

City of Gainesville

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



Meeting Minutes

Monday, December 11, 2000

1:00 PM

City Hall Auditorium

City Commission

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

INVOCATION

Imam Haseeb Jabbar, Islamic Center of Gainesville

ROLL CALL

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

CONSENT AGENDA

Commissioner Pegeen Hanrahan and Commissioner Chuck Chestnut seconded to approve the Consent Agenda with the following modification:

- 1. Add - Contract Extension to Provide Asphalt Materials and Services (B)
(Vote: 5-0)*

CITY MANAGER, CONSENT AGENDA ITEMS

000781 Contract Extension to Provide Asphalt Materials and Services (B)

RECOMMENDATION *The City Commission authorize the City Manager or his designee to execute the first extension to the contract for Fiscal Year 2001 to John C. Hipp Construction Equipment Company as primary supplier for in-place asphalt and other materials and services and secondary supplier for picked up plant mix, subject to the approval of the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

000739 Emergency Management Preparedness and Assistance Competitive Grant Application for a Geographical Information System (NB)

RECOMMENDATION *The City Commission authorizes the City Manager to: 1) apply to the Emergency Management Competitive Grant Program for approximately \$250,000, and if awarded; 2) execute the grant agreement, pending review by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

000740 Emergency Management Preparedness and Assistance Competitive Grant

Application for a Mobile Command Vehicle (NB)

RECOMMENDATION *The City Commission authorizes the City Manager to: 1) apply to the Emergency Management Competitive Grant Program for approximately \$250,000, and if awarded; 2) execute the grant agreement, pending review by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

000741**Emergency Management Preparedness and Assistance Competitive Grant Application For Emergency Trailer Equipped with Barricades and Signs (NB)**

RECOMMENDATION *The City Commission authorize the City Manager, or his designee, to 1) apply to Emergency Management, Preparedness and Assistance Trust Fund Competitive Grant Program for \$50,000.00, and if awarded; 2) execute the grant agreement, pending review by the City Attorney as to form and legality.*

This Matter was Approved as Recommended on the Consent Agenda.

000742**Award of Bid Sweetwater Park Improvements (B)**

RECOMMENDATION *The City Commission: 1) approve the award of the contract for the removal of an existing asphalt path, installation of 9664 feet of concrete bicycle/exercise paths and sidewalks, and installation of playground equipment, interpretive signs and historic markers, benches, trash receptacles picnic tables and bike racks, to Black Diamond Construction, Inc.; 2) authorize the City Manager, or his designee, to execute the contract, subject to approval of the City Attorney as to form and legality; and 3) authorize the issuance of a purchase order in an amount not to exceed \$34,871.00.*

This Matter was Approved as Recommended on the Consent Agenda.

000743**Contract for Professional Surveying and Mapping for the Depot Avenue Corridor (NB)**

RECOMMENDATION *The City Commission: 1) accept the selection of the three most qualified surveying and mapping firms in the order of ranking; 2) authorize the City Manager, or his designee, to initiate contract negotiations for professional surveying and mapping services in accordance with the Consultants' Competitive Negotiations Act (CCNA); and 3) authorize the City Manager, or his designee, upon successful contract*

negotiations, to execute the contract, subject to approval by the City Attorney as to form and legality.

This Matter was Approved as Recommended on the Consent Agenda.

000744 Change Order # 1 to AMJ Construction, Inc for Wilhelmina Johnson Center Renovation (B)

RECOMMENDATION *The City Commission approve: 1) the issuance of a Change Order to AMJ Construction, Inc. in an amount not to exceed \$28,294 for the renovations of the Wilhelmina Johnson Resource Center. 2) use of designated capital improvement funds scheduled to be used at Fire Station # 1. 3) reschedule Fire Station # 1 tile replacement for FY 2002.*

This Matter was Approved as Recommended on the Consent Agenda.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

000749 Approval of Amendment to the Contract and Issuance of Purchase Orders for Grounds Maintenance (NB)

RECOMMENDATION *The City Commission authorize the General Manager, or his designee, to execute an amendment to the contract with U.S. Lawns of Gainesville for grounds maintenance of GRU's lift stations for FY 2001 in an amount not to exceed \$40,000.*

This Matter was Approved as Recommended on the Consent Agenda.

CITY ATTORNEY, CONSENT AGENDA ITEMS

000751 Thomas Hannah v. City of Gainesville; Case No.: 1:00CV183MMP (B)

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 Thomas Hannah v. City of Gainesville.*

This Matter was Approved as Recommended on the Consent Agenda.

000752 Earselene Zimmerman v. City of Gainesville; Case No.: 01-00-CA-4075 (B)

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled Earselene Zimmerman v. City of Gainesville.*

This Matter was Approved as Recommended on the Consent Agenda.

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC SAFETY COMMITTEE, CONSENT

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

000737 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the Minutes of November 27, 2000 as circulated.*

This Matter was Approved as Recommended on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Commissioner Hanrahan, seconded by Commissioner Chestnut, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

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

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

Commissioner Pegeen Hanrahan moved and Commissioner Chuck Chestnut seconded to adopt the Regular Agenda with the following modifications:

- 1. File No. 000754 - Resolution - Towing Fees - Waive Rules to move this Resolution after the Public Safety Committee Report File No. 000374.*
- 2. File No. 000755 - Resolution - Authorizing Issuance of Revenue Note for Shands Teaching Hospital (Waive Rules to move to the beginning of the 6:00 PM Agenda)*
- 3. File No. 000231 - Petition 111SVA-00PB Brown & Cullen, Inc. Agent for the University of Florida Foundation (License Agreement) (Waive Rules to move this item to the beginning of the 6:00 PM Agenda)*
- 4. Add Blue Ribbon Committee - Report and Resolution - (Waive Rules to move Resolution to the beginning of the 6:00 PM Agenda)*
- 5. File No. 000153 - Ordinance - Land Use Change - (Back-Up is correct)*

CLERK OF THE COMMISSION

000759 Standing Committee Referral List (B)

The Standing Committees bring back an updated Referral List to the February 12, 2000 City Commission Meeting.

RECOMMENDATION *The City Commission review the Standing Committee referral list and take appropriate action.*

Continued

CITY MANAGER

000745 ARTSREACH Exhibits (NB)

RECOMMENDATION *The City Commission hear a brief presentation on December 11, 2000, by Donna Born Drake, ARTSREACH Coordinator for the Department of Cultural Affairs, introducing the exhibitions of Art in City Hall, Art in the Alachua County Administration Building, and Art in the Airport.*

Heard

000746 Property Acquisition for Depot Avenue Stormwater Park (NB)

City of Gainesville Brownfields Coordinator Matt Dube' gave a presentation.

Chair Paula M. DeLaney recognized Citizen Mark Goldstein who spoke to the matter.

RECOMMENDATION *The City Commission authorize the City Manager and the General Manager for Utilities, or their respective designees, to take such steps as are necessary through the City Attorney and/or outside counsel retained for these purposes to: 1) pursue acquisition of the CSX Transportation, Inc. property for the proposed Stormwater Park; 2) if, in the opinion of said managers negotiations are deemed to be unsuccessful, initiate eminent domain proceedings in accordance with law as deemed appropriate after consultation with City Attorney and/or outside counsel; 3) initiate and prosecute appropriate cost recovery proceedings in a court of competent jurisdiction against parties legally responsible for clean-up costs of environmental contamination of the proposed Stormwater Park property; and 4) take such other and further actions as may be deemed necessary and proper by said managers to achieve an expeditious, successful conclusion to the Stormwater Park Project.*

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

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

000747 Metropolitan Transportation Planning Organization (MTPO) (NB)

City of Gainesville Public Works Transportation Analyst Linda Dixon and Public Works Director Teresa Scott gave presentations.

Chair Paula M. DeLaney recognized Citizen Mark Goldstein who spoke to the matter.

RECOMMENDATION *The City Commission hear a report from staff regarding the December 14, 2000 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

Heard

000761 State Legislative Statement (B)

Chair Paula M. DeLaney recognized Citizen Mark Goldstein spoke to the matter.

MOTION: *Include in the City of Gainesville 2001 State Legislative Statement the following: 1) The Florida League of Cities Policy Statement; and 2) Building Codes*

for Existing Buildings.

RECOMMENDATION *The City Commission revise the 2001 State Legislative Statement*

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

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

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC SAFETY COMMITTEE

000374 Vehicle Towing Downtown Streets & Parking Lots (B)

City of Gainesville Assistant City Attorney Ron Combs, GPD Captain Robert Mitchell and City Auditor Alan Ash gave presentations.

Chair Paula M. DeLaney recognized Citizen Ben Tecler, Attorney Robert Roundtree and Reverend Tim Keyes spoke to the matter.

MOTION: The City Commission: 1) Refer the issue of reviewing the Towing Ordinance to the Public Safety Committee; 2) refer the issues associated with roam towing fees to the City Manager, the City Auditor and the City Attorney and bring this information to the Audit and Finance Committee; and 3) bring recommendations back to the full City Commission.

RECOMMENDATION *The City Commission hear the presentation of information and take action necessary with regard to the provisions of Resolution #R-94-79.*

A motion was made by Commissioner Nielsen, seconded by Mayor-Commissioner Pro Tem Barrow, that this matter be Referred to the Public Safety Committee, due back on June 11, 2001. The motion carried by the following vote:

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

000754 RESOLUTION - TOWING FEES

A resolution of the City Commission of the City of Gainesville, Florida, 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 immediate effective date in accordance with the schedule provided herein.

RECOMMENDATION *The City Commission take appropriate action.*

A motion was made by Mayor-Commissioner Pro Tem Barrow, seconded by Commissioner Chestnut, that this matter be Striken From the Agenda. The motion carried by the following vote:

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

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**OUTSIDE AGENCIES****COMMISSION COMMENTS (if time available)****RECESS**

The meeting recessed at 4:25 PM.

RECONVENE**CITIZEN COMMENT (5:30pm)****JACK HUGHES**

See the following item.

000783 Co-Sponsorship of Florida High School Activities Association State Football Championships (NB)

Gainesville Sports Organizing Committee Executive Director Jack Hughes spoke to the matter.

City of Gainesville Police Lieutenant Ray Weaver gave a presentation.

RECOMMENDATION *The City Commission co-sponsor the State Football Championships by providing police officers for these events, not to exceed \$5000.00 from the City Commission*

Contingency Fund.

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

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

DON GOODMAN

See the following item.

000784 Kanapaha Botanical Gardens Spring Garden Festival Insurance Sponsorship

MOTION: The City continue to participate as a sponsor of the Spring Garden Festival and provide the necessary liability coverage subject to final review and approval by the City Attorney and the City Manager.

RECOMMENDATION *The City Commission continue to sponsor the Spring Garden Festival by providing liability insurance coverage.*

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

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

ROBERT PEARCE

See the following item.

000785 Landlord Permit Policies (NB)

Chair Paula M. DeLaney recognized Citizen Robert Pearce who spoke to the matter.

MOTION: Refer the issue of occupancy and other property maintenance and neighborhood protection issues in the RC Zoning District to the Community Development Committee.

RECOMMENDATION *The Committee discuss the RC Zoning District.*

A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem Barrow, that this matter be Referred to the Community Development Committee, due back on June 11, 2001. The motion carried by the following vote:

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

MARK GOLDSTEIN

Landlord Licensing and Board Appointments

MIKE WARREN - PLAZA ROYALE

See the following item.

000786 Plaza Royale (NB)

Principal of the Plaza Royale Development Mike Warren spoke to the matter.

City of Gainesville Public Works Director Teresa Scott gave a presentation.

MOTION: The City Commission authorize staff to work with Mr. Warren to get the approvals through DOT as necessary and not appeal decision.

RECOMMENDATION *The City Commission hear a presentation and take appropriate action.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner Chestnut, that this matter be Referred to the Staff. The motion carried by the following vote:

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

MARK ADLER

Towing Issue.

DEBBIE MARTINEZ

- 1. Skate Board Parks*
- 2. Drug Issues*

FORREST LISLE

- 1. NW 10th Avenue Sidewalks/West of 13th Street.*
- 2. NW 18th Terrace Traffic Calming*
- 3. 8th Avenue Traffic Calming*

HELEN HILL

NW 10th Avenue Sidewalks

PLEDGE OF ALLEGIANCE

St. Michael's Episcopal Church Pack #454**PROCLAMATIONS/SPECIAL RECOGNITIONS****000710 Atlantic Design and Construction Day - November 27, 2000 (B)**

RECOMMENDATION *Atlantic Design and Construction President Bob Reifel and Vice President Lucian Kragiel to accept the proclamation.*

Heard

000750 Check Presentation (NB)

RECOMMENDATION *The City Commission hear a presentation.*

Heard

PUBLIC HEARINGS**RESOLUTION****000755 SHANDS HEALTH FACILITIES REVENUE NOTE, SERIES 2000 (B)**

A Resolution of the City of Gainesville, Florida authorizing the issuance of its Health Facilities Revenue Note, Series 2000 (Shands Teaching Hospital and Clinics, Inc. Project) in the principal amount of \$10,000,000 (the "Note"); providing for the loan of the proceeds of such Note to Shands to finance the cost of certain capital improvements and equipment at Shands Teaching Hospital and Clinics, Inc. ("Shands"); providing for the rights of the holder of such Note; making certain other covenants and agreements in connection with the issuance of such Note; authorizing execution and delivery of a Loan Agreement and a Note Purchase Agreement; designating the Note as a bank qualified obligation; awarding the Note; and providing an effective date.

Chair Paula M. DeLaney recognized Shands Chief Financial Officer William Robinson and Bond Counsel Richard Kline who spoke to the matter.

MODIFICATION: Section 3, end of paragraph e. - strike language.

RECOMMENDATION *The City Commission: 1) hear an explanation from Shands' representatives; 2) hold a public hearing; 3) acknowledge the report of the public hearing conducted by the Alachua County Health Facilities Authority; and 4) adopt the proposed*

Resolution.

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

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

PLAN BOARD PETITION

000231 **Petition 111SVA-00 PB, Brown and Cullen, Inc., agent for University of Florida Foundation Inc. and State of Florida IITF. Pursuant to Section 30-192(b), City of Gainesville Land Development Code, to vacate, abandon and close that portion of the right-of-way of Northwest 20th Street lying between West University Avenue and Northwest 1st Avenue. (B)**

RECOMMENDATION *City Plan Board to Commission - The City Commission approve Petition 111SVA-00 PB, with staff conditions. The Plan Board vote (4-1)*

Staff to Plan Board - Approve, with staff conditions.

Staff to City Commission - At the request of the petitioner to withdraw the petition, strike the petition from the agenda and authorize the City Manager to execute License Agreement, subject to the approval of the City Attorney as to form and legality.

A motion was made by Commissioner Hanrahan, seconded by Commissioner Chestnut, that this matter be Approved as Recommended (Staff to City Commission). The motion carried by the following vote:

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

RESOLUTION

000778 **Blue Ribbon Committee Resolution (B)**

Blue Ribbon Committee Chair Rodney Long gave a presentation.

RECOMMENDATION *The City Commission adopt the Resolution.*

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

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

000779 Blue Ribbon Committee Report (B)

Blue Ribbon Committee Chair, Alachua County Commissioner Rodney Long gave a presentation.

MOTION: Approve recommendations 1, 3 & 4 of the report submitted by the Blue Ribbon Committee.

NOTE: Recommendation 2 was the Resolution (previous item # 000778) which was approved by the City Commission.

RECOMMENDATION *The City Commission hear a report and take appropriate action.*

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

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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED**000738 ANNEXATION - IRONWOOD AREA (B)****Ordinance No. 0-00-130**

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, as amended, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area generally bounded on the north by N.E. 53rd Avenue, on the west by the Gainesville city limits, on the east by Waldo Road and the Gainesville city limits and on the south by the Gainesville city limits; providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan and zoning regulations; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing an immediate effective date.

City of Gainesville Administrative Services Director Glenda Currie gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

000517 LAND DEVELOPMENT CODE AMENDMENT - DEFINITION OF "SINGLE-FAMILY DWELLING" (B)

Ordinance No. 0-00-133; Petition No. 148TCH-00 PB

An ordinance of the City of Gainesville, Florida; amending the definition of "single-family dwelling" contained in section 30-23 of the Land Development Code of the City of Gainesville; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

Chair Paula M. DeLaney recognized Citizens Bob Roundtree, Larry Schnell and Mark Goldstein who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

000712 AMENDMENTS TO THE SPECIAL PERMIT PROCESS FOR THE NOISE ORDINANCE (B)

Ordinance No. 0-00-129

An ordinance of the City of Gainesville, Florida, amending section 15-4 of the Code of Ordinances relating to special noise permits; clarifying permit requirements; charging the City with initiating judicial proceedings when an applicant is denied a right to create sounds not exceeding noise limits; providing directions to the codifier; providing for severability; providing a repealing clause; providing an effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

000714 REGULATION OF RIGHTS-OF-WAY (B)**Ordinance No. 0-00-138**

An ordinance of the City of Gainesville, Florida, amending Article VI of Chapter 23 of the Code of Ordinances of the City of Gainesville relating to use of public rights-of-way by private communications systems to comply with State law; repealing provisions concerning communication system permits and related fees, and creating and adding provisions for registration and related fees for private communications facilities in the public rights-of-way; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

ORDINANCES 2ND READING- ROLL CALL REQUIRED**000153 LAND USE CHANGE - NORTH FLORIDA REGIONAL MEDICAL CENTER COMPLEX (B)****Ordinance No. 0-00-90, Petition 105LUC-00PB**

An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by changing the land use category of certain property from "Single Family (up to 8 units per acre)" to "Office"; located in the vicinity of the 6400 block of Northwest 9th Boulevard; providing a severability clause; providing a repealing clause; and providing an effective date.

RECOMMENDATION *The City Commission: 1) receive the preliminary review of the Department of Community Affairs; and 2) adopt the proposed ordinance.*

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

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

000682 UNIVERSITY OF FLORIDA WATER SERVICE RATE INCREASE (B)**Ordinance No. O-00-128**

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

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

990695 PEDDLERS, SOLICITORS & CANVASSERS (B)

Ordinance No.: 0-00-39

An ordinance of the City of Gainesville, Florida, amending Chapter 19 Article II relating to commercial peddlers, solicitors and canvassers by setting forth a purpose and intent; defining residential areas, establishing restrictions, requirements and penalties; amending Article III relating to noncommercial solicitation by amending the restrictions and requirements and permit requirements; amending Article V relating to temporary fundraising by nonprofit agencies by providing a definition, amending the purpose and intent, restrictions, requirements and permit parameters; providing penalty; 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 Barrow, seconded by Commissioner Hanrahan, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

PLAN BOARD PETITIONS

000617 Legislative Matter No. 000617. Petition 150SVA-00PB. Ridgeway Roof Truss Company, Pursuant to Sec. 30-192(b), Land Development Code, to vacate, abandon and close that portion of the right-of-way of Southwest 11th Place, located approximately 251 feet MOL west of South Main Street. (B)

City of Gainesville Planning Manager Ralph Hilliard and Fire Chief Richard Williams gave presentations.

Chair Paula M. DeLaney recognized Attorney Bob Roundtree who spoke to the matter.

MOTION: Approve the petition as recommended by the petitioner with the attorney's conditions as follows: 1) Exclude the recommendation of the City Planning staff; 2) authorize the City Attorney to work with the Petitioner to draft the appropriate document that would allow the City to have the right of way revert back to the City in the event the City Commission determines that the property is needed for right of way purposes; 3) the right of way maintain a paved surface; 4) include the Fire Chief's recommendation that the Fire Department be able to access the fire hydrants through the Opticon Control Gate or other technology

RECOMMENDATION *The City Plan Board motion to approve Petition 150SVA-00 PB, with staff conditions failed 2-2.*

Staff to Plan Board - Staff recommends denial of the petition, because the right-of-way is needed for a public purpose.

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

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

000618

Formal Quasi-Judicial Hearing Petition 155PDA-00 PB, Causseaux & Ellington, Inc., agent for Kenneth R. McGurn and Oakbrook Walk Homeowners Association. Amend the Oakbrook Walk Planned Development to add additional land with existing residential units, provide for an on-site management office and amend the northeast corner of the property for a bike path for P.K. Yonge Development Research School. Zoned: PD (planned development district) and RH-1 (8-43 units/acre residential high density). Located at 1331 Southwest 13th Street. (B)

The Clerk of the Commission Kurt Lannon swore in City of Gainesville Senior Planner Carolyn Morgan and Agent for the Petitioner Rory Causseaux.

City of Gainesville Carolyn Morgan Senior Planner gave a presentation.

Agent for the Petitioner Rory Causseaux spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 155PDA-00 PB, with staff conditions and modification of condition number 8 and amending the PD report. Plan Board vote 4-0*

*Staff to Plan Board - Approve, with staff conditions.
City Plan Board
Petition 155PDA-00 PB*

A motion was made by Commissioner Hanrahan, seconded by Commissioner Chestnut, that this matter be Approved (Petition - Design Plat). The motion carried by the following vote:

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

000514 Legislative Matter No. 000514. Petition 145CPA-00 PB. City Plan Board. Update the Recreation Element of the City of Gainesville 1991-2001 Comprehensive Plan for the proposed 2000-2010 Comprehensive Plan. (B)

City of Gainesville Community Development Director Tom Saunders, Chief of Comprehensive Planning Dean Mimms and Assistant City Manager Carl Harness gave presentations.

RECOMMENDATION *City Plan Board to City Commission -Approve with changes. Plan Board vote, 5-0.*

Staff to City Commission - The City Commission hear a workshop presentation from staff, provide the opportunity for additional public comments, and provide comments to staff regarding the proposed, updated element.

Heard

991268 Legislative Matter No. 991268. Petition 51CPA-00 PB. City Plan Board. Update the Housing Element of the City of Gainesville 1991-2001 Comprehensive Plan for the proposed 2000-2010 Comprehensive Plan. (B)

City of Gainesville Planning Manager Ralph Hillard and Planner Jason Simmons gave a presentation.

Citizen Frederick Wetterqvist, Arupa Freeman and St. Francis House Executive Director Bob Tancig who spoke to the matter.

RECOMMENDATION *City Plan Board to City Commission - Approve with Board modifications. Plan Board vote, 5-1.*

Staff to City Commission - The City Commission hear a workshop presentation from staff, provide the opportunity for additional public comments, and provide comments to staff regarding the proposed, updated Housing Element.

Heard

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

MEMBERS OF THE CITY COMMISSION

000753 ANNUAL PERFORMANCE, SALARY AND BENEFITS REVIEW - CITY ATTORNEY (NB)

MOTION: The City Attorney receive a 5.1% salary increase retroactive to anniversary date.

RECOMMENDATION *As required by the City Attorney's employment agreement, the City Commission conduct the annual performance, salary, and benefits review.*

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

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

000760 ANNUAL PERFORMANCE, SALARY AND BENEFITS REVIEW - CLERK OF THE COMMISSION (NB)

MOTION: The City Commission requested the current salaries of each Charter Officer and the most recent information about market comparisons for each Charter using available information.

RECOMMENDATION *As required by the Clerk of the Commission's employment agreement, the City Commission conduct the annual performance, salary, and benefits review.*

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

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

COMMISSION COMMENT

MAYOR-COMMISSIONER PRO TEM JOHN R. BARROW

1. Design Center Inaugural Celebration
2. GRU Parking Lot - Gates at Arlington Square Apartments
3. High Grass Ordinance
4. Thelma Boltin Center Dumpster
5. Ridgeview Neighborhood Clean-Up

COMMISSIONER CHUCK CHESTNUT

Porter's Neighborhood Basketball Court

Assistant City Manager Carl Harness spoke to the matter.

COMMISSIONER PEGEEN HANRAHAN

1. *Communities Trust/Local Mitigation Strategy*
2. *University - Community Issues*
3. *See File # 000787.*
4. *See File # 000788*

000787 National League of Cities' Campaign to Undo Racism (B)

Clerk Instructed to remove at the May 9, 2002, Special City Commission Meeting.

RECOMMENDATION *The City Commission refer this issue to the Equal Opportunity Committee.*

A motion was made by Commissioner Hanrahan, seconded by Commissioner Chestnut, that this matter be Referred to the Equal Opportunity Committee, due back on June 11, 2001. The motion carried by the following vote:

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

000788 NE Park Joint Stormwater Management Facility (NB)

RECOMMENDATION *The City Commission refer this issue to the Public Works Committee.*

A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem Barrow, that this matter be Referred to the Public Works Committee, due back on June 11, 2001. The motion carried by the following vote:

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

CITIZEN COMMENT

ROBERT PEARCE

Personally Owned Rental Property in the 5th Avenue Pleasant Street Redevelopment District

REVEREND TIM KEYES

1. *Salary Issues*

2. *Procedural Issues*
3. *Election Issues*

ADJOURNMENT - 11:05 PM

Kurt M. Lannon, Clerk of the Commission