

# **City of Gainesville**

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



## **Meeting Agenda**

**July 24, 2006**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

***Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Craig Lowe (District 4)  
Commissioner Rick Bryant (At Large)  
Commissioner Jeanna Mastrodicasa (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Ed Braddy (District 2)  
Commissioner Jack Donovan (District 3)***

***Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business day***

## CALL TO ORDER

## AGENDA STATEMENT

*"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. (In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited. Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.)"*

## ROLL CALL

## INVOCATION

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 051236

#### **Revise Chapter 13 (Housing Code) to Prohibit Blight-Inducing Furniture in Yards (NB)**

**This item requests that the City Commission authorize the City Attorney to draft and the Clerk to advertise revisions to Chapter 13 of the Gainesville Code of Ordinances to prohibit the open storage of blight-inducing furniture in yards.**

*Explanation: The Code Enforcement Division proposes that the City's code be amended to more clearly address blight-inducing furniture in yards. This was also a recommendation supported by the Community Development Committee and Public Safety Committee as those committees considered possible changes to better address issues related to rentals. Complaints arise regarding the use of indoor furniture, primarily couches and chairs, that are left outdoors and are exposed to the elements. Neighbors complain that this practice imposes blight on neighborhoods and deteriorates the quality of life in neighborhoods. The proposed revision is to Chapter 13 of the Gainesville Code of Ordinances, to include a Section 13-171(f) that specifically defines what practices are and are not acceptable. This revision will allow Code Enforcement Officers to more efficiently deal with such complaints.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to draft and the Clerk of the City Commission to advertise revisions to Chapter 13 of the Code of Ordinances to include the proposed Section 13-171(f) titled "Improper Use and Storage of Furniture".*

**060190****Agreement with Human Services Associates, Inc. (HSA) to Provide Security at the Juvenile Assessment Center (B)**

**This item requests the City Commission's authorization to enter into an agreement with Human Services Associates, Inc. to fund \$90,000 for operational costs of the Gainesville Regional Juvenile Assessment Center.**

*Explanation: This agreement is to defray the security costs for the operation of the Gainesville Regional Juvenile Assessment Center (JAC) for the period October 1, 2006 through September 30, 2007. Human Services Associates is the sub-contractor for the Florida Department of Juvenile Justice; however, the Department of Juvenile Justice considers the funding of security to be a local issue and will only fund the cost of screening services. The JAC serves twelve counties and is utilized by the Gainesville Police Department as well as a number of regional law enforcement agencies. GPD has utilized this facility to refer or drop off approximately 900 juveniles per year. Funding from the City of Gainesville, the Alachua County Sheriff's Office, and other regional jurisdictions facilitate the 24-hour, 7-day per week security services that enable the JAC to receive clients on an around-the-clock basis.*

*Fiscal Note: Funding for this agreement is available in the City's FY 07 budget, account #001-810-8170-5210-8100.*

**RECOMMENDATION**

*Recommended Motion: The City Commission authorize the City Manager to execute the agreement with Human Services Associates, Inc., subject to the approval of the City Attorney as to form and legality, and authorize the issuance of a purchase order in an amount not to exceed \$90,000 for this agreement.*

*Alternative Recommendation A: The City Commission authorize partial funding.*

*Alternative Recommendation B: The City Commission deny funding.*

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**060192****First Extension to the Agreement Between the City of Gainesville and FAAO Manufacturing (B)**

**This item involves a request for the first one-year Extension to the**

**Agreement between Regional Transit System (RTS) and FAAO  
Manufacturing for repainting RTS buses.**

*Explanation: RTS has an Agreement with FAAO Manufacturing to repaint up to twenty-five (25) buses if the optional extensions of the Agreement are utilized. The Agreement allows for two one-year extensions, subject to funding and written consent of both parties. In an effort to utilize the buses well past their useful life expectancy, it is necessary to perform paint and body repairs to stop rust and/or corrosion. RTS intends to utilize the blue and beige wave paint scheme currently on all 2001 and newer model buses. The First Extension is for the period of October 1, 2006 through September 30, 2007.*

*Fiscal Note: Funding in the amount of \$50,000 is available in the RTS FY 2007 operating budget for this extension.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute the First Extension to the Agreement with FAAO Manufacturing for the period of October 1, 2006 through September 30, 2007; and 2) authorize the City Manager to execute any and all related documents.*

*Alternative Recommendation A: The City Commission decline the authorization for the City Manager to execute the First Extension to the Agreement with FAAO Manufacturing and provide staff with specific direction for securing these commodities. This would require selecting another vendor or issuance of a new Invitation to Bid and incur additional administrative costs.*

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**060193**

**First Extension to the Agreement Between the City of Gainesville and Trident Supply Company (B)**

**This item involves a request for the first-one year Extension to the Agreement between Regional Transit System (RTS) and Trident Supply Company for industrial hose and fittings.**

*Explanation: RTS has an Agreement with Trident Supply Company for industrial hose and fittings used in scheduled and unscheduled maintenance of the RTS fleet. The Agreement allows for three one-year extension, subject to funding and written consent of both parties. The First Extension is for the period of October 1, 2006 through September 30, 2007.*

*Fiscal Note: Funding in the amount of \$20,000 is available in the RTS FY 2007 operating budget for this extension.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute the First Extension to the Agreement with Trident Supply Company for the period of October 1, 2006 through*

September 30, 2007; and 2) authorize the City Manager to execute any and all related documents.

*Alternative Recommendation A: The City Commission decline the authorization for the City Manager to execute the First Extension to the Agreement with Trident Supply Company and provide staff with specific direction for securing these commodities. This would require issuance of a new Invitation to Bid and incur additional administrative costs.*

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## 060194

### **Second Extension to the Agreement Between the City of Gainesville and Waste Management, Inc., of Florida (B)**

**This item involves a request for the second one-year Extension to the Agreement between Regional Transit System (RTS) and Waste Management, Inc., for pick-up and disposal of trash from bus stops.**

*Explanation: RTS has an Agreement with Waste Management, Inc., of Florida for pick-up and disposal of trash from the bus stops on a scheduled basis. The Agreement allows for two one-year extensions, subject to funding and written consent of both parties. The Second and final extension is for the period of October 1, 2006 through September 30, 2007.*

*Fiscal Note: Funding in the amount of \$40,000 is available in the RTS FY 2007 operating budget for this extension.*

#### **RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Second Extension to the Agreement with Waste Management, Inc., of Florida for the period of October 1, 2006 through September 30, 2007; and 2) authorize the City Manager to execute any and all related documents.*

*Alternative Recommendation A: The City Commission decline the authorization for the City Manager to execute the Second Extension to the Agreement with Waste Management, Inc., of Florida and provide staff with specific direction for securing these commodities. The City of Gainesville would be without an Agreement for the pick-up and disposal of trash from the bus stops. This would require the issuance of a new Invitation to Bid for these services and incur additional administrative costs. The additional fiscal impact would be an increased cost for these services due to fluctuating oil prices.*

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**060197****First Extension to the Agreement Between the City of Gainesville and TransDiesel of Ocala (B)**

**This item involves a request for the first one-year Extension to the Agreement between Regional Transit System (RTS) and TransDiesel of Ocala for repair and/or rebuild of medium and heavy-duty Allison transmissions.**

*Explanation: RTS and the Fleet Management Department have an Agreement with TransDiesel of Ocala for the repair and rebuild of medium and heavy-duty truck and bus transmissions. The Agreement allows for two one-year extensions, subject to funding and written consent of both parties. The First Extension is for the period of October 1, 2006 through September 30, 2007.*

*Fiscal Note: The estimated RTS annual expenditure for Allison Transmission repair service is approximately \$95,000. Funding is available in the RTS FY 2006 and FY 2007 operating budgets. The Fleet Management Department will utilize this Agreement, and funding in the amount of \$15,000 is available in their FY 2006 and FY 2007 operating budgets.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute the First Extension to the Agreement with TransDiesel of Ocala for the period of October 1, 2006 through September 30, 2007; and 2) authorize the City Manager to execute any and all related documents.*

*Alternative Recommendation A: The City Commission decline the authorization for the City Manager to execute the First Extension to the Agreement with TransDiesel of Ocala and provide staff with specific direction for securing these commodities. This would require selecting another vendor or issuance of a new Invitation to Bid and incur additional administrative costs.*

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**060201****Award of a Contract for Liability and Worker's Compensation Claims Adjusting Services to Underwriters Safety and Claims, Inc. (B)**

**This item involves the selection of a third party administrator for the City's Self-Insured Liability and Worker's Compensation claims adjusting services.**

*Explanation: Since 1979, the City's Liability and Worker's Compensation coverages have been managed through a modified self-insurance plan. To assist the City in adjusting these exposures, a third party administrator is utilized. In May 2006, the City of Gainesville's Risk Management Department, in cooperation with the Risk Management Department for the Alachua County Board of County*

Commissions developed a Joint Request for Proposal (RFP). It was distributed via Demand Star with six (6) vendors submitting proposals. An evaluation committee, made up of members of General Government, Gainesville Regional Utilities and the County's Risk Management Staff, evaluated the written proposals. The ranking of the written proposals were based on the below evaluative criteria:

50%	Pricing of requested services
25%	City/County experience and experience in regards to Police and Fire Departments heart/lung State of Florida statutes
10%	Qualifications of Firm's personnel
10%	Understanding scope of services
5%	Organization of Firm's proposal in relation to the RFP
100%	Total

Based on these evaluations, the top three vendors, Underwriters Safety and Claims, Employer's Mutual Inc. and Preferred Governmental Claims Solutions were asked to make oral presentations to the Evaluation Committee.

As a result of the written and oral presentations and information system demonstrations, the Committee ranked the vendors in the following order:

Underwriters Safety and Claims, Inc  
Preferred Governmental Claims Solutions  
Employer's Mutual, Inc.

*Fiscal Note:* Funds in the amount of \$149,500 are available in the proposed Fiscal Year 2006-2007 General Insurance Fund budget.

**RECOMMENDATION**

*The City Commission: 1) approve the rankings of the responding Third Party Administrators; 2) authorize the City Manager or his designee to negotiate with the firms in the ranked order and to execute a contract according to the terms in the Request for Proposals with the chosen firm subject to approval by the City Attorney as to form and legality; and, 3) authorize the issuance of a purchase order in an amount sufficient to cover the estimated claims administration costs.*

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**060215**

**Re-Bid: Resurfacing of Eight Tennis Courts at Westside Park (B)**

**The City of Gainesville Parks Division is requesting that the eight tennis courts located at Westside Park be resurfaced due to normal wear and tear and for future safety issues.**

*Explanation:* On June 7, 2006 the City of Gainesville Parks Division sent out Invitation to Bid packets to seven vendors for the resurfacing of the eight tennis courts located at Westside Park. The resurfacing also includes Armor Crack Repair System which entails cleaning out all court cracks to remove dirt and debris and then filling the cracks so everything is smooth prior to resurfacing. This crack repair

system also helps to minimize any large surface cracking in the future. The last time the courts were resurfaced was in 1998 and the resurfacing schedule for those busy courts should be every four to five years.

The seven vendors invited to bid were Welch Tennis, Arrowhead Enterprises, Court Surfaces, SNG Pavement Marking, Inc., Anglin Construction, SL Construction & Remodeling, Inc., and Holton Construction Co., Inc.

A mandatory Pre-Bid Meeting was held on June 16, 2006 at 9:00 a.m. at Westside Park. Out of the seven vendors that were invited, only Court Surfaces, Inc. and Anglin Construction attended the Pre-Bid Meeting, and subsequently submitted bid packets. Court Surfaces bid was \$34,600 for the tennis courts and \$5,800 for the Armor Crack Repair System resulting in a bid total of \$40,400. Anglin Construction's bid was \$36,700 for the tennis courts and \$10,800 for the Armor Crack Repair System resulting in a bid total \$47,500.

*Fiscal Note:* Funds for this project are available in account number 999-335-850-C377-5720-6030.

**RECOMMENDATION**

*Recommended Motion:* The City Commission approve staff's selection of Court Surfaces, Inc. to perform the work necessary to complete the project of resurfacing the eight tennis courts at Westside Park.

*Alternative Recommendation A:* The City Commission deny the request. If denied and funds are not made available, the city may have to close the courts (at some point in the future) if court conditions become such that they are unsafe to play on.

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**060224**

**Purchase of Tax Parcel 10733-024-000 Located at 915 Northeast 19th Terrace (B)**

**This item involves the purchase of Tax Parcel 10733-024-000 located at 915 Northeast 19th Terrace from Robert Mobley and Diana D. Jones and the building of a replacement house for the sellers with the proceeds.**

*Explanation:* The City wishes to purchase property owned by Robert Mobley and Diana D. Jones, his daughter, located at 915 Northeast 19th Terrace (Tax Parcel 10733-024-000, Lot 24 of the Pine Ridge Subdivision) to facilitate the Northeast 19th Terrace renovations project. This property is currently Mr. Mobley's homestead. He is the only owner occupant on the east side of Northeast 19th Terrace. The sellers have agreed to a purchase price of \$132,360 provided the City constructs a replacement home on City-owned Lot 26 of the Pine Ridge Subdivision with the proceeds. City staff has agreed and will place the purchase price of \$132,360 into an escrow account to fund the replacement house. The Public Works Department, working in conjunction with the Housing Division, will be responsible for constructing the replacement house. After construction, any monies left in this account will be paid to the seller. Any funds needed for construction above the settlement price will be borne solely by the seller.



*Fiscal Note: Funding for this purchase is available in the NE 19th Terrace Connector Project Accounts.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute a Purchase Agreement in the amount of \$132,360 and perform all stipulations of the Agreement related to the purchase of Tax Parcel 10733-024-000, located at 915 Northeast 19th Terrace; and 2) authorize the Mayor to execute a Special Warranty Deed to Robert Mobley and Diana D. Jones upon the receipt of a Certificate of Occupancy for the house to be constructed on Lot 26 of the Pine Ridge Subdivision.*

*Alternative Recommendation A: The City Commission deny the request and seek an alternative to the proposed Northeast 19th Terrace renovations.*

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**060225**

**Second Extension to the Contract for Sidewalk Construction/Replacement Services for FY 2007 (B)**

**This item involves a request for the Second Extension to the Contract with JoyTech Construction, Inc., for sidewalk construction/replacement services.**

*Explanation: The Contract dated October 4, 2004 and First Extension dated October 8, 2005 with JoyTech Construction, Inc., will expire on September 30, 2006. JoyTech Construction, Inc., has responded to the City's requests for services promptly and their services have been reliable and accurate.*

*The Contract allows for two one-year extensions. This is the second and final request for an Extension to the Contract.*

*Fiscal Note: Funding sources will be identified as needed from the City capital project budgets.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Second Extension to the Contract with JoyTech Construction, Inc., for Sidewalk Construction/ Replacement Services, extending the term of the Contract from October 1, 2006 to September 30, 2007, subject to final appropriation of funds for FY 2007.*

*Alternative Recommendation A: The City Commission reject the recommendation for the Second Extension and direct the City Manager to secure the services of individual firms on a project-by-project basis. This would result in project delays and additional administrative costs for both projects and routine tasks*

*that require these services.*

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**060226**

**First Extension to the Contracts for Professional Environmental Engineering Services for FY 2007 (B)**

**This item involves a request for the First Extension to the Contracts with Water & Air Research, Inc., and Environmental Consulting & Technology, Inc., for Professional Environmental Engineering Services.**

*Explanation: The Contract dated May 2, 2006 with Water & Air Research, Inc., and the Contract dated May 3, 2006 with Environmental Consulting & Technology, Inc., will expire on September 30, 2006. Both vendors have responded to the City's requests for services promptly and their services have been reliable and accurate.*

*The Contracts allow for five one-year extensions. This is the first request for an Extension to each Contract.*

*Fiscal Note: Funding sources will be identified as needed from the City capital project budgets.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute the First Extensions to the contracts with Water & Air Research, Inc., and Environmental Consulting & Technology, Inc., for Professional Environmental Engineering Services, extending the term of the contract from October 1, 2006 to September 30, 2007, subject to final appropriation of funds for FY 2007.*

*Alternative Recommendation A: The City Commission reject the recommendation for the First Extensions and direct the City Manager to secure the services of individual firms on a project-by-project basis. This would result in project delays and additional administrative costs for both projects and routine tasks that require these services.*

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**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

**060257**

**Fiberglass Sewer Liner Kits (NB)**

**Staff recommends establishing an annual contract for fiberglass sewer liner kits.**

*Explanation: The Wastewater Collection Department has begun using fiberglass sewer liner*

kits to repair sewer mainline repairs. The kits have been beneficial because they enable utility crews to reline the specific section of pipe requiring repair. Previously, repairs had to be made either by repairing the entire section of pipe from one manhole to another or by using an open-cut process. By targeting the damaged pipe section, repair costs and staff time are reduced significantly. Utility staff has been trained to perform this specialized repair technology, eliminating the need for contractor services. Staff estimates that approximately \$30,000 per year can be saved using this repair method. In addition, sewer liner kits are durable, environmentally safe and available in a wide range of diameters and lengths to accommodate various pipe repair projects. Staff anticipates an annual expenditure of approximately \$35,000 for repair kits.

Utilities Purchasing obtained a quotation from Infrastructure Repair Systems, Inc. for various sized fiberglass sewer liner kits that would be used with the Utility's point repair sleeve carrier equipment. Infrastructure Repair Systems is the only known source for products with this proprietary and patented liner design and point repair system.

*Fiscal Note:* Funds are available in the FY 2006 Water/Wastewater Construction budget and will be requested in FY 2007.

**RECOMMENDATION**

*The City Commission: 1) authorize the Interim General Manager, or her designee, to execute a one year contract with Infrastructure Repair Systems, Inc., as a sole source for the provision of fiberglass sewer liner kits for the Wastewater Collection department, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order in an amount not to exceed the budgeted amount, subject to the final appropriation of funds for FY 2007.*

**060258**

**Wastewater Force Main Installation (NB)**

**Staff recommends installation of a wastewater force main segment at the Tower 24 development using the Owner's underground contractor to perform these services.**

*Explanation:* In July 2005, the City Commission approved construction of a wastewater force main system improvement from SW 24th Avenue to the Kanapaha Water Reclamation Facility to provide system reliability, redundancy and capacity for projected future wastewater flows as part of the FY07 Water and Wastewater (W/WW) Systems' Capital Improvements Budget.

Subsequent to beginning wastewater force main construction, a new development, Tower 24, was proposed on the SW corner of SW 24th Avenue and SW 75th Street (Tower Road). W.G. Johnson and Son, Inc. is currently performing construction services for the Owner at this site in conjunction with the Tower 24 project. Staff believes that it would be in the Utility's best interest to use the same underground contractor to install the Utility's wastewater force main concurrently to avoid potential conflicts with having multiple contractors

working at the same location. Staff also believes that savings can be derived from reduced mobilization costs, volume pricing for materials and lower administrative costs.

A quotation has been obtained from W.G. Johnson and Son, Inc. in the amount of \$632,269 to install approximately 1852 LF of 24 inch wastewater force main for this project. Staff has reviewed the pricing submitted by the Contractor in comparison to recently completed projects and believes the pricing is competitive for this type of work.

*Fiscal Note:* Monies for this project are available in the FY 07 W/WW Systems' Capital Improvements Budget.

**RECOMMENDATION**

The City Commission 1) authorize the Interim General Manager, or her designee, to negotiate and execute a contract with W.G. Johnson and Son, Inc., for the installation of a portion of wastewater force main subject to approval of the City Attorney as to form and legality, and 2) approve the issuance of a purchase order in the amount of \$632,269 to install a wastewater force main segment at the project known as Tower 24.

## CITY ATTORNEY, CONSENT AGENDA ITEMS

## CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

### **060259**

#### **Advisory Board/Committee Appointments to the Citizens' Advisory Committee for Community Development (NB)**

**RECOMMENDATION**

The City Commission appoint Christopher M. Ferrante for a vacancy to expire November 1, 2007, and appoint Heather K Saulsbury for a term to expire November 1, 2009 to the Citizens' Advisory Committee for Community Development.

Commissioner Braddy: Ferrante and Saulsbury  
Commissioner Bryant: Ferrante and Saulsbury  
Commissioner Donovan: Ferrante and Saulsbury  
Commissioner Henry: Ferrante and Saulsbury  
Commissioner Lowe: Ferrante and Saulsbury  
Commissioner Mastrodicasa: Ferrante and Saulsbury  
Mayor Hanrahan: Saulsbury and Readvertise

### **060260**

#### **Advisory Board/Committee Appointment to the City Plan Board (NB)**

**RECOMMENDATION**

*The City Commission appoint Jack M. Walls to the City Plan Board for vacancy to expire November 1, 2008.*

*Commissioner Braddy: Bonnie H. Mott  
Commissioner Bryant: Bonnie H. Mott  
Commissioner Donovan: Jack M. Walls  
Commissioner Henry: Bonnie H. Mott  
Commissioner Lowe: Jack M. Walls  
Commissioner Mastrodicasa: Jack M. Walls  
Mayor Hanrahan: Jack M. Walls*

**060261****Advisory Board/Committee Appointment to the Fire Safety Board of Adjustment (NB)****RECOMMENDATION**

*The City Commission reappoint Carl L. Osberg, to the Fire Safety Board of Adjustment for a term to expire November 1, 2007.*

*Commissioner Braddy: Osberg  
Commissioner Bryant: Osberg  
Commissioner Donovan: Osberg  
Commissioner Henry: Osberg  
Commissioner Lowe: Osberg  
Commissioner Mastrodicasa: Osberg  
Mayor Hanrahan: Osberg*

**060262****Advisory Board/Committee Appointments to the Gainesville Code Enforcement Board (NB)****RECOMMENDATION**

*The City Commission appoint Alfonso T. Atwaters for a term to expire August 1, 2009, and reappoint James Hahn for a term to expire August 1, 2009 to the Gainesville Code Enforcement Board.*

*Commissioner Braddy: Atwaters and Hahn  
Commissioner Bryant: Atwaters and Hahn  
Commissioner Donovan: Atwaters and Hahn  
Commissioner Henry: Atwaters and Hahn  
Commissioner Lowe: Atwaters and Hahn  
Commissioner Mastrodicasa: Atwaters and  
Readvertise  
Mayor Hanrahan: Atwaters and Gregory*

**060263****Advisory Board/Committee Appointment to the Gainesville Enterprise Zone Development Agency (NB)****RECOMMENDATION**

*The City Commission reappoint Peter W. Alcorn, to the Gainesville Enterprise Zone Development Agency for a term to expire March 31, 2010.*

*Commissioner Braddy: Alcorn*

*Commissioner Bryant: Alcorn*

*Commissioner Donovan: Alcorn*

*Commissioner Henry: Alcorn*

*Commissioner Lowe: Alcorn*

*Commissioner Mastrodicasa: Alcorn*

*Mayor Hanrahan: Alcorn*

**060264****Advisory Board/Committee Appointments to the Gainesville Human Rights Board (NB)****RECOMMENDATION**

*The City Commission appoint Sheldon Packer, Brandis L. Ruise, and Robert D. Ulmer to the Gainesville Human Rights Board for terms to expire February 22, 2009.*

*Commissioner Braddy: Brown, Ruise, and Ulmer*

*Commissioner Bryant: Brown, Ruise, and Ulmer*

*Commissioner Donovan: Packer, Ruise and Ulmer*

*Commissioner Henry: Packer, Ruise and Ulmer*

*Commissioner Lowe: Packer, Ruise and Ulmer*

*Commissioner Mastrodicasa: Ferrante, Packer and Ulmer*

*Mayor Hanrahan: Ferrante, Packer and Ulmer*

**060265****Advisory Board/Committee Appointments to the Gainesville/Alachua County Regional Airport Authority (NB)****RECOMMENDATION**

*The City Commission appoint William R. Breeze for a term to expire July 31, 2009, and appoint Mark Goldstein for a vacancy to expire July 31, 2008 to the Gainesville/Alachua County Regional Airport Authority.*

*Commissioner Braddy: Thaxton and Wallace*

*Commissioner Bryant: Thaxton and Wallace*

*Commissioner Donovan: Breeze and Goldstein*

*Commissioner Henry: Wallace and Readvertise  
Commissioner Lowe: Breeze and Goldstein  
Commissioner Mastrodicasa: Breeze and Goldstein  
Mayor Hanrahan: Breeze and Goldstein*

**060266****Advisory Board/Committee Appointments to the Historic Preservation Board (NB)****RECOMMENDATION**

*The City Commission reappoint Robert S. Gill for a term to expire June 1, 2009, and reappoint Tim Hoskinson for a term to expire June 1, 2009 to the Historic Preservation Board.*

*Commissioner Braddy: Hoskinson and Ruise  
Commissioner Bryant: Gill and Hoskinson  
Commissioner Donovan: Gill and Hoskinson  
Commissioner Henry: Gill and Hoskinson  
Commissioner Lowe: Gill and Hoskinson  
Commissioner Mastrodicasa: Gill and Hoskinson  
Mayor Hanrahan: Gill and Hoskinson*

**060267****Advisory Board/Committee Appointment to the Pension Review Committee (NB)****RECOMMENDATION**

*The City Commission appoint John Michael Williams, to the Pension Review Committee for a term to expire July 2111.*

*Commissioner Braddy: Williams  
Commissioner Bryant: Williams  
Commissioner Donovan: Williams  
Commissioner Henry: Williams  
Commissioner Lowe: Readvertise  
Commissioner Mastrodicasa: Williams  
Mayor Hanrahan: Williams*

**060268****Advisory Board/Committee Appointment to the Regional Transit System Advisory Board (NB)****RECOMMENDATION**

*The City Commission appoint John-David C. Feldman, to the Regional Transit System Advisory Board for a term to expire June 1, 2009.*

*Commissioner Braddy: Feldman  
 Commissioner Bryant: Feldman  
 Commissioner Donovan: Feldman  
 Commissioner Henry: Feldman  
 Commissioner Lowe: Feldman  
 Commissioner Mastrodicasa: Feldman  
 Mayor Hanrahan: Feldman*

**060269**

**Advisory Board/Committee Appointment to the Water Management Committee (NB)**

**RECOMMENDATION**

*The City Commission reappoint Donnie L. Ellington, to the Water Management Committee for a term to expire August 2009.*

*Commissioner Braddy: Ellington  
 Commissioner Bryant: Ellington  
 Commissioner Donovan: Ellington  
 Commissioner Henry: Ellington  
 Commissioner Lowe: Ellington  
 Commissioner Mastrodicasa: Ellington  
 Mayor Hanrahan: Ellington*

**060273**

**City Commission Minutes (B)**

**RECOMMENDATION**

*The City Commission approve the minutes of July 10, 2006, as circulated.*

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**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**PUBLIC WORKS COMMITTEE, CONSENT**

**PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT**

**PUBLIC SAFETY COMMITTEE, CONSENT**

**060200**

**State Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) Funding for Black on Black Crime Task Force (NB)**



**This item requests that the City Commission appropriate and expend funds from the State Law Enforcement Contraband Forfeiture Trust Fund for the Black on Black Crime Task Force for programs and maintenance at the Reichert House.**

*Explanation: The Reichert House, a collaborative effort by the Gainesville Police Department and the Black on Black Crime Task Force was founded in 1987. The program was established to provide an after-school mentoring program for at-risk teenage boys who have the greatest likelihood of becoming part of the criminal justice system. The Program recently moved into a new facility constructed by the Black on Black Crime Task Force, who in turn deeded the facility to the City of Gainesville. Funds for maintenance costs were not included in this year's budget due to the timing of completion of the project and the transfer of the property to the City.*

*The Black on Black Crime Task Force continues to be a driving force in the Reichert House facility by participating in maintenance and upkeep of the facility, as well as providing a number of mentors. Funds from this request will be used by the Black on Black Crime Task Force to offset their cost of assisting with the maintenance and upkeep of the facility.*

*Fiscal Note: Funds for this expenditure are available in the State Law Enforcement Contraband Forfeiture Trust Fund, as allowed under FSS 932.7055(4)(a). The current balance of the State Law Enforcement Contraband Forfeiture Trust Fund is \$32,500.*

**RECOMMENDATION**

*Recommended Motion: The City Commission authorize the appropriation of \$7,000 from the State Law Enforcement Contraband Forfeiture Trust Fund for the Black on Black Crime Task Force to offset their cost of assisting with the maintenance of the facility.*

*Alternative Recommendation A: The City Commission decline the appropriation and direct staff to seek alternative maintenance options and not implement new programs designed to curb youth violence. There is no fiscal impact.*

*Alternative Recommendation B: None.*

**Legislative History**

7/13/06	Public Safety Committee	Approved as Recommended
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**AUDIT, FINANCE and LEGISLATIVE COMMITTEE, CONSENT**

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****051153****Executive Search Firm for General Manager (B)**

**Staff recommends hearing oral presentations by the three best evaluated executive search firms for the purpose of selecting one firm to assist in the hiring process for the General Manager position.**

*Explanation: At the City Commission meeting on April 10, 2006, a draft Request for Proposals (RFP) for executive search services for the General Manager was submitted to the City Commission for approval. The City Commission directed staff to issue the RFP and asked Interim General Manager Karen Johnson, City Manager Russ Blackburn, and Human Resources Director Tom Motes to review the proposals and recommend the top ranked firms (approximately three) for oral presentations to the City Commission. On June 12, 2006, staff provided a short list of two (2) firms for consideration to the City Commission based on evaluation of the responsive proposals. Due to concerns that the fixed fee pricing requirement limited the number of responsive proposals received, the City Commission directed staff to reissue the RFP with an alternative pricing structure to allow firms the ability to offer a fee based on a percentage of the hiring salary, including a maximum fee.*

*Staff reissued the Request for Proposals to sixteen (16) prospective executive search firms. Nine (9) proposals were received, two (2) with a no bid response. Seven (7) proposals were evaluated based on the firm's personnel qualifications and experience, methodology, responsiveness, schedule, pricing and references. The Mercer Group, Inc., MRI Network Management Recruiters of Bonita Springs, Inc., and Mycoff & Associates submitted the best evaluated proposals and are recommended for oral presentations to the City Commission. A scoring tabulation of the proposals is included in the backup for your reference.*

*Fiscal Note: Funds for the executive search firm service are available in the GRU budget.*

**RECOMMENDATION**

*The City Commission: 1) hear oral presentations by the three highest ranked firms based on proposals submitted in response to the RFP for executive search services for the General Manager; 2) rank firms based on the presentations; and 3) authorize the City Manager or Interim General Manager to negotiate and execute a contract with the highest ranked firm, subject to the approval of the City Attorney as to form and legality.*

Legislative History

4/10/06 City Commission Approved as shown above (See Motion) (5 - 0 - 2 Absent)  
 6/12/06 City Commission Approved as shown above (See Motion) (7 - 0)  
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051229**Update on A. Quinn Jones House (B)**

**The City was approached by the family of Dr. A. Quinn Jones, Sr. to donate real property located at 1013 Northwest 7th Avenue for use as an African American Museum. This is a report and update to the City Commission regarding the acquisition of the Dr. A. Quinn Jones, Sr. property for use as an African American Museum.**

*Explanation: In November of 2005, both the Cultural Affairs Division and Community Redevelopment Agency (CRA) staff were approached by Mr. Joel Buchanan of the University of Florida - Smathers Library, regarding a donation to the City of Gainesville the of home of the late Dr. A. Quinn Jones, Sr. for use as an African American Museum. Dr. A. Quinn Jones, Sr. was an important figure in the educational history of Alachua County and the State of Florida. In 1926, as Principal of the New Lincoln High School, Dr. Jones was responsible for the school's accreditation as only the second Negro high school in the State of Florida. The Old Lincoln High School was renamed in his honor and still bears his name today.*

*Staff from Facilities Management has inspected the home of Dr. A. Quinn Jones, Sr. and finds it to be in structurally sound condition. The family of Dr. Jones wishes to gift his home of 54 years, along with the house next door to the City for use as a House Museum. The adjacent house is in extremely poor condition and may need to be demolished*

*The family of Dr. A. Quinn Jones, Sr., had originally approached the UF Smathers Library regarding the donation of Dr. Jones' former home located at 1013 Northwest 7th Avenue for use as a museum. Included in the donation were all personal papers and photographs of Dr. Jones. In addition, an adjacent lot with house were also a part of the donation. While the University of Florida Smathers Library was very interested in the personal papers of Dr. Jones, they had no mechanism to retain the home as a museum.*

*Mr. Buchanan and Dr. Jones' son, Dr. Oliver Jones, then approached the CRA at its November 21, 2005 meeting to see if the CRA would be interested in acquiring Dr. Jones' former residence for use as a museum. The CRA recommended that this item be referred to the City Commission for consideration.*

*At the November 28, 2005 City Commission meeting, Mr. Buchanan and Dr. Oliver Jones made a presentation (under Citizen Comments) to the City Commission regarding the donation of the home to the City of Gainesville. The City Commission referred this request to the City Manager. The City Manager*

*requested that staff explore the possibility of the home being accepted by the City, but managed by a non-profit organization and/or a Board of Directors for the purpose of raising necessary funds for current and future facility repairs, renovations and annual costs relating normal operating and maintenance expenses. The model proposed is similar to the Hippodrome Theater which is a City owned facility, in which a non-profit Board programs and maintains the facility, but the City provides major capital maintenance and improvements.*

*The following events have transpired relating to this project:*

*The Smathers Library has removed all of the personal papers, documents, and books contained within the home belonging to Dr. Jones and have begun the process of preserving them. These documents will be retained in the custody of the University of Florida.*

*On February 10, 2006 staff held a meeting with community members and civic leaders for the purpose of discussing the formation of a non-profit governing board to provide management and oversight of the Dr. A. Quinn Jones Sr. home. Items discussed during this meeting were the formation of a governing board, and what type of museum the property would be best suited for. The group discussed several museum operational options, including a research museum for African American scholars with only limited public access. Another option discussed was the operation of a facility similar to the Betsy Ross House, which is not open for public tours, but is only observed from the exterior with changing outdoor exhibits and signage. However, the Task Force deferred a decision on this matter until after the property was accepted by the City, and a final governing board chosen.*

*On February 20, 2006, the Cultural Affairs Director requested and received \$10,000 from the City's Community Redevelopment Agency to be used for repairs to the roof and improvements to the home's interior plumbing. These are repairs that will need to be made immediately. This allocation was contingent upon the acceptance of the property by the City of Gainesville.*

*During the months of late February and March, staff approached several social and civic groups, including the Lincoln High School Alumni, the Alpha Phi Alpha - Nu Eta Lambda Fraternity, and the Visionaries Social Club, regarding the formation of a museum governing board which would assist the City in the management and operation of the Museum and any necessary fund raising activities after the City accepts the gift of the home.*

*During this period, staff also contacted school district officials regarding the possible use of the parking lot and school restrooms at the A. Quinn Jones School which is located directly across the street from the home. The purpose of this request was to use the school's parking lot and restrooms until a small parking lot is constructed next to the home and the home is renovated to be ADA compliant. School officials agreed to this request.*

*On March 10, 2006, Staff received a letter from the Brothers of the Alpha Phi Alpha - Nu Eta Lambda Chapter initially agreeing to serve as the Governing Board and the 501 C Not-for-Profit organization for the museum. Staff then drafted an agreement for the Alphas to assume the operational responsibilities*

*for the home once the City had accepted the home/property from the Jones family.*

*Over the next month and a half, City staff and Alpha Phi Alpha worked with the City Attorney's office to refine the draft Agreement. In the first week of May, 2006, the (final) Agreement was sent to (then) President Ray McKnight for presentation and approval by the Alpha membership at their May membership meeting. However, at the end of May 2006, Mr. McKnight's term as president expired and during the process to elect new officers, the Agreement between the City and the Alphas was discussed. The new Board was not inclined to sign the proposed museum operational Agreement presented by the City and deferred any decision on the Agreement until its meeting the last week of June 2006.*

*At the June meeting the new board of Alpha Phi Alpha - Nu Eta Lambda decided they were unwilling to accept the Agreement. The major concerns are responsibility for the liability insurance, staffing and the operational & maintenance costs of the facility.*

*With this new development, Dr. Oliver Jones, who is also a member of Alpha Phi Alpha, submitted a revised letter (dated June 27th, 2006) to the City asking that the City accept the A. Quinn Jones home and property and to fund all costs associated with the home to include any current and future repairs and improvements, annual utility costs, and all general building maintenance. He further indicated that the City must renovate the house, accept the contents (furnishings), operate and maintain it forever (or it will revert back to his family), and title the property "A. Quinn Jones Museum" or "A. Quinn Jones Center". Dr. Jones suggests that the City coordinate programming efforts with various community groups.*

*Because of length of the process to identify both a Governing Board and a Not-for-Profit organization, and in light of the recent developments, staff felt that it was necessary as well as appropriate to up-date the City Commission on this project and to request direction from the Commission. Based on Dr. Jones' wishes for the City to accept the building, the City has a number of options. Several options are outlined below.*

#### *Option I*

*Accept the house that Dr. Jones lived in and establish it as an Historic Site. The City would accept the CRA grant to re-roof and re-plumb the building. No major community events, exhibits or public tours would be conducted as the building is not ADA accessible. No monies for permanent or temporary staffing would be budgeted. Minimal operating expenses for such items as exterior painting, utilities, signage, and other routine operational and maintenance expenses such as alarm and monitoring, pest control, telephone, etc. would need to be budgeted. An historic marker would be placed at the site. The City would decline the offer to accept the adjacent house and associated lot.*

#### *Option II*

*Accept the property (two houses) and establish an operational African-American House Museum open to the public. Dr. Jones' house would be used as a cultural center or museum. This would require refurbishing the interior and furnishings, demolition of the adjacent building, establishment of paved parking spaces*

(four), and driveway. These costs are loosely estimated to be around \$20,000. Initially, porta-potties could be used for temporary events or exhibits. For permanent use, ADA accessibility is estimated to be \$25,000 for ramps and the addition of an ADA restroom. Significant renovations to the home and installation of an HVAC system would need to be made to the house. Also, personnel would need to be hired or volunteers coordinated to staff the facility for public use. A budget for annual operating costs and capital improvements would need to be established. This option would establish the home as an operational Museum or Center.

#### *Option III*

*Establish the A. Quinn Jones School as an historic destination Museum or Cultural Center through the Alachua County School Board (ACSB). This approach would be to try to work with the ACSB to establish the A. Quinn Jones School as the cultural center recognizing Dr. Jones and his contributions. This building currently is used as an operational school and already has classrooms, parking, restrooms, performance center with stage, and the outside grounds and recreational areas may possibly be refurbished as part of a proposed development. Events and exhibits could be planned and held at the school. An historic marker could be placed in the right of way at Dr. Jones' house. While this option does not accept Dr. Jones' property, this proposal could initiate a long term concept or vision for a neighborhood community and cultural center as this location. Staff has not formally approached the Alachua County School Board on this concept yet.*

#### *Option IV*

*Staff would continue to seek appropriate organizations interested in accepting the responsibility and operations of a house museum. Organizations such as The Matheson Museum, SFCC, Junior League, Rotary, Kiwanis, local churches and other sororities, fraternities or non-profits could be approached to act as a single board or a joint board of directors to fund and operate this facility.*

*Fiscal Note: The fiscal impact is dependent on the direction of the City Commission.*

#### **RECOMMENDATION**

*Recommended Motion: The City Commission provide staff with direction on how to proceed with respect to the request of Dr. Oliver Jones to accept the home of Dr. A. Quinn Jones Sr. and the adjacent home/lot for the purpose of establishing an African American House Museum or research facility.*

*Alternative Recommendation A: The City Commission accept Dr. A. Quinn Jones house as an historic site and decline to accept the remaining real property.*

*Alternative Recommendation B: The City Commission accept all of the real property being offered for donation (two houses) and convert the property to an operational African American Museum or Center.*

*Alternative Recommendation C: The City Commission not accept the property and direct staff to work with Alachua County School Board to establish a*

*recognition program in honor of Dr. A. Quinn Jones, Sr. at the A. Quinn Jones School.*

*Alternative Recommendation D: The City Commission accept the property and direct staff to continue to find a non-profit organization that may be interested in establishing and operating a museum or cultural center.*

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## 060236

### **Supplemental Shelter (NB)**

**This agenda item would authorize staff to initiate a request for proposals (RFP) from local organizations who are interested in providing supplemental homeless shelter and services during the upcoming cold weather months.**

*Explanation: Last winter, the City Commission responded to requests to provide supplemental shelter and services for the homeless by allocating \$108,000 between two providers, St. Francis House and the Alachua County Housing Authority. St. Francis House used \$26,565 to augment its cold night shelter, and the Alachua County Housing Authority ran two programs - a cold weather shelter at Holy Trinity Episcopal Church (\$40,000) and a hotel-motel voucher program (\$41,435). Funding for these programs was provided on a 50/50 basis from the City's FY 05 General Fund unreserved, undesignated fund balance and a portion of funds donated by local developer Clark Butler.*

*In advance of the 2006-07 winter months, staff would like to initiate a request for proposals (RFP) process in September so that the providers and supplemental shelter and services are identified ahead of time. Staff would advertise the RFP in early September and return with recommendations to the City Commission in October on which organizations should be selected to be the supplemental shelter providers.*

*Staff proposes that the RFP require strict adherence to City code requirements for shelters that are located in churches or other places of religious assembly. Currently, the City's Land Development Code allows "residences for destitute people" (i.e., homeless shelters) as accessory uses to places of religious assembly, which may house no more than 20 persons in a 24-hour period. Places of religious assembly and other buildings which are located in designated business and mixed-use zoning districts may also be used to provide "temporary emergency shelter" subject to limitations on the number of days they may operate, building capacity and other criteria specified in the code. Under current policy, the City Manager has determined that a cold weather emergency exists anytime the temperature is forecast to reach 45 degrees Fahrenheit or lower.*

*Under the terms of the proposed RFP, supplemental shelter would be provided during the months of December through March. Based on historical weather data for Gainesville, December through February are the months when the average minimum temperature is at or below 45 degrees Fahrenheit. Although the average minimum for March is around 50 degrees Fahrenheit, we recommend including it because there are often many days in March when the low is at or below 45 degrees Fahrenheit. This year, for example, there were 13 days in March where the low was at or below 45 degrees Fahrenheit. The RFP would be for sites outside downtown with dispersal as a significant criterion.*

*Fiscal Note: The proposed FY 2006-07 General Government Budget includes \$25,000 for supplemental cold weather shelter as recommended by the City Manager.*

**RECOMMENDATION**

*Recommended Motion: The City Commission authorize the City Manager or designee to initiate a request for proposals for the provision of supplemental shelter and services for the homeless during the 2006-07 winter months.*

*Alternative Recommendation A: The City Commission defer action on this agenda item until a later date.*

**060241**

**Youth Activities in the Downtown Area (NB)**

**This is a request for the City Commission to hear a report from staff on alternatives to youth activities downtown.**

*Explanation: At the July 10, 2006 City Commission meeting, the commission heard Citizen Comments regarding concerns with youth involved activities in the downtown area, and requested staff return with a report.*

**RECOMMENDATION**

*The City Commission hear a report from staff on possible alternative activities for Gainesville youth, and take any necessary action.*

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**PUBLIC WORKS COMMITTEE**



**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE****PUBLIC SAFETY COMMITTEE****REGIONAL UTILITIES COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****060270 RESOLUTION TO ESTABLISH A PROPOSED MILLAGE RATE (B)**

**A Resolution of the City Commission of the City of Gainesville, Florida; relating to the levy of general municipal purpose ad valorem taxes for the 2006-2007 fiscal year; establishing a proposed millage rate; establishing a public hearing; providing for notice to the Alachua County Property Appraiser; providing an immediate effective date.**

*Explanation: Section 200.065 of the Florida Statutes requires the City Commission to advise the Property Appraiser of its rolled-back millage rate, its proposed millage rate, and of the time, date, and place at which a public hearing will be held to consider the proposed millage rate and the proposed tentative budget.*

*Fiscal Note: The estimated ad-valorem tax revenues as presented in the FY 2007 Proposed Financial and Operating Plan - Budget by Funds is based on the current millage rate of 4.9250 mills and not on the rolled-back millage rate of 4.3083 mills.*

**RECOMMENDATION**

*The City Commission adopt the proposed resolution.*

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**060271****RESOLUTION TO APPROVE A PROPOSED TENTATIVE GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN (B)**

**A resolution of the City Commission of the City of Gainesville, Florida; relating to its General Government Budget for the 2006-2007 Fiscal Year; Approving a proposed tentative General Financial and Operating Plan; and Providing an immediate and effective date.**

*Explanation: The proposed tentative General Government Budget for Fiscal Year 2006-2007 as set forth in the Proposed Financial and Operating Plan – Budget by Funds is hereby submitted for approval and further consideration at a public hearing to be established in conjunction with the approval of a proposed millage rate to fund said budget.*

*A balanced Proposed Tentative General Government Budget is submitted for approval.*

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

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**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****060148****ANNEXATION - LOWE 2 AND BOYKIN/WARREN (B)****Ordinance No. 0-06-64**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, 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 comprising tax parcels 06712-001-000 and 06712-002-000, as more specifically described in this ordinance, generally located south of the City limits, west of the vicinity of SW 34th Street and the City limits, north of the vicinity of SW 20th Avenue and east of SW 38th Terrace; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.**

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, January 23, 2006, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On February 27, 2006 and March 13, 2006, the City Commission held advertised public hearings and adopted the corrective Urban Services Report as mandated by the Boundary Adjustment Act.*

*ANNEXATION ORDINANCE*

*The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.*

*In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.*

*If adopted on first reading, the second and final reading of this ordinance will be August 14, 2006. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

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**ORDINANCES, 2ND READING- ROLL CALL REQUIRED****060097****ANNEXATION - DAUTEL - TAX PARCELS 06711-000-000 AND 06711-003-000 (B)****Ordinance No. 0-06-41**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, 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 comprised of Tax Parcels 06711-000-000 and 06711-003-000, generally located south of the city limits, west of the vicinity of SW 34th Street and the City limits, north of the vicinity of SW 20th Avenue and east of SW 37th Street; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.**

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, November 28, 2005, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On April 24, 2006 and May 8, 2006, the City Commission held advertised public hearings and adopted the corrective Urban Services Report as mandated by the Boundary Adjustment Act.*

*ANNEXATION ORDINANCE*

*The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.*

*In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.*

*If adopted on first reading, the second and final reading of this ordinance will be July 24, 2006. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

7/10/06 City Commission Adopted on First Reading (Ordinance) (7 - 0)  
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**050254****REZONING - N.W. 39TH AVENUE (B)**

**(Quasi-Judicial) Ordinance No. 0-06-23, Petition No. 111PDV-05PB**  
**An Ordinance of the City of Gainesville, Florida; rezoning certain lands annexed into the City, as more specifically described in this Ordinance, and amending the Zoning Map Atlas from the Alachua County zoning category of "BP, business and professional" to the City of Gainesville zoning category of "Planned Development District"; located in the vicinity of 4405 N.W. 39th Avenue and consisting of approximately 1.26 acres; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

*This petition is a request to allow commercial development on an undeveloped parcel located along the south side of Northwest 39th Avenue, west of Northwest 43rd Street. The parcel was recently annexed into the City and is the only undeveloped parcel within the block and is adjacent to a bank, at the intersection of Northwest 39th Avenue and Northwest 43rd Street. Without the petitioner's request for Planned Development overlay zoning, staff would have recommended OF (General Office) zoning for the property, based on the surrounding land uses and existing conditions.*

*The property is an undeveloped 1.26-acre parcel located within 200 feet of the*

intersection of two major roadway corridors, Northwest 39th Avenue and Northwest 43rd Street. The four corners of that intersection are developed as follows:

1. Northwest Corner - Multi-family Residential (Alachua County)
2. Northeast Corner - A low activity family medical emergency center (Office)
3. Southeast Corner - A financial institution and offices (PD/Office)
4. Southwest Corner - A financial institution and offices (Office)

The general area located south and west of Northwest 39th Avenue and Northwest 43rd Street is comprised of offices and residential development. Being in the same general area, it is expected that the subject property should reflect a similar and consistent pattern of development. Given the character of the area, an intense commercial use would be out of character. This northwest quadrant of the City has been planned with three mixed-use centers to serve both employment and residential uses: the Millhopper Village/Thornebrook Activity Center, Magnolia Park Mixed-Use Center and the Hunter's Crossing Activity Center. Some complimentary commercial uses may be appropriate in this area.

The Plan Board heard the petition and recommended that it be approved, with staff conditions as modified by the City Plan Board.

Public notice was published in the Gainesville Sun on November 1, 2005. Letters were mailed to surrounding property owners on November 2, 2005. The Plan Board held a public hearing November 17, 2005.

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

**Legislative History**

12/12/05	City Commission	Approved (Petition) with staff conditions, as modified by the City Plan Board (6 - 0 - 1 Absent)
7/10/06	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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**050584**

**AMENDED LIST OF CONTRIBUTING STRUCTURES IN THE NORTHEAST RESIDENTIAL DISTRICT (B)**

**Ordinance No. 0-06-43; Petition 159MSC-06 PB**

**An ordinance of the City of Gainesville, Florida, amending the list of contributing buildings and structures in the Northeast Residential Historic District; finding these additional buildings and structures as contributing structures subject to the regulations of the City's historic preservation/conservation ordinance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing**

**an immediate effective date.**

*Explanation:* COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

*The petition changes the status from non-contributing to contributing for various properties in the Northeast Residential Historic District. The Northeast Residential Historic District was approved by the City Commission on July 8, 1985 (241ZON-84PB Ordinance #3141) and contributing and non-contributing status was applied to each building, site, structure or object. The Historic Preservation Board unanimously approved the proposed changes in status from non-contributing to contributing structures at a Special Meeting on November 8, 2005.*

*As defined in the cultural resources survey, contributing buildings and structures are those that have been documented with the Florida Division of Historic Resources through completion of a Florida Master Site File. Also they are at least 45 years old, and have not been severely altered, namely through radical alteration of original plan, enclosing of porches, or additions to the facade. Contributing structures include principal dwellings or buildings, garage apartments, and outbuildings. Conversely, noncontributing buildings and structures are defined as buildings with a Florida Master Site File that have been severely altered and/or buildings that are less than 45 years old.*

*Staff has found that the status on 43 non-contributing building sites, structures or objects have met the criteria of contributing and are reflected on the attached list for adoption.*

*The Plan Board heard the petition and voted to recommend approval.*

*Public notice was published in the Gainesville Sun on February 28, 2006. Letters were mailed to surrounding property owners on March 1, 2006. The Plan Board held a public hearing March 16, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 159MSC-05 PB. Plan Board vote 6-0.*

#### *CITY ATTORNEY MEMORANDUM*

*The City Commission at its meeting of May 22, 2006, requested staff to reevaluate the list of contributing structures in the Northeast Residential Historic District and bring the ordinance back to the Commission at its July 10, 2006 meeting, for first reading. This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, July 24, 2006.*

*Fiscal Note:* None

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

#### **Legislative History**

5/22/06	City Commission	Continued (1st Reading) (7 - 0)
7/10/06	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance) (4 - 3)

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## RESOLUTIONS- ROLL CALL REQUIRED

060254

### RESOLUTION - INDEMNIFICATION (B)

#### **A Resolution of the City of Gainesville, Florida, relating to contractual indemnification by the city; and providing an immediate effective date.**

*Explanation: The City of Gainesville frequently enters into contractual relationships that may vary from purchase orders to multimillion dollar contracts to interlocal agreements. As a practice, the City generally requires other contracting parties to indemnify the City for the negligence both of the contractor and the City. In the past, some parties have refused to indemnify the City for the actions or inactions of the City, and instead ask the City to indemnify them for the actions of the City, its contractors, or third parties. The City can then decide whether to do business with that entity.*

*In the past, the City has usually refused to indemnify other parties for several reasons, including that the City is entitled to sovereign immunity under the Florida Constitution. Indemnification could be interpreted as a contractual waiver of that sovereign immunity. Additionally, Article VII of the Florida Constitution prohibits a City from pledging its credit to another entity. Indemnification could be viewed as a pledge of the City's credit.*

*Several months ago, the Florida Supreme Court considered whether a local government can raise the sovereign immunity defense (either the limitations on liability amounts or the liability itself) when the local government waived the sovereign immunity in contract by agreeing to indemnify a private party. Previously, the Attorney General had opined that a local entity could not agree to indemnify by contract a private party, nor could it alter the state's waiver of sovereign immunity beyond the monetary limits established in section 768.28, Florida Statutes. While the Attorney General's opinion was only persuasive and not binding, the Florida Supreme Court case effectively overturned the position of the Attorney General, and concluded that a local government can contract away its sovereign immunity.*

*In response to this case, some cities and counties have developed a formal position for the government. One approach is to simply decline to indemnify third parties under all circumstances. We recognize that this approach, in some*

cases, is not practical. There are times when some exclusive vendors (consultants, experts, exclusive suppliers) will simply choose to not do business with the City.

The City Attorney's Office has developed a resolution for adoption by the City Commission patterned after the approach taken by Hillsborough County. The Resolution formally adopts the general policy that indemnification by the City is not permitted, but allows flexibility by Charter Officers in exigent circumstances.

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

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## PLAN BOARD PETITIONS

### 060103

#### **Apply Parking Regulations to the UF Campus Master Plan 2005-2015 Context Area, and establish a Residential Parking Overlay District (B)**

**Petition 70TCH-06 PB. City of Gainesville. Amend the City of Gainesville Land Development Code to apply parking regulations to the University of Florida Campus Master Plan 2005-2015 Context Area; and establish a Residential Parking Overlay District and procedures.**

*Explanation: In 1997, the City Commission approved an ordinance regulating off-street parking on single-family zoned properties in the University of Florida Context Area. The ordinance was adopted because disorderly yard parking was having a negative impact on single-family neighborhoods near the University. The ordinance was updated in March 2004 to close loopholes and improve enforcement.*

*Major provisions of the parking regulations within the Context Area require driveway and parking area borders to be permanent, clearly defined, affixed to the ground, and a minimum size. The regulations also require the submittal of a parking plan when applying for a landlord permit, or if requested by the City.*

*The proposed ordinance expands where off-street parking is regulated, through changes to the Context Area and the establishment of a Residential Parking Overlay District.*

*The University of Florida has recently changed the boundaries of the Context Area to include some single-family zoned areas not previously included. The proposed ordinance applies the off-street parking regulations to those areas by specifically referencing the new, expanded Context Area.*

*The proposed ordinance also creates a Residential Parking Overlay District. Within the Residential Parking Overlay District, the same off-street parking regulations as applied in the Context Area would be imposed. The proposed ordinance allows any neighborhood that meets the minimum criteria for the Overlay District, to request that the City Commission apply the Overlay District to that neighborhood. The minimum criteria for establishing the Overlay*



*District boundaries include the number of parcels, percentage of property owners in favor of being in the overlay district, and other factors. A standard petition form would be used to determine the number of property owners in favor of being in the overlay district. If a request met those minimum requirements, then the City Commission could consider the request through the standard rezoning process, including application forms, application fees, public notice and public hearings.*

*The Plan Board heard the petition and recommended that it be approved with the following three modifications:*

- 1. The minimum number of parcels in an overlay district shall be 25, rather than 50;*
- 2. Parcel owners of 60%, rather than 67%, of the parcels within a proposed overlay district must sign the petition requesting the district; and*
- 3. Change the word "and" to "or" in lines six and eight of page 18.*

*Staff has no objections to the modifications proposed by the Plan Board.*

*Public notice was published in the Gainesville Sun on May 31, 2006. The Plan Board held a public hearing June 15, 2006.*

***Fiscal Note:** If enacted, the proposal would generate a significant amount of additional administrative work in the Code Enforcement and Planning Divisions, and possibly in the City Clerk's Office. Depending on how many Residential Parking Overlay Districts are approved by the City Commission, staff estimates that at least one additional Code Enforcement Officer would be needed to manage the additional enforcement needs. Other tasks associated with the overlay districts include verifying names on petitions, processing applications, and mapping overlay districts.*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 70TCH-06 PB with the three modifications noted above. Plan Board vote 3-1.*

*Staff to Plan Board - Approve*

*Alternative Recommendation A: Staff to City Commission - Approve with the three modifications recommended by the Plan Board.*

*Alternative Recommendation B: Staff to City Commission - Approve without the three modifications recommended by the Plan Board.*

*Alternative Recommendation C: Staff to City Commission - Deny*

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060107**Establish Airport Facility Zoning Map (B)****Petition 55ZON-06 PB. Gainesville Regional Airport, Alan Penksa, agent. Establish an Airport facility zoning map pertaining to the AF (Airport Facility) Zoning District.**

*Explanation: This petition, if approved, will meet a previously unmet land development code requirement for a zoning map pertaining to the Airport Facilities (AF) zoning district. The 1,346-acre AF district comprises the majority of the land that is occupied by the Gainesville Regional Airport, and is used for commercial and general aviation, airport-related support services (including car rentals), other aviation-related businesses, and open space.*

*Except for a relatively small portion of the AF zoning district that is located on the west side of Waldo Road directly across from the airport, this zoning district is located north of Northeast 39th Avenue and east of Waldo Road, south of the Airport Industrial Park, and west of Gum Root Swamp.*

*The majority of the subject property is within the Tertiary and Secondary Zones of the Murphree Wellfield Protection Area. The subject property is within Zone A of the Transportation Currency Exception Area. Transportation and all other applicable concurrency requirements will have to be met at the time of development plan approvals for the subject property.*

*The Land Development Code currently requires an airport layout zoning map that shows buildings and their approximate square footages. The proposed Airport Facility Zoning Map instead identifies sub-areas in which the type of allowable development, infrastructure or facility that can occur in each sub-area is described in the section of the Land Development Code that pertains to the Airport Facility zoning district. The proposed Airport Facility Zoning Map plus the text changes in related Petition 56TCH-06 PB will, if approved, provide a codified standard for review by City staff of future development plans at the airport. The map and the related text changes to the Land Development Code were developed by the applicant with input from the Planning Division.*

*The Plan Board heard the petition and recommended that it be approved.*

*Public notice was published in the Gainesville Sun on May 30, 2006. Letters were mailed to surrounding property owners on May 31, 2006. The Plan Board held a public hearing June 15, 2006.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 55ZON-06 PB. Plan Board vote 4-0.*

*Staff to Plan Board - Approve*

*Alternative Recommendation A: Disapprove the*

*proposed map and work with the Airport Authority to develop an airport layout zoning map that shows existing and proposed buildings and their approximate square footage, and subsequently review petitions for rezoning whenever future development proposals diverge from the airport layout zoning map.*

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## 060108

### **Specify Permitted Uses. Add Table and Dimensional Requirements to Airport Facility District. (B)**

**Petition 56TCH-06 PB. Gainesville Regional Airport, Alan Penksa, agent. Amend Sec. 30-76 (Airport Facility District, AF) in order to specify permitted uses, add an Airport Development Area Table, dimensional requirements and update the general provisions of the section.**

*Explanation: This petition proposes various amendments to the provisions of the Airport Facility (AF) zoning district (Section 30-76 of the Land Development Code). This section currently does not list what uses are permitted in the district and instead refers to an airport layout zoning map that has not been established. The changes proposed by this petition and the airport facility zoning map proposed in related Petition 55ZON-06 PB, will provide a codified standard for review by the City staff of future development plans at the airport. The text changes that are proposed in this petition (and the separately proposed airport facility zoning map) were developed by the applicant with input from the Planning Division.*

*The amendments to Section 30-76 include a list of uses that are to be permitted by right and a table that describes the type of development, infrastructure or facility that can occur within identified sub-areas (Airport Development Area, Airport Infrastructure Area, and Non-Development Area as shown on the proposed airport facility zoning map) in the AF zoning district. The sub-area entitled Airport Development Area additionally shows the amount of existing development and proposed development. The current code requirement for principal or accessory buildings and their approximate square footages to be shown on an adopted zoning map is proposed for deletion and replacement with the provisions described above.*

*Other proposed revisions to the AF zoning district requirements include establishing required minimum building setbacks, deleting the requirement to show taxiways and aprons on the zoning map (due to the occasional need to re configure them, which would require rezoning as now codified), dropping redundant provisions pertaining to parking and landscaping exemptions, and updating the objectives subsection of Section 30-76.*

*The proposed changes if approved will flesh out what to date has been an insufficiently defined zoning district and result in more substantiated review of airport development projects by staff.*

*The Plan Board heard the petition and recommended that it be approved.*

*Public notice was published in the Gainesville Sun on May 31, 2006. Letters were mailed to surrounding property owners on May 30, 2006. The Plan Board held a public hearing June 15, 2006.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 56TCH-06 PB. Plan Board vote 4-0.*

*Staff to Plan Board - Approve*

*Alternative Recommendation A: Disapprove the proposed text changes and continue to have an insufficiently defined zoning district for use by City staff in review of airport development proposals.*

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**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

**ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**