

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

April 28, 2016

1:00 PM

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)
Commissioner Harvey Budd (At Large)
Commissioner Helen Warren (At Large)
Commissioner Charles Goston (District 1)
Commissioner Todd Chase (District 2)
Mayor-Commissioner Pro Tem Craig Carter (District 3)
Commissioner Randy Wells (District 4)

If you have a disability and need an accommodation in order to participate in this meeting, please contact the Office of Equal Opportunity at (352)334-5051 at least two business days in advance. TTY (Text Telephone Telecommunication Device) users please call 711 (Florida Relay Service). For Speech to Speech (STS) relay, please call 1-877-955-5334. For STS Spanish relay, please call 1-877-955-8773. For STS French Creole relay, please call 1-877-955-8707.

ADOPTION OF THE AGENDA**ROLL CALL****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.

[150937.](#)

Notice of dispute concerning RTS property located at 100 SE 10th Avenue (B)

Explanation: On Monday, April 25, 2016, the City was notified via email by the Alachua County Attorney's Office that the County Commission adopted a Resolution initiating the conflict resolution procedures under the Florida Governmental Conflict Resolution Act and authorized the filing of a Complaint for Recovery of Real Property and a Motion for Emergency Injunction to Prevent Spoliation of Evidence. As set forth in the Resolution and the Complaint, it is the County's position that ownership of certain real property consisting of approximately 3.811 acres located at 100 SE 10th Avenue (the "Property") has reverted from the City to the County by operation of a Deed dated October 3, 1981, recorded in Official Record Book 1457, Page 108, of the Public Records of Alachua County, Florida.

The Property previously served as the headquarters of the City's Regional Transit System (RTS) Operations and Administration and continues to be used and maintained by City.

The following is a brief chronology of recent events involving the Property:

City staff has been engaged in due diligence and evaluation of continued use of the Property for transit purposes and other possible future uses of the Property. To this end, City staff had informal discussions with County staff.

On February 9, 2016, City staff sent correspondence inquiring if the County would consider releasing any rights it may have under the 1981 deed.

On April 12, 2016, County staff informed City staff that the request was working its way to senior management at the County.

On April 13, 2016, City staff continued work on agenda items to present at a Special City Commission Meeting planned for the second week in May for the City Commission to discuss a number of City/County issues, including this RTS Property, the Annexation Transition Agreement, Voter Referendum on Extension of Wild Spaces Public Places, Local Option Gas Tax, and Shared Fire Station Alerting to Improve Fire Rescue Response Times.

On Tuesday, April 19, 2016 at 3:11pm, the County Manager emailed a letter to the City Manager informing the City Manager that the County undertook to determine the history of the Property and the circumstances surrounding the 1981 deed to the City. The County determined that the City vacated the Property on or about September 2015 and the real property and improvements have reverted to Alachua County by operation of law. The County Manager concluded that "It is the property of Alachua County as of this date. There is no reverter to release." The County Manager further stated that County staff has been directed to work with City staff to fully return the property and its improvements to Alachua County.

On April 19, 2016 at 4:00pm, the City Manager emailed the City Attorney to request a meeting to discuss the County Manager's letter, the City Attorney responded at 4:46pm and a meeting of City staff was set for Thursday, April 28, 2016.

On Thursday, April 21, 2016 at 4:43p.m., the County Attorney emailed a letter to the City Attorney informing the City Attorney that "the County now demands that the City immediately return possession of the property to the County. The County further demands that the City not destroy or significantly alter any relevant evidence and preserve the property for the County's use in pending or reasonably foreseeable litigation."

On Thursday, April 21, 2016 at 6:14pm (during the City Commission Meeting), the City Attorney emailed the County Attorney informing her that "The Interim City Manager scheduled a meeting with me to discuss this matter next Thursday. After having spoken briefly with staff, it is my understanding that the City continues to use the property and that City staff is gathering all relevant documents necessary for us to make an informed review of this matter and provide a response to the County. I do not know if you and Mr. Niblock are aware, but the selection process for a new City Manager (including multiple days of interviews and events) has been going on this week and the Interim City Manager was a candidate in that process. The Commission this afternoon completed the selection process and I will request that the Interim City Manager and I meet as early as possible next week to discuss this matter and provide a response to the County."

On Thursday, April 21, 2016, County staff added a discussion of the Property to the County Commission Special Meeting scheduled for Friday, April 22 at 10am. At the April 22nd meeting, the County Commission approved initiating litigation against the City. As stated by Chair Hutchinson in his letter dated April 22, 2016 to Mayor Ed Braddy, "the County Commission felt it had to take legal action to protect its interest in the property, to secure the property, to mitigate the County's premise liability, and to preserve evidence that may be needed if the lawsuit unfortunately has to go forward."

In the view of City Management and Legal staff, it is unfortunate that the County Commission was advised that it was necessary to initiate litigation at this point without first providing a reasonable opportunity for senior City staff to have an informed discussion of the issue with senior County staff, for each to have discussions with our respective Commissions to hear their concerns and those of citizens, and then, if necessary, for our respective Commissions to have a joint meeting to work through this issue in a collegial manner, as has been done on past City/County issues.

City staff met on Monday, April 25, 2016 and continues to work toward fully evaluating this issue, so that it can be resolved without need to resort to the Florida Governmental Conflict Resolution Act or to litigation. However, the City will need to respond/participate if the County continues to pursue those actions.

RECOMMENDATION

The City Commission: 1) discuss this matter; 2) Authorize the City Manager or his designee, the City Attorney or her designee and the Clerk of the Commission or his designee to take all actions necessary under the Florida Governmental Conflict Resolution Act proceedings initiated by the County; and 3) authorize the Office of the City Attorney to represent the City in the litigation filed by the County styled "ALACHUA COUNTY, FLORIDA, a charter county and political subdivision of the State of Florida, Plaintiff v. City of Gainesville, Florida, a Florida municipal corporation, Defendant, in the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida."

[150937A Letter to City Manager 4-18-16 20160428](#)

[150937B Letter to City Attorney 4-21-16 20160428](#)

[150937C Letter to Mayor Braddy 4-22-16 20160428](#)

[150937D Complaint and Motion 20160428](#)

[150937E Resolution No. 2016-42 20160428](#)

ADJOURNMENT

