

# **City of Gainesville**

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



## **Meeting Agenda - Final**

**March 20, 2014**

**1:00 PM**

**MODIFIED AGENDA**

**City Hall Auditorium**

### **City Commission**

*Mayor Ed Braddy (At Large)  
Commissioner Lauren Poe (At Large)  
Commissioner Thomas Hawkins (At Large)  
Commissioner Yvonne Hinson-Rawls (District 1)  
Commissioner Todd Chase (District 2)  
Commissioner Susan Bottcher (District 3)  
Mayor-Commissioner Pro Tem Randy Wells (District 4)*

*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**[130731.](#)**Legal Office Expenses from Federal Law Enforcement Contraband Forfeiture Trust Fund for FY 2014 (NB)**

**This is a request for City Commission approval to appropriate funds from the Federal Law Enforcement Contraband Forfeiture Trust Fund**

*Explanation: Funding is needed to cover the Gainesville Police Department's Legal Office expenses related to case filing needs, publication requirements, and storage fees for seized property for FY 2014.*

*Fiscal Note: Funds in the amount of \$15,000 are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable under the Guide to Equitable Sharing for State and Local Law Enforcement Agencies.*

**RECOMMENDATION**

*The City Commission authorize the Gainesville Police Department to appropriate \$15,000 from the Federal Forfeiture Fund. The unreserved fund balance is \$663,331 as of November 20, 2013.*

***Alternative Recommendation***

*The City Commission appropriate \$15,000 from the General Fund for these expenses.*

[130752.](#)

**Fire Prevention and Safety (FP&S) 2013 Grant Application for Enhanced Safety through integration of Community Risk Reduction and Fire Response Data (NB)**

**This item requests that the Commission authorize the City Manager to execute a grant award, if awarded, for the 2013 FEMA Fire Prevention and Safety (FP&S) Grant for the purchase of hardware and software to integrate the fire department's information management system.**

*Explanation: The Federal Emergency Management Agency (FEMA) provides competitive funding opportunities to fire departments for fire prevention and safety initiatives. Gainesville Fire Rescue (GFR) intends to submit an application for hardware and software components to enable the integration of: fire prevention, fire investigation, emergency medical and fire response, training, staff activity and administrative information enabling analysis of collected data. The ability to achieve an integrated information management system in which data components may be evaluated in relation to one another will aid in enhancing the overall level of safety to our community and fire responders.*

*Instituting an integrated record management system is a recommendation made by the Commission on Fire Accreditation International peer assessment team in their 2014 Accreditation Report for GFR.*

*This grant will allow GFR to better utilize existing capital improvement funds for the purpose of improving information management and analysis within the fire-rescue department. The deadline for submitting an application for this funding opportunity is March 21st, 2014.*

*Fiscal Note: The total cost of the project is estimated at \$232,000; the Federal Share is 95% or \$220,400; and the Applicant Share is 5% or \$11,600. Matching funds have been identified in the GFR budget.*

**RECOMMENDATION**

*The City Commission authorize the City Manager to execute the grant, if awarded, and other necessary documents, pending approval by the City Attorney as to form and legality.*

[130772.](#)

**Strategic Plan Quarterly Report - 1st Quarter of Fiscal Year 2014 (B)**

**This item provides a report on the progress of the City Commission's Strategic Goals and Initiatives for the 1st quarter of Fiscal Year 2014.**

*Explanation: As part of the City of Gainesville Fiscal Year 2013 - 2014 Strategic Planning process, the City Manager prepares a quarterly report on*

accomplishments related to the City Commission strategic goals and initiatives for each quarter of the Fiscal Year. This is the first quarter report for Fiscal Year 2014.

*Fiscal Note:* None

**RECOMMENDATION**

The City Commission receive a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 1st quarter of FY 2014.

[130772 Strategic Plan 20140320.pdf](#)

[130777.](#)

**Approval and Authorization to Execute a Lease Agreement (B)**

**This item is a request to Approve and Authorize the Execution of a Lease Agreement with KJB Investment Corporation, a Florida S Corporation.**

*Explanation:* The City of Gainesville has an Exclusive Right of Lease Agreement with Bosshardt Realty Services, Inc., Eric Ligman for the southern suite at the Downtown Parking Garage, known as 60 Southwest 2nd Street. Mr. Ligman has produced a prospective tenant known as KJB Investment Corporation, a Florida S Corporation. KJB proposes to use the facility for an upscale drinking establishment, doing business as the Whiskey House. The Whiskey House will feature a simplistic menu featuring Whiskey cocktails Bourbon, and Scotch spirits but also a listing of all other available beers and spirits. The décor will mirror the theme consisting of bold wood designs and iron accents to mirror the feel of a distillery full of barrels of whiskey. The proposed lease, after negotiations, is for the market rental rate, three percent annual increases in rental rates, starting on the second year, and an initial term of three years. The provisions of the Lease Agreement also provide for two consecutive three-year lease extensions with annual three percent increases. KJB is asking for the first three months of rent to be waived in exchange for approximately \$100,000 of renovation costs. The total rent over the initial term of the Lease is \$111,175.47 including sales tax and utilities.

Staff believes it would be in the best interest of the City to approve the Lease with KJB Investment Corporation.

*Fiscal Note:* The total revenue anticipated over the three year term of the lease is \$111,175.47 including sales tax and utilities.

**RECOMMENDATION**

The City Commission: 1) approve the Lease Agreement with KJB Investment Corporation for the space available at 60 Southwest 2nd Street, and 2) authorize the City Manager to execute the Lease Agreement with KJB Investment Corporation and any extensions, subject to

approval by the City Attorney as to form and legality.

[130777 Lease Agreement 20140320.pdf](#)

## GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

## CITY ATTORNEY, CONSENT AGENDA ITEMS

[130751.](#)

### **JANICE DEBOSE-WYRICK AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ARTRELL DEBOSE VS. CITY OF GAINESVILLE, A POLITICAL SUBDIVISION OF FLORIDA, COURT CASE NO. 2013-CA-4698 (B)**

*Explanation:* On February 20, 2014, the City was served with a Summons and Amended Complaint filed by Janice Debose-Wyrick as Personal Representative of the Estate of Artrell Debose. Ms. Debose-Wyrick alleges that on October 23, 2011, her son was shot and killed by an assailant while in the City's parking garage. She alleges that the City did not exercise reasonable care to protect invitees of the parking garage from reasonable foreseeable criminal harm. Specifically, she claims that the City did not provide reasonable lighting, adequate security guards or law enforcement, and warnings of the risk of criminal attacks in the parking garage. Ms. Debose-Wyrick seeks money damages.

#### **RECOMMENDATION**

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville in the case styled Janice Debose-Wyrick as Personal Representative of the Estate of Artrell Debose vs. City of Gainesville, a Political Subdivision of Florida, Court Case No. 2013-CA-4698.

[130751 Debose-Wyrick 20140320.pdf](#)

[130756.](#)

### **STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY AS SUBROGEE OF KAREN A. DANIEL VS. CITY OF GAINESVILLE, A MUNICIPAL CORPORATION, COURT CASE NO. 2014-CC-427 (B)**

*Explanation:* On February 20, 2014, the City of Gainesville was served with a Summons and Statement of Claim. The Plaintiff alleges that it is owed monies due to the payment of Comprehensive/Collision benefits which resulted from an automobile accident occurring on May 7, 2013. Plaintiff claims that a vehicle driven by a City employee collided with their insured's vehicle resulting in property damage in the amount of \$5,629.14. Plaintiff is seeking money damages, interest and court costs.

**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled State Farm Mutual Automobile Insurance Company as Subrogee of Karen A. Daniel vs. City of Gainesville, a Municipal Corporation, Court Case No. 2014-CC-427.*

[130756\\_State Farm-Daniel consent\\_20140320.pdf](#)

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

[130797.](#)

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

*The City Commission appoint:*  
*Belinda M. Smith to the Citizens Advisory Committee for Community Development for a term to expire 11/1/17.*  
*Ethan J. Hudgins to the Development Review Board for a term to expire 11/1/17.*  
*Carl Ramey to the Gainesville Human Rights Board for a term to expire 2/22/17.*  
*Michelle A. Hazen to the Historic Preservation Board for a term to expire 6/1/17.*  
*Rosa B. Williams to the Public Recreation and Parks Board for a term to expire 6/1/17.*  
*E.J. Bolduc to the Tree Advisory Board for a term to expire 1/1/17.*

[130801.](#)

**City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of February 4, 6, 10, 11 and 20, 2014..*

[130803.](#)

**July 3rd Meeting (NB)****RECOMMENDATION**

*The City Commission cancel the July 3, 2014 meeting.*

[130810.](#)

**Resignation of Jason S. Gonos from the City Beautification Board (B)****RECOMMENDATION**

*The City Commission accepts the resignation of Jason S. Gonos from the City Beautification Board, effective immediately.*

[130810\\_Resignation\\_20140320.pdf](#)

## EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

## COMMITTEE REPORTS, CONSENT AGENDA ITEMS

## RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

## PUBLIC SAFETY COMMITTEE, CONSENT

## AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

[130740.](#)

Proposed Three Year Extension of Agreement for Professional Auditing Services for the Annual Financial Statements Audit - General Government Segment (B)

*Explanation: Florida Statutes section 218.39 and Gainesville Code of Ordinances section 2-433 require the City Commission to employ an independent certified public accountant, not connected with the government of the City, to audit the accounts maintained and the financial statements prepared by the City for each fiscal year. The current contract with Carr, Riggs and Ingram, LLC for the General Government segment for professional auditing services concludes with the audit of the September 30, 2013 financial statements. Carr, Riggs and Ingram, LLC has indicated that they are agreeable to extend the contract for an additional three years under the existing terms of the contract.*

*The City Auditor's Office has discussed the proposed contract extension with representatives from General Government and there is consensus that the proposed three year extension would be in the City's best interest given the high level of service and competitive rates provided by the current vendor.*

*Fiscal Note: The base fee for audit services was approximately \$95,000 for the fiscal year 2013 audit. Fees for the next three years would be adjusted based on the Consumer Price Index (CPI) percentage change for the Southern Region, all urban consumers, with a limit of 5% per year, as set forth in the current agreement. Fees for these services will be provided in the proposed General Government budget for each fiscal year.*

### RECOMMENDATION

*The Audit, Finance and Legislative Committee recommends the City Commission:*

- 1) Approve the proposed three year extension of the agreement for professional auditing services - General Government segment with Carr, Riggs and Ingram, LLC; and*
- 2) Authorize the City Auditor to execute the*

*extension subject to the review of the City Attorney as to form and legality.*

Legislative History

3/5/14      Audit, Finance and      Approved as Recommended  
                 Legislative  
                 Committee

[130740 - Contract Extension for GG Audit Segment - Agenda Item.PDF](#)

**EQUAL OPPORTUNITY 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**

[130778.](#)

**Bus Rapid Transit (BRT) Alternative Analysis Final Report (B)**

**This item is a request to hear a presentation and receive the Bus Rapid Transit (BRT) Alternative Analysis final report from Parsons-Brinkerhoff, Inc. \*ESTIMATED STAFF PRESENTATION 60 MINUTES\***

*Explanation: An update to the GO Enhance Regional Transit System (RTS) Bus Rapid Transit (BRT) Feasibility Study was made at the City Commission meeting on February 20, 2014 (Legislative ID# 130722). At that meeting, the City Commission asked Parsons-Brinkerhoff, Inc. to present a final report on March 20, 2014. Public meetings have been held for public comment. Presentations have also been made to the Metropolitan Transportation Planning Organization (MTPo) for their input.*

*Fiscal Note: There is no fiscal impact to the City of Gainesville at this time.*

**RECOMMENDATION**

*The City Commission hear the presentation from Parsons-Brinkerhoff, Inc.*

[130778A Presentation 20140320.pdf](#)

[130778B Survey 20140320.pdf](#)

[130778C BRT Report 20140320.pdf](#)



**GENERAL MANAGER FOR UTILITIES**[130812.](#)**GRU Electric Wholesale Sales Strategy (B)***Modification - Additional back-up*

*Explanation: Staff will provide background information on electric wholesale sales, including an overview of the recent Winter Park, Florida agreement.*

*Fiscal Note: The agreement is projected to provide \$3.5 million to \$4.2 million in net revenue over a four year period to help mitigate upward rate pressure to retail customers.*

**RECOMMENDATION**

*The City Commission hear a presentation on wholesale electric sales strategy including the recent agreement with Winter Park, Florida.*

[130812 City of Alachua Wholesale Contract - 3rd Amendment 20140320](#)

[130812 Email Notifying CCom of Winter Park Agreement 20140320](#)

[130812 Winter Park Agreement 20140320](#)

[MOD 130812 Wholesale Vs Retail Sales 20140320 - Revised.pdf](#)

**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE****PUBLIC SAFETY COMMITTEE****AUDIT, FINANCE AND LEGISLATIVE COMMITTEE**[130547.](#)

Issuance of Request for Proposals for an External Investigative Review of Gainesville Regional Utilities (B)

*Explanation: On December 5, 2013, the City Commission referred the issue of a special audit of GRU to the Audit, Finance and Legislative Committee (AFLC). On January 29, 2014 the AFLC met and discussed this item. The Committee received extensive public input focused on numerous issues of concern related to past management practices and business decisions primarily related to the multi-year development and*

implementation of the Power Purchase Agreement (PPA) between Gainesville Renewable Energy Center (GREC), LLC and the City of Gainesville d/b/a Gainesville Regional Utilities (GRU) dated April 29, 2009 and approved by the City Commission on May 7, 2009. There was also considerable discussion regarding the background and financial impact of the "Equitable Adjustment for Change of Law" agreement dated March 16, 2011.

Committee discussions focused on possible actions that could be taken from a management, legal, financial, policy and control perspective to prevent reoccurrence of the actions involved in implementing the GREC PPA and to positively affect the financial outlook of GRU, especially in the area of energy supply and energy delivery.

Committee members agreed to report to the City Commission on February 6, 2014 a joint recommendation for the City to move forward with an external review focusing primarily on GRU past management practices and business decisions related to the implementation and any amendments to the GREC PPA, and including a forward focus on recommendations having positive financial impacts on GRU energy supply and delivery.

On February 6, 2014, after Commission discussion and additional citizen input, the City Commission authorized the City Auditor to prepare an RFP for an external review to address:

- 1) Opportunities for financial and operational benefit to GRU related, but not limited to the GREC PPA; and
- 2) Recommendations of institutional controls that can be implemented that would help avoid the management discrepancies of the past and help strengthen the working relationship between GRU management and the City Commission.

**RECOMMENDATION**

The Audit, Finance and Legislative Committee recommends the City Commission authorize the issuance of a Request for Proposals (RFP) for an external investigative review of Gainesville Regional Utilities (GRU) utilizing the proposed methodology and selection factors.

**Legislative History**

12/5/13	City Commission	Referred to the Audit, Finance and Legislative Committee
1/29/14	Audit, Finance and Legislative Committee	Recommended for Approval, as amended
2/6/14	City Commission	Approved, as shown above
3/5/14	Audit, Finance and Legislative Committee	Approved as Recommended

[130547-A-Equitable Adjustment for Change of Law of the Power Purchase Agree](#)

[130547-B-GREC LLC Dispute - Equitable Adjustment Analysis-Outside Attorney](#)

[130547-C-RFP-External Investigative Review of GRU-Agenda Item.PDF](#)

[130547-D-Draft RFP External Investigative Review of GRU.PDF](#)

[130547-E-AFLC REVISED DRAFT RFP EXTERNAL INVESTIGATIVE REVIEW](#)

## 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

[130795.](#)

### American Red Cross Month - March 2014 (B)

**RECOMMENDATION**

*North Central Florida Chapter American Red Cross Executive Director Melanie Saxon to accept the proclamation.*

[130795\\_RedCross\\_20140320.pdf](#)

[130796.](#)

### National Farm Worker Awareness Week - March 24-31, 2014 (B)

**RECOMMENDATION**

*National Farm Worker Ministry Professor Samuel B. Trickey, Rural Women's Health Project Co-Director Fran Ricardo, Gainesville Interfaith Alliance for Immigrant Justice Organizer Sheila Payne and Westminster Presbyterian Church Pastor Reverend Larry Green to accept the proclamation.*

[130796\\_FarmWorker\\_20140320.pdf](#)

## CITIZEN COMMENT (6:00pm)

**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****130813. RESOLUTION ACCEPTING REPORT OF BOARD OF CANVASSERS - ELECTIONS 2014 (B)**

A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, election held March 11, 2014; and providing an immediate effective date.

*Modification - Added item*

*Explanation: On March 11, 2014, a city election for the election of Commissioners for the At Large 2, District 2, and District 3 Seats was held.*

*The Report of the Board of Canvassers for the City of Gainesville showing that there will be a run-off election between Annie Orlando and Helen K. Warren for the At Large 2 Seat, that Todd Chase was elected to the District 2 Seat, and that Craig Carter was elected to the District 3 Seat, is adopted by this resolution of the City Commission.*

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

130813\_Resolution\_20140320.pdf

**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****120991. PROHIBITING MINORS IN ALCOHOLIC BEVERAGE ESTABLISHMENTS (B)**

Ordinance No. 120991

An ordinance of the City of Gainesville, Florida, amending Chapter 4, Article I, of the Code of Ordinances of the City of Gainesville related to alcoholic beverages; adding a new Section 4-5.2, Minors Prohibited in Alcoholic Beverage Establishments; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: The City Commission, at its meeting of October 3, 2013, authorized the preparation and advertisement of this Ordinance. The Ordinance adds a section to the Code of Ordinances which prohibits persons under the age of 18 to be present in an alcoholic beverage establishment when not accompanied by a parent or guardian, with limited employment exceptions as provided by state law.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

3/21/13	City Commission	Referred to the Public Safety Committee
4/25/13	Public Safety Committee	Discussed
10/3/13	City Commission	Approved as Recommended

[120991\\_MemoOnTeenEventsInBars\\_20130425](#)

[120991A\\_draft ordinance\\_20140320.pdf](#)

[120991B\\_Minors Prohibited\\_20140320.pdf](#)

## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[130058](#)

### **TEXT CHANGE - TEMPORARY OUTDOOR ALCOHOLIC BEVERAGE SALES AND SPECIAL EVENT PERMITS FOR THE UNIVERSITY CONTEXT AREA (B)**

Ordinance No. 130058, Petition No. PB-13-49 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code related to temporary outdoor alcoholic beverage sales and event permits; by deleting portions of Section 30-67(g); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES STAFF REPORT  
The City Attorney's Office was directed to draft an ordinance (now Ordinance No. 130695) regarding alcoholic beverage sales outdoors and at special events. City staff met to discuss the appropriate approach for such an ordinance and given that Chapter 4 of the Code of Ordinances is devoted to alcoholic beverage issues, staff felt that the regulations and permits for outdoor and special event sales of alcoholic beverages should be moved to Chapter 4. As a result, the City Attorney's Office requested Planning staff initiate a petition to delete redundant code provisions related to special event permits and outdoor alcoholic beverage sales that are currently in the Land Development Code. The Land Development Code will continue to regulate permanent sales of alcoholic beverages on property that is zoned for such uses.*

*The City Plan Board reviewed the petition and recommended approval by a vote of 7-0.*

#### **CITY ATTORNEY MEMORANDUM**

*This ordinance requires two readings.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

Legislative History

3/6/14 City Commission Adopted on First Reading (Ordinance)

[130058A draft ordinance 20140306.pdf](#)

[130058B staff report 20140306.pdf](#)

[130058C Text Admendment Application 20140306.pdf](#)

[130058D\\_cpb minutes\\_20140306.pdf](#)

**PLAN BOARD PETITIONS****DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS**

[130482.](#)

**GRU Governance (NB)**

*Explanation: At its March 6, 2014 meeting, the City Commission agreed to discuss GRU governance at the March 20, 2014 meeting.*

RECOMMENDATION

*Discuss GRU Governance*

Legislative History

11/21/13 City Commission Referred to the Audit, Finance and Legislative Committee

12/9/13 City Commission Discussed

**UNFINISHED BUSINESS****COMMISSION COMMENT****CITIZEN COMMENT (If time available)****ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**