

City of Gainesville

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



Meeting Agenda

February 04, 2010

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Scherwin Henry (District 1)
Commissioner Lauren Poe (District 2)
Commissioner Jack Donovan (District 3)
Commissioner Craig Lowe (District 4)
Commissioner Thomas Hawkins (At Large)
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 line at 334-2069 at least two business days in advance.

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

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

090672.

FTA Section 5309 Discretionary Grant Applications Under the Livability Bus Program and Urban Circulator Program (NB)

This is a request for the City Commission to authorize RTS to prepare and submit FTA grant applications.

Explanation: The Federal Transit Administration (FTA) recently announced the availability of Section 5309 discretionary funds as part of the Department of Transportation Livability Initiative. The Urban Circulator Program will be funded using \$130 million nationwide in unallocated discretionary funds and the Livability Bus Program will be funded using \$150 million nationwide in unallocated Discretionary Bus and Bus Facilities Program funds. Under the Livability Bus Program, RTS is preparing an application to help construct the new bus maintenance facility. Under the Urban Circulator Program, RTS is preparing a grant application to help construct a bus rapid transit (BRT) project, as identified in the BRT Feasibility study.

RTS had considered preparing an application for a streetcar project, but the conditions in the Urban Circulator program require that an alternatives analysis must be in advanced stages to be eligible for funding. The local match will be met through FDOT toll revenue credit contributions.

Fiscal Note: The City of Gainesville would be eligible for up to \$25 million for each grant program project if chosen as a grant recipient.

RECOMMENDATION

Recommended Motion: The City Commission

authorize RTS to prepare and submit applications for the Livability Bus Program and Urban Circulator Program 5309 grant programs.

090680.**Continuation of Employee Bus Pass Programs (B)**

This item is a request for the City Commission to authorize the City Manager to execute service agreements with local agencies for employee bus pass programs.

Explanation: The employee bus pass program was created to alleviate traffic and parking problems, particularly at the University of Florida and Downtown. The program has been in effect since January 24, 2000, with University of Florida employees being the first to participate. In addition to the University of Florida, the program has grown to include the City of Gainesville, Alachua County, Shands Hospital, North Florida and South Georgia Veterans Health System (VA), and the Alachua/Bradford Regional Workforce Board.

University of Florida employees account for over 1 million of the 1.8+ million passengers trips completed since the Employee Pass Program began in 2000. Use of public transportation continues to increase for all agencies participating in the program. This program is now available to over 29,000 participants.

Fiscal Note: At the rate of \$6.75 per employee per year, revenue in the amount of \$199,820.25 will be collected for the continuation of these programs, and some of the individual service agreements will exceed \$50,000.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the annual contract for continuation of the Employee Bus Pass Program for City employees through January 2010; and 2) authorize the City Manager to execute service agreements with local agencies for continuation of the employee bus pass program, subject to approval by the City Attorney as to form and legality.

090680_Report_20100204.pdf

090681.**Grant Application for Cell Phone Tour Program (NB)**

This item involves an application for a grant from Visit Florida to provide funding for marketing and web site development for the Department of Parks Recreation and Cultural Affairs.

Explanation: The Cultural Affairs Division of the Department of Parks, Recreation and Cultural Affairs wishes to submit a grant application to Visit Florida for funds to provide advertising and web site development for the Old Florida Heritage Highway - Cell Phone Tour Program. The grant request is for the sum of \$5,000. The intent of the Visit Florida grant program is to provide funding for

partner marketing projects promoting cultural heritage and nature tourism in Florida.

Fiscal Note: The grant requires a matching amount of \$5,000. The match will be from the Alachua County Tourist Product Development grant fund (130-850-L300-5730-8200).

RECOMMENDATION

The City Commission: 1) approve the submission of a grant application to Visit Florida; 2) authorize the City Manager to execute the application; and 3) if awarded, authorize the City Manager to execute the grant agreement and other grant-related documents subject to approval by the City Attorney as to form and legality.

Alternative Recommendation:

The City Commission decline the request to submit a grant application to Visit Florida.

090696.

Neighborhood Planning Program (B)

This item involves selection of a neighborhood association to participate in the City's Neighborhood Planning Program (NPP). The City Commission allocated \$10,000 for neighborhood improvements and beautification projects in a NPP neighborhood.

Explanation: Since 1998, the City has selected 21 neighborhood associations to participate in the NPP. The program has assisted those neighborhood associations in identifying the neighborhoods' strengths, weaknesses, opportunities, and threats. The NPP has also assisted the neighborhoods in identifying, prioritizing, and implementing potential projects and solutions. Examples of projects completed through the NPP include (but are not limited to) landscaping public areas, installing bus shelters, and installing park equipment.

On May 12, 2009, applications for inclusion in the NPP were mailed or emailed to each registered neighborhood association that is not currently participating, or had not previously participated, in the program. The deadline to complete and return the applications was August 3, 2009.

Neighborhood associations representing two Northwest Gainesville neighborhoods, Pineridge and Mason Manor, completed and returned the application.

Based on analysis of several criteria detailed in The NPP Guidelines and Procedures, the neighborhoods were ranked as follows:

- 1. Pineridge*
- 2. Mason Manor*

The FY 2010 budget funds the addition of one neighborhood to the NPP. The

rankings, based on the criteria, indicate that Pineridge should be that neighborhood. The Pineridge Owners Association is well organized and meets regularly. They routinely work with City departments to address various issues and to put on special events. Their application identified several potential NPP projects. For those reasons, staff feels that Pineridge would be a successful participant in the NPP.

Fiscal Note: There is funding available in the NPP budget to fund one neighborhood. Account #001-620-6202-4110 contains \$10,000 allocated for a NPP neighborhood.

RECOMMENDATION

The City Commission approve the Pineridge neighborhood for inclusion in the Neighborhood Planning Program and authorize the use of \$10,000 for that neighborhood.

090696_Maps_20100204.pdf

090712.

A. Quinn Jones Home Development Project (NB)

This item involves a request to accept a Florida Division of Historical Resources Small Matching Grant of \$50,000 for the A. Quinn Jones Home Development Project.

Explanation: On December 18, 2009, the City of Gainesville's Department of Parks, Recreation and Cultural Affairs applied for a Florida Division of Historical Resources grant in the amount of \$50,000 to support Phase 2 of the A. Quinn Jones Home Development Project. The City of Gainesville Department of Parks, Recreation and Cultural Affairs (PRCA) and the Gainesville Community Redevelopment Agency (CRA) have partnered on managing this project from the on-set and if awarded, the Phase 2 matching funds will bring the building up to code, educate the community about the history of A. Quinn Jones and ultimately, make the building accessible to the public. The PRCA Department and the CRA provided over \$60,000 for Phase 1, which included the exterior restoration, building stabilization, interior removal of historic items, cleaning, landscaping, State historic marker and National Register Nomination. Phase 2 work involves adaptive re-use and will include: renovating the interior of the house to conform to the historic period, construction of a new ADA ramp and ADA-accessible bathroom(s), window replacement, restoration of wood floors, and the establishment of a historic house museum and related programming.

On Thursday, September 10, 2009, the CRA, in partnership with the PRCA Department held a historic marker dedication ceremony for the home of A. Quinn Jones, Sr. The marker states, "A. Quinn Jones, Sr. (1893-1997) was a teacher, educational leader and prominent African-American advocate, who lived here from 1925 to 1997. The home (ca. 1920) is a one-story frame bungalow set on brick piers. Jones' career, which spanned the segregation era, was marked by his determination to provide quality education to all African-American children. Jones served as teacher and principal at two of Alachua County's most important African-American schools, Union Academy (1921-1923) and Lincoln High School (1923-1957). He taught English, Latin, Math and Science, and held fund raisers to ensure materials and salaries for his

students and staff. In 1924-25, Jones extended Lincoln to the 12th grade so that students could earn a full high school diploma. The Florida Department of Education noted Jones' leadership and, in 1926, Lincoln High School became Florida's second accredited African-American High School. In 1956, Lincoln High School moved to the southeast area of Gainesville and the original building became an elementary school bearing Jones' name. The A. Quinn Jones Center stands as a memorial to his extraordinary contributions to the African-American community, the people of Alachua County, and the State of Florida."

Fiscal Note: The CRA has committed \$25,000, pending CRA board approval, toward the cash match and the Department of Parks, Recreation and Cultural Affairs' funding match will be \$26,324 in-kind salary, facility use, marketing and general maintenance. The total meets the required grant match.

RECOMMENDATION

Recommended Motion: 1) The City Commission approve the request to accept a Florida Division of Historical Resources Small Matching grant if awarded funding for the A. Quinn Jones Home Development Project; and 2) authorize the City Manager to execute all grant related and award documents subject to approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission denies the request to accept a Florida Division of Historical Resources Small Matching grant if awarded funding for the A. Quinn Jones Home Development Project.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

090717.

Amendment to Contract for Employee Uniforms (NB)

Staff recommends extending the term of the contract for purchased employee uniforms for various Utility and General Government departments.

Explanation: A three-year contract with Tyndale Company, Inc. for purchased employee uniforms for various Utility and General Government departments was approved by the City Commission on February 26, 2007. The contract provides for one (1) three-year extension of the contract upon mutual agreement of the parties and negotiation of the prices.

Employee uniforms are essential in providing both employee safety and identification. This purchased employee uniform contract provides uniforms to approximately 300 Utility and 100 General Government employees. Employees required to wear flame resistant clothing (electric line workers and certain gas and electric personnel) as well as those who wear non-flame resistant clothing (water and power plants, service employees from gas, electric, facilities and

field services, as well as General Government's Operations Division) receive uniforms through this contract.

Tyndale Company, Inc., a certified women-owned business, has been responsive in meeting the City's requirements for purchased employee uniforms. Although the contract proved for annual price adjustments during the initial three-year term, Tyndale Company, Inc. has maintained the same pricing. For the extension, there will be a small price increase for some items, but there will also be a small price decrease for others. The overall cost impact to the contract value is expected to be less than 1%.

Fiscal Note: Funds are available in the FY 2010 budgets and will be requested in subsequent year budgets. The estimated annual cost of this contract is \$100,000 for Utility departments and \$25,000 for General Government.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a three-year amendment to extend the term of the contract with Tyndale Company, Inc. for purchased employee uniforms for various Utility and General Government departments, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders for uniforms to Tyndale Company, Inc. in amounts not exceeding budgeted funds for each fiscal year of the contract, pending final appropriation of funds for each year.

CITY ATTORNEY, CONSENT AGENDA ITEMS

090705.

Patricia Kelleher, as Personal Representative for the Estate of Andrew David Arosemena, Deceased v. City of Gainesville; Alachua County Circuit Court; Case No.: 01-2010-CA-41. (B)

Explanation: On January 14, 2010, the City was served with a Summons and Complaint filed by Patricia Kelleher as Personal Representative for the Estate of Andrew David Arosemena in the Circuit Court. Ms. Kelleher alleges that on November 25, 2007, her son was shot and killed by an assailant while in the City's parking garage. She alleges that the City did not maintain the premises in a reasonably safe condition by its failure to provide security nor did the City warn users of alleged criminal activity occurring on the premises. Ms. Kelleher claims that she and Andrew David Arosemena's brother, Kristopher Arosemena have sustained loss of support and services, mental pain and anguish, medical and funeral expenses, loss of prospective net accumulations, and that these losses are either permanent or continuing in nature. Ms. Kelleher seeks money damages.

RECOMMENDATION

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City in the case styled Patricia Kelleher, as Personal Representative for the

Estate of Andrew David Arosemena, Deceased v. City of Gainesville; Alachua County Circuit Court; Case No.: 01-2010-CA-41.

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090706.

Sharon C. Althouse v. City of Gainesville; Alachua County Circuit Court; Case No.: 01-2009-CA-6148. (B)

Explanation: On January 14, 2010, the City was served with a Summons and Complaint filed by Sharon Althouse in the Circuit Court. Ms. Althouse alleges that she was involved in an automobile accident with a City vehicle on December 31, 2008 near the intersection of US 441 and County Road 22, in Gainesville. She claims to have sustained bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expenses for hospitalization, medical and nursing care and treatment, loss of earnings and ability to earn money, and an aggravation of a previous existing condition. Ms. Althouse is seeking money damages.

RECOMMENDATION

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City in the case styled Sharon C. Althouse v. City of Gainesville; Alachua County Circuit Court; Case No.: 01-2009 CA-6148.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

090730.

Resignation of Gainesville Energy Advisory Committee and Water Management Committee Member Richard Williams (B)

RECOMMENDATION

The City Commission accept the resignation of Richard Williams from the Gainesville Energy Advisory Committee and Water Management Committee effective immediately and extends its appreciation for his services.

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****090718.****2010 Canvassing Board (NB)**

Explanation: During last year's reorganization, two City Commissioners were tentatively selected to serve on the Canvassing Board. Since then the Election Code has been revised to appoint just one Commissioner.

The City Commission must also appoint a citizen to serve. The non-partisan League of Women Voters is one option for inquiry.

RECOMMENDATION

The City Commission discuss composition of the 2010 Canvassing Board.

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)**PROCLAMATIONS/SPECIAL RECOGNITIONS****090726.****Teen Dating Violence Awareness Month - February 2010 (B)****RECOMMENDATION**

Violence Prevention at Peaceful Paths Domestic Abuse Network Director Morgan Moeller to accept the proclamation.

090726_TeenDatingViolence_20100204.pdf

090727.**Future Business Leaders of America Week - February 8-12, 2010 (B)****RECOMMENDATION**

FBLA- Buchholz High School (Academy of Finance) Director Michele Brothers, President Ming Cao, Student Shuyun Xue, and FBLA District 6 President Alexander Sappington to accept the proclamation.

090727_FBLAWeekProc_20100204.pdf

090731.**Center for Public Safety Excellence's Commission on Professional Credentialing of Gainesville Fire Chief William K. Northcutt as 'Chief Fire Officer" (B)****RECOMMENDATION**

The City Commission recognize Chief Northcutt for his new accreditation.

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****ORDINANCES, 2ND READING- ROLL CALL REQUIRED****090340.****REZONING - 1500 NORTHWEST 45TH AVENUE (B)**

Ordinance No. 0-09-59, Petition No. PZ-09-60ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the City of Gainesville zoning categories of "BUS: General business district"; "RSF-1: 3.5 units/acre single-family residential district"; "RMF-5: 12 units/acre single-family/multiple-family residential district"; and "RMF-6: 8-15 units/acre multiple-family residential district" to "CON: Conservation district"; consisting of approximately 61.6 acres; located in the vicinity of 1500 Northwest 45th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This is a quasi-judicial item. The subject property is approximately 61.6 acres and includes the two tax parcels. Tax parcel 07883-010-005 is approximately 61.24 acres in size, but only 52.44 acres are part of this petition. The remaining acreage is part of two related petitions (PZ-09-61 LUC and PZ-09-62 ZON) to change land use and zoning to Recreation and PS (Public services and operations district). The vacant parcel of approximately 52.44 acres is located roughly north of N.W. 45th Avenue, east of N.W. 19th Street, south of N.W. 53rd Avenue and the Home Depot store at 5150 N.W. 13th Street, and west of the commercial parcels that front on N.W. 13th Street. Tax parcel 07883-010-004 is approximately 9.16 acres and lies southeast of the Home Depot store on N.W. 13th Street. It is currently vacant but was once part of a mobile home dealership.

The City of Gainesville purchased the subject property in 2008 with the help of the Florida Communities Trust, a division of the Department of Community Affairs (DCA). In accordance with the grant award agreement between the City and the DCA, the City has agreed to develop the property as the Hogtown Creek Headwaters Nature Park. The area will contain nature trails and boardwalks and will be managed to protect and restore the natural resources on the site, including three branches of the Hogtown Creek that flow through the subject property.

In accordance with Objective 1.1 of the Conservation Element of the City's Comprehensive Plan, this property was identified as environmentally significant and steps were taken to acquire the property. On the west and the south sides of the property, adjacent property can be characterized as low-density single-family residential use. Split-zoned properties to the east ensure residential or conservation land uses adjacent to the subject property up to the motorcycle dealership property. On the north, the Home Depot store was built under the current wetland buffer requirements, and with the knowledge that a park would likely be developed on the subject property, thus minimizing potential compatibility problems.

The proposed CON zoning is compatible with the surrounding land uses. The proposed zoning change will facilitate appropriate development of this property as a nature park (with some active recreation and educational amenities occurring on the contiguous proposed Recreation and PS zoned area of approximately 8.8 acres).

Planning Division staff recommended approval of Petition PZ-09-60 ZON.

The City Plan Board reviewed the petition and recommended approval, Plan Board vote 4-0.

Public notice was published in the Gainesville Sun on June 9, 2009. The Plan Board held a public hearing on June 25, 2009.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/17/09 City Commission Continued (1st Reading) (6 - 0 - 1 Absent)

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090340_staff report_20100121.pdf

090340A_maps__aerial_existing&proposed zoning_20100121.pdf

090340B_pet appl_neighbrhd workshop info_20100121.pdf

090340C_cpb minutes_20100121.pdf

090340D_staff ppt_20100121.PDF

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

090722.

Alachua County Charter Review Commission (B)

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

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UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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