

City of Gainesville

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



Meeting Minutes

Monday, September 22, 1997

3:00 PM

City Hall Auditorium

City Commission

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

Invocation

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

Atawa Rollins, City Employee, Church of God by Faith

Consent Agenda

With the following modifications: 1) File No. 970384 - Add line to fiscal note per City Auditor as follows: "These expenditures are permitted under the Federal Forfeiture Guidelines"; 2) File No. 970385 - Add line to fiscal note per City Auditor as follows: "These expenditures are permitted under F.S. 932.705(4)(a) guidelines."; 3) Remove File No. 970389 from Consent Agenda and place on Regular Agenda; and 4) Remove File No. 970384 from Consent Agenda to Regular Agenda

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

City Manager, Consent Agenda Items

970390 **Second Extension to Annual Services Contracts for Asphalt for FY 1998**

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute Extension Agreements for the annual supply of asphalt with John C. Hipp Construction Company, Alachua, Florida, as primary supplier of asphalt surfacing for Type S-1, Type S-3 and Type III, and secondary supplier of plant mix asphalt and friction course asphalt surfacing; and with V. E. Whitehurst and Sons, Williston, Florida, as primary supplier of plant mix asphalt and friction course asphalt surfacing and secondary supplier of asphalt surfacing for Type S-1, Type S-3, and Type III, extending the term of each from October 1, 1997 to September 30, 1998, subject to approval of the City Attorney as to form and legality and subject to final appropriation of funds for FY 1998.*

This Matter was Approved as Recommended on the Consent Agenda.

970391 **Second Extension to Annual Materials Supply Contracts for Storm Sewer Pipe for FY 1998**

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute Extension Agreements for the annual supply of*

Storm Sewer Pipe with Southern Culvert, Florida Concrete Pipe, Advanced Drainage Systems, Inc., Hughes Supply and Contech Construction Products, Inc., extending the term of each from October 1, 1997 to September 30, 1998, subject to approval of the City Attorney as to form and legality and subject to final appropriation of funds for FY 1998.

This Matter was Approved as Recommended on the Consent Agenda.

970392 Second Extension to Annual Services Contract for Limerock for FY 1998

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute an Extension Agreement with Limerock Industries, Inc. for the supply of limerock base material, extending the term of the Agreement from October 1, 1997 to September 30, 1998, subject to approval of the City Attorney as to form and legality and subject to final appropriation of funds for FY 1998.*

This Matter was Approved as Recommended on the Consent Agenda.

970393 Extension of Contract with Community Behavioral Services

RECOMMENDATION *The City Commission authorize the City Manager or designee to execute an extension to the contract with Community Behavioral Services for an additional year beginning October 1, 1997 through September 30, 1998; subject to approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

970394 Extension of the Contract for Diet/Nutrition Services

RECOMMENDATION *The City Commission authorize the City Manager or his designee to execute the third extension to the contract with Kathryn A. Parker, R.D., L.D., Inc., in an amount not to exceed \$38,102, subject to final appropriation of funds for FY 98, and subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

970395 Contract - Employee Assistance Program

RECOMMENDATION *The City Commission waive City Purchasing Policy and authorize the City Manager or his designee to execute a one*

year contract extension expiring September 30, 1998, with Trisha A. Biggers-Peterson for the City's Employee Assistance Program subject to the approval of the City Attorney as to form and legality and subject to final appropriation of funds for FY'98.

This Matter was Approved as Recommended on the Consent Agenda.

970396 First Amendment to the FY96-97 Special Needs Housing Agreement with Pleasant Place, Inc.

RECOMMENDATION *The City Commission: 1) approve a \$6,000 reduction in the FY95-96 SHIP grant awarded to Pleasant Place Inc. for construction repairs at 732 N.W. 4th Street; and 2) authorize the City Manager or his designee to execute the Amendment to the Agreement between the City, Alachua County and Pleasant Place Inc., subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

970397 Special Needs Housing Agreement with Pleasant Place, Inc.

RECOMMENDATION *The City Commission: 1) approve the grant award of \$24,000 to Pleasant Place Inc. for construction repairs at 732 N.W. 4th Street; 2) authorize the Mayor-Commissioner, to execute the agreement between the City, Alachua County and Pleasant Place Inc., subject to approval by the City Attorney as to form and legality; and 3) authorize the City Manager to transfer 50% of the grant award into the Special Needs Housing Trust Fund.*

This Matter was Approved as Recommended on the Consent Agenda.

970398 Special Needs Housing Commitment Letter to St. Francis House, Inc.

RECOMMENDATION *The City Commission: 1) approve the grant commitment of \$52,575 to St. Francis House, Inc. for renovation of an existing multi-family structure for use as a single-room occupancy complex; and 2) authorize the Mayor-Commissioner to execute the commitment letter to the St. Francis House, Inc., contingent upon approval by the Alachua County Board of County Commissioners and subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

970399 Special Needs Housing Agreement With Meridian Behavioral HealthCare, Inc. (MBH)

RECOMMENDATION *The City Commission: 1) approve the grant award of \$23,425 to Meridian Behavioral HealthCare, Inc. (MBH) for construction repairs at the Bridge House; 2) authorize the Mayor-Commissioner to execute the agreement between the City, Alachua County and Meridian HealthCare, Inc., subject to approval by the City Attorney as to form and legality; and 3) authorize the City Manager to transfer 50% of the grant award into the Special Needs Housing Trust Fund.*

This Matter was Approved as Recommended on the Consent Agenda.

970406 University of Florida Bus Service Contract

RECOMMENDATION *The City Commission: 1) approve the contract; 2) authorize the City Manager or his designee to execute the contract subject to the approval by the City Attorney as to form and legality; and 3) authorize a new transit supervisor position in the RTS budget.*

This Matter was Approved as Recommended on the Consent Agenda.

General Manager for Utilities, Consent Agenda Items

970411 Extension of existing annual contract with Hogtown Underground, Inc., for directional bores and small diameter jack and bores for the Gas Operations Department for FY 98

RECOMMENDATION *The City Commission 1) authorize the General Manager or his designee to execute a one year extension to the existing annual contract with Hogtown Underground, Inc., for directional bores and small diameter jack and bores for the Gas Operations Department for FY 98, subject to the approval of the City Attorney as to form and legality, and 2) approve the issuance of a blanket purchase order to Hogtown Underground, Inc. in an amount not to exceed \$125,000.00.*

This Matter was Approved as Recommended on the Consent Agenda.

970412 Extension to the Existing Annual Contract with Hamlet Construction Company, Inc., for Gas Pipeline Installation

RECOMMENDATION *The City Commission 1) authorize the General Manager or his designee to execute an one year contractor for gas*

pipeline installation, extending the term of the contract through FY 98, subject to the approval of the City Attorney as to form and legality, and 2) approve the issuance of a blanket purchase order to Hamlet Construction Company, Inc. in an amount not to exceed \$250,000.00.

This Matter was Approved as Recommended on the Consent Agenda.

970413 Purchase Order to Insituform Southeast, Inc. for Gravity Sewer Rehabilitation on N.E. 19th Drive

RECOMMENDATION *The City Commission authorize the issuance of purchase order(s) to Insituform Southeast, Inc. for the rehabilitation of 1,685 linear feet of 8 inch gravity sewer main in an amount not to exceed \$87,500.00*

This Matter was Approved as Recommended on the Consent Agenda.

970414 Ninety-day Extension of Annual Contract for the Installation of Overhead Electric Facilities

RECOMMENDATION *The City Commission: 1) authorized the General Manager or his designee to execute an amendment extending the annual contract for the installation of overhead electric facilities with Dillard Smith Construction Company for September 30, 1997 to December 31, 1997, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Dillard Smith Construction Company in an amount not to exceed \$166,500.00, subject to the final appropriation of funds for FY 98.*

This Matter was Approved as Recommended on the Consent Agenda.

970415 Amendment to the Contract with Securex, Inc. for Security Services

RECOMMENDATION *The City Commission: 1) authorize the General Manager or his designee to execute an Amendment to the contract with Securex, Inc. for security services, extending the term of the contract through FY 98, and 2) approve the issuance of purchase orders to Securex, Inc. for these services in amounts totaling not to exceed exceeding \$280,000.00, subject to the final appropriate of funds for FY 98.*

This Matter was Approved as Recommended on the Consent Agenda.

970416 Annual Professional Land Surveying Services Contracts

RECOMMENDATION *The City Commission: 1) authorize the General Manager or his designee to negotiate fee schedules and execute extensions to the annual contracts for surveying projects for FY 98 with Eng, Denman & Associates, John W. Myers & Associates, P.A. and J.W. Brown, Inc., subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to these firms in total amounts not to exceed the budgeted amounts for these services, subject to the final appropriation of funds.*

This Matter was Approved as Recommended on the Consent Agenda.

970418 Settlement of Outstanding Claims with respect to Warranty Claims against Trinity Industries, Inc. for defects on GNFX 91000 Series RDII Railcars

RECOMMENDATION *The City Commission authorize the General Manager or his designee to enter into a settlement and release of the claims GRU has against Trinity Industries, Inc. on the account of defects in the purchased GNX91000 Series RDII Railcars in the amount of \$100,000.00, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

970420 Partial Release and Replacement Easement for Best Western Hotel

RECOMMENDATION *The City Commission: 1) approve a partial release of an easement to Thirty Ninth Avenue Limited Partnership and accept a replacement easement located in the 4200 block N. W. 97th Boulevard; 2) authorize the Mayor-Commissioner and Clerk of the Commission to execute a Partial Release of Easement instrument, subject to approval by the City Attorney as to form and legality; and 3) authorize the recording of the appropriate documents in the public records of Alachua County.*

This Matter was Approved as Recommended on the Consent Agenda.

970421 Partial Release of a Public Utilities Easement to David M. and Sherri Gersten

RECOMMENDATION *The City Commission: 1) approve a partial release of a public utilities easement to David M. Gersten and Sherri M. Gersten located at 1710 N. W. 23rd Street; and 2) authorize the Mayor-Commissioner and Clerk of the Commission to execute a Partial Release of Easement instrument, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

970423 Selection of Consultants for Energy Efficiency Services

RECOMMENDATION *The City Commission: 1) approve the final ranking of the qualified firms for the provision of energy efficiency services, 2) authorize the General Manager or his designee to initiate negotiations with the ranked firms in accordance with the Consultants Competitive Negotiation Act (CCNA), 3) authorize the General Manager or his designee, upon successful negotiations, to execute a professional services agreement for consulting services associated with energy efficiency services, subject to approval of the City Attorney as to form and legality, and 4) approve the issuance of a purchase order for the provision of these services in an amount not to exceed \$50,000, subject to final appropriation of funds.*

This Matter was Approved as Recommended on the Consent Agenda.

970424 Memorandum of Understanding for Alliance with Energy Direct

RECOMMENDATION *The City Commission authorize the General Manager or his designee to execute a Memorandum of Understanding with the alliance known as EnergyDirect for the purpose of developing long-range strategies to address deregulated markets in the electric utility industry; in a not to exceed amount of \$80,000.00, subject to approval of the City Attorney as to form and legality and the final appropriation of funds for FY 98.*

This Matter was Approved as Recommended on the Consent Agenda.

City Attorney, Consent Agenda Items

970425 Delbert Edwards and Judith Edwards vs. City of Gainesville; Case No. 97-3328-CA

RECOMMENDATION *The City Commission authorize the City Attorney and/or Special Counsel, if insurance coverage is available, to represent the City in the case styled Delbert Edwards and Judith Edwards vs. City of Gainesville; Case No. 97-3328-CA*

This Matter was Approved as Recommended on the Consent Agenda.

970426 Contract for Legal Services in the Area of Personal Injury

RECOMMENDATION *The City Commission approve the ranking of the firms, and authorize the City Attorney to negotiate and execute non-exclusive contracts with two of the highest ranked local firms and a statewide firm. They are as follows: (1) Monaco, Monaco & Birder; (2) Dell, Graham, Wilcox, Barber, Jopling, Schwait, Gershow & Specie. P.A.; and (3) and Bobo, Spicer, Ciotoli, Fulford, Bocchino, DeBevoise & LeClainche, P.A.*

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****960451 Michael P. Baker, NCFSA, Shooting Range at Airport**

RECOMMENDATION *The City Commission remove this item from the Public Safety Committee pending referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

960846 Tom Henderson - Clarification of Ordinance

RECOMMENDATION *The City Commission direct the City Attorney to draft a letter to Mr. Henderson's attorneys advising them that unless the City hears back from them, this item will be removed from the Public Safety Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

961038 Public Safety Concerns - William J. Stokes, Sr.

RECOMMENDATION *The City Commission remove this item from the Public Safety Committee referral list.*

This Matter was Approved as Recommended on the Consent Agenda.

970296 Location of Places of Religious Assembly

RECOMMENDATION *The City Commission authorize the City Attorney to make the necessary changes to the City's Code of Ordinances (Chapter 4) as deemed appropriate by staff.*

This Matter was Approved as Recommended on the Consent Agenda.

970385 LECFTF Funding for SFCC and COPS Minority Scholarships

RECOMMENDATION *The City Commission approve the appropriation and expenditure of \$50,000 from the State Law Enforcement Contraband Trust Fund to the Santa Fe Community College Endowment Board of Alachua County for the endowment of a minority scholarship program for at-risk residents.*

This Matter was Approved as Recommended on the Consent Agenda.

Audit & Finance Committee, Consent

Legislative Committee, Consent

Regional Utilities Committee, Consent

Historic Preservation Board, Consent

970400 Request for Ad Valorem Tax Exemption for Historic Properties for 516 NW 3rd Street (Pleasant Street Historic District)

RECOMMENDATION *The Historic Preservation Board to the City Commission: 1) approve the "Part 2--Request for Completed Work" application; 2) request the City Attorney's office to prepare an ordinance; and 3) authorize the Mayor-Commissioner to sign the covenant executing the full exemption for ten years.*

Staff recommended approval of the petition and the Historic Preservation Board approved the petition 6-0.

This Matter was Approved as Recommended on the Consent Agenda.

970401 Request for Ad Valorem Tax Exemption for Historic Properties for 409 NW 7th Avenue (Pleasant Street Historic District)

RECOMMENDATION *The Historic Preservation Board to the City Commission: 1)*

approve the "Part 2--Request for Completed Work" application; 2) request the City Attorney's office to prepare an ordinance; and 3) authorize the Mayor-Commissioner to sign the covenant executing the full exemption for ten years.

Staff recommended approval of the petition and the Historic Preservation Board unanimously approved the petition.

This Matter was Approved as Recommended on the Consent Agenda.

970402

Request for Ad Valorem Tax Exemption for Historic Properties for 522 NW 3rd Street (Pleasant Street Historic District)

RECOMMENDATION *The Historic Preservation Board to the City Commission: 1) approve the "Part 2--Request for Completed Work" application; 2) request the City Attorney's office to prepare an ordinance; and 3) authorize the Mayor-Commissioner to sign the covenant executing the full exemption for ten years.*

Staff recommended approval of the petition and the Historic Preservation Board approved the petition 6-0.

This Matter was Approved as Recommended on the Consent Agenda.

970403

Request for Ad Valorem Tax Exemption for Historic Properties for 602 South Main Street (Individually listed on the National Register of Historic Places)

RECOMMENDATION *The Historic Preservation Board to the City Commission: 1) approve the "Part 2--Request for Completed Work" application; 2) request the City Attorney's office to prepare an ordinance; and 3) authorize the Mayor-Commissioner to sign the covenant executing the full exemption for ten years.*

Staff recommended approval of the petition and the Historic Preservation Board unanimously approved the petition.

This Matter was Approved as Recommended on the Consent Agenda.

970404

Request for Ad Valorem Tax Exemption for Historic Properties for 618 NW 3rd Street (Pleasant Street Historic District)

RECOMMENDATION *The Historic Preservation Board to the City Commission: 1) approve the "Part 2--Request for Completed Work" application; 2) request the City Attorney's office to prepare an ordinance; and 3) authorize the Mayor-Commissioner to sign the covenant executing the full exemption for ten years.*

Staff recommended approval of the petition and the Historic Preservation Board approved the petition 6-0.

This Matter was Approved as Recommended on the Consent Agenda.

970405 Request for Ad Valorem Tax Exemption for Historic Properties for 309 SE 7th Street (Southeast Historic District)

RECOMMENDATION *The Historic Preservation Board to the City Commission: 1) approve the "Part 2--Request for Completed Work" application; 2) request the City Attorney's office to prepare an ordinance; and 3) authorize the Mayor-Commissioner to sign the covenant executing the full exemption for ten years.*

Staff recommended approval of the petition and the Historic Preservation Board unanimously approved the petition.

This Matter was Approved as Recommended on the Consent Agenda.

Clerk of the Commission, Consent Agenda Items

970369 Art In Public Places Trust

RECOMMENDATION *The City Commission accept the resignation of member Carmen W. Smyth from the Art In Public Places Trust effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

970370 Bicycle/Pedestrian Advisory Board

RECOMMENDATION *The City Commission accept the resignation of member Gregory M. Harper from the Bicycle/Pedestrian Advisory Board effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

970388 City Commission Minutes of September 8, 1997

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

This Matter was Approved as Recommended on the Consent Agenda.

Community Redevelopment Agency, Consent Items

970378 NW Third Avenue Sidewalk Project

RECOMMENDATION *The Community Redevelopment Agency requests the City Commission: 1) direct the appropriate staff to take the necessary steps to ensure that development or redevelopment on NW 3rd Avenue between 13th Street and 6th street accommodates sidewalks and related amenities such as street trees and street lighting; and 2) refer to the Public Works Committee the construction of sidewalks along already developed sites on NW 3rd Avenue between 13th Street and 6th Street, installation of street trees and street lighting including an analysis of the need for right-of-way acquisition, condemnation, and construction cost.*

This Matter was Approved as Recommended on the Consent Agenda.

RECOMMENDATION *The Community Redevelopment Agency requests the City Commission: 1) direct the appropriate staff to take the necessary steps to ensure that development or redevelopment on NW 3rd Avenue between 13th Street and 6th street accommodates sidewalks and related amenities such as street trees and street lighting; and 2) refer to the Public Works Committee the construction of sidewalks along already developed sites on NW 3rd Avenue between 13th Street and 6th Street, installation of street trees and street lighting including an analysis of the need for right-of-way acquisition, condemnation, and construction cost.*

This Matter was Assigned to the Public Works Committee, due back on March 22, 1998 on the Consent Agenda.

Advisory Brds/Comm (Appts/Waivers/Reports), Consent**970409 Appointment of GEZDA officers****...Explanation**

At the August 21, 1997 meeting, the GEZDA Board voted to recommend to the City Commission the appointment of Carol Villemaire as Chair, and Jeannie McDonald as Vice Chair. According to the state statute governing the GEZDA Board, the City Commission must appoint the positions of Chair and Vice Chair.

...Fiscal Impact

None.

RECOMMENDATION *The City Commission appoint Carol Villemaire as GEZDA Chair and Jeannie McDonald as GEZDA Vice Chair and authorize the City Attorney to draft and the Clerk of the*

Commission to advertise appropriate ordinance.

This Matter was Approved as Recommended on the Consent Agenda.

End of Consent Agenda

Adoption of the Agenda

The Agenda was adopted with the following modifications: 1) File No. 970052 - Additional back-up material; 2) File No. 970051 - Additional back-up material; 3) File No. 970435 - Back-up material submitted; 4) File No. 970439 - New Version of Resolution Submitted; and 5) Continue City Commission Meeting to consider City Plan Board Petitions to September 25, 1997 at 7:00 pm which include File Nos. 960936, 960937, 970226, 970227, 970228, 970229, 970230 and 970231.

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

Robert White - Minimum Design Standards (NB)

American Institute of Architects, Florida Chapter, President Robert White expressed concern regarding a document being prepared by staff relating to minimum design standards and suggested that input be requested from local architects during preparation.

Staff indicated that assistance from local architects would be used.

Robert Pearce - Accessory Structure Setback Limits (NB)

Citizen Robert Pearce asked the Commission consider reducing the setback requirements in all multi-family neighborhoods.

Staff indicated that they would review the issue as presented by Citizen Robert Pearce.

Joel Buchanan - Staffing at the Wilhemina Johnson Resource Center (NB)

Citizen Joel Buchanan asked for funding be added back into the budget for staffing the Wilhemina Johnson Resource Center.

The Commission asked the City Manager to provide information when the Fiscal Year 1997-1998 budget is discussed.

970444

Duck Pond Entrance Feature

RECOMMENDATION *The City Commission allow the participants in the Duck Pond Entrance Feature program to postpone presentation to the*

City Beautification Board until a final plan is completed.

A motion was made by Commissioner DeLaney, seconded by Mayor-Commissioner Pro Tem Hanrahan, to ask staff to prepare an update report on the project and place on the next regular City Commission meeting. The motion carried unanimously.

970499 Ron Carpenter - Weiss Property

Attorney Ron Carpenter gave an update report on the Arthur Weiss property development.

RECOMMENDATION *The City Commission hear a presentation.*

This matter was Placed on File

970445 Workplan Addition to the City Beautification Board

Citizen Arnall Downs expressed appreciation to the City Commission regarding the increased enforcement of the sign ordinance; and further, asked the Commission to ask staff to review the purpose for the signs along NW 8th Avenue regarding automobile spacing.

The Commission agreed to ask staff to review the automobile spacing signs.

RECOMMENDATION *The City Commission approve the addition of the following to the workplan of the City Beautification Board: look into the possibility of placing a mural at the Northeast pool.*

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

Lewis Fonte - University of Florida & Shands Human Rights Issue (NB)

City Commission Comment (If time available)

Charter Officer Updates

Clerk of the Commission

970433 November 10th City Commission Meeting

The Commission agreed to hold the meeting.

RECOMMENDATION *The City Commission discuss options and take appropriate*

action.

This matter was Placed on File

City Manager

970389 **Extension of Airport Support Services Agreement with Gainesville-Alachua County Regional Airport Authority (GACRAA).**

RECOMMENDATION *The City Commission authorize the Mayor and Clerk of the Commission to execute the Second Amendment to Agreement for Airport Support Services with GACRAA, effective October 1, 1997 through September 30, 2003; subject to approval of the City Attorney as to form and legality.*

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

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

General Manager for Utilities

970417 **Approval of Contract for Electric Distribution Line Clearance, Tree-Trimming, Right-of-way Maintenance, Weed Control and Related Work**

RECOMMENDATION *The City Commission: 1) authorize the General Manager or his designee to execute a contract for electric distribution line clearance, tree-trimming, right-of-way maintenance, weed control and related work with Asplundh Tree Expert Company for a 12 month period commencing October 1, 1997 and ending September 30, 1998, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a blanket purchase order to Asplundh Tree Expert Company for the provision of these services for FY 98 in an amount not to exceed \$1,300,000.00, subject to the final appropriation of funds for FY 98.*

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

970419 **Extension to the Annual Contract with All Florida Electric Company, Inc. for the Installation of Cable, Conduit and Associated Equipment within the Underground Electric Distribution System**

RECOMMENDATION *The City Commission 1) authorize the General Manager or his designee to execute an amendment extending the existing annual contract for the installation of cable, conduit and other associated equipment, within the underground electric distribution system for FY 98 with All Florida Electric Company, Inc., upon successful negotiation of the extension, subject to the approval of the City Attorney as to form and legality, and 2) approve the issuance of a blanket purchase order to All Florida Electric Company, Inc. in an amount not to exceed \$1,630,000.00, subject to the final appropriation of funds for FY 98.*

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

970422 Defeasance of 1983 Bonds

RECOMMENDATION *The City Commission authorize the General Manager to negotiate and execute, subject to the approval of the City Attorney as to form and legality: 1) an Escrow Deposit Account Agreement for defeasing a portion of the outstanding 1983 Bonds, and; 2) any other documents associated with this defeasance.*

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

City Attorney

970317 Conflict of Interest - Robert L. Nabors

City Attorney Marion Radson gave a presentation.

MOTION: Authorize the Mayor-Commissioner to execute a letter to file a complaint with the Florida Bar Association.

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

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

970427 Access to local public officials - ex parte communications (286.0115, F.S.)

City Attorney Marion Radson gave a presentation.

Chairman B. Delaney recognized Attorney Ron Carpenter who spoke to the matter.

RECOMMENDATION *The City Commission hear a presentation by the City Attorney.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, that this matter be Assigned to the City Plan Board, due back on March 22, 1998. The motion carried unanimously.

RECOMMENDATION *The City Commission hear a presentation by the City Attorney.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, that this matter be Assigned to the Development Review Board, due back on March 22, 1998. The motion carried unanimously.

City Auditor**Committee Reports (Pulled from Consent)****Public Works Committee****Personnel & Organizational Structure Committee****Public Safety Committee****970384 LECFTF Funding for Mounted Unit, Intermediate Weapons and the ID-A-KID Program**

FIRST MOTION: Commissioner Hanrahan moved and Commissioner Calkins seconded to refer the LECFTF Funding for the Mounted Unit to the Downtown Redevelopment Advisory Board for a report back to the City Commission at the 10/13/97 meeting (Motion Carried Unanimously).

SECOND MOTION: Approve the recommendation regarding the Intermediate Weapons and the ID-A-KID Program.

RECOMMENDATION *The City Commission approve the appropriation and expenditure of an amount not to exceed \$73,136 from the Federal Law Enforcement Contraband Trust Fund for the funding of the Mounted Patrol Unit, Intermediate Weapons, and the ID-A-KID Program.*

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

Audit & Finance Committee

Legislative Committee

Regional Utilities Committee

Advisory Brds/Comm (Appointments/Waivers/Reports)

970408 Bicycle Friendly Community Designation

Mayor-Commissioner B. Delaney accepted the award.

Bicycle Coordinator Marcie Stenmark made comments.

RECOMMENDATION *Mayor-Commissioner Delaney officially receive the Bicycle Friendly Community plaque from the Bicycle/Pedestrian Advisory Board.*

This matter was Placed on File

970410 City Plan Board

City Plan Board Chair Lynn Dowling introduced the City Plan Board members present.

RECOMMENDATION *The City Commission hear a presentation from the City Plan Board and take appropriate action.*

This matter was Placed on File

Outside Agencies

970428 I-75 Exit Onto Newberry Road Underpass

Keep Alachua County Beautiful Representative Jeanne Rochford and Artists Rob Ponzio and Linda Pollini gave presentations.

RECOMMENDATION *The City Commission hear a presentation from Keep Alachua County Beautiful.*

This matter was Placed on File

Members of the City Commission

Commission Comments

Adjourn Until 6:00 PM

Pledge of Allegiance

Brownie Troop #856

Proclamations

970336 T.O.P.S. Walk for Health Week - September 21-27, 1997

RECOMMENDATION *T.O.P.S. Chapter 677 Leader Linda Schultz and T.O.P.S. Chapter 677 Walking Program Chair to receive proclamation.*

This matter was Placed on File

970337 Constitution Week - September 21-27, 1997

RECOMMENDATION *Gainesville Chapter Sons of the American Revolution (SAR) President Charles Rinek and Gainesville Chapter Daughters of the American Revolution (DAR) Regent Monika Douglas to receive proclamation.*

This matter was Placed on File

970429 National Arts and Humanities Month - October 1997

RECOMMENDATION *Director of Cultural Affairs Lemuel Moore to accept the proclamation.*

This matter was Placed on File

970430 Air Force ROTC Detachment 150 Week - October 6-12, 1997

RECOMMENDATION *Air Force ROTC Detachment 150 Commander and Professor of Aerospace Studies Colonel USAF George C. Mazzeo and Cadet Wing Commander Cadet Colonel Jason C. Wetzel to accept the proclamation.*

This matter was Placed on File

970431 University Women's Club Day - October 6, 1997

RECOMMENDATION *University Women's Club President Carol Poucher to accept the proclamation.*

This matter was Placed on File

970432 Licensed Midwives Awareness Week - October 14-20, 1997

RECOMMENDATION *Student Midwife Xandria Birk to accept proclamation for the Licensed Midwives Awareness Week Honors Banquet to be held in Tampa on October 18.*

This matter was Placed on File

970438 Crime Prevention Month - October 1997

RECOMMENDATION *Gainesville Police Department Crime Prevention Officer Sterling Keys to accept the proclamation.*

This matter was Placed on File

Public Hearings

Ordinances - 2nd Readings - ROLL CALL REQUIRED

970342 Ordinance No. 0-97-64

Ordinance to Establish a Final Millage Rate

An ordinance of the City Commission of the City of Gainesville, Florida; Relating to the levy of general municipal purpose ad valorem taxes for the 1997-1998 fiscal year; adopting the final millage rate; setting a public hearing; directing the transmittal of certified copies; authorizing specified adjustment to the final millage rate; providing for the publication of notice; and providing an immediate effective date.

Office of Management and Budget Director Rick Mills gave a presentation and calculated the millage rate for Fiscal Year 1997-1998 as 4.9416 which is a 4.01% increase over the rolled back rate.

Clerk of the Commission Kurt Lannon read the millage rate ordinance in full.

Chairman B. Delaney opened the public hearing.

Chairman B. Delaney closed the public hearing.

RECOMMENDATION *The City Commission adopt the ordinance.*

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

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

970343

Ordinance No. 0-97-65

General Government Budget Ordinance

An ordinance of the City Commission of the City of Gainesville, Florida; relating to its general government budget for the fiscal year beginning October 1,1997, and ending September 30, 1998; adopting the general operating and financial plan budget; and providing an immediate effective date.

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

Regional Transit System Program Development Manager Chad Reese gave a presentation.

Chairman B. Delaney opened the public hearing.

Chairman B. Delaney closed the public hearing.

AMENDMENT: 1) revised Exhibit A to include: 2) Undesignated funds of \$86,757 be placed in the City Commission Contingency Fund; 3) Amend the Regional Transit System budget to reflect the increase of anticipated Federal Transit Authority funds by \$56,849; however, retain within the general fund contingency \$56,849 as a back-up if the City does not receive the federal funds; and 4) At the end of the fiscal year the remaining funds in the FY 1996-1997 City Commission Contingency Fund be rolled over into the FY 1997-1998 City Commission Contingency Fund.

RECOMMENDATION *The City Commission adopt the ordinance.*

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

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

970344

Ordinance No. 0-97-66

Gainesville Regional Utilities Budget

An ordinance of the City of Gainesville, Florida, relating to the budget for the City of Gainesville Regional Utilities for the fiscal year beginning October 1, 1997, and ending September 30, 1998; projecting revenues and adopting a budget to pay for personal services expenses, operating and maintenance expenses and other expenses, for capital outlay, and for debt service requirements; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Ordinances - 1st Readings- ROLL CALL REQUIRED

960938 Ordinance No. 0-97-31, Petition No. 31LUC-97PB

An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by overlaying the Planned Use District Category over certain property with the future land use map category of "Office" to allow a retail drug store and those certain other uses allowed in the Office land use category; located at 3904 N.W. 13th Street; providing conditions and directions; providing a severability clause; providing a repealing clause; and providing an effective date.

Planning Manager Ralph Hilliard gave a presentation.

Chairman B. Delaney recognized Citizen James Carlson who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

960939 Ordinance No. 0-97-32, Petition No. 27PDV-97PB

An ordinance of the City of Gainesville, Florida, rezoning certain lands within the City and amending the Zoning Map Atlas from "OF: General Office District" to "Planned Development District"; adopting development plan maps and a development plan report for a retail drug store and those certain uses as

more specifically described in this Ordinance, commonly known as "Eckerd's"; located in the vicinity of 3904 N.W. 13th Street; providing conditions and regulations; 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 Jennings, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

960940 Ordinance No. 0-97-40, Petition No. 8LUC-97PB

An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by overlaying the Planned Use District Category over certain property with the future land use map category of "Mixed Use Low Intensity (10-30 units per acre)" to permit self-service storage; located in the vicinity of the north side of the 4900 block of N.W. 39th Avenue; providing additional conditions and directions; providing a severability clause; providing a repealing clause; and providing an effective date.

Chairman B. Delaney disclosed an ex parte communication.

Commissioner Hanrahan disclosed an ex parte communication.

Commissioner P. DeLaney disclosed an ex parte communication.

Chairman B. Delaney recognized Citizen Barry Rutenberg who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

960941 Ordinance No. 0-97-41, Petition No. 29PDV-97PB

An ordinance of the City of Gainesville, Florida, rezoning certain lands within the City and amending the Zoning Map Atlas from "MU-1: 10-30 units/acre mixed use low intensity" to "Planned Development District" commonly known as Magnolia Park; adopting development plan maps and a development plan report commonly known as Magnolia Park; located in the vicinity of the north side of the 4900 block of N.W. 39th Avenue; providing additional conditions and restrictions; providing for penalties; providing a severability clause; and

providing an immediate effective date.

Chairman B. Delaney recognized Citizen Barry Rutenberg and Petitioner Representative Linda Portal who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

970052 Ordinance No. 0-97-47, Petition No. 100ZON-97PB

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

Chairman B. Delaney recognized Attorney Samuel Mutch, Citizens Frank Holt, Frederick Aldridge, William Tucker, Melvin New, Joan New, Beverly Leibach, John Leibach, Mickey Milam, Elizabeth Eiler, Angela Cossette, Don Eiler, Joe Morgan, Beverly Ryerson, Jane Smith, Evan Drummond, Vance Andrew, Emmanuel Partheniades, Cindy Smith, Vincent Mallet, Petitioner George Fletcher, Petitioner Contractor Robert Hartley, Petitioner Engineer Ralph Eng, and Petitioner Attorney Ron Carpenter who spoke to the matter.

Chairman B. Delaney declared a recess (8:30pm)

Chairman B. Delaney reconvened the meeting (8:45pm).

Commissioner Hanrahan disclosed ex parte communications.

Commissioner Calkins disclosed an ex parte communication.

Chairman B. Delaney disclosed an ex parte communication.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

970051 Ordinance No. 0-97-46, Petition No. 99ZON-97PB

An ordinance of the City of Gainesville, Florida, rezoning certain lands within the City and amending the Zoning Map Atlas from "RSF-1: (3.5 units/acre

single-family residential district)" to "RSF-4: (8 units/acre single-family residential district)"; located at 2450 NW 31st Avenue; providing a severability clause; and providing an immediate effective date.

Chairman B. Delaney recognized Citizens Chris Ott, Norbert Dunkel, Lejean Norman, Florence Vendeland, Steve Nadeu, Gale Page, Jon McBride, Jamshid Armaghani, Attorney Carl Johnson, Richard Murphy, Frederick Peterkin, Mary Ann Orton, Petitioner George Fletcher, Petitioner Contractor Robert Hartley and Petitioner Attorney Ron Carpenter who spoke to the matter.

Commissioner Hanrahan disclosed an ex parte communication.

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

970141

Ordinance No. 0-97-73

An ordinance of the City of Gainesville, Florida, amending Chapter 8, Article V of the Code of Ordinances relating to Fair Housing; amending Section 8-87 of the Code, providing an amendment to the definitions of "disability" and "housing for older persons;" amending Section 8-88 of the Code, providing amendments to provisions relating to discrimination in the sale or rental of housing; amending Section 8-89 of the Code, providing expanded protections from discrimination in advertising practices; Repealing Section 8-90, of the Code of Ordinances relating to building practices; amending Section 8-94 of the Code, providing a good faith exception relating to housing for older persons; amending Section 8-97 of the Code, providing that the City's Fair Housing Coordinator may file complaints on behalf of named aggrieved persons; amending Section 8-98 of the Code, providing administrative disposition of complaints; providing recommended civil penalties and the enforcement thereof; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing effective dates.

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

970250

Ordinance No. 0-97-72

An ordinance of the City of Gainesville, Florida, amending Appendix A - Schedule of Fees, Rates and Charges by increasing the landlord permit annual regulatory fee; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date in accordance with the schedule provided herein.

Chairman B. Delaney recognized Citizens Nona Upshaw and Cindy Smith who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

970434 Ordinance No. O-97-74

An ordinance amending chapter 27, section 27-21, and appendix a section utilities (1) electricity, of the Gainesville Code of Ordinances by providing for definition of business partners rate discount rider; providing the rates, terms and conditions for business partners rate discount rider; redesignating former subsections l. through o. thereof; providing directions to the codifier; providing a repealing clause; providing a severability clause; and, providing an effective date in accordance with the schedule provided herein.

Utility Strategic Planning Director Ed Regan and Systems Integration Manager Bob Berdoll gave presentations.

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

Ordinances - 2nd Readings- ROLL CALL REQUIRED

960423 Ordinance No. 0-97-58

An ordinance of the City of Gainesville, Florida, amending section 15-4(2) of the Code of Ordinances relating to special permits for noise; allowing 12 permits per year for each public space; changing the hours when the entertainment function may be held; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chairman B. Delaney recognized Citizen Melanie Herring who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

970130 Ordinance No. 0-97-45

An ordinance of the City of Gainesville, Florida, amending section 23-42 of the Code of Ordinances relating to permits for congregating on streets and sidewalks (i.e., parade and street closing permits); narrowing the reasons for denial of a permit; amending the timeframe for applying for a permit; providing for prompt judicial review of denial of the permit; providing for judicial review of conditions put on the permit; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chairman B. Delaney recognized Citizen Michael Bailey who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

970138 Ordinance No. 0-97-55, Petition No. 113LUC-97PB

An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by changing the land use category of certain property from "Conservation" to "Mixed Use Low Intensity (10-30 units per acre); located in the vicinity of the 100 block between N.E. 9th Avenue and N.E. 10th Avenue; providing a severability clause; providing a repealing clause; and providing an 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 Final Reading (Ordinance). The motion carried by the following vote:

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

970139 Ordinance No. 0-97-56, Petition No. 114ZON-96PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from "CON: Conservation district" to "MU-1: 10-30 units/acre mixed use low intensity"; located in the vicinity of the 100 block between N.E. 9th Avenue and N.E. 10th Avenue; providing a severability clause; providing a repealing clause; and providing an 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 Final Reading (Ordinance). The motion carried by the following vote:

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

970203 Ordinance No. 0-97-71

AN ORDINANCE AMENDING APPENDIX A OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING SUBSECTION UTILITIES (5)g.1. BY REVISING RATES AND CHARGES FOR LIQUID PROPANE GAS SERVICE; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

970306 Ordinance No. O-97-70

AN ORDINANCE AMENDING APPENDIX A OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING SUBSECTION UTILITIES (1)f.1. BY REVISING RATES AND CHARGES FOR RESIDENTIAL ELECTRIC SERVICE; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Consumption Level - 750 kWh

Current Best Base Rates - 42.55

Proposed Cost Base Rates - 42.25

Decrease - 0.7%

Consumption Level - 1,000 kWh

Current Best Base Rates - 56.15

Proposed Cost Base Rates - 55.85

Decrease - 0.5%

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

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

970307 Ordinance No. O-97-69

AN ORDINANCE AMENDING APPENDIX A OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING SUBSECTION UTILITIES (3)g.3. BY REVISING RATES AND CHARGES FOR UNIVERSITY OF FLORIDA WATER SERVICE; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

970319 Ordinance No. 0-97-68

An ordinance of the City of Gainesville, Florida, amending Appendix A of the Code of Ordinances adding administrative fees for fax applications for permits issued by the Building Inspections Department; 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 Mayor-Commissioner Pro Tem Hanrahan, seconded by Commissioner Calkins, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

Resolutions- ROLL CALL REQUIRED**970435 Amended Local Housing Assistance Plan (LHAP)**

RECOMMENDATION *The City Commission: 1) approve the Amended City of Gainesville's State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan (LHAP) for State Fiscal Years 1996-97, 1997-98 and 1998-99; 2) authorize the Mayor-Commissioner to execute all necessary documents and certifications pertinent to the Amended LHAP, subject to the review and approval by the City Attorney as to form and legality; 3) authorize the submission of the LHAP for review and approval by the Florida Housing Finance Agency; and 4) adopt a resolution approving the City of Gainesville's Amended LHAP, as required by the Florida State Housing Initiatives Partnership Program (a Copy of the LHAP is on file in the Clerk of the Commission's offices . After September 22, 1997, a copy of the LHAP will be on file in the Community Development Department.)*

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

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

970436 A Resolution of the City of Gainesville, Florida; vacating a portion of the Plat of Timber Oaks located in the vicinity of 2840 Southwest 13th Street at Southwest 14th Drive; providing directions to the Clerk of the Commission; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

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

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

970439 Federal Aviation Administration - Grant Agreement

RECOMMENDATION *The City Commission: 1) Accept the FAA Grant Offer in the amount of \$2,962,438 for AIP Project No. 3-12-0028-1697; and 2) Adopt the Resolution authorizing the Mayor-Commissioner and the Clerk of the Commission to execute the appropriate documents on behalf of the City of*

Gainesville, in substantially the same form as submitted, subject to the approval by the City Attorney for the City of Gainesville.

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

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

970382

Alachua County Space Study/Downtown Parking

A RESOLUTION OF THE CITY OF GAINESVILLE, FLORIDA, CITY COMMISSION, URGING THE ALACHUA COUNTY BOARD OF COMMISSIONERS TO EXPAND THE ALACHUA COUNTY COURTHOUSE AND THE ALACHUA COUNTY ADMINISTRATION BUILDINGS AT THEIR CURRENT LOCATIONS, AND PROVIDING SUPPORT AND COOPERATION OF THE CITY TOWARD THAT END AS A BENEFIT TO ALL TAXPAYERS OF ALACHUA COUNTY.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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

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

Plan Board Petitions

960936

Petition 37LUC-97 PB, Zach Osbrach, agent for T.J. Hawes, Pansy Hawes, Porter Crapps and Mary Crapps. Amend the Gainesville Comprehensive Plan, 1991-2001, Future Land Use Map from R-L (Residential Low Density, 0-12 units/acre) and CON (Conservation) to PUD (Planned Use District) for commercial, warehousing and residential uses. Related to Petition 38PDV-97 PB. Located in the 900 block of N.E. 39th Avenue, south side.

Chief of Current Planning Lawrence Calderon gave presentations on File Nos. 960936 and 960937.

Chairman B. Delaney recognized Petitioner Zach Osbrach who spoke to the matter.

Commissioner Jennings moved to amend the petition to change the sign height from 10 feet to 18 feet.

NO SECOND.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 37LUC-97 PB, with conditions. Plan Board*

vote 6-1

Staff to Plan Board - Approve

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

960937 (Quasi-Judicial). Petition 38 PDV-97 PB, Zach Osbrach, agent for T.J. Hawes, Pansy Hawes, Porter Crapps and Mary Crapps. Rezone property from RSF-4 (Single-family Residential District, 8 units/acre) and CON (Conservation) to PD (Planned Development District) for commercial, warehousing and residential development with a PD layout plan. Related to Petition 37LUC-97 PB. Located in the 900 block of N.E. 39th Avenue, south side.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 38PDV-97 PB, with conditions. Plan Board vote 4-3*

Staff to Plan Board - Approve, with conditions.

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

970226 (Quasi-Judicial). Petition 129PDA-97PB, Brown & Cullen, Inc., agent for Andrew and Cheryl Kaplan. A planned development amendment with PD layout plan review for changes to building sizes and layout with additional parking for Pecan Park Office Center. Zoned: PD (Planned Development District). Located at 802-810 NW 16th Avenue.

Chief of Current Planning Lawrence Calderon gave a presentation.

Chairman B. Delaney recognized Petitioner Andrew Kaplan who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 129PDA-97 PB, with conditions Plan Board vote 6-1*

Staff to Plan Board - Approve, with conditions

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

970227 Petition 141SVA-97 PB, Cleo Strawder and Jack Seabrooks. Pursuant to Section 30-192(b), City of Gainesville Land Development Code, to vacate a 110 foot portion of S.E. 4th Avenue, lying west of S.E. 13th Street, immediately

south of Lots 13 & 14 of Block 1, Robertson's Addition to Gainesville.

Chief of Current Planning Lawrence Calderon gave a presentation.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 141SVA-97 PB. Plan Board vote 7-0*

Staff to Plan Board - Approve

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

970228

(Quasi-Judicial). Petition 145ZON-97PB. City Plan Board. Rezone property from RSF-4 (Single-family residential, 8 units per acre) to RMF-5 (Single family/multi-family residential, 12 units per acre). Located in the northern portion of Tax Parcel No. 11235 in the 2200 block of NE 3rd Avenue.

Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 145ZON-97 PB. Plan Board vote 7-0*

Staff to Plan Board - Approve

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

970229

Petition 146LUC-97 PB, City Plan Board. Amend the Gainesville Comprehensive Plan, 1991-2001, Future Land Use Map from MU-L (Mixed use low intensity, 10-30 units per acre) to PF (Public Facilities) for the Alachua County Sheriff Administration Facility Eastgate Center Renovation. Related to Petition 147ZON-97 PB. Located at 2621 Hawthorne Road.

Planning Manager Ralph Hilliard gave a presentation on File Nos. 970229 and 970230.

Chairman B. Delaney recognized Alachua County Facilities Manager Larry Ackley who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 146LUC-97 PB. Plan Board vote 7-0*

Staff to Plan Board - Approve

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

970230 (Quasi-Judicial). Petition 147ZON-97 PB. City Plan Board. Rezone property from MU-1 (mixed use low intensity) to PS (Public services and operations) for the Alachua County Sheriff Administration Facility Eastgate Center Renovation. Related to Petition 146LUC-97 PB. Located at 2621 Hawthorne Road.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 147ZON-97 PB. Plan Board vote 7-0*

Staff to Plan Board - Approve A preliminary development plan is not necessary for zoning approval because the applicant must submit a development plan for review by staff and the Development Review Board as part of the Land Development Code's requirements for an intermediate level review.

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

970231 (Quasi-Judicial). Petition 148ZON-97 PB, Tom Harris, agent for Dr. Herbert Kaufman. Rezone property from BA (Business automotive) to BUS (General business). Located at 25 N.W. 16th Avenue.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 148ZON-97 PB. Plan Board vote 7-0*

Staff to Plan Board - Approve

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

Development Review Board Petitions

970360 Petition 138 SUB-97 DB, James Meehan, agent for Larry Cheshire. Design plat approval of Tall Trees Subdivision. Ten (10) lots located on 4.3 acres more or less. Located in the vicinity of the 2800 block of N.W. 23rd Boulevard (Glen Springs Road). Zoned: RSF-1 (3.5 units/acre single-family residential district).

RECOMMENDATION *Development Review Board to City Commission - The City Commission approve Petition 138SUB-97 DB, with conditions. DRB vote 4-0*

Staff to Development Review Board - The design plat is approvable, with conditions.

This matter was Striken from Agenda (Petition)

Unfinished Business**Commission Comment****Ticketing of Cars on Right-Of-Way and Sidewalk (NB)**

Commissioner P. DeLaney asked the City Manager to find out why Police Service Technicians (PST) and Police did not ticket cars parked on the right-of-way and sidewalk at SW 2nd Avenue during the football game. She further stated she witnessed PSTs and Police presence in the area; however, no cars were ticketed and pedestrians were forced to walk in the street.

Saturday Night Sister Hazel Concert Downtown (NB)

Commissioner Calkins asked the City Manager to provide information on the type of permit that was received for the Sister Hazel concert Saturday night to include the criteria for obtaining the permit and did the criteria include clean-up after the event.

Comprehensive Plan & Land Development Regulations (NB)

Commissioner Hanrahan suggested that the Comprehensive Plan and the Land Development Regulations Codes be placed on the agenda of one of the Goal Setting Special Meetings of the City Commission to consider a policy regarding the petition process.

Citizen

Recessed - 11:50pm Reconvened 9/25/97 - 7:00pm Adjourned - 9/25/97 - 8:19pm

Items Pending in Committee (for information only)

Kurt M. Lannon, Clerk of the Commission