

City of Gainesville

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



Meeting Agenda - Final

October 3, 2013

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**

Prophet Earl Young

CONSENT AGENDA**CITY MANAGER, CONSENT AGENDA ITEMS**

[130300.](#)

Bid Award - SW 16th Avenue Roadway Modification (B)

This item is a request for the City Commission to authorize the bid award to V.E. Whitehurst & Sons, Inc., for the SW 16th Avenue Roadway Modification Project for the minor roadway widening, milling and resurfacing, roadway signing and marking, streetscape, and signalization between Archer Road and SW 13th Street, in the amount of \$2,110,500.

Explanation: On July 22, 2013, the City Purchasing Division solicited bids for the SW 16th Avenue Roadway Modification Project for the minor roadway widening, milling and resurfacing, roadway signing and marking, streetscape, and signalization between Archer Road and SW 13th Street. One (1) firm responded with a bid. V.E. Whitehurst & Sons, Inc. has been deemed to be a responsible and responsive bidder in the amount of \$1,835,220.36.

Fiscal Note: Funding for this project in the amount of \$1,835,220.36 plus a 15% contingency amount for a total of \$2,110,500 is available in the adopted Capital Improvement Plan FY 2013-2017 using the Campus Development Agreement funds.

RECOMMENDATION

The City Commission: 1) award the bid award to V.E. Whitehurst & Sons, Inc., for the SW 16th Avenue Roadway Modification construction; 2) authorize the City Manager to execute the contract and any necessary documents, subject to approval by the City Attorney as to form and legality; and 3) issue a purchase order in an amount not to exceed \$2,110,500.

[130300 Bid Tab 20131003.pdf](#)

[130308.](#)

FY 2010 Homeland Security Grant Program Transfer of Property to the City of Gainesville (B)

This is a request for City Commission approval to accept three satellite phones from Alachua County for use by the City for disaster responses.

Explanation: As part of the FY2010 Homeland Security Grant Program, Alachua County is responsible for providing federal funding and/or equipment purchased from such federal funding to other agencies within Alachua County. Alachua County would be transferring three satellite phones to the City for use in emergency disaster responses.

The Gainesville Police Department, Gainesville Fire Rescue and Public Works Department will each receive a Handheld ISAT Phone PRO unit with storm case and extra battery from Alachua County. Each department is responsible for the use, maintenance, repair, replacement and recordkeeping of the phone assigned to their department. The annual service plan recommended by the vendor costs approximately \$400 per year for each department.

Fiscal Note: Each department would be responsible for the service plan, repair and replacement cost of the phone assigned to their department. The cost for each department would be approximately \$400 per year.

RECOMMENDATION

The City Commission authorize the City Manager to: 1) accept the equipment from Alachua County for the three satellite phones purchased as part of the FY 2010 Homeland Security Grant Program; and 2) execute any other necessary documents, pending review by the City Attorney as to form and legality.

[130308 Service Agreement 20131003.pdf](#)

[130320.](#)

Funding for Gainesville Police Department Police Beat Television Show (B)

Request funding for the Gainesville Police Department's Police Beat Television Show from Federal Forfeiture funds for FY2014

Explanation: The Gainesville Police Department's (GPD) Police Beat Television Show is part of the Department's Crime Prevention program. The show is used to: 1) explain how the Department provides services; 2) explain its community oriented policing initiatives; and 3) showcase crime prevention activities. The Police Department also uses the show to highlight various specialty unit operations. GPD has been producing the show for over ten years and has produced over 120 episodes. In the past year, GPD has highlighted numerous features about the Department. Additionally, GPD continues to use the show as a format to give the citizens of Gainesville crime prevention information and highlight numerous unsolved crimes in the hopes of gathering useful leads or new information. The requested funds will cover the production and airing of 12 new thirty-minute shows to air.

Fiscal Note: Funds for this one year agreement, covering the period October 1, 2013 through September 30, 2014, totaling \$49,500 are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund. The balance in the account for the unreserved amount is \$1,133,615 as of August 31, 2013.

RECOMMENDATION

The City Commission: 1) approve the expenditure, the extension to the contract and issuance of a purchase order to Studio 601, Inc., Gainesville, Florida in the amount of \$49,500 for the continuation of funding for the Police Beat Television show.

Alternative: The City Commission: deny funding for the program.

[130320 Agreement 20131003.pdf](#)

[130353.](#)

Sister Cities Pavilion (NB)**Refer the issue of a Sister Cities Pavilion to the Recreation, Cultural Affairs and Public Works Committee.**

Explanation: Gainesville Sister Cities Director Steve Kalishman has expressed interest in working with the City on locating and building a Sister Cities Pavilion in a City Park. The concept is to create a prominent focal point in a City park that symbolizes the City's Sister City relationships. Mr. Kalishman is also seeking a location where gifts received from Sister Cities can be displayed.

RECOMMENDATION

The City Commission refer the issue of a Sister Cities Pavilion to the Recreation, Cultural Affairs and Public Works Committee.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS[130352.](#)**Security Guard Services (NB)**

Staff recommends extending the term of the contract with Admiral Security Services, Inc. for security guard services at various GRU facilities.

Explanation: The U. S. Department of Homeland Security has deemed all public and privately owned Utilities as Critical Infrastructure and Key Resources and established recommended security standards to protect the physical and cyber assets of the Utilities. To meet this requisite, GRU developed a comprehensive security plan in response to those standards that utilizes several components to protect GRU assets. One component of this plan is the use of contractor-supplied unarmed uniformed security force for the purpose of protecting personnel and property. Facilities which require security include the GRU Administration Building, Eastside Operations Center, Deerhaven Generating Station and Murphree Water Treatment Plant. Each facility establishes specific "Post Orders" which stipulate the unique requirements for the site. Other components of the plan include the use of technology (where feasible), including the use of electronic access control, closed circuit camera systems, intercoms and other security devices which help reduce security expenses.

Typical services provided under this contract include entranceway monitoring (foot traffic, vehicles and deliveries) with sign in/out procedures, security camera activity monitoring, patrolling premises, notifying appropriate authorities of security concerns, completing report logs and reports, accompanying staff as required, and other security related tasks.

The City Commission approved a contract with Admiral Security Services, Inc. on November 6, 2008. The contract provides for a five-year extension upon mutual agreement of the parties. The extended contract term allows the contractor to recruit and retain a stable and reliable work force resulting in more continuity and better service to GRU. A shorter contract term can cause higher staff turnover and reduces employee loyalty. In addition, an increase in personnel training and uniform expenses can result in higher costs. The contractor is responsible for recruiting personnel and performing background checks for employment history and criminal records, with GRU's final approval of staff placement. Admiral Security Services, Inc. has performed this service extremely well, providing quality staff with minimal turnover. Continuity of quality personnel is a key factor for successful security guard services.

The combined annual budget for these services is approximately

\$400,000. The contract allows an annual price adjustment, not to exceed the Consumer Price Index. If a price increase is requested, documentation to support the price increase must be provided to GRU for review. For any approved increase to the contract, 70% of the increase is allocated to the guard's hourly rate. The collective increases over the past five years total less than 5%.

Fiscal Note: Funds are available in GRU's FY 2014 budget and will be requested in subsequent year budgets.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a five-year amendment to extend the term of the contract with Admiral Security Services, Inc. for security guard services at various GRU facilities, subject to approval by the City Attorney as to form and legality; 2) approve the issuance of purchase orders for these services to Admiral Security Services, Inc. in amounts not to exceed budgeted amounts for each year of the contract, subject to the final appropriation of funds for these services for each fiscal year.

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[130351.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of August 1, and September 5, 2013.

[130351_minutes_20131003.pdf](#)

[130330.](#)

Appointments to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION

The City Commission appoint:

Kenneth Johnson to the City Plan Board for a term to expire 11/1/2014.

Meagan Standard to the Development Review Board for a term to expire 11/1/2014.

Lillie Latimore to the Gainesville Energy Advisory Committee for a term to expire 9/30/16.

Zachary Andrews to the Regional Transit System Advisory Board for a term to expire 6/1/14.

Christina Ford and Tyler Redden to the Student Community Relations Advisory Board for a term to

expire 2/26/15.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC SAFETY COMMITTEE, CONSENT

[120991.](#)

Teenage Events in Bars (B)

This item proposes that legislation be drafted to prevent minors from being in areas in which large numbers of intoxicated adults are located subjecting them to potential harm and victimization by adult patrons.

Explanation: The practice of establishments (licensed to sell alcoholic beverages as their primary business) allowing minors in their premises for "all age" or "teen" events, whether or not alcoholic beverages are being sold at the time of the events, increases the probabilities that minors will be victimized by adults patronizing alcoholic beverage establishments. The mere fact that minors are being invited downtown for these events in large numbers and are mixing with large numbers of adults, who are often intoxicated, increases the minors' probabilities of victimization. The same concerns exist for these events being held in close proximity to alcoholic beverage establishments.

Legislation to prevent minors from being in areas in which large numbers of intoxicated adults are located, and being subjected to potential harm and victimization by adult bar patrons would help the situation.

On April 25, 2013, the Public Safety Committee voted 3-0 to move forward with the staff recommendation to request that the City Commission enact an ordinance which would prohibit allowing teenagers under the age of 18 inside establishments that are licensed to sell alcohol and whose primary business is the sale of alcohol.

Fiscal Note: None

RECOMMENDATION

The City Commission authorize the City Attorney's Office to draft and the Clerk of the Commission to advertise an ordinance which would prohibit events for teenagers under 18 years old at establishments that are licensed to serve alcohol and whose primary business is the sale of alcohol regardless of whether alcoholic beverages are being sold at the time, and/or within close proximity to these establishments, which target minors, and places them in close proximity to adults who will prey upon the children.

Legislative History

3/21/13	City Commission	Referred to the Public Safety Committee
4/25/13	Public Safety Committee	Discussed

[120991_MemoOnTeenEventsInBars_20130425](#)

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

[120044.](#)

Early Voting Site on the University of Florida (UF) Campus (B)

Explanation: The City Commission on May 17, 2012, based on a motion by Commissioner Wells, referred to the Audit, Finance and Legislative Committee the issue of supporting an early voting site on the UF campus, and one additional site within the City.

The Audit, Finance and Legislative Committee discussed this issue on August 29, 2013 and September 25, 2013, receiving input from Commissioner Susan Bottcher, Commissioner Todd Chase, Alachua County Supervisor of Elections Pam Carpenter, the Clerk of the Commission, the City Attorney, the City Auditor and numerous interested citizens. The Committee agreed to recommend that the City Commission approve moving forward with actions necessary to expand early voting sites for the Spring 2014 municipal elections to include the Supervisor of Elections site, the Millhopper Branch Library and a yet to be determined location on the UF Campus, taking into account any legal or logistical barriers, which could include for the 2014 election cycle, that the Reitz Union is currently undergoing major construction and that early voting for the March 11th election date would be during the University of Florida Spring Break unless the usual early voting dates were modified.

RECOMMENDATION

The Audit, Finance and Legislative Committee recommends the City Commission: 1) direct the City Attorney to draft and the Clerk to advertise revisions to City ordinances to allow for additional early voting sites for municipal elections in accordance with state laws; 2) direct the City Attorney to request an advisory opinion from the State Division of Elections regarding whether the Reitz Union would meet the requirements of recently enacted State laws allowing expanded early voting sites, and 3) direct the Clerk of the Commission to work on securing locations and addressing logistical issues regarding utilizing the Millhopper Branch Library and a yet to be determined location on the UF Campus, as additional early voting sites for the Spring 2014 municipal elections.

Legislative History

5/17/12	City Commission	Referred to the Audit, Finance and Legislative Committee
7/11/13	Audit, Finance and Legislative Committee	Continued
8/29/13	Audit, Finance and Legislative Committee	Retained in Committee
9/25/13	Audit, Finance and Legislative Committee	Approved as Recommended

[120044-Code of Ordinances Reference to Early Voting Sites.pdf](#)

[120044 - Early Voting Site Cost Estimate from Supervisor of Elections.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

[130334.](#)

City Commission Referral List (B)

RECOMMENDATION

The City Commission review the attached referral list and take appropriate action.

[130334 Referral List 20131003.pdf](#)

CITY MANAGER

[130288.](#)

Fleet Management Performance Metrics (B)

The item involves an update to the City Commission on the performance of Fleet Management with regards to repair and maintenance services to both General Government and Gainesville Regional Utilities.

Explanation: During the budget discussions, the City Commission requested a presentation on Fleet Management Performance Metrics. Staff has

prepared a presentation to give a brief history of Fleet Management, an overview of the performance metrics, comparative data, and discuss future opportunities.

RECOMMENDATION

The City Commission receive a presentation from staff on Fleet Management Performance Metrics.

[130288A Fleet Metrics PPT 20131003.pdf](#)

[130288B Altec Hybrid Truck Video 20131003.pdf](#)

[110784.](#)

Transition Study for Alachua County Fire Station 19 (B)

This item requests that the City Commission receive a report from the City Manager and Fire Chief on a transition plan for providing fire and rescue services in the area currently served by Alachua County Fire Station 19.

Explanation: The City of Gainesville and Alachua County provide automatic aid services in each other's jurisdictions under the Fire Services Assistance Agreement (FSAA) entered into on October 10, 2006. The FSAA outlines the level of service and how each agency will be reimbursed for the services they provide in each other's jurisdiction.

On March 13, 2007, Alachua County and the City of Gainesville entered into an interlocal agreement for the transition of services upon annexation. The transition agreement was extended on May 12, 2009 until September 30, 2014. In the agreement, Section XI Fire Rescue Services and Public Safety/Police Protection provides options for the ownership, location or transfer of fire rescue stations and Section XII provides direction regarding the personnel positions affected by the purchase or transfer of county services.

On June 1, 2009, the City of Gainesville annexed property surrounding SW 20th Avenue, which included Alachua County Fire Station 19. Alachua County currently operates one engine and one rescue unit out of Station 19. Since the annexation, the cost to the City for Alachua County fire unit responses covered by the FSAA continues to increase annually and is approaching the same level of expense that the City might incur by operating an additional fire station. The greatest proportion of these automatic aid responses are in southwest Gainesville surrounding Alachua County Fire Station 19 at 1800 SW 43rd Street.

On April 5, 2012, based on what appeared to be consistently escalating costs to the City for automatic aid assistance from Alachua County Fire Rescue, the City Commission directed the City Manager to initiate discussions with Alachua County regarding the impact of transitioning fire rescue services in the SW Gainesville area currently served by Station 19 and to provide a report to the Commission.

Based on the guidance provided by the City Commission, Gainesville Fire Rescue Chief Gene Prince met with Alachua County Fire Rescue Chief Ed Bailey over the last year to discuss the transition of services and the purchase of Station 19 by the City. Unfortunately these discussions did not come to a successful conclusion. After much discussion, Chief Bailey informed Chief Prince that he received direction from the County Manager not to enter into any agreement with the City concerning Station 19. A letter sent from Chief Prince to Chief Bailey describing the history of these discussions has been provided as backup.

City staff has completed an assessment of the options for transition of services in the Station 19 area and recommend that the City of Gainesville staff a squad unit that can provide services in the Station 19 area to offset the costs incurred under the FSAA. In addition, City staff recommends that the City Commission engage the County Commission in a discussion on the transition of services in the Station 19 area including possible City acquisition of Station 19.

Fiscal Note: Currently, the City pays the County approximately \$625,000 annually under the FSAA. If the City provided a squad unit to respond to the 1,492 City EMS calls in the Station 19 response area, the County would pay the City approximately \$569,000 annually in accordance with the FSAA. Factoring in the cost of staffing a squad unit and operating costs, this change would result in a net positive fiscal impact of approximately \$599,000 annually.

RECOMMENDATION

The City Commission: 1) receive a report from the City Manager and the Fire Chief for providing services in the area served by Alachua County Fire Station 19; 2) direct the City Manager to initiate a transition plan that would staff a City squad unit to provide services in that area; and 3) determine if the City Commission desires to discuss the transfer of services for Station 19 and potential City acquisition of Station 19 with the County Commission.

Alternative Recommendation A: The City Commission receive a report from the City Manager and the Fire Chief for providing services in the area served by Station 19 and direct the City Manager to maintain the current service plan.

Alternative Recommendation B: The City Commission receive a report from the City Manager and the Fire Chief for providing services in the area served by Station 19 and direct the City Manager to develop alternative recommendations for the City Commission.

Legislative History

4/5/12 City Commission Approved as Recommended

[110784A Fire Station 19 Memo to ACFR 20131003.pdf](#)

[110784B Station 19 Presentation 20131003.pdf](#)

[130370.](#)

Update on the Purchase of Surplus Department of Corrections Property by the City of Gainesville (B)

The purpose of this item is to provide an update to the City Commission on the status of the negotiation between the City and the State for the purchase of surplus Department of Correction (DOC) property and to adopt a Resolution and approve negotiations and purchase of Phase Two of the acquisition.

Explanation: On July 20, 2012, the City was notified that the State Department of Corrections (DOC) intended to surplus approximately 1,300 acres. Through the appraisal process and budget restraints, it was determined the City could afford 28 acres of a correction facility to provide a variety of services at the complex, aiding homeless and needy individuals and families in our community. This portion of the purchase was referred to as Phase One of the land acquisition. Phase Two was that portion of the facility DOC wanted to retain for their parole and probation office. A decision was made to offer City owned property, located at 217 Northeast 1st Street in exchange for Phase Two. The City owned property required a special use permit to allow the DOC proposed use, however the special use permit was denied.

Subsequently, DOC decided not to use the Phase Two portion of the correctional facility, allowing the State to declare it as surplus. State procedures require a "Notice of Intent to Sell Surplus State Land" be published, allowing other State departments or governmental organizations to acquire the property. That notice was received by the City on September 23, 2013. The notice states the City is in the process of purchasing the facilities surrounding the portion being declared as surplus and identifies the City's intended use. The notice also stipulates the City must adopt a resolution to acquire the property for the appraised market value. The state is currently having the Phase II property appraised.

Fiscal Note: There is approximately \$2.3 million of unrestricted funds available for the development of a One Stop Homeless Assistance Center. The purchase of the entire Correctional facility, consisting of Phase One and Two, will be for the appraised market value, plus closing costs.

RECOMMENDATION

The City Commission: 1) adopt a Resolution; and 2) authorize the City Manager or his designee to negotiate and execute a purchase agreement for Phase Two of the correction facility property located off Northeast 39th Avenue and adjacent to Phase One of the proposed purchase previously

approved by the Commission.

[130370A_MOD Resolution_20131003.pdf](#)

[130370B_MOD DEP Notice_20131003.pdf](#)

GENERAL MANAGER FOR UTILITIES

[130310.](#)

GREC Proposal Discussion Item (B)

RECOMMENDATION

Hear a presentation and discussion.

Legislative History

9/19/13 City Commission Approved, as shown above

[130310_ltr_20130919](#)

[130310_ppt_20130919](#)

[130310_MOD GREC_20131002.pdf](#)

[130181.](#)

Advanced Metering Infrastructure and Distribution Automation Project (B)

Staff recommends approval of the final ranking of firms and authorization to negotiate in order of ranking a contract with those firms for infrastructure and software applications necessary to implement the project.

Explanation: The utility has very limited capability to remotely communicate with electric, gas and water meters and other utility distribution systems equipment. The acquisition and implementation of Advanced Metering Infrastructure (AMI) includes a robust two-way communications platform that will enable the deployment of advanced metering applications in all systems as well as the adoption of reliability and quality focused operating practices for those utilities.

AMI enables meters to be read on a scheduled and "on demand" basis, customer accounts to be initiated or terminated remotely, and service reliability and quality to be monitored and enhanced. All such services enable a more efficient servicing of accounts and the opportunity to realize the utility's goal of Total Service Excellence.

AMI also provides utility operators with an enhanced and detailed view of the distribution systems' performance, the ability to remotely operate and manage system devices and equipment, and the ability to apply automated switching and isolation strategies (DA). All of these advanced capabilities will promote a reduction in the magnitude and duration of service interruptions and service quality concerns.

The utility has developed a two phase pilot project that will evaluate the effectiveness and benefits of an AMI and its associated advanced communication system. This approach will enable bi-directional data sharing on a trial basis with specific metering infrastructure and distribution systems equipment. The AMI project will be deployed initially within the boundaries of the Innovation District and will enable the delivery of enhanced utility services along with advanced distribution system monitoring and control. The second phase of the project will focus on the build-out of the communications infrastructure within the footprint of the electric distribution system to extend the projected operational benefits to all customers.

Utilities Purchasing issued an Invitation to Negotiate which was posted on GRU's website and sent to twenty-six firms that provide AMI and DA systems. Seven responses were received and evaluated based on respondent's qualifications and experience, project management and development team, project solution, feasibility analysis, software component, past performance, distinguishing characteristics, and local preference. As a result, three firms were selected for negotiations, a process which included presentations, customer site visits, follow-up discussions, and best and final offers. The best and final offers were then evaluated based on the same criteria and ranked by consensus. The ranking is as follows:

*Tantalus Systems Inc.
Silver Spring Networks
Sensus USA Inc.*

The evaluation team included a representative from the electric, gas, water/wastewater operating areas, field services and customer service with additional input from Information Technology Department and Systems Control Division. The final negotiations will result in a Master Agreement including software license from which Task Assignments will be issued for various phases of the project as determined by the needs of GRU. The initial term of the Master Agreement will be for five years with the option to renew for two additional two year periods.

Fiscal Note: The estimated cost of the pilot project (for all systems) is \$600,000. Funding in the amount of \$200,000 has been requested in FY 14 and an additional \$400,000 will be requested in FY 15. Additional funds may be requested in subsequent fiscal years as required.

RECOMMENDATION

The City Commission: 1) approve the final ranking of firms to deploy a small scale Advanced Metering Infrastructure (AMI) and Distribution Automation (DA) project; 2) authorize the General Manager, or his designee, to initiate contract negotiations with the firms in order of ranking; and 3) authorize the General Manager, or his designee, upon successful negotiations, to execute a five-year Master Agreement, subject to the approval of the City Attorney as to form and

legality, in an amount not to exceed budgeted amounts for this project, and subject to final appropriation of funds for each year of the contract.

[130181_ppt_20130919](#)

CITY ATTORNEY

[130354.](#)

SETTLEMENT AGREEMENT FOR MOGAS INVESTMENTS, INC., NALBANDIAN PROPERTIES, LLC, ROPEN NALBANDIAN v. CITY OF GAINESVILLE, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, CASE NOS.: 2010-CA-6285 and 2010-CA-4963 (NB)

Explanation: In 2010 and 2012, Mogas Investments, Inc., Nalbandian Properties, L.L.C., and Ropen Nalbandian (hereinafter "Nalbandian") filed four court actions challenging various aspects of the City's plan to locate a one-stop homeless center on property located in the vicinity of 820 NW 53rd Avenue (the "ADC property"). The City defended these actions.

In the fall of 2012, as two of the cases were set to go to trial, Nalbandian made an offer of settlement to the City. In that offer of settlement and the continuance and settlement agreement that followed, Nalbandian irrevocably offered to convey fee simple title to 41 acres known as the Gain Parcel to the City. Upon acceptance of the Gain Parcel, the City would agree to not develop a homeless center on the ADC property and not to file a petition to seek a land use or zoning change in connection with developing a homeless center on any property within a mile of Nalbandian's property. On June 12, 2013, pursuant to Commission direction on June 6, the City notified Nalbandian that the City Commission was accepting Nalbandian's offer to convey the Gain Parcel to the City and that, upon receipt of the conveyance, the City would move forward with its remaining obligations under the agreement.

Under the agreement, Nalbandian was to convey the Gain Property to the City within 10 days of the City's acceptance of the Gain Property Donation offer. Nalbandian did not make the conveyance.

In June and early July 2013, Nalbandian sent correspondence claiming that the City breached the settlement agreement prior to accepting the donation and that the City Commission violated the Sunshine Law prior to accepting the donation, which made the act of accepting Nalbandian's offer void. Nalbandian's attorneys suggested an alternative proposal to avoid litigation over the settlement agreement and presumed sunshine law violation lawsuit. That proposal consisted of a \$75,000 contribution to the Homeless Center with Nalbandian retaining the Gain Parcel. If the City was unsuccessful in developing the DOC site for the Homeless Center, Nalbandian would transfer the Gain Property to the City and the City would return the \$75,000 contribution.

On July 18, 2013 the City Commission rejected the offer and authorized the City Attorney to file an action to enforce the settlement agreement. That action has been filed and is set for hearing.

Recently Nalbandian's attorneys have offered the following alternative proposals:

1. Nalbandian will pay to the City (or a designated non-profit organization chosen by the City to operate the One-Stop Center) a total sum of \$200,000. This sum will be paid in installments of \$50,000/year over a (4) four year period. These payments will be secured (whether by a bond or the pledging of collateral) in a manner that is agreeable to all parties. Additionally, these payments will be expressly earmarked to pay for operation costs associated with the One-Stop Center.

2. Nalbandian will subdivide the Gain property and deed one-half of that property to the City. The property was recently appraised (the appraisal has been provided to the City) at a value of \$813,000.

The remainder of the terms of the previous settlement agreement would remain in place, including that the City will not file a petition for a land use or zoning change in furtherance, or connection with, development of a homeless center within a one mile radius of the Nalbandian properties on NW 53rd Avenue. This is the clause Nalbandian claims the City breached. So to summarize, if the City accepts either proposal, the City has all of its original obligations under the existing settlement agreement but Nalbandian's obligations will be reduced as stated above.

RECOMMENDATION

The City Commission consider the two alternative proposals for settlement offered by Nalbandian.

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

GAINESVILLE/ALACHUA COUNTY CULTURAL AFFAIRS BOARD

[130056.](#)

Gainesville-Alachua County Cultural Affairs Board Work Plan and Annual Report update for FY 2013-14 (B)

This item requests that the City Commission hear a presentation of the Gainesville-Alachua County Cultural Affairs Board regarding their Annual Report and Work Plan update for 2013-2014.

Explanation: The Gainesville-Alachua County Cultural Affairs Board wishes to present

an Annual Report and Work Plan update for 2013-14 to the Gainesville City Commission.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission hear a brief presentation by Gainesville-Alachua County Cultural Affairs Board Chair Carol Velasques Richardson, regarding the FY 13/14 Annual Report and Work Plan update.

Legislative History

8/15/13 City Commission Postponed

[130056A_CAB FY13-14 WP Update_20130815.pdf](#)

[130056A_CAB FY13-14 WP Update_20131003.pdf](#)

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

[130356.](#)

Dr. Mark Barrow - Update on Matheson Center (NB)

RECOMMENDATION

The City Commission hear an update from Dr. Mark Barrow regarding the Matheson Center.

MEMBERS OF THE CITY COMMISSION

[130350.](#)

Mayor Ed Braddy - Butterfly Project (NB)

RECOMMENDATION

The City Commission discuss the Butterfly Project and take action deemed appropriate.

[130355.](#)

Commissioner Yvonne Hinson-Rawls - Job Fair Update (B)

RECOMMENDATION

The City Commission hear an update on the job fair.

[130355_Job Fair Summary_20131003.pdf](#)

[130363.](#)

Mayor-Commissioner Pro Tem Randy Wells - Gainesville Community Innovation (GCI): Home of the One Stop Homeless Empowerment Center (NB)

RECOMMENDATION

The City Commission approve the motion made by Mayor-Commissioner Pro Tem Randy Wells.

COMMISSION COMMENTS (if time available)**RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS**

[130346.](#)

Fire Prevention Week - October 6-12, 2013 (B)**RECOMMENDATION**

Gainesville Fire Rescue Risk Reduction Specialist Krista Gonzalez, Assistant Fire Chief JoAnne Rice and Fire Chief Gene Prince to accept the proclamation.

[130346_FirePrevention_20131003.pdf](#)

[130347.](#)

Arts and Humanities Month - October 2013 (B)**RECOMMENDATION**

Gainesville/Alachua County Cultural Affairs Board Vice-Chair Fred Sowder to accept the proclamation.

[130347_Proc_20131003.pdf](#)

[130348.](#)

United Nations Day - October 10, 2013 (B)**RECOMMENDATION**

Peace Operations Training Institute UN Programmer Coordinator Brian Mitchell and Dr. Taraneh Darabi to accept the proclamation.

[130348_UnitedNations_20131003.pdf](#)

[130349.](#)

White Cane Safety Awareness Month - October 2013 (B)**RECOMMENDATION**

Alachua County Council of the Blind President Spencer Morton to accept the proclamation.

[130349_WhiteCane_20131003.pdf](#)

CITIZEN COMMENT (6:00pm)**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**[130294.](#)**Resolution for a Joint Participation Agreement - State Block Grant Funds for Regional Transit System (RTS) Capital and Operating Assistance for FY 2013-2014 (B)**

This item is a request to adopt a Resolution authorizing the City Manager to execute a Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) to accept the allocation for Gainesville of \$1,747,550 from FY 2013-2014 State Block Grant Funds.

Explanation: FDOT allocates state block grant funds for public transit systems each year. The allocations are based on a three-part formula that includes population, ridership, and vehicle miles operated. For FY 2013-2014, the allocation for Gainesville is \$1,747,550.

FDOT requires the governing board of each public transit system to adopt a resolution authorizing the acceptance of these funds.

Fiscal Note: The Joint Participation Agreement requires the City of Gainesville to match the funding. Funds in the amount of \$1,747,550 for this match are available in the FY 2013-2014 RTS operating budget.

RECOMMENDATION

The City Commission adopt the Resolution.

[130294 Resolution 20131003.pdf](#)

[130299.](#)**Resolution to Enter into a Maintenance Agreement with the State of Florida Department of Transportation for NW 8th Avenue Medians (B)**

This item is a Resolution for approval and authorization to enter into a Maintenance Agreement with the State of Florida Department of Transportation (FDOT), allowing the City of Gainesville to provide maintenance for the proposed median improvements on NW 8th Avenue at NW 2nd Street and NW 4th Street.

Explanation: The City of Gainesville is proposing to construct a raised bricked median on NW 8th Avenue at NW 2nd Street and NW 4th Street as a part of the Rail Trail Section 3 construction project. The FDOT requires that all infrastructure installed with FDOT funds be maintained by the installing

governmental agency and a Maintenance Agreement to be executed prior to construction of these betterments.

Fiscal Note: Funding for periodic maintenance and repair costs associated with the brick work will be covered within the existing Public Works Department operating budget.

RECOMMENDATION

The City Commission adopt the Resolution.

[130299A Agreement 20131003.pdf](#)

[130299B Resolution 20131003.pdf](#)

130333

Qualified Target Industry (QTI) Refund Resolution - Azalea Health Innovations, Inc. (B)

This item seeks City Commission approval for a QTI contribution for the prospective location of a software engineering/development hub within the City of Gainesville for Azalea Health Innovations, Inc., a healthcare management software and services company.

Explanation: Azalea Health Innovations, Inc., a healthcare management software and services company, is currently considering the establishment of a software engineering/development hub within the City of Gainesville that would create 10 software engineering and development jobs. If the firm chooses to select Gainesville/Alachua County for this particular project site location will take place within the City's Enterprise Zone.

The QTI incentive is a state tool available to Florida communities to encourage job growth in targeted, high value added businesses. Pre-approved applicants creating jobs in Florida receive refunds on the various State taxes they pay including corporate, sales, ad-valorem, insurance premium and other taxes. The QTI incentive is performance based and the firm will only receive funds based upon jobs created and meeting other criteria as required by Florida statute.

Eligible QTI applicants must pay an average annual wage that is at least 115% of the State Metropolitan Statistical Area's average annual wage rate. In order to apply, the applicant works with Enterprise Florida prior to making a decision to locate (or expand). The local community normally provides a Resolution to indicate that the commitments of local financial support exist, namely up to 20% of the total tax refund.

In this particular case, Azalea Health Innovations, Inc. is indicating that it will create up to 10 net new jobs at an average wage of approximately \$60,000 at a location in downtown Gainesville. This firm has pledged a capital investment of approximately \$30,000 over two years regarding the new location in addition to the proposed job creation.

Due to the incentive calculated per job (\$6,000 for location in Enterprise

Zone; \$1,000 for creation of wages at 150% of the average Alachua County wage; \$2,000 for High Impact Sector) the total incentive would be \$90,000. Of this, the City would be asked to provide a 10% match (\$9,000) over a period of four years with an equal 10% match (\$9,000) coming from Alachua County for a total local match of \$18,000.

The Gainesville Area Chamber of Commerce and its economic development arm, the Council for Economic Outreach (CEO) have been working with Azalea Health Innovations, Inc. and recommends approval of this request.

Fiscal Note: If this item is approved, the City Commission agrees to budget and appropriate up to \$9,000 over four years in the event that tax refunds are approved by the state.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; 2) authorize the Mayor to execute and the Clerk to attest to the QTI Resolution regarding Azalea Health Innovations, Inc.; and, 3) direct the City Manager to forward the executed QTI Resolution to Enterprise Florida.

Alternative

The City Commission deny the Qualified Target Industry refund request from Azalea Health Innovations, Inc.

[130333A_QTI Resolution-Azalea_20131003.pdf](#)

[130333B_Project Overview_20131003.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

[130319.](#)

Special Event Permit for Food truck sales within the CCD (Central City District) zoning district (B)

Petition PB-13-73 TCH. City of Gainesville. Amend the Land Development Code to extend the time frame for the operation of food truck sales within the CCD (Central City District) zoning designation.

Explanation: This petition addresses a referral from the City Commission to modify the Land Development Code to allow "Food Truck Sales" to operate once per week as part of a Special Event within the CCD (Central City District) zoning. The referral was initiated based on a presentation to the City Commission by local food truck operators who were concerned

about the limitation of allowing special events only once every sixty days per site.

During the meetings held by the Community Development Committee and the City Commission about food truck vendor sales, cogent arguments emerged from parties representing food truck vendors, the general public and merchants operating from established brick and mortar sites within the downtown area. The food truck vendors claim that the current ordinance is too restrictive in that it limits the number of events to once every 60 days; that the food truck sales activity is a legitimate, viable and economically beneficial service to the city and that the food truck service brings to the downtown customers who also support the brick and mortar establishments. Food truck operators claim that the food trucks provide a service to patrons of the downtown nightclubs after the brick and mortar establishments are closed. On the other hand, the downtown brick and mortar merchants claim unfair competition for the limited number of customers who frequent the downtown. The events occur during the peak dinner hours when the downtown restaurants expect to serve their highest volume of patrons. The merchants are opposed to the operation of food trucks within close proximity to their established brick and mortar sites. They are also opposed to food truck operations within the public rights-of-way which may be just outside their main entrance.

In consideration of the concerns expressed by all participants, Staff initiated a petition to allow "Food Truck Sales" as a Special Event once per month within the Central City District. The Plan Board reviewed the petition and modified the conditions to allow the event twice per month per location and to increase the operating hours. Plan Board vote 6 -0 for approval as modified.

Public notice was published in the Gainesville Sun on August 6, 2013. The Plan Board held a public hearing on August 22, 2013.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission -Approve Petition PB-13-73 TCH as modified to: 1) Allow two permits per month per location; 2) Allow the operating hours for food truck vendors from 5:00 p.m. until 12:00 midnight, with a setup time of 4:00p.m.; and 3) Allow "Food Truck Vending" on vacant or unimproved property.

Alternative Recommendation - Approve Petition PB-13-73TCH without the Plan Board recommended modification.

Staff to City Plan Board - Approve Petition PB-13-73 TCH .

[130319A_City Plan Board Recommendation_20131003.pdf](#)

[130319B_Staff Report_20131003.pdf](#)

[130319C_Exhibit 1_Proposed Ordinance Mod_20131003.pdf](#)

[130319D_Exhibit 2_Relevant Code References_20131003.pdf](#)

[130319E_CPB minutes draft_20131003.pdf](#)

[130319F_staff ppt_20131003.pdf](#)

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)