn Walker, Doug Wilcox, Turkey Creek Homeowner's Association President Florence Clements, Peter Rebmann, Dick Williams, Katie Fischer, Don Davis, Joe Fischer, Pat Riddle, Steve Cullen, Kermit Mattson and Ann Locey who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

RECESS - 8:59 PM

RECONVENE 9:15 PM

RESOLUTIONS- ROLL CALL REQUIRED

001219 PENSION REVIEW COMMITTEE - MEMBERS' TERMS (B)

A resolution of the City Commission of the City of Gainesville, Florida, amending Resolution Nos. R-83-38, R-83-66, and R-84-39, relating to the Pension Review Committee; amending Section 2(b) entitled "Appointment and Membership," by creating staggered five-year terms, eliminating ex-officio non-voting members, and clarifying that the Plan Administrator or designee acts as Secretary to the Committee; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

001326 Eminent Domain - Northwest 45th Avenue Reconstruction Project (B)

RECOMMENDATION *The City Commission: 1) approve the resolution authorizing condemnation of 5.13 acres of property located in the 1700 block of Northwest 45th Avenue referred to as parcels 7883-A, 7883-B, 7883-C, and 7883-D, portions of the parent parcel number 7883; and 2) authorize the City Manager or his designee to execute any applications, agreements, or any other related documents and take any other actions necessary to complete the Eminent Domain process.*

Withdrawn

PLAN BOARD PETITIONS

001254 (Formal Quasi-Judicial Hearing) Petition 30WSU-01CC. Watson Construction,

agent for Conrad Yelvington Distributors, Inc. A special use permit for Wellfield Protection and development plan review for construction of a concrete batch plant and asphalt plant with associated aggregate storage and master stormwater design. Zoned: I-2 (general industrial district). Located in the 7600 block, east of US 441. (B)

MOTION: The City Commission deferred action on this item until the moratorium expires.

RECOMMENDATION *Staff to the City Commission - If the City Commission approves Ordinance 001066 (moratorium on certain uses in the industrial zoning districts) as presented, the City Commission must defer action on this petition as presented until the moratorium period has expired.*

City Plan Board to City Commission - The City Commission deny Petition 30WSU-01 PB. Plan Board vote 3-2.

Staff to Plan Board - Approve Petition 30WSU-01 CC, based on the findings of facts listed and with the conditions as specified and the Technical Review Committee preliminary plan review conditions.

A motion was made by Commissioner Hanrahan, seconded by Commissioner Chestnut, that this matter be Approved as shown above (Deferred Petition). The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

SCHEDULED EVENING AGENDA ITEMS

001331 Historic Preservation Board Appeal of 5COA-01HPB (B)

City of Gainesville Historic Preservation Planner Dee Henrichs gave a presentation.

Chair Paula M. DeLaney recognized Attorney Dick Schroeder, Gene Honeycutt, Thomas Sputo, Jim Mallard, Ray Bender, Blake Landor and Joan Gowan who spoke to the matter.

NOTE: Mayor-Commissioner Pro Tem John R. Barrow declared a conflict of interest.

MOTION: The City Commission denied the request for appeal and indicated that it was the City Commission's wish that the denial be without prejudice and encouraged the Historic Preservation Board to work with Mr. Honeycutt to come up with a design that meets the intent of the Historic Code, but also meets Mr. Honeycutt's needs.

RECOMMENDATION *The City Commission hear the appeal.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner Chestnut, that this matter be Denied (Appeal). The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan and Paula M. DeLaney
Abstain: John R. Barrow

PLAN BOARD PETITIONS (continued)

000516 **Petition 147TCH-00PB. Amend the City of Gainesville Land Development Code related to lighting in terms of site plan submittal requirements, glare, light trespass, light fixture mounting height, illumination levels and specific requirements for gasoline service stations. (B)**

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 147TCH-00 PB. Plan Board vote 3-1*

Staff to Plan Board - Approve

A motion was made by Commissioner Hanrahan, seconded by Commissioner Chestnut, that this matter be Continued (Petition) for May 29, 2001. The motion carried by the following vote:

Votes: Aye: Chuck Chestnut, Warren Nielsen, Pegeen Hanrahan, John R. Barrow and Paula M. DeLaney

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)

The meeting adjourned at 11:00 PM.

Kurt M. Lannon, Clerk of the Commission

