

# **City of Gainesville**

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



## **Meeting Minutes**

**Tuesday, November 12, 1996**

**3:00 PM**

**City Hall Auditorium**

## **City Commission**

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

## Consent Agenda

*With the following modifications: 1) Withdraw File No. 960572; and 2) Remove File No. 960552 from the Consent Agenda for consideration on the regular Agenda.*

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

## City Manager, Consent Agenda Items

### 960453 Request for Residential Traffic Control Study - Carol Estates East Neighborhood

**RECOMMENDATION** *The City Commission: 1) authorize a residential traffic control study for the Carol Estates East Neighborhood; and 2) refer this item to the Public Works Committee for a recommendation.*

*Attachment*

**This Matter was Approved as Recommended on the Consent Agenda.**

### 960571 Thomas Center Building "B" Renovation

**RECOMMENDATION** *The City Commission: 1) award the contract for the renovations to Thomas Center Building "B" to Charles Perry Construction; 2) authorize the City Manager or his designee to execute the contract, subject to the approval of the City Attorney as to form and legality; and 3) approve the issuance of a purchase order in the amount of \$1,097,000.*

**This Matter was Approved as Recommended on the Consent Agenda.**

### 960572 Stormwater Easement Revision for Fabco Air, Inc.

**RECOMMENDATION** *The City Commission: 1) rescind their previous authorization to grant a stormwater drainage easement to Fabco Air, Inc., and 2) authorize the Mayor-Commissioner and Clerk of Commission to execute a new Easement subject to a positive recommendation from the Gainesville Alachua County Airport Authority at their upcoming meeting and, subject to approval by the City Attorney as to form and legality.*

**This matter was Withdrawn**

**960573 Contract for Benefits Consultant**

**RECOMMENDATION** *The City Commission: 1) approve the ranking of the top three firms proposing to provide benefit plan consulting services to the City for IRS qualification of City Plans plus additional services as requested, 2) authorize the City Manager or his designee to negotiate and execute an agreement beginning with the top ranked firm and proceeding to the next ranked firm only if an acceptable agreement cannot be reached with the preceding firm. The agreement will be for a period of up to three years to September 30, 1999 with one three year extension possible, subject to the approval of the City Attorney as to form and legality.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**960574 Printing Services Contract**

**RECOMMENDATION** *The City Commission authorize the City Manager or designee to execute an agreement with Ameriprint for a period of two years, subject to the approval of the City Attorney as to form and legality.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**960575 Agreement Between the School Board of Alachua County and the City of Gainesville for the School Resource Officer Program**

**RECOMMENDATION** *The City Commission authorize the City Manager to execute the Agreement between the School Board of Alachua County, Florida and the City of Gainesville, Florida for the School Resource Officer Program, for the period from August 12, 1996 to June 30, 1997; subject to approval by the City Attorney as to form and legality.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**960576 First 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 first amendment to the existing Training Officer Agreement between Santa Fe Community College and the City of Gainesville Police Department dated October 1, 1995; subject to approval of the City Attorney as to form and legality.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**960577 City-County Traffic Engineering Services Agreement For Fiscal Year 1996-97**

**RECOMMENDATION** *The City Commission authorize the City Manager to execute the Traffic Engineering Services Agreement between the City and Alachua County for traffic engineering services for the period of October 1, 1996 to September 30, 1997; subject to approval of the City Attorney as to form and legality (revenue to City of \$107,480.34).*

**This Matter was Approved as Recommended on the Consent Agenda.**

**960578 Roadway Pavement Management Program**

**RECOMMENDATION** *The City Commission: 1) accept the Pavement Maintenance Program 1996 Activity Report for FY 1996 Resurfacing Status; and 2) approve all 62 roadway segments of the FY 1997 Resurfacing Nominations and authorize expending all funding appropriated for resurfacing segments, and allow the substitution of alternate 1997 segments (#'s 52 through and including 62) if a funded roadway segment is delayed.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**960579 FY 1997 CDBG Subrecipient Agreement with the Sexual and Physical Abuse Resource Center, Inc. (SPARC), for an emergency shelter renovation project.**

**RECOMMENDATION** *The City Commission authorize the City Manager to execute the Agreement between the City and the Sexual and Physical Abuse Resource Center, Inc. for an emergency shelter renovations project in the amount of \$30,000 effective for the period of October 1, 1996 to September 30, 1997; subject to approval of the City Attorney as to form and legality. (A copy of the Agreement is on file in the Clerk of the Commission Office. After November 12, 1996, the Agreement will be on file in the Block Grant Division.)*

**This Matter was Approved as Recommended on the Consent Agenda.**

**960580 FY 1997 HOME Subrecipient Agreement with Alachua habitat for Humanity, Inc. for a new home construction program.**

**RECOMMENDATION** *The City Commission authorize the City Manager to execute the Agreement between the City and Alachua Habitat for Humanity, Inc. for a new home construction program in the amount of \$46,277 effective for the period of October 1, 1996*

*to September 30, 1997; subject to approval of the City Attorney as to form and legality. (A copy of the Agreement is on file in the Clerk of the Commission Office. After November 12, 1996, the Agreement will be on file in the Block Grant Division.)*

**This Matter was Approved as Recommended on the Consent Agenda.**

**960581      FY 1997 CDBG Subrecipient Agreement with Central Florida Community Action Agency, Inc. for emergency housing repair.**

**RECOMMENDATION**    *The City Commission authorize the City Manager to execute the Agreement between the City and Central Florida Community Action Agency, Inc. for emergency housing repair in the amount of \$50,000 effective for the period October 1, 1996 to September 30, 1997; subject to approval of the City Attorney as to form and legality. (A copy of the Agreement is on file in the Clerk of the Commission Office. After November 12, 1996, the Agreement will be on file in the Block Grant Division.)*

**This Matter was Approved as Recommended on the Consent Agenda.**

**960587      Emergency Management, Preparedness, and Assistance Trust Fund Competitive Grant**

**RECOMMENDATION**    *City Commission authorize the City Manager to apply for and accept the Emergency Management, Preparedness, and Assistance Trust Fund Competitive Grant*

**This Matter was Approved as Recommended on the Consent Agenda.**

**General Manager for Utilities, Consent Agenda Items**

**960560      Approval of Purchase Order to AVO International for a Power Cable Fault Locating System**

**RECOMMENDATION**    *The City Commission approve the issuance of purchase order to AVO International for a Power Cable Fault Locating System in an amount not to exceed \$30,000.00.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**960561      Approval of Purchase Orders for Personal Computers for FY 96/97**

**RECOMMENDATION** *The City Commission approve the issuance of purchase orders to B&W Computer and Technologies, Inc., for the provision of Personal Computers for various departments of GRU in amounts not to exceed the budgeted amounts for FY 1996-97.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**960562**      **Declare Scrap Materials Surplus and Authorize General Manager to Execute a Contract for the Sale of Scrap Materials with Commercial Metals Company for FY 96/97**

**RECOMMENDATION** *The City Commission: 1) declare scrap materials to become available in the below listed categories during FY 96/97 as surplus; and 2) authorize the General Manager or his designee to execute a Contract for the sale of scrap materials with Commercial Metals Company, subject to the approval of the City Attorney as to form and legality.*

**This Matter was Approved as Recommended on the Consent Agenda.**

### **City Attorney, Consent Agenda Items**

**960563**      **Settlement Agreement with George Schaefer arising out of the case styled Janet E. Presley v. City of Gainesville, Case No. 93-10018 (U.S.D.C., Northern District) and Case Nos. 94-2984 and 95-2136 (United States Court of Appeals for the Eleventh Circuit)**

**RECOMMENDATION** *The City Commission authorize the City Attorney to execute the Settlement Agreement in satisfaction of all claims against Mr. George Schaefer arising out of the cases styled Janet E. Presley v. City.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**960564**      **Public Records lawsuit against the Gainesville Sun Publishing Company relating to the identity of victims of certain aggravated crimes (City of Gainesville v. Gainesville Sun Publishing Company, Case No. 96-3425-CA)**

**RECOMMENDATION** *The City Commission: 1) not appeal the trial court order to the First District Court of Appeal; and 2) refer to the Legislative Committee an amendment to the public records law for inclusion in the City's legislative packet.*

**This Matter was Approved as Recommended on the Consent Agenda.**

## Clerk of the Commission, Consent Agenda Items

### 960569 City Commission Minutes of October 21 and 28, 1996

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

**This Matter was Approved as Recommended on the Consent Agenda.**

### 960570 Water Management Committee

**RECOMMENDATION** *The City Commission accept the resignation of member Bob Tighe from the Water Management Committee effective immediately.*

**This Matter was Approved as Recommended on the Consent Agenda.**

## End of the Consent Agenda

**A motion was made by Commissioner DeLaney, seconded by Commissioner Delaney, to Pass the Consent Agenda, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried unanimously.**

## Adoption of the Agenda

*With the following modifications: 1) Add new File No. 960592 - Board of Canvassers Resolution; 2) Add new File No. 951410 - Public Works Committee recommendation on ordinance; and 3) Add new File No. 960593 - Mayor-Commissioner Jennings*

## Special Presentations

## Charter Officer Updates

## Clerk of the Commission

## City Manager

### 960521 Discussion of City Commission Unappropriated Funds for the 1996-97 Budget.

*FIRST MOTION: Commissioner B. Delaney moved and Commissioner Calkins seconded to approve the following funding: 1) Sidewalk maintenance - \$62,500; 2) Arts Funding - \$60,000 for Professional Organizations and \$35,000 for Plaza Events;*

3) Infrastructure and Beautification Projects - \$95,000; 4) Advisory Board Training - \$8,400; 5) Sustainability training/Vision Funding - \$20,000; and 6) Matheson Center - \$5,000 (Commissioner P. DeLaney voted Nay)

*NOTE: Staff will return with a specific plan regarding the Infrastructure and Beautification Projects funding of \$95,000*

*SECOND MOTION: Commissioner P. DeLaney moved and Commissioner Hanrahan seconded to refer the arts funding of \$60,000 to the Gainesville/Alachua County Cultural Affairs Board and the City Manager (Cultural Affairs Staff) to consider rolling out \$25,000 from the Outside Agency funding for consideration for professional organizations and leaving \$50,000 at this time for Outside Agency funding for organizations that are not defined as professional; and further, they consider criteria for future organizations to be considered professional so that they would be considered for funding in the future as a professional organization. (MOTION CARRIED)*

*THIRD MOTION: Commissioner Hanrahan moved and Commissioner Calkins seconded to appropriate \$4,800 from the City Commission Contingency Fund to the Florida Media Arts Association. (MOTION CARRIED)*

*FOURTH MOTION: Commissioner P. DeLaney moved and Commissioner Hanrahan seconded to give Warren Nielsen official capacity, along with City Manager Staff, to discuss with the Florida Department of Transportation, that the City supports the maximum amount of tree planting in the medians and side rights-of-way within the restrictions of safety. (MOTION CARRIED)*

*Chairman Jennings recognized Matheson Historical Center Representative Patty Bartlett, Hippodrome State Theatre Representative Mark Sexton, Florida Media Arts Representative Steve Robitaille, Citizen Carol Fessler, Expo Childrens Museum Representative Susan Bottcher, City Beautification Board Vice Chair Cindy Smith, Dance Alive Director Star Bradbury, Citizens Warren Nielsen, Vincent Mallet, Jane Myers, Bruce DeLaney and William Schaaf who spoke to the matter.*

**RECOMMENDATION** *The City Commission designate the unappropriated funds as deemed appropriate for the 1996-97 budget year.*

**This matter was Approved, as shown above**

*Referral - The arts funding of \$60,000 to the Gainesville/Alachua County Cultural Affairs Board and the City Manager (Cultural Affairs Staff) to consider rolling out \$25,000 from the Outside Agency funding for consideration for professional organizations and leaving \$50,000 at this time for Outside Agency funding for organizations that are not defined as professional; and further, they consider criteria for future organizations to be considered professional so that they would be considered for funding in the future as a professional organization.*

**RECOMMENDATION** *The City Commission designate the unappropriated funds as deemed appropriate for the 1996-97 budget year.*



**A motion was made by Commissioner DeLaney, seconded by Commissioner Hanrahan, that this matter be Assigned to the Gainesville/Alachua Co Cultural Affairs Bd, due back on May 12, 1997. The motion carried unanimously.**

**960545 University of Florida Presidential Task Force Report**

*Chairman Jennings recognized Citizens Bruce DeLaney and Cindy Smith who spoke to the matter.*

*NOTE: Public Works Committee Staff to Inform and Invite the Members of the College Park/University Heights Redevelopment Advisory Board and the University Park Neighborhood Association to the Public Works Committee.*

**RECOMMENDATION** *The City Commission hear a report from staff concerning the University of Florida Presidential Parking and Transportation Task Force Report.*

**A motion was made by Commissioner DeLaney, seconded by Commissioner Hanrahan, that this matter be Assigned to the Public Works Committee, due back on May 12, 1997. The motion carried unanimously.**

**960582 University Avenue and Main Street Nighttime On-Street Parking Traffic Study**

*AMENDMENT: Include in the study: Saturday and Sunday daytime*

*Chairman Jennings recognized Citizen Tom Fox who spoke to the matter.*

**RECOMMENDATION** *The City Commission: 1) approve the expenditure of \$9,000 from the City Commission Contingency Fund for a consultant to conduct a traffic study for nighttime parking on University Avenue (State Road 26) and Main Street (State Road 329); and 2) authorize the City Manager to negotiate and execute the contract for the traffic study.*

*Attachment*

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

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

**960583 Environmental Assessment Funding for Airport Industrial Park**

**RECOMMENDATION** *The City Commission authorize supplemental appropriation from the Economic Development Fund in the amount of \$25,000 for the purpose of carrying out an Environmental Study, as needed, in a section of land within the Airport*

*Industrial Park, and direct the City Manager to include this appropriation in the next amendatory resolution.*

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

**960586            Discussion of Yard Trash Collection Options.**

**RECOMMENDATION**    *City Commission hear a presentation from Solid Waste staff regarding alternative yard trash collection programs.*

**This matter was Placed on File**

**960552            Agreement with North Florida Technology Innovation Corporation of Gainesville (NFTIC) for \$100,000.**

*NFTIC Representative Larry Albertson gave a presentation.*

**RECOMMENDATION**    *The City Commission enter into an agreement for one year (October 1, 1996 - September 30, 1997) with North Florida Technology Innovation Corporation of Gainesville (NFTIC) for services to be provided for an amount not to exceed \$100,000.00; subject to approval of the City Attorney as to form and legality.*

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

**General Manager for Utilities**

**City Attorney**

**City Auditor**

**Committee Reports**

**Public Works Committee**

**Personnel & Organizational Structure Committee**

**Public Safety Committee**

**Audit & Finance Committee****Legislative Committee****Economic Development Committee****Regional Utilities Committee****Advisory Boards/Committees****960440 Art in Public Places**

*MOTION: Refer to City Attorney, City Manager (Cultural Affairs Staff) the following: 1) creation of a new board; and 2) determination of what kind of art to be used*

*Chairman Jennings recognized Artists Anne Pais, William Schaaf, Eleanor Blair and Richard Heipp who spoke to the matter.*

**RECOMMENDATION** *The City Commission discuss Art in Public Places as referred at the October 14, 1996 meeting.*

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

**Outside Agencies****Members of the City Commission/Commission Comment****960588 Library Mini-Grant Application**

**RECOMMENDATION** *The City Commission consider the request.*

**This matter was Postponed for November 25, 1996**

**960593 Travel Policy**

**RECOMMENDATION** *The City Commission amend the City Travel Policy as recommended by the Personnel and Organizational Structure Committee, as reflected in the proposed Draft Travel Policy,*

*dated January 13, 1997.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner Calkins, that this matter be Assigned to the Personnel and Organizational Structure Committee, due back on May 12, 1997. The motion carried unanimously.

## **Adjourn Until 6:00 PM**

## **Invocation and Pledge of Allegiance**

**Pastor Paul Horner, First Church of the Nazarene**

**Cub Scout Pack, Den #5**

## **Proclamations**

**960557 Grant Thrall Days December 31, 1996 and January 1, 1997**

**RECOMMENDATION** *Downtown Redevelopment Advisory Board Member, Ian Grant Thrall to receive a proclamation.*

**This matter was Placed on File**

**960558 Epilepsy Awareness Month**

**RECOMMENDATION** *Epilepsy Services of North Central Florida Coordinator, Jim Lyons to receive a proclamation.*

**This matter was Placed on File**

**960559 Team GRU Operations Challenge Days**

**RECOMMENDATION** *Luther Belyew, Harold Brock, Ron Dare, Don Eplee and Jamie Hope to receive a proclamation.*

**This matter was Placed on File**

## **Citizen Comment**

**960594 George Comee-Gator Frost Vending**

**RECOMMENDATION** *The City Commission 1) instruct the City Manager and City Attorney staff to review this referral for policy direction of vendor/peddler permit and its applicability to Mr. Comee's Gator Frost business in an effort to resolve staff's interpretation of mobile versus stationary requirements as an immediate solution; and 2) ask staff to review those ordinances dealing with peddler, solicitor, special events, mobile food cart, and vendor permits for consideration of consolidating the ordinances for more concise interpretation and enforcement.*

**A motion was made by Commissioner Delaney, seconded by Commissioner Calkins, that this matter be Assigned to the Public Safety Committee, due back on May 12, 1997. The motion carried unanimously.**

**960595          Dumpster Truck Noise Complaint**

**RECOMMENDATION** *The City Commission hear a complaint regarding Commercial Hauler Dumpster Trucks causing noise in his neighborhood prior to 7am.*

**A motion was made by Commissioner Hanrahan, seconded by Commissioner Calkins, to authorize the Mayor-Commissioner to send a letter to all commercial container companies regarding the civil citation procedure in relation to violation of ordinances. The motion carried unanimously.**

**960596          Southeast 14th Street Repaving - North Lincoln Heights**

**RECOMMENDATION** *The City Commission consider a request for the addition of SE 14th Street to the Street Repaving List.*

**A motion was made by Commissioner DeLaney, seconded by Commissioner Delaney, to place the 400 blk of SE 14th Street on the nomination list for consideration by the Public Works Department. The motion carried unanimously.**

**Tom Miller (NB) - Halloween Party**

*Citizens Tom Miller and Ray Bodowsky gave a report and expressed appreciation to the City Commission for the co-sponsorship of the Downtown Halloween Party.*

**960691          Neal Balanoff - Westside Park Christmas Tree Sale**

*City Manager Wayne Bowers stated that a written agreement with the business owner stated that this year was the last year for the sales.*

**RECOMMENDATION** *The City Commission hear comments from Citizen Neal*

*Balanoff of concerns regarding Christmas Tree Sales at Westside Park.*

**This matter was Placed on File**

## **Mike Hofgren - UltraRail Development (B)**

### **Time Certain Items**

### **Public Hearings**

### **Ordinances - 1st Readings- ROLL CALL REQUIRED**

#### **960247 Ordinance 0-96-71, Petition No. 129PDV-96PB,**

**An ordinance of the City of Gainesville, Florida, rezoning certain lands within the City and amending the Zoning Map Atlas from "RMF-5: (12 units/acre single-family/multiple-family residential district)" to "Planned Development District"; adopting development plan maps and a development plan report for the area to be commonly known as "Tivoli, A Planned Development Apartment Community"; located in the vicinity of 2840 S.W. 13th Street at S.W. 14th Drive; providing conditions; providing for penalties; providing a severability clause; and providing an immediate effective date.**

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

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

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

#### **960368 Ordinance No. 0-96-80**

**An ordinance of the City of Gainesville, Florida, amending section 2-262(a) of the Code of Ordinances relating to membership on the city beautification board, providing for staggered terms; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

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

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

**960424 Ordinance No. 0-96-81, Petition No. 149SVA-96PB**

**An ordinance of the City of Gainesville, Florida; to vacate, abandon and close a portion of S.E. 2nd Street consisting of approximately 100 feet, more or less, located south of S.E. 2nd Place; reserving a utilities easement and drainage easement; reserving title and placement of the historic street bricks; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

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

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

**960427 Ordinance No. 0-96-86, Petition No. 165PDA-96PB**

**An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 4072, which amended the Planned Development commonly known as "Park West 800" formerly known as "Bartram Woods"; amending the planned development by adopting a revised development plan report that revises the development schedule; providing for concurrency requirements; located in the vicinity of 4000 block of N.W. 8th Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

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

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

**Ordinances - 2nd Readings- ROLL CALL REQUIRED**

**951410 An ordinance of the City of Gainesville, Florida; to vacate, abandon and close a portion of S.W. 8th Place located between S.W. 8th Street and S.W. 9th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*MOTION: Authorize the City Attorney's office to prepare a new Ordinance to vacate*

*the street with retention of a non-motorized vehicle easement through the center of the street and with landscape and appropriate lighting.*

*Chairman Jennings recognized Citizen Frederik Peterkin who spoke to the matter.*

**RECOMMENDATION** *The City Commission approve the following: 1) deny the proposed ordinance, 2) authorize the City Attorney's office to prepare a new Ordinance to vacate the street with retention of a bicycle/pedestrian easement through the center of the street, and 3) remove this referral from the Referral List.*

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

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

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

**A motion was made by Commissioner Hanrahan, seconded by Commissioner Calkins, that this matter be Striken From the Agenda (Ordinance). The motion carried unanimously.**

## **Board of Canvassers - ROLL CALL REQUIRED**

**960592** **A resolution of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, referendum election held November 5, 1996.**

**RECOMMENDATION** *The City Commission adopt the proposed resolution.*

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

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

## **Resolutions- ROLL CALL REQUIRED**

**960585** **A resolution of the City Commission for the adoption of a temporary closing of a state road for the 1996 Historic Holidays Festival of Lights on Sunday, December 8, 1996.**

**RECOMMENDATION** *The City Commission adopt the proposed resolution, which requests the temporary closing of a state road for the 1996 Historic Holidays Festival of Lights, providing an immediate effective date, subject to approval by the City Attorney as to*



*form and legality.*

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

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

## **Plan Board Petitions**

**960492**            **Legislative Matter No. 960492. Petition 179PDV-96 PB, John Hudson, agent for Wei Te Tung and Man Li Tung. A planned development with development plan review to rezone property from OF (General Office District) to PD (Planned Development District) for construction of a restaurant. Located at 2201 and 2219 N.E. 2nd Street.**

**RECOMMENDATION**    *City Plan Board Action - Continue Petition 179PDV-96 PB to November 21, 1996. Plan Board vote, 5-0*

*CITY MANAGER'S RECOMMENDATION*  
*The City Commission continue the Public Hearing on Petition 179PDV-96 PB to December 9, 1996.*

**A motion was made by Commissioner DeLaney, seconded by Commissioner Hanrahan, that this matter be Continued (Petition) for December 9, 1996. The motion carried unanimously.**

**960493**            **Legislative Matter No. 960493. Petition 185TCH-96 PB, City Plan Board. Amend Section 30-266 of the City of Gainesville Land Development Code to expand the current landscape exempt area to include S.E. 2nd Place.**

**RECOMMENDATION**    *City Plan Board to City Commission - The City Commission approve Petition 185TCH-96 PB to expand the landscaped exempt area to include the area shown in Attachment B of the backup material and remove from referral list. Plan Board vote 5-0*

*Staff to Plan Board - Approve*

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

**960494**            **Legislative Matter No. 960494. Petition 186TCH-96 PB, City Plan Board. Amend the sign and landscape regulations in the Master Plan and Land Development Regulations for the College Park Neighborhood.**

**RECOMMENDATION** *City Plan Board Action - Continue Petition 186TCH-96 PB to November 21, 1996. Plan Board vote, 5-0*

***CITY MANAGER'S RECOMMENDATION***

*The City Commission continue the Public Hearing on Petition 186TCH-96 PB to December 9, 1996.*

**A motion was made by Commissioner DeLaney, seconded by Commissioner Hanrahan, that this matter be Continued (Petition) for December 9, 1996. The motion carried unanimously.**

## **Development Review Board**

### **Unfinished Business (from 3:00 PM Session)**

#### **Commission Comment**

#### **Commissioner P. DeLaney**

*Commissioner P. DeLaney expressed concerns regarding the following: 1) Response to Noise Complaints; 2) Continual Front Yard Parking; 3) Adding N.W. 3rd Avenue from 6th Street to 13th Street to the Street Paving List; and 4) Citizens Petition Regarding the Hogtown Creek Greenway.*

*City Attorney Marion Radson gave an update of the process relating to the Citizens petition regarding the Hogtown Creek Greenway.*

#### **Commissioner Calkins**

*Commissioner Calkins relayed to the Commission the following: 1) Maui Beach Club Noise Complaint; and 2) Thomas Center Restoration Building Costs - Staying within the budget*

#### **Commissioner B. Delaney**

*Commissioner B. Delaney commented on the following concerns: 1) Noise Complaints and the implementation of the Dedicated Noise Ordinance Officer; and 2) Front Yard Parking Enforcement*

#### **Commissioner Hanrahan**

*Commissioner Hanrahan discussed the following issues: 1) Charter Officer Evaluation & Merit Increase Process; 2) Lobbying Assistance conversation with Barbara Gallant; 3) Depot Avenue Rail Trail Sign Request letter to the Florida Department of Transportation; 4) Correspondence from Mayor-Commissioner Regarding the University of Florida Master Plan; 5) Noise Problems from Police and Fire Vehicles; and 6) Letters to outgoing Alachua County Commissioners from the*

*Mayor-Commissioner.*

*Commissioner Hanrahan moved and Commissioner B. Delaney seconded to authorize the Mayor-Commissioner to write Alachua County Commissioners Barnes and Chair Epps and express appreciation from the City Commission for their service.*

**Citizen Comment**

**Adjournment (10:00 PM; motion needed to continue)**

**Items Pending in Committee (for information only)**

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Kurt M. Lannon, Clerk of the Commission