

City of Gainesville

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



Meeting Minutes

Monday, December 9, 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) File No. 960205 - Stormwater Easement - Amendment added to recommendation; 2) File No. 960657 - Brownfield Assessment Grant Application - Remove from Consent Agenda and place on Regular Agenda under the City Manager category; and 3) File No. 960684 - Gas Main Extension - Remove from Consent Agenda and place on Regular Agenda and new language submitted.

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

City Manager, Consent Agenda Items

960205 Stormwater Easement Revision for Fabco Air, Inc. (B)

RECOMMENDATION *The City Commission: 1) receive and accept the Quit-Claim Deed G-PA-4-95 dated July 24, 1995 on Tax Parcel #08161-001-000 (Section 23 T 09 S R 20 E) and easement G-E-34-95 from Fabco Air, Inc., 2) rescind their previous authorization to grant a stormwater drainage easement to Fabco Air, Inc., and 3) authorize the Mayor-Commissioner and Clerk of Commission to execute a new Easement substantially in the form attached, subject to approval by the City Attorney and also subject to approval by the Gainesville/Alachua County Regional Airport Authority.*

This Matter was Approved as Recommended on the Consent Agenda.

960257 LECFTF Funding for Extension of C-COP Program

RECOMMENDATION *The City Commission approve the expenditure of \$19,500 from the Law Enforcement Contraband Forfeiture Trust Fund Account (LECFTF) and authorize the City Attorney to execute a second extension to the contract of a special targeted program of the Gainesville Police Department C-COP Program (Codes and Civil on Patrol). This extension will allow sufficient time (three months) for evaluation of a full year of operations of this program. A determination on the permanent status of the program will be made prior to March 31, 1997.*

This Matter was Approved as Recommended on the Consent Agenda.

960658 Total Cost Agreement for a John Deere 310 Backhoe Loader

RECOMMENDATION *The City Commission: 1) approve the issuance of a purchase order to Highland Tractor Company of Ocala, Florida, in the amount of \$41,000, for a John Deere 310D Backhoe Loader; and 2) authorize the City Manager or designee to execute the associated total cost agreement, subject to approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

960659 Thomas Center Building "B" Asbestos Abatement

RECOMMENDATION *The City Commission: 1) award the contract for the Asbestos Abatement to Thomas Center Building "B" to Simpson & Associates, Inc.; 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; 3) approve the issuance of a purchase order in the amount of \$32,359; and, 4) approve a contingency amount of \$7,500 to address potential unseen conditions that may need to be expeditiously addressed to avoid abatement and renovation delays.*

This Matter was Approved as Recommended on the Consent Agenda.

960660 Acceptance of Property Located along NW 8th Avenue west of NW 23 Street.

RECOMMENDATION *The City Commission: 1) accept the donation of property located along NW 8th Avenue west of NW 23 Street by Ms. Elizabeth S. Dell, and 2) authorize the City Manager to execute all documents subject to the approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

960661 Donation of Land to Neighborhood Housing and Development Corporation

RECOMMENDATION *The City Commission: 1) authorize a donation of tax parcel #13751 located at 911 NW 5th Avenue to the Neighborhood Housing and Development Corporation, and 2) authorize the Mayor and Clerk of the Commission to assign all appropriate documents to complete the transaction subject to the approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

960662 Purchase Order to Linda Newman Construction Co., Inc.

RECOMMENDATION *The City Commission: 1) approve the funding source and award the contract for the construction of a vehicle wash and lube bay addition to the 39th Avenue garage facility to Linda Newman Construction Co.; 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 \$227,702 with an approximate 5% contingency, available if needed, for a total of \$240,000.*

This Matter was Approved as Recommended on the Consent Agenda.

960663 Arbor Day Educational Theme

RECOMMENDATION *The City Commission endorse the 1997 Arbor Day theme of encouraging our citizens, businesses and governments to remove invasive, exotic Tallow trees, Sapium sebiferum and for them to replant with native trees.*

This Matter was Approved as Recommended on the Consent Agenda.

960667 Ratification of Police Benevolent Association Labor Agreement, effective October 1, 1996 to September 30, 1999.

RECOMMENDATION *The City Commission: 1) Ratify the Agreement covering the period October 1, 1996 through September 30, 1999 between the City of Gainesville and Police Benevolent Association Labor Union, (A copy is on file with the Clerk of the Commission. After December 9, 1996, a copy will be available in the Human Resources Department); 2) Authorize the City Manager to implement the Agreement on behalf of the City, subject to the approval of the City Attorney as to form and legality; and 3) Authorize the City Manager to fund the Agreement.*

This Matter was Approved as Recommended on the Consent Agenda.

960668 Depot Avenue Stormwater Basin Environmental Assessment

RECOMMENDATION *The City Commission: 1) authorize \$47,000 from the Stormwater Management Utility undesignated fund balance be placed in a capital projects account for the Depot Avenue Stormwater Facility project; 2) authorize a budget amendatory resolution be processed to authorize the fund transfer; 3) approve the issuance of a purchase order to CH2M Hill, as part of their continuing services contract with*

the City, to provide environmental assessment services for the Depot Avenue Stormwater Facility project, in an amount not to exceed \$47,000; and 4) authorize the City Manager or his designee to draft potential legislation for consideration by the Florida Legislature that will allow the demonstration project.

This Matter was Approved as Recommended on the Consent Agenda.

960673 Employee Assistance Program (EAP) and Psychological Screening Services for Gainesville Police Department

RECOMMENDATION *The City Commission: 1) approve the selection of Community Behavioral Services for the provision of the EAP and psychological screening programs for the Gainesville Police Department; and 2) authorize the City Manager or his designee to negotiate with and enter into an agreement starting from the date of execution until September 30, 1997, with the possibility of four (4) one-year extensions, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

General Manager for Utilities, Consent Agenda Items

960665 Contract for Lab Services for Pollutant Analyses

RECOMMENDATION *The City Commission authorize the General Manager or his designee to execute a five-year Contract with Southeastern Environmental Laboratories, Inc. for laboratory services for pollutant analyses, subject to the approval of the City Attorney and approve the issuance of purchase orders to Southeastern Environmental Laboratories, Inc. for various departments of GRU in not-to exceed amounts totaling \$70,000 per fiscal year.*

This Matter was Approved as Recommended on the Consent Agenda.

City Attorney, Consent Agenda Items

Clerk of the Commission, Consent Agenda Items

960655 City Commission Minutes of November 25, 1996

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

This Matter was Approved as Recommended on the Consent Agenda.

960681 Resignation - Edward L. Jennings, Jr.

RECOMMENDATION *The City Commission accept the resignation of Edward L. Jennings, Jr. from the Gainesville Enterprise Zone Development Agency.*

This Matter was Approved as Recommended on the Consent Agenda.

Community Redevelopment Agency Consent Items

End of Consent Agenda

A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, 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

The Agenda was adopted with the following modifications: 1) Add three Proclamations - File No. 960696 - Martin Luther King, Jr. Week; File No. 960697 - Martin Luther King, Jr Hall of Fame Day; and File No. 960698 - Norman J. Bowman Day.

Special Presentations

960671 Gainesville Sports Organizing Committee

RECOMMENDATION *The City Commission hear a presentation from Frank P.Saier, President, on the current and planned sporting events and activities in the City of Gainesville.*

This matter was Placed on File

960631 Campus Development Agreement

Alachua County Board of County Commissioners Vice Chair Leveda Brown and County Public Works Department Representative Teresa Scott gave a presentation.

University of Florida Associate General Counsel Rob Pritchard made comments.

Alachua County Attorney's Office Representative Dave Wagner made comments.

Alachua County Board of County Commissioners Member Charles Chestnut, III made comments.

MOTION: The City of Gainesville write a letter to the Board of Regents and the University of Florida indicating that the City believes that Alachua County is functionally a host local government for the University of Florida and the reasons for that are that a large portion of the University is directly contiguous to unincorporated Alachua County, that Alachua County is responsible for a number of major roadways that serve the University of Florida and are contiguous to the University of Florida and that the University of Florida is a major employer and brings other impacts to the County, both positive and negative, and for those reasons, we would hope that the Board of Regents and the University of Florida would consider making Alachua County a signatory to the Campus Development Agreement

RECOMMENDATION *The City Commission hear the presentation from the Alachua County Commission.*

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

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

960610 Campus Development Agreement

Related to File No. 960631

RECOMMENDATION *The City Commission hear a report from staff regarding the University of Florida Campus Development Agreement.*

This matter was Placed on File

960666 Outlet Crime Prevention Program

Outlet Program Representatives Allison Kamec and Christopher Chestnut gave a presentation.

RECOMMENDATION *The City Commission hear a presentation of the Outlet Crime Prevention Program*

This matter was Placed on File

Charter Officer Updates

Clerk of the Commission

960682 Special City Commission Meetings

Schedule the following meetings: 1) 1/7/97 - 6pm - Elected Mayor; 2) 1/17/97 - Planning Retreat (All Day); 3) 2/3/97 - 2pm Economic Development; and 4) 2/3/97 - 4pm - Stormwater

RECOMMENDATION *The City Commission prioritize special City Commission meetings.*

This matter was Placed on File

City Manager**960263 Update on City/County Law Enforcement Cooperation Committee**

RECOMMENDATION *The City Commission accept the attached updated outline of the progress of the appointed City/County Law Enforcement Cooperation Committee (CCLECC), as presented by the City Manager, and take action as deemed appropriate.*

This matter was Placed on File

960669 ARTSREACH exhibits

RECOMMENDATION *The City Commission hear a brief presentation by Donna Born Drake, ARTSREACH Coordinator for the City's Department of Cultural Affairs, introducing the exhibitions of Art in City Hall, Art in the County Administration Building, and Art in the Airport.*

This matter was Placed on File

960670 Certificate of Recognition for the Downtown Festival and Art Show

RECOMMENDATION *The City Commission accept the 1996 Certificate of Recognition from Special Events Network for the Downtown Festival and Art Show.*

This matter was Placed on File

960672 Update on County's Solid Waste Management Assessment

RECOMMENDATION *The City Commission: 1) support, in theory, Alachua County's imposition of non-ad valorem assessments; 2) direct staff to begin outlining the particulars of the enabling ordinance; and, 3) direct staff to begin discussions with Alachua County*

regarding retention, by the City, of solid waste capital facility reserves.

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

960657 Brownfield Assessment Grant Application by the City of Gainesville

AMENDMENT: Focus the grant application on the Depot Avenue corridor in relation to the Downtown associated properties; and further, assure Staff time be coordinated with the local County Environmental Protection Department.

RECOMMENDATION *The City Commission authorize the City Manager, or his designee, to: 1) make application for a Federal Environmental Protection Agency (EPA) grant to perform assessments on the Airport Industrial Park, the Depot Avenue Stormwater Basin site, and the interconnecting business corridor; 2) Authorize staff to solicit input from the community, businesses and regulatory agencies, to demonstrate support for the application and this approach to implementing an element of the Sustainable Communities Program; 3) accept and execute the grant documents and any other necessary paperwork if the grant is awarded; and 3) accept the grant if approved by EPA.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner Delaney, that this matter be Approved as Amended. The motion carried unanimously.

General Manager for Utilities

960684 Gas Main Extension to Serve Georgia Pacific

RECOMMENDATION *The City Commission: 1) authorize the General Manager or his designee to negotiate a gas transportation contract with Georgia Pacific; 2) authorize the General Manager or his designee to negotiate a contract for the purchase of the Cypress Mines gate station from Florida Gas Transmission Co., which is to be used as the source point for gas to serve the Georgia Pacific Plant; 3) subject to the successful completion of negotiations described in items one and two above, authorize the extension of approximately 17,000 feet of 4 inch gas distribution main, or smaller diameter as determined by the General Manager, and the construction of the associated measurement and regulation facilities to serve the Georgia Pacific Building Products Plywood Plant located near Hawthorne; 4) authorize the General Manager to*

execute the above described contracts subject to the approval of the City Attorney as to form and legality; and 5) authorize the General Manager or his designee to negotiate and purchase the easements and right-of-ways required for the project.

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

City Attorney

960656 William L. Benck, Robert L. Hall, Edward L. Van Winkle, David R. Riker, Paul D. Forsberg, James M. Jendizio, Victor K. Norman, Bruce T. Giles, David H. Rowe, Donald W. Geelhoed, Billy Joe Senn, Conrad Hellwege, Carter D. Mansfield, James Matthews, Daniel C. Stout, Gary W. Lockard, Bart Knowles, and Roger B. Taylor, Plaintiffs v. City of Gainesville, Florida, a municipal corporation, Defendant; Case No. 96-4260-CA; Division K (Complaint for Declaratory Judgment, Compensation and other relief under the Fair Labor Standards Act, and Demand for Jury Trial)

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 William L. Benck, Robert L. Hall, Edward L. Van Winkle, David R. Riker, Paul D. Forsberg, James M. Jendizio, Victor K. Norman, Bruce T. Giles, David H. Rowe, Donald W. Geelhoed, Billy Joe Senn, Conrad Hellwege, Carter D. Mansfield, James Matthews, Daniel C. Stout, Gary W. Lockard, Bart Knowles, and Roger B. Taylor, Plaintiffs v. City of Gainesville, Florida, a municipal corporation, Defendant; Case No. 96-4260-CA; Division K (Complaint for Declaratory Judgment, Compensation and other relief under the Fair Labor Standards Act, and Demand for Jury Trial)*

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

City Auditor

Advisory Boards/Committees

960676 Revision - City Beautification Board By-laws

RECOMMENDATION *The City Commission approve revisions in the City*

Beautification Board By-laws.

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

960679 Waiver - Dr. Melvin Fried, City Plan Board

RECOMMENDATION *The City Commission consider the waiver request from Dr. Melvin Fried*

A motion was made by Commissioner DeLaney, seconded by Commissioner Delaney, to approve the waiver request. The motion carried unanimously.

960683 Waiver Policy

RECOMMENDATION *The City Commission discuss the waiver policy.*

A motion was made by Commissioner Calkins, seconded by Commissioner Hanrahan, to allow one absence be requested for waiver. The motion carried by the following vote:

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

Outside Agencies**960677 Gainesville Enterprise Zone Development Agency**

RECOMMENDATION *The City Commission: 1) accept the recommendation of the Gainesville Enterprise Zone Development Agency that Carol Villemaire be appointed as Chair and Jeannie McDonald be appointed as Vice-Chair, each to serve for one year or until the Agency hold their next annual meeting; and, 2) instruct the City Attorney to prepare the appropriate ordinance revisions.*

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

Members of the City Commission/Commission Comment**960680 Airport Solar Panels**

RECOMMENDATION *The Regional Utilities Committee recommends the City*

Commission: A) hear a presentation from staff regarding a Residential Roof Top Photovoltaic System Project; B) authorize the General Manager or his designee to prepare and submit a grant proposal for the Residential Roof Top Photovoltaic Project and C) remove this item from the referral list.

A motion was made by Commissioner Hanrahan, seconded by Commissioner Delaney, that this matter be Assigned to the Regional Utilities Committee, due back on June 9, 1997. The motion carried unanimously.

Commissioner P. DeLaney

Commissioner P. DeLaney announced the following: 1) The nomination of Clarence Anthony as Second Vice President of the National League of Cities; 2) The Nutcracker Performance; and 3) The Cracked Nut Performance.

Adjourn Until 6:00 PM

Invocation and Pledge of Allegiance

Minister Bobby Carey, Church of Christ - 39th Avenue

Cub Scout Den #5; Pack #307

Proclamations

960654 Phillip Lillie, Jr. Da

Mr. Phillip Lillie, Jr. was not present due to illness.

RECOMMENDATION *Phillip Lillie, Jr., General Construction and Maintenance Supervisor, Parks Division, to receive a proclamation.*

This matter was Placed on File

960696 Martin Luther King, Jr. Wee

RECOMMENDATION *Rodney J. Long, President of the Martin Luther King, Jr. Memorial Fund, to receive a proclamation.*

This matter was Placed on File

960697

Martin Luther King, Jr. Hall of Fame Da

RECOMMENDATION *Rodney J. Long, President of the Martin Luther King, Jr. Memorial Fund, to receive a proclamation.*

This matter was Placed on File

960698

Norman J. Bowman Da

RECOMMENDATION *Norman J. Bowman, Assistant City Manager, to receive a proclamation.*

This matter was Placed on File

Citizen Comment**Dan McCarthy - Police Presence at Hempfest****Mark Goldstein - Solid Waste Meetings with Alachua County**

Citizen Mark Goldstein encouraged the Commission to attend the next meeting on Wednesday, December 11, 1996.

Mike Hofgren - UltraRail Development

960702

Jared Zimlin - Gainesville Gator Criterium - Downtown Bike Race

RECOMMENDATION *The City Commission donate \$2,705 for the event.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner DeLaney, to appropriate \$2,705 for a Spring Bike Race from the City Commission Contingency Fund, contingent on meeting all City requirements. The motion carried unanimously.

960704

Arnall Downs - Application for an Florida Department of Transportation Landscaping Grant for the Waldo Road Medians

City Manager Wayne Bowers stated that staff will work with Citizen Arnall Downs and will return to the City Commission on January 13, 1997.

RECOMMENDATION *The City Commission fund a landscape architect to complete this grant application, not to exceed \$5,000.00.*

This matter was Placed on File

Michael Bailey - Police Presence at Hempfest

Sarah Poll

Citizen Sarah Poll made the following comments: 1) Invitation to 11th Annual World Peace Day on December 31, 1996; 2) Request for blackboard in lobby to show changes in Agenda; 3) Southern Bell Franchise Fees; and 4) Requested an update on the enforcement of Commercial/Residential Hauler pick-up time.

960699 Sarah Poll - Referral Request to the Legislative Committee

RECOMMENDATION *To recommend that the City Commission discuss whether or not to recommend a change in the Code of Ordinances or State Statutes to require door hooks and toilet seat covers in public restrooms, and take the action deemed appropriate.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Hanrahan, that this matter be Assigned to the Legislative Committee, due back on June 9, 1997. The motion carried unanimously.

960700 Deborah Heights Street Problems - NE 6th Terrace

RECOMMENDATION *The Public Works Committee: 1) receive a report from staff on the results of the follow-up study of the pilot program of speed humps on NE 6th Terrace; and 2) take action deemed appropriate.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Hanrahan, that this matter be Assigned to the Public Works Committee, due back on June 9, 1997. The motion carried unanimously.

960701 Waldo Road Street Crossing

RECOMMENDATION *The Public Works Committee: 1) hear a progress report from staff and 2) remove this item from the referral list.*

A motion was made by Commissioner Delaney, seconded by Commissioner DeLaney, that this matter be Assigned to the Public Works Committee, due back on June 9, 1997. The motion carried unanimously.

Time Certain Items

960674 Naming of the Multi-purpose Facility and Renaming of the Northeast Liaison Center

RECOMMENDATION *The City Commission name the multi-purpose facility under construction at Citizens Park as the "Citizens Park Multi-purpose Center" and rename the Northeast Liaison Center as "Northeast Community Center".*

This matter was Postponed for January 13, 1997

960690 Equal Opportunity Department/Affirmative Action Plan

Chairman Jennings recognized Citizen Rodney Long who spoke to the matter.

RECOMMENDATION *The City Commission approve action items to immediately begin implementation by the City's Equal Opportunity Department.*

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

Public Hearings

951288 Speeding - NW 40 Street & NW 34 Place

Chairman Jennings recognized Citizens Les Teal, Marilyn Barnes, Carolyn Glendening, John Mazzell, Terry Kahn, Carol Harrell, Beth Richardson, Jim Whidden and David Cromer who spoke to the matter.

MOTION: Approval of traffic circles at the corner N.W. 41st Terrace and 34th Place and 39th Terrace and 34th Place and the three-way stop sign at the corner of 34th Place and 38th Street.

RECOMMENDATION *The City Commission: 1) receive a brief report from staff on the locations of the mini traffic circles (recommended locations on NW 34th Place are at NW 39th Terrace and NW 41st Terrace); 2) receive public input; and 3) decide upon a course of action.*

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

951502 Solar Water Heater Rebate Program

Chairman Jennings recognized Citizen Tom Lane who spoke to the matter.

RECOMMENDATION *The City Commission hear a presentation from staff on the proposed Solar Water Heater Rebate Program and authorize*

the General Manager or his designee to offer solar water heater rebates pursuant to City Ordinance 0-96-32, Energy Conservation Policy, and reduce the annual General Fund Transfer each year by the amount of the rebates disbursed in the previous year.

A motion was made by Commissioner Hanrahan, seconded by Commissioner DeLaney, that this matter be Assigned to the Regional Utilities Committee, due back on June 9, 1997. The motion carried unanimously.

Ordinances - 1st Readings- ROLL CALL REQUIRED

960440 Ordinance No. 0-96-94

An ordinance of the City of Gainesville, Florida, relating to the Gainesville-Alachua County cultural affairs board and the art in public places trust amending section 2-282 of the Code of Ordinances by removing qualifications for members appointed by the city commission and removing the requirement that the members of the cultural affairs board serve concurrently as members of the art in public places trust; amending section 5.5-2 of the code of ordinances authorizing art in public places trust committees for certain building construction or renovation projects; decreasing the number of members of each committee to seven, providing qualifications for members; amending section 5.5-3 of the Code of Ordinances authorizing the city manager to request a committee be appointed to select art for public places to be paid with retained funds; providing that the members of the cultural affairs board will no longer serve on the art in public places trust as of the effective date of this ordinance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

AMENDMENT: Amended wording on Page 3, line 9 and 10 and page 4, line 7 to reflect the replacement of architect meet the same criteria as referenced in ordinance.

Chairman Jennings recognized Citizens Michael Bailey and Sarah Poll who spoke to the matter.

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, as amended (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 Ordinance No. 0-96-39, Petition No. 24SVA-96PB

An ordinance of the City of Gainesville, Florida; to vacate, abandon and close as a street a portion of S.W. 8th Place located between S.W. 8th Street and S.W. 9th Street; reserving an easement for pedestrians and non-motorized vehicles and ancillary facilities; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chairman Jennings recognized Citizens Michael Bailey and Dan McCarthy who spoke to the matter.

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 Final 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

960431 Ordinance No. 0-96-85; Petition No. 169TCH-96PB

An ordinance of the City of Gainesville, Florida, amending section 30-68 of the Land Development Code reformatting the permitted uses and allowing Insurance Agents, Brokers and Service as a use by right in the warehousing and wholesaling district (W); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Delaney, that this matter be Adopted on Final 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.

960524 Ordinance No. 0-96-88

An ordinance of the City of Gainesville, Florida, finding that property at 731 NW 3rd Street, Gainesville, Florida, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax on certain improvements beginning January 1, 1997, and continuing for 10 years; adopting the Historic Preservation Exemption Covenant between the applicant and the City by reference; 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 Calkins, that this matter be Adopted on Final 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.

Resolutions- ROLL CALL REQUIRED

960639 Third Amendment FY 1996 General Operating Plan

RECOMMENDATION *The City Commission adopt the Resolution of the City Commission of the City of Gainesville, Florida; relating to its General Government Budget for the Fiscal Year Beginning October 1, 1995 and Ending September 30, 1996; Amending Resolution No. 950728, Adopted September 26, 1995, by Making Certain Adjustments to the General Operating and Financial Plan Budget; and Providing an Immediate Effective Date.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Delaney, 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.

960640 City Auditor's FY 1996-97 Proposed Audit Plan (B)

RECOMMENDATION *The City Commission adopt a Resolution Approving and Adopting the Annual Audit Plan for the Office of the City Auditor for the Period October 1, 1996 through September 30, 1997.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, 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.

960678 Resolution Establishing Maximum Trespass Towing Fees

Chairman Jennings recognized Citizen Dan McCarthy who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed Resolution establishing the maximum trespass towing fees in accordance with Section 14.5-27 of the Code of Ordinances of the City of Gainesville, Florida; and providing an effective date.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, 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, T.C. Skinner & Associates, Inc., agent for Wei Te Tung & Man Li Tung. A planned development with development plan review to rezone property from OF (General Office) to PD (Planned Development) for construction of a restaurant. Located at 2201 and 2219 N.E. 2nd Street.**

Interim Planning Manager Ralph Hilliard gave a presentation.

Petitioner Agent John Hudson gave a presentation.

Chairman Jennings recognized Citizen Sarah Poll who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 179PDV-96 PB, with staff and board conditions. Plan Board vote 5-0*

Staff to Plan Board - Approve, with conditions

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-96PB, 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 to City Commission - The City Commission approve Petition 186TCH-96 PB, with staff and board conditions. Plan Board vote 5-0*

Staff to Plan Board - Approve

A motion was made by Commissioner Delaney, seconded by Commissioner Calkins, that this matter be Continued (Petition) for January 13, 1997. The motion carried unanimously.

960643 **Legislative Matter No. 960643. Petition 159 LUC-96 PB, Howard and Anne Wallace. Amend the Gainesville Comprehensive Plan 1991-2001, Future Land Use Map from R-M (Residential Medium Density 10 to 30 units per acre) to PUD**

(Planned Unit Development) for Office/Residential up to 14 units per acre on 9.4 acres MOL of Hunter's Crossing Phase II. Related to Petition 158PDA-96PB. Located at 4701 N.W. 53rd Avenue.

Chief of Current Planning Lawrence Calderon gave a presentation.

Petitioner Howard Wallace gave a presentation.

Chairman Jennings recognized Citizens Lewis Brown, Sandra Ledbetter, Beth Anderson, Stathe Karahalios and Scott Koons, who spoke to the matter.

MOTION: Denied the City Plan Board's recommendation and approved to amend the land use from R-M to Office.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 159LUC-96 PB, with conditions. Plan Board vote 4-0*

Staff to Plan Board - Approve with conditions

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

960644

Legislative Matter No. 960644. Petition 158PDA-96PB, Howard and Anne Wallace. A planned development amendment to rezone property from PD (Planned Development) for Residential Retirement to PD (Planned Development) for Office/Residential up to 14 units per acre on 9.4 acres MOL of Hunter's Crossing Phase II. Related to Petition 159LUC-96PB.

Chairman Jennings recognized Citizen Stathe Karahalios who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 158PDA-96 PB, with conditions. Plan Board vote 4-0*

Staff to Plan Board - Approve, with conditions

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

960645

Legislative Matter No. 960645. Petition 206TCH-96 PB. Joseph Cirulli, Owner. Amend Special Area Plan for Triangle (Appendix A, Section 2) of the City of Gainesville Land Development Code to allow physical fitness facilities to have a secondary access off N.W. 8th Avenue. Zoned: CP (Corporate Park)

RECOMMENDATION *City Plan Board Action - Continue Petition 206TCH-96 PB to December 19, 1996.*

City Manager's Recommendation - The City Commission continue the Public Hearing on Petition 206TCH-96 PB to January 13, 1997.

A motion was made by Commissioner DeLaney, seconded by Commissioner Hanrahan, that this matter be Continued (Petition) for January 13, 1997. The motion carried unanimously.

Development Review Board

Unfinished Business (from 3:00 PM Session)

Committee Reports

Public Works Committee

960675 University of Florida Presidential Task Force Report

RECOMMENDATION *The Public Works Committee recommended the City Commission: 1) endorse the University of Florida Presidential Task Force on Transportation and Parking Final Report in concept; and 2) authorize staff to finalize a detailed plan of action during the negotiation of the Campus Development Agreement.*

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

Personnel & Organizational Structure Committee

960601 Addition to the Occupational Index of a new position in the Fleet Department.

RECOMMENDATION *Personnel & Organizational Structure Committee recommend the City Commission to approve the addition to the Occupational Index of a Fleet Customer Service Writer, CWA pay grade 8 (\$17,012 to \$22,321).*

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

Public Safety Committee

951432 Community Redevelopment Agency - Lynch Park

RECOMMENDATION *The Agency take whatever action deemed appropriate.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Delaney, that this matter be Assigned to the Community Redevelopment Agency, due back on June 9, 1997. The motion carried unanimously.

960338 Scheduling of Events on Plaza

RECOMMENDATION *The City Commission remove this referral from the Public Safety Committee referral list. The City Commission on 11/12/96 approved a \$35,000 appropriation*

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

960348 Marketing Techniques of Bars

RECOMMENDATION *The City Commission discuss whether to recommend the State Legislature consider some type of requirement regarding the provision of food and/or snacks in "all you can drink" and other similar discount alcoholic drink promotions, and take the action deemed appropriate*

A motion was made by Commissioner DeLaney, seconded by Commissioner Delaney, that this matter be Assigned to the Legislative Committee, due back on June 9, 1997. The motion carried unanimously.

Audit & Finance Committee**960641 Stormwater Management Utility Fund Revenues Review (B)**

RECOMMENDATION *The City Commission: 1) Accept the City Auditor's report and the City Manager's response; and 2) Instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit and Finance Committee.*

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

960642 Theodore R. Crom Endowment Fund (Non-Expendable Trust)

RECOMMENDATION *The City Commission return the Theodore R. Crom*

Endowment Fund (principal and interest) to the original donor.

Approved as Recommended

Legislative Committee

960300 Handicap Parking

RECOMMENDATION *The City Commission refer the issue of Handicap Parking to the Disabled and Elderly Citizens Advisory Board for additional research and specific recommendation regarding proposed changes to existing State law on Handicap Parking.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Delaney, that this matter be Assigned to the Disabled and Elderly Citizens Advisory Board, due back on June 9, 1997. The motion carried unanimously.

960555 Municipal Services In Private Communities

RECOMMENDATION *The City Commission refer the issue of providing municipal services in private communities to staff (City Manager).*

A motion was made by Commissioner DeLaney, seconded by Commissioner Delaney, that this matter be Referred to the City Manager, due back on June 9, 1997. The motion carried unanimously.

960564 Public Records Lawsuit

RECOMMENDATION *The City Commission include in the City's State legislative packet a bill amending the public records law by clarifying the legislature's intent and expressly exempt from disclosure the names of victims of certain aggravated crimes.*

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

960637 Federal Legislative Agenda

RECOMMENDATION *The City Commission approve and adopt the Federal Legislative Priorities as recommended by Federal Lobbyist Marilyn Berry Thompson.*

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

960638 Federal Lobbying Services

RECOMMENDATION *The City Commission waive City Purchasing Policy and choose Marilyn Berry Thompson (consultant), of the law firm of Jorden, Burt, Berenson & Johnson, whose address is Suite 400 East, 1025 Thomas Jefferson Street, N.W., Washington, D.C., 20007-0805, to continue as the (1) provider of professional Federal lobbying services, (2) that the services provided by this provider be the same as provided under the just expired contract with this provider, (3) that compensation for such services be at the rate of \$4,166.66 per month, and reimbursement of reasonable documented expenses on a monthly basis, not to exceed \$15,000 for a 12 month period, unless expressly approved by the City Commission, and (4) that the term of the contract be two years, with an option to extend for one additional one-year period, retroactive to October 1, 1996.*

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

960647 Local Telephone Franchise Fee Increase

RECOMMENDATION *The City Commission support legislation that increases the franchise fees charged to local telephone companies to a maximum of 5% of gross revenues generated inside the boundaries of the franchising local government.*

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

Economic Development Committee

Regional Utilities Committee

960344 Project Energy Efficient Florida

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

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

Commission Comment

960703 Letter From Richard Burges - Flexible Time Schedules for City Employees

RECOMMENDATION *The City Commission refer the issue to the Charter Officers.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Delaney, that this matter be Referred to the Charter Officers, due back on June 9, 1997. The motion carried unanimously.

Citizen Comment

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

Items Pending in Committee (for information only)

Kurt M. Lannon, Clerk of the Commission