

# **City of Gainesville**

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



## **Meeting Agenda - Final**

**February 6, 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****Prophet George Young****CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS**[130617.](#)**Continuation of Employee Bus Pass Program (B)**

**This item is a request for the City Commission to authorize the City Manager to execute service agreements with local agencies and increase the cost of the pass for the Employee Bus Pass Program.**

*Explanation: The Employee Bus Pass Program was created to alleviate traffic and parking problems, particularly at the University of Florida (UF) and Downtown. The program has been in effect since January 24, 2000, with UF employees being the first to participate. The program now represents approximately 30,000 employees from UF, Santa Fe College, the City of Gainesville, Alachua County, Shands Hospital, North Florida and South Georgia Veterans Health System (VA), Alachua/Bradford Regional Workforce Board, Oaks Mall, Job Corps, and Skanska.*

*Regional Transit System (RTS) has completed a study of the program for calendar year 2013. Based on passes sold and projected ridership for the remainder of the calendar year, the revenue collected per trip by RTS is \$0.42; alternatively the cost per trip for participants is \$0.42. The general goal of the program, which is to provide participants with*

*unlimited access to the transit system at a reduced rate relative to the current one-way adult fare of \$1.50, is being met. However, because of the increasing popularity of the program RTS recommends that the current \$6.75 pass cost per employee be raised to \$7.50 so the rate of return will increase to \$0.46. The expectation is that this information will be reviewed annually with costs per employee increasing at a modest rate so that the revenue generated by RTS per trip is approximately one-half of the regular adult fare.*

*RTS desires to continue the Employee Bus Pass Program and increase the cost of an employee pass from \$6.75 per employee to \$7.50 per employee, with the exception of Santa Fe College (SF) who is under contract for \$7.00 per employee through June 30, 2015.*

*Fiscal Note: At the rate of \$7.50 per employee per year, revenue in the amount of \$225,000 will be collected for the continuation of this program.*

**RECOMMENDATION**

*The City Commission: 1) approve the continuation of the Employee Bus Pass Program for City employees through January 2015; 2) increase the cost of the Employee Bus Pass Program to \$7.50 per employee, with the exception of Santa Fe College (SF) who is under contract for \$7.00 per employee through June 30, 2015; and 3) 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.*

*Alternate Recommendation*

*1) Approve the continuation of the Employee Bus Pass Program for City employees through January 2015; 2) increase the cost of the employee bus pass program to \$7.00 per employee; and 3) 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.*

[130617 Report 20140206.pdf](#)

[130666.](#)

**Ratification of Agreement between the Communications Workers of America (CWA), Local 3170, Supervisors Unit and the City of Gainesville for January 1, 2013 through December 31, 2015 (B)**

**This is a request for City Commission approval to ratify the final Agreement between the Communications Workers of America (CWA), Local 3170 and the City of Gainesville.**

*Explanation: This Agreement has been reached through negotiations between the*

*Communications Workers of America (CWA), Local 3170, Supervisors Unit and the City of Gainesville, and was ratified by the Communications Workers of America (CWA), Local 3170, Supervisors Unit on January 21, 2014. This Agreement extends the current Collective Bargaining Agreement through December 31, 2015.*

*A copy of the Agreement is on file in the Office of the Clerk of the Commission. After February 6, 2014, the Agreement will be on file in the Human Resources Department.*

*Fiscal Note: Funds area available in the General Fund fund balance for the Fiscal Year 2013 retroactive payments. Funds are currently budgeted for Fiscal Year 2014 payments.*

**RECOMMENDATION**

*The City Commission ratify the Agreement between the Communications Workers of America (CWA), Local 3170, Supervisors Unit and the City of Gainesville, extending the Agreement through December 31, 2015.*

[130666A\\_Changes to Supervisory CWA Agreement 2013-2015 Final\\_20140206](#)

[130666B\\_Supervisory CWA 2013-2015 strikethrough\\_20140206.pdf](#)

[130666C\\_Supervisory CWA 2013-2015 CLEAN\\_20140206.pdf](#)

[130667.](#)

**Ratification of Agreement between the Communications Workers of America (CWA), Local 3170, Non-Supervisory Unit and the City of Gainesville for January 1, 2013 through December 31, 2015 (B)**

**This is a request for City Commission approval to ratify the final Agreement between the Communications Workers of America (CWA), Local 3170 and the City of Gainesville.**

*Explanation: This Agreement has been reached through negotiations between the Communications Workers of America (CWA), Local 3170, Non-Supervisory Unit and the City of Gainesville, and was ratified by the Communications Workers of America (CWA), Local 3170, Non-Supervisory Unit on January 21, 2014. This Agreement extends the current Collective Bargaining Agreement through December 31, 2015.*

*A copy of the Agreement is on file in the Office of the Clerk of the Commission. After February 6, 2014, the Agreement will be on file in the Human Resources Department.*

*Fiscal Note: Funds are available in General Fund fund balance for the Fiscal Year 2013 retroactive payments. Funds are currently budgeted for Fiscal Year 2014 payments.*

**RECOMMENDATION**

*The City Commission ratify the Agreement between the Communications Workers of America (CWA), Local 3170, Non-Supervisory Unit and the*

*City of Gainesville, extending the Agreement through December 31, 2015.*

[130667A\\_Changes to Non-Supervisory CWA Agreement 2013-2015 Final 2014](#)

[130667B\\_Non-Supervisory CWA 2013-2015 strikethrough\\_20140206.pdf](#)

[130667C\\_Non-Supervisory CWA 2013-2015 CLEAN\\_20140206.pdf](#)

[130561.](#)

**Agreements to Administer and Implement Services for Homeless Persons at the Former Gainesville Correctional Institution (GCI) (B)**

**This item involves a request to the City Commission to authorize the City Manager to execute a license agreement, a service agreement, and any related documents with the Alachua County Coalition for the Homeless and Hungry (ACCHH) to administer and implement homeless services at the former Gainesville Correctional Institution (GCI).**

*Modification*

*Explanation: This item supports City Commission Strategic Initiative 3.1: Continue Implementation of the 10 Year Plan to End Homelessness.*

*On June 6, 2013, the City Commission authorized staff to issue a Request for Proposals (RFP) to administer and implement homeless services at the former GCI Complex. An RFP was issued on July 8, 2013, but was cancelled on August 1, 2013 due to a conflict of interest associated with the only potential Proposer to attend a mandatory pre-bid meeting on July 29, 2013. That conflict of interest has been resolved. Subsequently, the RFP was revised and re-issued on October 31, 2013.*

*Two Proposers responded to the RFP by the November 19, 2013 deadline. The submissions contained technical and written proposals including the Proposers' relevant experience, understanding of the request, ability to provide the services, financial resources and ability to work with diverse community groups (e.g., neighborhood organizations, social service providers, governments, volunteers, and homeless individuals and families). An evaluation team consisting of City and County staff evaluated the proposals and after ranking them, recommended that the City begin negotiating with the Alachua County Coalition for the Homeless and Hungry (ACCHH) to administer and implement homeless services at GCI.*

*Staff and the City Attorney agree that a license agreement and a service agreement are necessary to ensure proper services are provided to the homeless clients and that the City's financial and property interests are protected. On December 19, 2013, the City Commission approved the evaluation team's recommended rankings and authorized the City Manager to negotiate a license agreement, a service agreement, and any related documents with the ACCHH to operate and administer*

homeless services at GCI. City and County staff have been in negotiations since then with the ACCHH to develop acceptable agreements to bring back to the City Commission for final approval.

*Fiscal Note:* The City Commission and the Alachua County Board of County Commissioners have each approved \$154,000 (\$308,000 total) for funding of operations at the facility during Fiscal Year 2013-2014. City and County staff are finalizing an agreement that will provide the details of this funding partnership, and must be approved by both Commissions.

**RECOMMENDATION**

The City Commission authorize the City Manager to execute a license agreement, a service agreement, and any related documents with the Alachua County Coalition for the Homeless and Hungry (ACCHH) to administer and implement homeless services at the former Gainesville Correctional Institution (GCI), subject to approval by the City Attorney as to form and legality.

**Legislative History**

12/19/13 City Commission Approved as Recommended

[130561A\\_Bid Tab\\_20131219.pdf](#)

[130561B\\_Alachua Coalition Proposal\\_20131219.pdf](#)

[130561C\\_Lazarus Restoration Ministries Proposal\\_20131219.pdf](#)

[130561A\\_MOD Service Agreement\\_20140206.pdf](#)

[130561B\\_MOD License Agreement\\_20140206.pdf](#)

## GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

## CITY ATTORNEY, CONSENT AGENDA ITEMS

[130641](#)

### **BRANDON RICARDO SMITH VS. OFFICER JEREMIAH KELLY, COURT CASE NO. 1:13-CV-166-MW-GRJ (B)**

*Explanation:* On January 13, 2014, Officer Kelly was served with a Summons and First Amended Complaint filed by Brandon Ricardo Smith. The Plaintiff alleges that he was illegally detained and arrested by Officer Kelly without probable cause in 2013. Plaintiff is seeking damages.

**RECOMMENDATION**

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available to represent the City employee in the case styled Brandon Ricardo Smith vs. Officer Jeremiah Kelly, Court Case No. 1:13-CV-166-MW-GRJ.

[130641\\_Brandon Smith Consent\\_20140206.pdf](#)

[130652.](#)**EVELYN WELCOME VS. CITY OF GAINESVILLE, AND JAMES N. MCCOLLUM, COURT CASE NO. 2012-CA-3445 (B)**

*Explanation:* On August 17, 2012, Plaintiff Evelyn Welcome filed a Complaint in the Circuit Court of the Eighth Judicial Circuit, in and for Alachua County, Florida against James N. McCollum, a GPD Officer. On December 26, 2013, Plaintiff Evelyn Welcome filed a Motion for Leave to Amend Complaint to Add City of Gainesville and Other Issues. Subsequently, the Court granted Plaintiff's Motion on January 8, 2014. As of the date of drafting this agenda item, the City has not been served, but the City anticipates service of process to be made on the City at any time. Evelyn Welcome alleges that she was involved in an automobile accident with a City vehicle on March 12, 2010 on US Highway 441, in Alachua. At the time of the accident, it is believed that the City employee was driving a City-owned take home vehicle on his way to work. She claims to have sustained bodily injury, resulting pain and suffering in the past and the future; disfigurement and significant scarring, loss of enjoyment of life, loss of capacity for the enjoyment of life, loss of wages, loss of ability to earn wages in the future, medical expenses in the past and the future including, but not limited to, the cost of hospitalization, medical and surgical treatment, nursing care and palliative care, mental anguish in the past and the future and aggravation of pre-existing conditions. Ms. Welcome seeks money damages in excess of \$15,000.00.

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled Evelyn Welcome vs. City of Gainesville, and James N. McCollum, Court Case No. 2012-CA-3445.

[130652 Evelyn Welcome Consent 20140206.pdf](#)

[130668.](#)**Elizabeth Tinley Collins v. City of Gainesville; Alachua County Circuit Court; Case No.: 01-2013-CA-1326 (B)**

*Explanation:* On September 16, 2010, a City of Gainesville RTS bus was involved in an accident with a vehicle driven by Plaintiff Tinley Elizabeth Collins (the case style misstates her name). Prior to the accident, both vehicles were stopped in the right turn lane on NE 8th Avenue preparing to turn South onto Waldo Road. The bus was behind the Plaintiff's vehicle. Prior to the Plaintiff completing the right turn, the bus proceeded to sweep wide right and collided with the rear driver's side of the Plaintiff's vehicle. The City bus driver was cited for a traffic violation.

Ms. Collins sought medical treatment, and, ultimately, surgery on her left shoulder for injuries sustained in the accident. Her physicians opined that she suffered permanent injuries resulting from this accident, and

she incurred medical bills in excess of \$74,000. At trial, Ms. Collins also anticipated presenting claims for lost wages, past and future pain and suffering, loss of earning capacity, and future medical expenses including a potential additional surgery on her left wrist.

Ms. Collins served the City with this lawsuit in April 2013. Both parties engaged in discovery in preparation for trial, and participated in Court-ordered mediation on January 15, 2014. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims such as this is limited to \$100,000 per person, and \$200,000 per incident. At mediation, representatives for the City negotiated a settlement of all claims with Ms. Collins and her attorneys in the amount of \$75,000, subject to the approval of the City Commission of the City of Gainesville. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

*Fiscal Impact:* Funds are available in the City's General Insurance Fund.

**RECOMMENDATION**

The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of Elizabeth Tinley Collins v. City of Gainesville; Alachua County Circuit Court; Case No.: 01-2013-CA-1326 on behalf of the City.

[130668 Collins Settlement 20140206.pdf](#)

[130655.](#)

**ANTHONY LORENZO V. CITY OF GAINESVILLE, FLORIDA, A FLORIDA MUNICIPALITY, AND JARON GRIFFIN, COURT CASE NO. 2013-CA-4036 (B)**

*Explanation:* On January 16, 2014, the City was served with a Summons and Complaint filed by Anthony Lorenzo. The Plaintiff alleges that he was illegally detained and arrested without probable cause by Officer Griffin in 2010. Plaintiff alleges, as a result of the detention and arrest, he suffered from or incurred injury to his reputation and health; shame; humiliation and embarrassment; mental anguish; emotional distress; hurt feelings; legal expenses; costs of bond and other related expenses; loss of earnings and time; and loss of ability to earn money in the future. Plaintiff is seeking monetary damages.

**RECOMMENDATION**

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville and the officer sued in both his official capacity and his individual capacity, in the case styled Anthony Lorenzo v. City of Gainesville, a Florida



*Municipality, and Jaron Griffin, Court Case No.  
2013-CA-4036.*

[130655 Anthony Lorenzo Consent 20140206.pdf](#)

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

[130673.](#)

**City Commission Minutes (B)**

**RECOMMENDATION**

*The City Commission approve the minutes of  
December 19, 2013, January 13, 16, 21, and 27,  
2014.*

[130673 Minutes 20140206.pdf](#)

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

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

**PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT**

**PUBLIC SAFETY COMMITTEE, CONSENT**

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**

**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**

[130546.](#)

**Alachua County Boundary Adjustment Act (B)**

**This item provides an update on the status of the Alachua County Boundary Adjustment Act.**

*Modification*

*Explanation: On December 5, 2013, the Gainesville City Commission discussed the local bill to repeal the Alachua County Boundary Adjustment Act (BAA), initiated by the eight other municipalities in Alachua County. The Commission voted unanimously to enter into negotiations with the other eight municipalities in Alachua County to develop language to support an amendment to the BAA that would remove excess administrative requirements but retain the urban reserve areas.*

*On January 10, 2014, the Alachua County state legislative delegation met and discussed the repeal of the BAA. The delegation includes Senator Rob Bradley, and Representatives Clovis Watson, Jr., Keith Perry, and Elizabeth Porter.*

*On January 28, 2014, the Alachua County League of Cities (ACLC) met and discussed amending the BAA. Gainesville staff presented a proposal which amends the BAA by retaining the existing urban reserves and provides for future amendments, as currently provided for in the Act. The proposal deleted all other provisions of the BAA, in favor of following general law.*

*In the following discussion, representatives of the ACLC expressed a strong interest in amending the BAA to retain the urban reserves, but favored implementing a new process to amend the urban reserve areas. The existing process would be substituted with a new Urban Reserve Board composed of representatives from each municipality and the county. There was support for deleting all other provisions for annexation or contraction and following general law.*

*The prevailing sentiment among the ACLC was to bring these solutions back to each City Commission for consideration and direction:*

- amend the BAA to only set forth procedures for establishing and updating municipal reserve areas, with all activity related to municipal annexation or contraction governed by general law,*
- establish a 10 member board to oversee amendments to the urban reserves with each municipality and the county having a seat on the board,*
- require a supermajority vote of the newly appointed board to approve amendments to the urban reserves, and*
- establish the urban reserves and extra-territorial reserve areas as they exist, as of a date certain.*

*The proposed amendment would:*

- satisfy the Gainesville City Commission's interest in retaining the urban reserve areas,*
- grant municipalities more local power in the designation process for urban reserve areas, and*

- remove excess administrative requirements for municipal annexations.

*Fiscal Note:* None

Legislative History

12/5/13 City Commission Approved, as shown above

[130546A Chapter 90-946 20131205.pdf](#)

[130546B Florida Statute 171 20131205.pdf](#)

[130546C Reserve Areas 20131205.pdf](#)

[130546D BAA PowerPt 20131205.pdf](#)

[130546 MOD BAA Proposed Revisions 1-28-14 20140206.pdf](#)

## GENERAL MANAGER FOR UTILITIES

[130674.](#)

### Photovoltaic (PV) Net Metering, Public Service Commission (PSC) Model Update (B)

*Explanation:* In August 2013, staff recommended adjusting the solar PV Net Metering Program to reduce the level of subsidization funded through the rate paid for energy not used by the solar PV customers and purchased by the utility. The City Commission directed staff to draft an ordinance adopting the Florida Public Service Commission model for net metering. The item was referred to the Regional Utilities Committee (RUC) to discuss a potential cap on any pay out on energy above what is used by residents or commercial properties and discuss policy concerning existing installations (grandfathering).

This item was presented and discussed as part of referral item #120516 to the RUC on September 12, 2013. The RUC approved a motion that GRU adopt the PSC's model for newly installed systems and give existing customers the choice of being grandfathered in under the current model or switching to the new model. The RUC subsequently asked staff to present to the full commission for a vote.

*Fiscal Note:* The Public Service Commission model will provide savings to the utility while still maintaining an incentive to customers installing PV systems. Offering existing customers the option of grandfathering under the previous program criteria will present varying degrees of impact, fiscally and administratively.

RECOMMENDATION

The City Commission 1) Receive a brief presentation from staff; and 2) Given legal recommendations, the City Commission provide direction so the program can be developed and the corresponding ordinance finalized.

[130674 PV Net Metering-PSC Model Update 20140206](#)

[130674 Grandfathering of GRU Net Metering Customers 20140206](#)

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE**

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

**PUBLIC SAFETY COMMITTEE**

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE**

**Time Certain - 6:30 PM**

[130547.](#)

**Audit of GRU (B)**

*Modification*

*Explanation: The City Commission referred this issue to the Audit, Finance and Legislative Committee during their December 5, 2013 meeting. On January 29, 2014, the Audit, Finance and Legislative Committee 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 Regional 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.*

**RECOMMENDATION**

*The City Commission direct:*

- 1) The City Auditor to initiate and oversee 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;*
- 2) The General Manager for Utilities, City Attorney, City Manager, Clerk of the Commission and their departments to participate fully with the City Auditor and any consultants/auditors/forensic accountants/legal advisors/investigators selected through a competitive request for proposals (RFP) process and to provide immediate and full access to all records at their disposal; and*
- 3) The City Auditor and contractual professionals involved in this review to report on a periodic basis to the Audit, Finance and Legislative Committee progress on this review, including a final contract report, which will then be submitted to the City Commission for final approval.*

**Legislative History**

12/5/13      City Commission      Referred to the Audit, Finance and Legislative Committee

[Equitable Adjustment for Change of Law of the Power Purchase Agreement-City GREC LLC Dispute - Equitable Adjustment Analysis-Outside Attorney Memo fro](#)

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

## **OUTSIDE AGENCIES**

## **MEMBERS OF THE CITY COMMISSION**

[130682.](#)

### **Commissioner Thomas Hawkins - Federal Transportation Funding Issues (B)**

**RECOMMENDATION**

*The City Commission hear a presentation and take action deemed appropriate.*

[130682 T4 Revenue Proposal Web 20140206.pdf](#)

[130685.](#)**Commissioner Susan Bottcher - Legislative Delegation (B)****RECOMMENDATION**

*The City Commission authorize the Mayor to write periodic letters to the Legislative Delegation providing updates on actions taken by the City Commission in relation to GRU Governance.*

**COMMISSION COMMENTS (if time available)****RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS**[130675.](#)**School Crossing Guard Appreciation Day - February 7, 2014 (B)****RECOMMENDATION**

*Specialty Units Commander Lt. Anthony Ferrara and Supervisor of School Crossing Guards PST Supervisor Robert Huff to accept the proclamation.*

[130675\\_CrossingGuard\\_20140206.pdf](#)

**CITIZEN COMMENT (6:00pm)****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**[130660.](#)**Resolution adopting written policies and procedures to monitor the requirements of Section 148 of the Internal Revenue Code (B)**

**This item involves a request for the City Commission to adopt the proposed resolution adopting written policies and procedures to monitor the requirements of Section 148 of the Internal Revenue Code.**

*Explanation: The IRS has modified Form 8038-G, Information Return for Tax-Exempt Governmental Obligations, which is a form governmental entities are required to submit when issuing tax-exempt debt. The modification requires the issuer to answer two questions:*

- 1) *Has the issuer established written procedures to ensure that all*

nonqualified bonds of the issue are remediated according to requirements under the IRS Code; and  
2) Has the issuer established written procedures to monitor the requirements of Section 148 of the Code.

The procedures referred to under the Code requirements are processes which are already in practice here at the City of Gainesville. They include such steps as:

- Obtaining written certifications from underwriters as to the offering prices of tax-exempt bonds;
- Maintaining accounting procedures for tracking the investment and expenditures of bond proceeds;
- Reviewing proposed contracts with non-governmental organizations with respect to bond-financed facilities which could result in private use of the facilities to ensure that limits on private business use are not exceeded;
- Preparing and submitting applicable arbitrage, yield restriction and rebate compliance reports; and
- Taking remedial steps if actions cause the interest on tax-exempt bonds to become includable in the gross income of holders of the bonds.

Regardless of the fact that the City is currently practicing the processes, bond counsel advises adopting the written policies attached to this resolution to augment existing City debt management policies. Bond counsel advises there are several potential benefits to formal adoption of the policies and procedures. First, the IRS has implied that absence of the written policies may be one of the screening parameters for determination of audits. Second, for those entities that are audited and found to have deficiencies, existence of these written policies may have a mitigating effect on the degree of potential penalties.

*Fiscal Note:* There is no fiscal impact related to the adoption of the policies other than the opportunity to reduce potential penalties.

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

[130660\\_Resolution with Written Procedures\\_20140206.pdf](#)

[130549.](#)

### **Refunding of the City of Gainesville's Capital Improvement Revenue Bonds, Series 2005 (B)**

**This item involves a request for the City Commission to adopt the proposed resolution authorizing the issuance of a refunding note to advance refund outstanding Capital Improvement Revenue Bonds Series 2005.**

*Explanation:* Rates in the municipal bond market have fallen to the point where it is financially prudent to advance refund the City's outstanding Capital Improvement Revenue Bonds, Series 2005 (CIRB 2005). On December 19, 2013 the City Commission authorized staff to seek proposals for a

bank loan to refund \$13,710,000 of the City's CIRB 2005 original issue. On January 8, 2014 six proposals to refund the issue were received and evaluated.

*Fiscal Note:* Based on the rates proposed in the selected bid, the City's financial advisor projects savings to the City over the twelve year life of the refunding issue of \$1,035,235 on an absolute basis or \$902,875 on a present value basis.

**RECOMMENDATION**

The City Commission: 1) adopt the proposed resolution authorizing issuance of the Capital Improvement Refunding Revenue Note Series 2014; 2) authorize the City Manager, Administrative Services Director, and Finance Director to retain the required professional services to execute the proposed issuance; and 3) authorize the Mayor, Mayor Pro Tem, Clerk of the Commission, City Attorney, City Manager, Administrative Services Director, and Finance Director to execute documents required to close the issue.

**Legislative History**

12/19/13 City Commission Approved as Recommended

[130549A Resolution 20140206.pdf](#)

[130549B Loan Agreement 20140206.pdf](#)

[130549C Escrow Deposit Agreement 20140206.pdf](#)

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

**ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

**PLAN BOARD PETITIONS**

[130458.](#)

**Regulations of Murals in the Land Development Code (B)**

This is a request for the City Commission to hear a presentation regarding regulations of murals in the Land Development Code and take appropriate action.

**\*ESTIMATED STAFF PRESENTATION 10 MINUTES\***

*Explanation:* The topic of how the sign ordinance regulated murals became an issue after a business was cited for violating the city's sign ordinance.

On November 6, 2013 the City Commission referred the issue of mural section of the Sign Ordinance to the City Plan Board. The City Plan Board heard this issue on December 2, 2013. During the City Plan



*Board meeting, staff presented several photographs for the board members to rank as either a sign or mural.*

*Staff will share the City Plan Board rankings after the City Commission has had an opportunity to rank the photographs.*

*Generally murals are defined by what is not contained in them. Items containing information intending to advertise or draw attention to a brand of product or brand of service shall be regulated as a sign. Murals also cannot include the name of the commercial occupant, business or brand identification, trademark, logo, address, offer of service or other commercial message.*

*Fiscal Note: None.*

**RECOMMENDATION**

*City Plan Board to the City Commission: 1) hear a presentation from staff and take whatever action deemed appropriate.*

*Alternative Recommendation*

*This item is a City Plan Board report out, there is no alternative recommendation.*

**Legislative History**

10/17/13 City Commission Referred to the City Plan Board

[130458A Info Item Murals minutes 20140206.pdf](#)

[130458B staff ppt Murals 20140206.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)**