

City of Gainesville

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



Meeting Minutes

Monday, October 14, 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) Remove File No. 960458 from the Consent Agenda for consideration on the Regular Agenda under the City Manager category; 2) Withdraw File No. 960479; 3) Corrected Back-Up Material submitted to File No. 960474; and 4) Remove File No. 960485 from the Consent Agenda for consideration on the Regular Agenda under the Advisory Boards/Committees category

City Manager, Consent Agenda Items

960452 Traffic Signal Maintenance and Operation Request Order Number Nine

RECOMMENDATION *The City Commission: 1) approve the Traffic Signal Maintenance and Operation Request Order Number Nine with the Florida Department of Transportation; and 2) authorize the City Manager to sign the Traffic Signal Maintenance and Operation Request Order Number Nine.*

This Matter was Approved as Recommended on the Consent Agenda.

960453 Request for Residential Traffic Control Study: Carol Estates East Subdivision

RECOMMENDATION *The City Commission refer the traffic study request from the residents of the Carol Estates East Subdivision to the City Manager for review and report back as to a recommended course of action.*

This Matter was Approved as Recommended on the Consent Agenda.

960454 Request for Residential Traffic Control Study - Suburban Heights Neighborhood

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

This Matter was Approved as Recommended on the Consent Agenda.

960455 Lease Agreement between Alachua County and the City of Gainesville Police Department for a Downtown Substation

RECOMMENDATION *The City Commission authorize the City Manager to execute a lease agreement between the City of Gainesville Police*

Department and Alachua County for a Downtown Substation, subject to the approval of the City Attorney as to form and legality, and approve the expenditures and purchase requisitions not anticipated to exceed \$5,000 for facility renovations.

This Matter was Approved as Recommended on the Consent Agenda.

**960456 Purchase of vacant land for S.E. 8th Avenue Extension Project
(from Lincoln Estates to Hawthorne Road)**

RECOMMENDATION *The City Commission: 1) approve the purchase of a vacant tract of land required for the construction of the proposed S.E. 8th Avenue extension, from Philip Emmer and Barbara Emmer, Trustees of the Emmer Marital Trust, at a purchase price of \$25,000, contingent upon receipt of a satisfactory environmental assessment confirming the lack of hazardous wastes and environmental contaminants; and, 2) authorize the Clerk of the Commission to record the Deed in the Public Records of Alachua County, subject to approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

960457 Addendum - Drug Testing Under the Federal Transit Administration

RECOMMENDATION *The City Commission ratify the Agreement adopting the Addendum - Drug and Alcohol Testing Under Rules of the Federal Transit Administration for Covered (Safety-Sensitive) Employees in Transit agreed upon between the City of Gainesville and the Amalgamated Transit Union Local 1579. Amalgamated Transit Union Local 1579 has ratified the agreement.*

This Matter was Approved as Recommended on the Consent Agenda.

960479 Option to Purchase Real Property

RECOMMENDATION *The City Commission approve the Option to Purchase Real Property for the Gainesville Regional Airport, Airport Industrial Park; subject to approval of the City Attorney as to form and legality; and, authorize the Mayor-Commissioner and Clerk of the Commission to execute this option on behalf of the City of Gainesville.*

This Matter was Approved as Recommended on the Consent Agenda.

General Manager for Utilities, Consent Agenda Items

960462 Annual Contract for Directional Bores and Small Diameter Jack & Bores for the Gas Department for FY 97

RECOMMENDATION *The City Commission authorize the General Manager or his designee to execute a contract with Hogtown Underground, Inc., for directional bores and small diameter jack and bores for the Gas Department for FY 97, subject to the approval of the City Attorney as to form and legality, and approve the issuance of a blanket purchase order to Hogtown Underground, Inc. in an amount not to exceed \$ 150,000.00.*

This Matter was Approved as Recommended on the Consent Agenda.

960463 Approval for Purchase of Software Licenses and Maintenance from Microwarehouse, Inc.

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Microwarehouse, Inc. in an amount not to exceed \$214,507.45 for software licenses and maintenance.*

This Matter was Approved as Recommended on the Consent Agenda.

960464 Award Of The Annual Contract 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 a contract with All Florida Electric Company, Inc. for the installation of cable, conduit, and other associated equipment, within the underground electric distribution system for fiscal year 1996-97, subject to the approval of the City Attorney as to form and legality and 2) approve the issuance of a purchase order to All Florida Electric Company, Inc. for such services in an amount not to exceed \$1,633,821.*

This Matter was Approved as Recommended on the Consent Agenda.

City Attorney, Consent Agenda Items

960474 Joan Hope vs. Linda Brown Califf and City of Gainesville; Case No. 96-1780-CA (Tort Action)

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 Joan Hope vs. Linda Brown Califf and City of Gainesville; Case No. 96-1780-CA.

This Matter was Approved as Recommended on the Consent Agenda.

960475 Alachua General Hospital, Inc. v. Cecil D. Maynard v. City of Gainesville, Case No. 96-1788-CC (Third Party Complaint)

RECOMMENDATION *The City Commission authorize the City Attorney, if insurance coverage is available, to represent the City in the case styled Alachua General Hospital, Inc. v. Cecil D. Maynard v. City of Gainesville, Case No. 96-1788-CC (Third Party Complaint)*

This Matter was Approved as Recommended on the Consent Agenda.

960476 Extension of Maximum Accumulation of Vacation Hours

RECOMMENDATION *The City Commission grant to the City Attorney a temporary 120 day waiver of the maximum accumulation of vacation hours.*

This Matter was Approved as Recommended on the Consent Agenda.

Clerk of the Commission, Consent Agenda Items

960446 Hill's Record Storage

RECOMMENDATION *The City Commission approve an increase in expenditures by \$8,000 to Hill's Record Storage for Fiscal Year 1996.*

This Matter was Approved as Recommended on the Consent Agenda.

960468 City Commission Minutes of September 17, 23, 30 (2 sets) and October 1, 1996

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

This Matter was Approved as Recommended on the Consent Agenda.

960483 Gainesville/Alachua County Cultural Affairs Board

RECOMMENDATION *The City Commission accept the resignation of member Orlando G. Suarez from the Gainesville/Alachua County Cultural Affairs Board effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

960484 Disabled and Elderly Citizens' Advisory Board

RECOMMENDATION *The City Commission accept the resignation of member Hugh W. Cunningham from the Disabled and Elderly Citizens' Advisory Board effective immediately.*

This Matter was Approved as Recommended on the Consent Agenda.

End of the Consent Agenda

A motion was made by Commissioner DeLaney, seconded by Commissioner 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) Move File No. 960486 from the Time Certain category to the City Manager category; 2) Move File No. 960481 from the Ordinance category to be considered after File Nos. 960425 and 960426; and 3) Corrected Back-Up Material submitted to File No. 960480

Special Presentations

Charter Officer Updates

Clerk of the Commission

City Manager

Regional Transit System

City Manager Wayne Bowers introduced the new Regional Transit System Director Perry Maull.

960486 Ed Barber - Alligator Alley

RECOMMENDATION *The City Commission hear remarks from Mr. Ed Barber.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Hanrahan, to approve the City Manager's recommendation to designate the alley as Alligator Alley. The motion carried unanimously.

951556

Scout Hut

Chairman Jennings recognized Citizens M.M. Parrish and Michael Bailey who spoke to the matter.

RECOMMENDATION *The City Commission hear an update by staff regarding the Scout Hut Project*

A motion was made by Commissioner Calkins, seconded by Commissioner Hanrahan, that this matter be Assigned to the Nature Centers Commission, due back on April 14, 1997. The motion carried unanimously.

960459

FY 97 Budget for Advisory Boards and Committees.

RECOMMENDATION *The City Commission approve the attached list of funding requests for Boards and Committees for fiscal year 1997.*

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

960460

13 and Under Gainesville Magic Basketball Team -- Alison Folds

RECOMMENDATION *Alison Folds, representing the 13 and Under Gainesville Magic Basketball Team would like to present the City Commission with a plaque and return the unused funds previously allocated to this team.*

This matter was Placed on File

960461

Solid Waste Disposal Status Report

RECOMMENDATION *The City Commission hear a status update on the Disposal of Solid Waste.*

This matter was Placed on File

960458

Revision of the Stormwater Management Retention/Detention System for the Proposed S.E. 8th Avenue Extension

RECOMMENDATION *The City Commission approve the issuance of a Purchase Order to Blum, Schumacher & Associates, Inc. (BSA) in the amount of \$35,919.00, for a study to re-examine the stormwater management system for the proposed S.E. 8th Avenue Extension.*

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

General Manager for Utilities

City Attorney

960477 Sunshine in Litigation; SB 674

RECOMMENDATION *The City Commission hear a report from the City Attorney on the new law.*

This matter was Placed on File

960478 Petition 61TCH-95PB/Change to Sec. 30-90 definitions of adult and sexually-oriented establishments and amortization schedule.

RECOMMENDATION *The Commission either reaffirm the September, 1995 approval of new definitions and amortization schedule in Petition 61TCH-95PB or withdraw the authorization of the City Attorney to draft this ordinance.*

A motion was made by Commissioner Delaney, seconded by Commissioner Hanrahan, to withdraw the authorization of the City Attorney to draft this ordinance. The motion carried unanimously.

960433 Appeal in the bankruptcy case styled: In re: Janet Presley, Debtor, Case No. 95-00306, Chapter 13

Chairman Jennings recognized Citizen Linda McGurn who spoke to the matter.

RECOMMENDATION *The City Commission: 1) receive the report of the City Attorney relating to attorney's fees in employee cases; and 2) authorize the City Attorney to file an appeal in the case styled: In re: Janet Presley, Debtor, Case No.: 94-00306, Chapter 13, and retain the services of Karen Specie of the law firm of Dell, Graham, Willcox, Barber, Jopling, Schwait, Gershow & Specie, P.A., to serve as special counsel as needed.*

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

City Auditor

Committee Reports

Public Works Committee

Personnel & Organizational Structure Committee

Public Safety Committee

Audit & Finance Committee

Legislative Committee

Economic Development Committee

Regional Utilities Committee

Advisory Boards/Committees

960368 City Beautification Board

RECOMMENDATION *The City Commission receive the report regarding the City Beautification Board and take action deemed appropriate.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner DeLaney, to authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance changing the terms of four City Beautification Board members to special one (1) year terms. The motion carried unanimously.

960465 Water Management Advisory Committee Report on the Paynes Prairie Study

RECOMMENDATION *The City Commission receive a report from Doug Dycus, Secretary/Treasurer for the Water Management Committee, on Sweetwater Branch/Paynes Prairie.*

This matter was Placed on File

960485 Gainesville Enterprize Zone Development Agency

RECOMMENDATION *The City Commission accept the resignation of member Lt.*

*Timothy Good from the Gainesville Enterprise Zone
Development Agency effective immediately.*

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

Outside Agencies

Community Redevelopment Agency

960447 Red, White & Blues Event

RECOMMENDATION *The City Commission hear an update on the status of this event.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner Calkins, to pledge up to \$1,000 from the City Commission Contingency Fund for the Red, White and Blues event. The motion carried unanimously.

Members of the City Commission/Commission Comment

960448 Santa Fe Community Care

RECOMMENDATION *The City Commission consider the request from Santa Fe Community Care.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Delaney, to appropriate \$4,000 from the City Commission Contingency Fund. The motion carried unanimously.

960449 Visit of Henry W. Foster, Jr., MD

RECOMMENDATION *The City Commission consider the request from: Cynthia M. Chestnut, State Representative; Barbara Sharpe, Member, School Board of Alachua County; and Leilani Doty, PhD. Dept. of Neurology.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, to appropriate \$2,500 from the City Commission Contingency Fund. The motion carried unanimously.

960450 Charter Officer Annual Performance, Salary, and Benefits Review

Asked the City Manager (Human Resources) to provide the City Commission with

information on how pay raises are figured for the different employee groups.

The Item was postponed for two weeks, until October 28, 1996.

RECOMMENDATION *The City Commission review the salary and benefits of the City Manager and make any changes deemed appropriate. The same process will now commence for the other Charter Officers based on their respective salary anniversary dates.*

This matter was Postponed for October 28, 1996

Adjourn Until 6:00 PM

Invocation and Pledge of Allegiance

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

Rev. Clifford Patrick, Bartley Temple United Methodist Church

Junior Girl Scout #565

Proclamations

960466 Italian Heritage & Cultural Month; October, 1996; Recipient: Joseph F. Antonelli, President, Greater Gainesville Lodge 2660 Order Sons of Italy

This matter was Placed on File

960467 Gainesville's Rape Awareness and Prevention Program; October 14 - 21, 1996
Recipient: Jae Jeannotte

This matter was Placed on File

Citizen Comment

Mark Piotrowski - Petition Regarding Flyering Ordinance Repeal

John Ramond - Hogtown Creek Greenway Paving

Citizen John Ramos asked for the issue of paving the greenway be placed on the March 17, 1997 ballot.

Vincent Mallet - Appreciation to City Employees

Citizen Vincent Mallet expressed appreciation to City of Gainesville Regional Utilities Water/Wastewater Employees Edward Jones and Mac Douglas for repair of a broken pipe on his property.

Dr. Stephen Reid - United Nations Flag

Citizen Dr. Stephen Reid urged the City Commission not to fly the United Nations flag this year.

Mike Hofgren - UltraRail Development

Marion Pulver - Ebony CB React Club

Citizen Marion Pulver asked and the Mayor-Commissioner agreed to call to order the Ebony CB React Club.

Time Certain Items

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

Chairman Jennings recognized Citizen Vincent Mallet who spoke to the matter.

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

A motion was made by Commissioner Delaney, seconded by Commissioner DeLaney, that this matter be Assigned to the Public Safety Committee, due back on April 14, 1997. The motion carried unanimously.

Public Hearings

960004 City Commission Referral No. 960004. Idea of giving staff and the Development Review Board the discretion under appropriate criteria to require construction of public sidewalks as a condition of new developmental land use.

NOTE: Staff to include the Gainesville Builders Association, College Park/University Heights Redevelopment Advisory Board, Bicycle/Pedestrian Advisory Board and the City Plan Board in the discussions.

RECOMMENDATION *City Plan Board to City Commission - The City Commission direct the City Staff to complete a city-wide sidewalk study, adopting criteria for sidewalk improvements and amend the land development code to require property-owner/developer installation and maintenance of sidewalk facilities in*

accordance with the adopted sidewalk plan. Plan Board vote 4-0

Staff to Plan Board - The City complete a city-wide sidewalk study, adopting criteria for sidewalk improvements and amend the land development code to require property-owner/developer installation and maintenance of sidewalk facilities in accordance with the adopted sidewalk plan.

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

960469 Designation of the Gainesville Urban Reserve Area and Statement of Services

Chairman Jennings recognized Citizen Fredrik Wetterqvist who spoke to the matter.

RECOMMENDATION *The City Commission: 1) accept staff's recommendation to maintain the current boundary of the Gainesville Urban Reserve, shown on the Urban Reserve Area Map; 2) adopt the updated City of Gainesville Statement of Services; 3) authorize the City Manager to notify Alachua County, the North Central Florida Regional Planning Council and other cities that the City of Gainesville does not desire to change the Reserve Area and affirm the boundaries of the current Urban Reserve Area Map, as required by the Boundary Adjustment Act; and 4) authorize the City Manager to submit copies of the updated City of Gainesville Statement of Services to Alachua County, the North Central Florida Regional Planning Council and other cities, as required by the Boundary Adjustment Act.*

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

Ordinance - ROLL CALL REQUIRED

960481 Ordinance No. 0-96-77, Petition No. 163CPA-95PB
An ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan pursuant to a compliance agreement with the Florida Department of Community Affairs; repealing Policy 1.8.6 of the Transportation Mobility Element relating to concurrency compliance of development projects that access or impact the Florida Intrastate Highway System; renumbering and amending Policy 1.8.7 of the Transportation Mobility Element relating to concurrency requirements for development projects near a segment of NW 34th Street; providing directions to the City Manager; providing a severability clause;

providing a repealing clause; and providing an immediate effective date.

Chairman Jennings recognized Citizen Vincent Mallet who spoke to the matter.

RECOMMENDATION *The City Commission: 1) authorize the City Manager to execute the Compliance Agreement with the Florida Department of Community Affairs; and 2) adopt the proposed ordinance at this single adopting public hearing.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Delaney, that this matter be Approved as Recommended. 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 - 1st Readings- ROLL CALL REQUIRED

960153 Ordinance No. 0-96-62

An ordinance of the City of Gainesville, Florida, amending section 9-18 of the Code of Ordinances relating to verification of signatures on petition for charter amendment, authorizing a referendum election for charter amendment by petition on the day of the regular city election; providing directions to the codifier; 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 DeLaney, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

960200 Ordinance No. 0-96-75

An ordinance of the City of Gainesville, Florida, Amending Article II, Section 10-30, by adopting the National Fire Protection Association (NFPA) 101, Life Safety Code, 1994 Edition; and adopting the Southern Building Code Congress International Standard Fire Prevention Code, 1994 Edition; providing a severability clause; providing a repealing clause and providing an immediate effective date.

Chairman Jennings recognized Citizen Michael Bailey who spoke to the matter.

The Commission asked for an update of the referral regarding the Standard Building Code to the Historic Preservation Board prior to second reading.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

960248 Ordinance No. 0-96-78

An ordinance of the City of Gainesville, Florida; creating and adding Sec. 2-410.1 to the Code of Ordinances; adding the boundaries of N.W. Fifth Avenue Neighborhood/Pleasant Street Area to the text of the codified Code of Ordinances; amending Sec. 2-414 of the Code of Ordinances providing for the establishment and administration of the N.W. Fifth Avenue Neighborhood/Pleasant Street Trust Fund; providing a severability clause; providing a repealing clause; and providing a retroactive effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

960249 Ordinance No. 0-96-74

An ordinance of the City of Gainesville, Florida by amending Sec. 2-410 of the Code of Ordinances by changing the boundaries of the Downtown Redevelopment Area; amending Sec. 2- 412(e) of the Code of Ordinances by revising the assessed value of taxable property in the Downtown Redevelopment Area Trust Fund; providing a severability clause; providing a repealing clause; and providing a retroactive effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

Ordinances - 2nd Readings- ROLL CALL REQUIRED

951277 Ordinance No. 0-96-63; Petition No. 17TCH-96PB

An ordinance of the City of Gainesville, Florida, amending section 30-338(5) of the Land Development Code; changing the required standard minimum distances between buildings; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

A motion was made by Commissioner 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.

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 Diana Glass, Michael Bailey, Vincent Mallet and Bruce DeLaney who spoke to the matter.

ADDITIONAL MOTION: Commissioner P. DeLaney moved and Commissioner Hanrahan seconded to continue the public hearing on Ordinance No. 951410 until the first meeting in November, 1996 (November 12, 1996)

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Delaney, that this matter be Assigned to the Public Works Committee, due back on April 14, 1997. 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

960055 Ordinance No. 0-96-65, Petition No. 94PDA-96PB

An Ordinance of the City of Gainesville, Florida; amending the Planned Development for the Florida Department of Health and Rehabilitative Services as adopted by Ordinance No. 3633 and amended by Ordinance No. 3793; located in the vicinity of 1730 N.E. 31st Avenue; repealing the previously adopted development plan maps and report; adopting revised development plan maps and report; amending certain conditions; declaring Ordinance No. 3793 moot;

correcting a scrivener's error in the legal description in Ordinance No. 3633; 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.

960122 Ordinance No. 0-96-70; Petition No. 122ZON-96PB

An ordinance of the City of Gainesville, Florida, amending the zoning map atlas and rezoning certain lands within the City from "Planned Development District" to "RMF-6: 10-15 units/acre multiple-family residential district", located in the vicinity of 4229 N.W. 43rd Street, declaring the Planned Development approved by Ordinance No. 3715 void; providing a severability clause; and providing an 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.

960216 Ordinance No. 0-96-72

An ordinance of the City of Gainesville, Florida, amending section 9-1.1 of the Code of Ordinances relating to election districts, removing certain precincts from the districts to conform to amendments made by the Supervisor of Elections due to annexations; 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 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

960470 **Petition 173SUB-96 CD. Emmer Development Corp., Agent for Steve M. McClain and Emily R. Tuttle. Single-lot replat approval of Lot 21, Capri Cluster Subdivision, Phase I.**

RECOMMENDATION *Planning staff to City Commission - The City Commission adopt the resolution approving the final, single-lot replat of Lot 21, Capri Cluster Subdivision, Phase I.*

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.

960471 **Final Plat, Capri Cluster Subdivision, Phase II**

RECOMMENDATION *The City Commission adopt the Resolution approving the Final Plat of Capri Cluster Subdivision, Phase II; subject to approval by the City Attorney as to form and legality.*

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.

960480 **Airport Industrial Park Covenants**

RECOMMENDATION *The City Commission adopt a Resolution adopting the Declaration of Protective Covenants and Restrictions for the Airport Industrial Park; Unit I, located in the City of Gainesville, Florida; providing directions to the Clerk; and providing an immediate effective date.*

A motion was made by Commissioner DeLaney, seconded by Commissioner Delaney, that this matter be Adopted (Resolution), as revised. 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

960054 **Legislative Matter No. 960054. Petition 75PDV-96 PB, CNL Development Company, agent for Gainesville Hospitality, Inc. A Planned Development with a**

PD layout plan to rezone property from BT (tourist-oriented business district) to PD (planned development district) for construction of commercial buildings. Located at 6901 Newberry Road (SR 26).

RECOMMENDATION *City Plan Board Action - Continue Petition 75PDV-96 PB for up to one year. Plan Board vote, 4-0*

CITY MANAGER'S RECOMMENDATION

The City Commission continue the Public Hearing on Petition 75PDV-96 PB until further notice.

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

960424

Legislative Matter No. 960424. Petition 149SVA-96PB, McGurn Investment Co., et al. Pursuant to Sec. 30-192(b), to vacate, abandon and close the remaining 100 feet more-or-less of S.E. 2nd Street, located immediately south of S.E. 2nd Place.

Chairman Jennings recognized Citizens Michael Bailey, Vincent Mallet, Fredrik Wetterqvist, Nathan Collier, Ken McGurn, Sam Harris and Linda McGurn who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 149SVA-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 by the following vote:

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

960425

Legislative Matter No. 960425. Petition 163 TCH-96 PB. City Plan Board. Amend the City of Gainesville Land Development Code, Section 30-336(4)(g), provisions regarding backout parking.

Chairman Jennings recognized Citizens Tom Rider, Vincent Mallet, Robert Pearce, Sam Harris, Arnall Downs, David Hammer, Wanda Ebersole, Jay Brown, Linda McGurn, Nathan Collier, Andrew Kaplan, Ken McGurn and Phil Heflin who spoke to the matter.

MOTION: Return to the City Commission with a Petition as an Ordinance that allows the City to go forward, working on back-out parking, which does not allow back-out parking in alleys or alleyways and which does allow back-out parking, with very strict criteria to be defined, where it already exists, city-wide.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 163TCH-96 PB Plan Board vote 3-1.*

Staff to Plan Board - Approve

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

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

960426 **Legislative Matter No. 960426. Petition 164 TCH-96 PB. City Plan Board. Amend the City of Gainesville Land Development Code, Appendix A, Section 3, Special Area Plan for College Park (Ordinance 3779) regarding backout parking.**

Chairman Jennings recognized Citizen Vincent Mallet who spoke to that matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 164TCH-96 PB. Plan Board vote 4-0*

Staff to Plan Board - Approve

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

Ordinance - 1st Reading - ROLL CALL REQUIRED

960482 **Ordinance No. 0-96-79**

An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 951573 and extending the term of the temporary moratorium on building permits, zoning permits, subdivision approvals, special exceptions, variances, site plan approvals or any other official action of the City of Gainesville permitting or having the effect of permitting back-out parking as provided in the Master Plan and Land Development Regulations for the College Park Neighborhood located north of West University Avenue and south of NW 5th Avenue, between NW 20th Terrace and NW 20th Street between NW 3rd Avenue and NW 5th Avenue on the west side and NW 15th Street on the east side; and that area north of West University Avenue and south of NW 7th Avenue, between NW 15th Street on the west side and NW 13th Street on the east side, located within the City of Gainesville; providing a severability clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

960427 **Legislative Matter No. 960427. Petition 165PDA-96PB. A Planned Development Amendment to modify the project schedule for Park West 800. Ordinance Number 4072. Related to Petition 166SUB-96PB. Located in the 4000 block of N.W. 8th Avenue. Howard Wallace, Bartram Woods of Alachua County, Inc.**

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 165PDA-96 PB, with conditions. Plan Board vote 3-1*

Staff to Plan Board - Approve, subject to the approval of Petition 166SUB-96PB and compliance with the City's concurrency management requirements.

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

960428 **Legislative Matter No. 960428. Petition 166SUB-96PB. Design Plat review for Park West 800 for ten (10) single-family lots on 3.02 acres MOL. Related to Petition 165PDA-96PB. Located in the 4000 block of N.W. 8th Avenue. Howard Wallace, Bartram Woods of Alachua County, Inc.**

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 166SUB-96 PB, with conditions. Plan Board vote 3-1*

Staff to Plan Board - Approve, subject to conditions in Exhibit A.

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

960429 **Legislative Matter No. 960429. Petition 167LUC-96 PB, Southern Scholarship Foundation. Amend the Gainesville Comprehensive Plan, 1991-2001, Future Land Use Map from R-M (Residential Medium Density, 10-30 units/acre) to C (Commercial). Located at 235 S.E. 16th Avenue. Related to Petition 168ZON-96 PB.**

RECOMMENDATION *City Plan Board Action - Continue Petition 167LUC-96 PB for up to two months. Plan Board vote, 4-0*

CITY MANAGER'S RECOMMENDATION

The City Commission strike this item from the agenda. The petitioner plans to request a PUD (Planned Use District) land use designation.

A motion was made by Commissioner DeLaney, seconded by Commissioner Calkins, that this matter be Striken from Agenda (Petition). The motion carried unanimously.

960430 **Legislative Matter No. 960430. Petition 168ZON-96 PB, Southern Scholarship Foundation. Rezone property from RMF-7 (Multiple-family Residential District, 14-21 units/acre) to BUS (General Business District). Located at 235 S.E. 16th Avenue. Related to Petition 167LUC-96 PB.**

RECOMMENDATION *City Plan Board Action - Continue Petition 168ZON-96 PB for up to two months. Plan Board vote, 4-0*

CITY MANAGER'S RECOMMENDATION

The City Commission strike this item from the agenda. Related to Petition 167LUC-96PB, Legislative Matter No. 960429.

A motion was made by Commissioner Calkins, seconded by Commissioner DeLaney, that this matter be Striken from Agenda (Petition). The motion carried unanimously.

960431 **Legislative Matter No. 960431. Petition 169TCH-96 PB, Winston J. Bradley, Applicant. Amend Section 30-68(c)(1) of the City of Gainesville Land Development Code to allow Insurance Agents, Brokers and Service (Major Group 64) as a permitted use in the W (Warehousing and Wholesaling) district.**

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 169TCH-96 PB. Plan Board vote 4-0*

Staff to Plan Board - Approve

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

960472 **Petition 148SUB-96 DB, James Meehan, agent for George Fletcher. Design Plat approval of Fletcher Subdivision. Forty-seven (47) lots located on 10 acres more-or-less. Located at 2501 N.W. 39th Avenue. Zoned: RSF-4**

RECOMMENDATION *Development Review Board to City Commission - The City Commission approve Petition 148SUB-96 DB with conditions. DRB vote 5-0*

Staff to Development Review Board - The Design Plat is approvable 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.

960473

Petition 147SUB-96 DB, Jim Dyksterhouse, agent for Gainesville Neighborhood Housing & Development Corporation. Design Plat approval of Porters Place Cluster Subdivision, 9 lots located on 1.06 acres more-or-less. Located in the vicinity of S.W. 4th and 5th Streets and S.W. 7th Avenue. Zoned: RMF-5

RECOMMENDATION *Development Review Board to City Commission - The City Commission approve Petition 147SUB-95 DB. DRB vote 5-0*

Staff to Development Review Board - The Design Plat is approvable as submitted.

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

Development Review Board

Unfinished Business (from 3:00 PM Session)

Commission Comment

City Hall Plaque

Chairman Jennings informed the Commission of the need to install the plaque at City Hall and asked when the Commission wanted to hold the ceremony, if any.

The Commission agreed to install the plaque without a ceremony.

Presidential Task Force on Parking and Transportation

Commissioner B. Delaney discussed the Task Force's recommendations to the City and asked for discussion by the City Commission.

The Commission agreed to schedule discussions on the recommendations at a meeting in the near future.

Metamorphosis House Update

Commissioner Calkins gave an update on the Metamorphosis House discussions.

960499 Special City Commission Meeting Scheduling

Chairman Jennings recognized Citizen Vincent Mallet who spoke to the matter.

RECOMMENDATION *The City Commission designate Monday as the Special City Commission meeting day.*

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

960500 Pine Forest Recreation

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

A motion was made by Commissioner Calkins, seconded by Commissioner Hanrahan, that this matter be Assigned to the Public Safety Committee, due back on April 14, 1997. The motion carried unanimously.

Art In Public Places

Commissioner Calkins suggested the Art In Public Places decision should be scheduled for a regular City Commission meeting.

The Commission agreed not to schedule the two a special meetings at this time and place the item on the first meeting in November for further discussion.

Citizen Comment**Vincent Mallet - Commission Responsibilities****Adjournment (10:00 PM; motion needed to continue)****Items Pending in Committee (for information only)**

Kurt M. Lannon, Clerk of the Commission