

# **City of Gainesville**

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



## **Meeting Agenda**

**June 02, 2011**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Craig Lowe (At Large)*

*Mayor-Commissioner Pro Tem Thomas Hawkins (At Large)*

*Commissioner Scherwin Henry (District 1)*

*Commissioner Todd Chase (District 2)*

*Commissioner Susan Bottcher (District 3)*

*Commissioner Randy Wells (District 4)*

*Commissioner Jeanna Mastrodicasa (At Large)*

*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*

## 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. Signs or Props are not permitted in the meeting room. 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."*

## ROLL CALL

## INVOCATION

**Prophet George Young**

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 100956.

#### **Target 2011 Public Safety Grant Program Application (NB)**

**This item requests City Commission authorization to apply for and accept two Target 2011 Public Safety Grants for GPD's Lock It or Lose It! Program and GPD Kids Camps.**

*Explanation: The Target Corporation has developed innovative programs to help support the safety and preparedness of local communities. These funding opportunities are provided to agencies and organizations serving a community in which a Target store and/or distribution center operates for the purpose of supporting initiatives that promote safe and resilient communities.*

*The Gainesville Police Department's Crime Prevention Bureau has applied for two Target Public Safety Grants. One application focuses on GPD Kids Camps for disadvantaged children aged 5-12, that will be offered for one week in summer 2011, one week in summer 2012, and one week in summer 2013. The second application will support a Lock It or Lose It! media campaign to be offered over a three month period in the summer of 2011. Both initiatives support the agency's commitment to community oriented policing, youth programs, education, and crime prevention.*

*Fiscal Note: Each application is for \$2,000. The GPD Kids Camp application will fund three week-long camps to be offered in the summers of 2011, 2012, and 2013.*

*The Lock It or Lose It! program will be offered over a three month period in the summer of 2011. No match is required for these grants. The total award amount for each application is \$2,000.*

**RECOMMENDATION**

*The City Commission authorize the City Manager to: execute the grant application, grant award, and any other necessary documents, pending review by the City Attorney as to form and legality.*

**110004.**

**Approval of Amendment # 2 for The Fleet Garage and Materials Management Facility professional services contract to Bentley Architects + Engineers (BAE) (B)**

**This item involves a request for approval of Amendment # 2 to the professional services contract to Bentley Architects + Engineers in the amount of \$34,225.20. The additional services involve the work as described on the attached four proposals from Universal Engineering, Water & Air Research, Inc., Myers-Griffis & Associates, Inc, and Buford Davis. The proposals are for work that increases the scope of the original contract.**

*Explanation: Bentley Architects + Engineers, Inc. was awarded the Professional services contract for the design of the Fleet Garage, and permitting and site plan approval to include the Materials Management Facility for a total contract value of \$307,390 on August 19, 2010. The contract was amended to provide the design at the new approved parcel 07879-006 in the vicinity of NW 16th street, and NW 65th Place. The City Commission has made a commitment to the community to move the existing materials management facility and garage currently located at the 39th Ave Public Works Center location to this new location. The existing 5th ave garage functions will also be relocated to this site, for a combined facility that services both City fleet and GRU fleet. Amendment #1 was approved in the amount of \$2,580, and since that time, we have received and approved additional services from BAE in the amount of \$11,976.25. As such, we are seeking approval of Amendment # 2 in the amount of \$34,225.20. This Amendment puts us over our 10% level and requires City Commission approval.*

*Fiscal Note: Funds are available in the Fleet Fund to cover the additional cost.*

**RECOMMENDATION**

*The City Commission: 1) approve Amendment # 2 in the amount of \$34,225.20, which extends the contract price to \$344,195.20; and 2) authorize the City Manager to execute the attached Amendment which has already received the attorney's approval as to form and legality.*

*Alternative Recommendation A:*

*The City Commission deny approval of the Amendment, which would delay progress and affect the*

*timeline and agreement to relocate the Fleet Management Garage and the Materials Management Facilities.*

110004\_Amendment Docs\_20110602.pdf

### **110005.**

#### **Bid Award - Historic Gainesville Depot Building Rehabilitation (B)**

**This item involves a request for the City Commission to authorize the bid award to West Construction, Inc. for the Historic Gainesville Depot Building Rehabilitation project in the amount of \$1,650,000.**

*Explanation: The Historic Gainesville Depot Building Rehabilitation project includes the rehabilitation and installation of utilities to a 10,200 sq ft wood frame building listed on the National Register of Historic Places. The building is to comply with the Secretary of Interior's Standards for the Treatment of Historic Properties and to become a model of historic preservation, adaptive reuse, and sustainability. The project is seeking LEED Gold certification from the United States Green Building Council (USGBC). Originally constructed in 1860, with significant additions in 1910, the Gainesville Depot is an important resource that reflects the history of the railroad as it relates to Florida's growth in general and Gainesville in particular. Once completed, the building will frame the main entrance and become an important amenity for future Depot Park and downtown Gainesville.*

*On March 22, 2011, the City's Purchasing Department solicited bids for the Historic Gainesville Depot Building Rehabilitation. Bid qualification submittals and price proposals were due to the City's Purchasing Department in two separate sealed envelopes on May 4, 2011. A total of four (4) firms responded to the bid solicitation. A team comprised of City staff and the architect of record for the project (as the subject matter expert) reviewed the qualification submittals to determine which teams were responsive and qualified to work on a project of this size and scope with respect to previous experience working on historic properties and LEED projects. The following firms were deemed qualified: PPI/Charles Perry Construction, LLC, West Construction, Inc. and SEMCO Construction, Inc. The price proposal submittals of the qualified teams were then opened and evaluated on a low bid basis. Through the bid process it was determined that West Construction was the lowest responsive, responsible bidder. The bid tabulation is attached for reference.*

*The recommended amount for the project is \$1,980,000, which includes a 20% contingency for additional materials, labor and unforeseen conditions which may be required to complete the work.*

*Fiscal Note: This project is being funded through the following allocations: Florida Department of Transportation Local Agency Program Agreement \$581,535.26 (expires June 30, 2011), CIRB of 2009 \$639,030.34, and Wild Spaces Public Places \$759,434.40.*

#### **RECOMMENDATION**

*The City Commission: 1) award the bid for the Historic Gainesville Depot Building Rehabilitation to*

*West Construction, Inc., as the lowest responsive, responsible bidder; and 2) authorize the City Manager to execute the construction contract and any related documents, subject to approval by the City Attorney as to form and legality.*

110005\_Bid Tab\_20110602.pdf

## GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

### 110014.

#### **Murphree WPT Well 16 Permanent Equipment Installation (B)**

**Staff recommends awarding a contract to Sawcross Construction Inc. for construction services for the MWTP Well 16 Permanent Equipment Project.**

*Explanation: W/WW Systems has a Capital Improvements Program to fund various improvement projects at the Murphree WTP. Upon completion, this project will enhance the reliability, redundancy, and capacity of the raw water pumping system. The project includes installing a new vertical turbine pump and motor at Well No. 16, a diesel engine with enclosure, a discharge piping and valves, and a precast concrete electrical building to house the electrical and instrumentation equipment. The new permanent pumping facility will be constructed similar to the existing Well No. 13 and Well No. 14 pumping facilities, also in the North Well field.*

*Utilities Purchasing issued an Invitation to Bid to four known companies that perform this type of work. In addition, the bid was posted on GRU's web page. Three firms attended a mandatory pre-bid meeting. Three bids were received, with one no bid. A tabulation of the bids received is attached for your information. Any additional purchases will be made in accordance with established Purchasing policies.*

*Fiscal Note: Funding for this work is included in the Water System Capital Improvements FY 2011 and FY 2012 budget.*

#### **RECOMMENDATION**

*The City Commission 1) authorize the General Manager, or his designee, to execute a contract with Sawcross, Inc. to perform construction services for the MWTP Well 16 Permanent Equipment Project, subject to approval of the City Attorney as to form and legality, and 2) approve the issuance of a purchase order to Sawcross Construction, Inc. in an amount not to exceed \$1,209,000; and 3) authorize staff to procure services, equipment and materials, as required, to complete the project as budgeted.*

Agenda Item 110014 backup.pdf

## CITY ATTORNEY, CONSENT AGENDA ITEMS

**110043.****AMICUS BRIEF IN FLORIDA KEYS COMMUNITY COLLEGE v. CITY OF KEY WEST, CASE NO. 3D11-417 (NB)**

*MODIFICATION - Added to the Consent Agenda, June 1, 2011 @ 5:30 PM.*

*Explanation: On April 27, 2009, Florida Keys Community College filed a complaint against the City of Key West asserting that (1) the doctrine of sovereign immunity prevented the City of Key West from imposing a stormwater management user fee on an agency of the State of Florida and (2) that Florida Keys Community College was entitled to a refund of all stormwater fees that it had paid over the previous five years based upon the doctrine of sovereign immunity.*

*On January 21, 2011, a Final Summary Judgment was entered in the Sixteenth Judicial Circuit, in and for Monroe County, Florida. The trial court found that Florida Keys Community College "enjoyed sovereign immunity from the City's imposition of the subject stormwater fees". The trial court also ordered the City to refund \$160,529.60 paid by Florida Keys Community College in utility fees within 20 days. This matter is a case of state-wide significance that raises important legal issues. The City Attorney's Office is requesting authorization to join in the amicus brief funded by the League and Stormwater Association. The City is not requested to provide any funding, but to review the brief and provide comments to the special counsel.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to join with the Florida League of Cities, Inc. and the Florida Stormwater Association in filing an amicus brief on behalf of the City of Key West in the case of Florida Keys Community College v. City of Key West, Case No. 3D11-417.*

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****110000.****City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of May 5, 2011, May 9, 2011 and May 19, 2011, as circulated.*

110000\_may 5, 2011\_minutes\_20110602.pdf  
 110000A\_May 9, 2009\_Butler\_min\_20110602.pdf  
 110000b\_may 19, 2011\_minutes\_20110602.pdf

**110022.****Appointments to City Commission Advisory Boards and Committees (NB)**

*MODIFICATION - This item was modified May 31, 2011 @ 2:17 PM.*

**RECOMMENDATION**

*The City Commission appoint the following:*

*Eric Falstad, Earther Wright, Daniel Sostrom, Joseph Savastana, Charles Dutton and Robert Wright to the Citizens Advisory Committee for Community Development for a term to expire 11/01/14.*

*Ryan Stith to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 9/30/14.*

*Amy Carpus to the Nature Centers Commission for a term to expire 11/1/13.*

*Francis Putz to the Tree Board of Appeals for a term to expire 1/1/14.*

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA**

**CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION**

**CITY MANAGER**

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**RECESS**

**RECONVENE**

**PLEDGE OF ALLEGIANCE (5:30pm)**

**Gator Detachment of the Marine Corp League World War II Veteran Bob Gasche**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**110008.**

**Alachua Habitat for Humanity Year - June 2011 (B)**

**RECOMMENDATION**            *Alachua Habitat for Humanity Executive Director  
Scott Winzeler to accept the proclamation.*

110008\_HabitatHumanity\_20110602.pdf

**110009.**

**Flag Day 2011 - June 14, 2011 (B)**

**RECOMMENDATION**            *Gainesville Detachment of the Marine Corp League  
World War II Veteran Bob Gasche to accept the  
proclamation.*

110009\_FlagDay\_20110602.pdf

**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**

**PUBLIC HEARINGS**

**RESOLUTIONS- ROLL CALL REQUIRED**

**ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

**100865.**

**REZONING – 1703 NORTH MAIN STREET (B)**

**Ordinance No. 100865, Petition No. PB-11-27 ZON**  
**An ordinance of the City of Gainesville, Florida, amending the Zoning Map**  
**Atlas and rezoning certain property within the City, as more specifically**



**described in this Ordinance, from the zoning category of “BA: Automotive-oriented business district” to “BUS: General business district”; located in the vicinity of 1703 North Main Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*MODIFICATION - PPT. added - June 1, 2011 @ 2:30 PM*

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*This request is to change the zoning from BA (Automotive-oriented business district) to BUS (General business district) on the subject property, located at 1703 North Main Street. The property is approximately 3.37 acres in size and has a land use designation of Commercial. The parcel currently has vacant buildings on it, but was the location of a used car dealership previously. The property is not located within any overlay districts. The petitioners are bringing forth this zoning change request because they are proposing to redevelop the site into an office development with both general and medical office uses. The current BA zoning allows general office use by right, but does not allow medical offices. The property is located on the east side of North Main Street, just north of N.E. 16th Avenue. All of the property between the subject parcel and N.E. 16th Avenue is zoned BUS, as are all of the properties that lie to the east. To the north are properties that are zoned BA, while west of the subject parcel across North Main Street are parcels with BA and MU-1 (8-30 units/acre mixed use low intensity district) zoning.*

#### *Key Issues*

- \* The proposed rezoning is consistent with the Comprehensive Plan.*
- \* The proposed medical offices are not an allowed use in the BA zoning district.*
- \* Adjacent properties are either BA or BUS, with Commercial land use, indicating that this proposal is compatible with the surrounding area.*
- \* The proposed office development would redevelop a vacant automobile dealership and potentially spur redevelopment in this area of East Gainesville.*
- \* The estimated trip generation for the proposed office development indicates fewer average daily trips than automobile dealerships generate.*
- \* The uses in the BUS zone are less intense than the allowed uses in the BA zone in general.*

*This proposed zoning change promotes infill development. Recent economic troubles have led to the closing of several automobile dealerships along the North Main Street corridor. This petition is an opportunity to rezone the property for a redevelopment proposal that could help encourage further redevelopment along the corridor. The proposed office development should offer no compatibility issues with the surrounding land uses.*

*Planning Division staff recommended approval of Petition PB-11-27 ZON. The City Plan Board reviewed the petition and recommended approval, Plan Board vote 5-0.*

*Public notice was published in the Gainesville Sun on March 8, 2011. The Plan Board held a public hearing on March 24, 2011.*

**RECOMMENDATION**

*The City Commission: 1) approve Petition No. PB-11-27 ZON; and 2) adopt the proposed ordinance.*

100865\_staff report\_20110602.pdf  
 100865A\_appendix A\_20110602.pdf  
 100865B\_appendix B\_20110602.pdf  
 100865C\_appendix C\_20110602.pdf  
 100865D\_appendix D\_20110602.pdf  
 100865E\_staff ppt\_20110602.pdf  
 100865\_draft ordinance\_20110602.pdf  
 100865\_MOD\_applicant\_ppt\_20110602.PDF

**100928.****CITY ELECTION DATE 2012 (B)****Ordinance No. 100928**

**An ordinance of the City of Gainesville, Florida, setting the election date for the 2012 regular city election and setting the run-off election date, if necessary; setting the dates for qualifying for the 2012 regular election; providing a severability clause; providing a preemption clause; and providing an immediate effective date.**

*Explanation: Section 9-2(b) of the Code of Ordinances provides that the Clerk shall recommend a date for the next regular election to the Commission at or before the first regular City Commission meeting in May of each year. Accordingly, on May 5, 2011, the Clerk recommended January 31, 2012 as the date for the next regular City election. The Commission authorized this office to prepare and the Clerk to advertise the Ordinance setting the date of the 2012 City Commission Elections for January 31, 2012 with a runoff date, if needed, of February 28, 2012.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

5/5/11 City Commission Approved as Recommended (6 - 0 - 1 Absent)

100928\_draft elections ordinance\_20110602.pdf

**ORDINANCES, 2ND READING- ROLL CALL REQUIRED****100327.****REZONING - PLANNED DEVELOPMENT FOR LEGACY FOUNTAINS, LLC (B)****Ordinance No. 100327, Petition No. PB-09-116PDV**

**An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance, and amending the Zoning Map Atlas from "PS: Public services and operations district" to "Planned Development District"; located in the vicinity of 1420, 1424, 1428, 1432 Southwest 52nd Street; commonly known as "Legacy Fountains, LLC" Planned Development; adopting a development plan**

**report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an immediate effective date.**

*MODIFICATION - 2nd revised recommendation to continue and re-advertise this item at the Petitioner's expense.*

*Explanation: PLANNING AND DEVELOPMENT SERVICES STAFF REPORT*

*This is a request to rezone 5.07 (MOL) acres of land from PS (Public service and operations district) to PD (Planned development district) to allow a neighborhood-scale, mixed-use development. The City of Gainesville adopted an associated small-scale land use amendment (Petition No. PB-09-115 LUC) that changed the previous REC (Recreation) land use category to PUD (Planned Use District) at a City Commission public hearing held on October 7, 2010. According to Policy 4.1.1 of the Future Land Use Element, PD (planned development) zoning is required to implement the PUD land use category.*

*Land surrounding the subject property is primarily zoned for multi-family residential development. One exception is City-owned property located on the north side of Southwest 20th Avenue, just east of I-75. This property is within a PS (Public services and operations district) zoning district and is used for utility purposes.*

*The proposed PD allows multi-family residential dwelling units and non-residential uses on the subject property. All of the allowable uses are permitted by right. The allowable uses will be housed in buildings that are up to 3 stories in height. The buildings will be designed to accommodate a vertical and horizontal mix of the allowable uses based on traditional design standards. The buildings may also be attached or detached.*

*Key issues affecting the development of the subject property include a Progress Energy easement that extends along the full length of the north property line. Permission to use the easement is addressed in an attached letter from Progress Energy, dated March 14, 2011. Since the October 7, 2010 public hearing, the applicant is also asking the City Commission to modify this rezoning request by allowing stormwater conveyance infrastructure within the designated Upland Areas (Zone C of the PD Layout Plan Map) that are required under Policy 1.1.1 f. of the Conservation/ Open Space/Groundwater Recharge Element of the 2000-2010 Comprehensive Plan. Details of the proposed PD are provided on amended copies of the development plan maps (i.e., Existing Conditions Map; Existing Vegetation Map; and Planned Development Layout Map), and within an amended copy of the PD Report, filed in association with this petition.*

*Public notice was published in the Gainesville Sun on August 10, 2010. Letters were mailed to surrounding property owners on August 10, 2010.*

*The City Plan Board considered Petition PB-09-116 PDV at a public hearing held August 26, 2010. By a vote of 5-0, the City Plan Board approved the petition and the associated PD Layout Plan Map and PD Report subject to the conditions recommended in the staff report and Appendix E.*

*CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of October 7, 2010, authorized the City Attorney to prepare and advertise the necessary ordinance rezoning certain lands within the city to planned development commonly known as "Legacy Fountains, LLC".*

**RECOMMENDATION**

*The City Commission continue the proposed ordinance.*

**Legislative History**

10/7/10	City Commission	Approved (Petition) (7 - 0)
5/5/11	City Commission	Adopted on First Reading, as revised (Ordinance) (5 - 1 - 1 Absent)
5/19/11	City Commission	Continued (2nd Reading) (7 - 0)

100327\_pb recommended conditions\_20101007.pdf  
 100327A\_staff report\_20101007.pdf  
 100327B\_appendix A\_20101007.pdf  
 100327C\_appendix B\_20101007.pdf  
 100327D\_appendix C\_20101007.pdf  
 100327E\_appendix D\_20101007.pdf  
 100327F\_appendix E\_20101007.pdf  
 100327G\_100826 cpb minutes draft\_20101007.pdf  
 100327H\_staff ppt\_20101007.PDF  
 100327\_MOD\_PB-09-116 PDV\_Applicant CHW\_CC 101007.PDF  
 100327\_staff ppt\_20110505.pdf  
 100327\_draft ordinance\_20110505.pdf  
 100327\_MOD\_APPLICANT\_PPT\_20110505.pdf  
 100327\_draft ordinance\_20110519.pdf  
 100327\_MOD\_memo\_20110602\_.pdf  
 100327\_MOD\_2ND\_memo\_20110602.pdf

**100789.****PLANNED DEVELOPMENT AMENDMENT - FOXFIELD/CROWN POINT (B)****Ordinance No. 100789, Petition No. PB-11-2-PDA**

**An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 2743 that rezoned the property to Planned Development, formerly known as "Foxfield, A Planned Development, and commonly known as Crown Point Planned Development"; generally located in the vicinity of N.W. 39th Drive and N.W. 16th Boulevard; by revising the list of permitted uses and adding certain conditions; providing for effectiveness of other ordinances; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

***Explanation: COMMUNITY DEVELOPMENT STAFF REPORT***

*This is a request by the property owners of the Foxfield/Crown Point office park to update the list of permitted uses allowed by an existing Planned Development (PD) that governs the development. The office park is fully developed with infrastructure in place to support the development. The applicant is specifically requesting a text change to allow the office uses permitted by the City's current*

*OF (General Office district) zoning. The proposed change will generally allow the following additional uses: correspondence schools, newspaper establishment, personal fitting and sale of prosthetic or orthopedic appliances, places of religious assembly, professional schools, exercise studio, business services, medical and dental laboratories, and compound uses (residential and non-residential use). This list is representative of the uses and not the entire list of uses that may be allowed.*

*The Plan Board reviewed and approved the petition with staff conditions. Plan Board voted 7-0.*

**CITY ATTORNEY MEMORANDUM**

*The City Commission, at its meeting of April 7, 2011 approved the petition that authorized the city attorney's office to prepare and the Clerk of the Commission to advertise the necessary ordinance amending the planned development "Foxfield, A Planned Development, commonly known as Crown Point Planned Development".*

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

**Legislative History**

4/7/11              City Commission      Approved (Petition) with Staff Conditions (7 - 0)

5/19/11             City Commission      Adopted on First Reading (Ordinance) (7 - 0)

100789\_staff report\_20110407.pdf  
 100789A\_appendA\_20110407.pdf  
 100789B\_append B\_20110407.pdf  
 100789C\_CPB minutes\_20110407.pdf  
 100789D\_staff ppt\_20110407.pdf  
 100789\_draft ordinance\_20110519.pdf

**100815.**

**CEMETERY REGULATIONS (B)**

**Ordinance No. 100815**

**An ordinance of the City of Gainesville, Florida, amending Section 7-15 of the City of Gainesville Code of Ordinances, relating to cemeteries; providing that the perpetual care certificate be signed by the city manager or designee; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: PARKS, RECREATION AND CULTURAL AFFAIRS DEPARTMENT STAFF REPORT*

*Gainesville City Code Chapter 7, Section 7-15 requires revision due to organizational changes that have occurred within the City of Gainesville's operations. Section 7-15, which currently stipulates that "Upon the payment of a perpetual care fee the director of finance is authorized to deliver to the purchaser a certificate evidencing the purchase, signed by him or her on behalf of the city."*

*Recently the Budget and Finance Department transferred responsibility for preparation and issuance of cemetery documents to the Parks, Recreation and*

*Cultural Affairs Department.*

*Section 7-5, which also addresses signature authority, stipulates that the city manager or designee is authorized to execute certificates of interment on behalf of the city. City staff proposes that the language in Section 7-15 be modified to reflect that the perpetual care certificate be signed by the city manager or designee, which conforms with the language in Section 7-5.*

*CITY ATTORNEY MEMORANDUM*

*At its meeting on April 7, 2011, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance providing that the perpetual care certificate be signed by the city manager or designee.*

*This ordinance requires two readings. If approved on first reading, the second and final reading will be June 2, 2011.*

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

**Legislative History**

4/7/11	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
5/19/11	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

100815\_Revision to Chapter 7\_20110519.pdf

**PLAN BOARD PETITIONS**

**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)**