

City of Gainesville

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



Meeting Agenda

September 10, 2012

6:00 PM

City Commission Special Meeting

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro-Tem 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)

Commissioner 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.

ADOPTION OF THE AGENDA

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.

NOTE: The Rules of the City Commission may need to be waived to hear in this order.

ROLL CALL

PUBLIC HEARING

120197.

TENTATIVE MILLAGE RATE - FISCAL YEAR 2012 - 2013 (B)

Resolution Number 120197

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO THE LEVY OF GENERAL MUNICIPAL PURPOSE AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; ESTABLISHING A TENTATIVE MILLAGE RATE; SETTING A PUBLIC HEARING; PROVIDING FOR THE PUBLICATION OF NOTICE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The City Commission is required by Florida Law to adopt a proposed millage rate to fund the budget for FY 2012 - 2013.

RECOMMENDATION

The City Commission adopt the proposed Resolution.

120197_Tentative Millage rate_20120910.pdf

120198.

TENTATIVE GENERAL GOVERNMENT BUDGET - FISCAL YEAR 2012 - 2013 (B)

Resolution Number 120198

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING

OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; ADOPTING THE TENTATIVE GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The proposed General Government Budget for Fiscal Year 2012 - 2013 as set forth in the Adopted Financial and Operating Plan Budget by Funds is hereby submitted as prepared by the Budget and Finance Department.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

120198_Tentative General Government budget_20120910.pdf

120198_GG Budget Exhibit A_20120910.pdf

120268.

TENTATIVE GAINESVILLE REGIONAL UTILITIES BUDGET - FISCAL YEAR 2012-2013 (B)

RESOLUTION NO. 120268

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE TENTATIVE BUDGET FOR THE CITY OF GAINESVILLE REGIONAL UTILITIES FOR THE FISCAL YEAR 2012-2013 BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROJECTING REVENUES AND ESTABLISHING A TENTATIVE BUDGET TO PAY FOR PERSONAL SERVICES EXPENSES, OPERATING AND MAINTENANCE EXPENSES AND OTHER EXPENSES FOR CAPITAL OUTLAY AND FOR DEBT SERVICE REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The proposed resolution adopts a tentative budget for the City of Gainesville Regional Utilities for the fiscal year beginning October 1, 2012 and ending September 30, 2013, to pay for personal services expenses, operating and maintenance expenses and other expenses, for capital outlay and for debt service requirements. The proposed resolution is submitted for adoption by the City Commission.

All changes will be effective October 1, 2012.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

120268_Tentative GRU Budget_20120910.pdf

120228.

2012 FIRE SERVICES SPECIAL ASSESSMENT ANNUAL RATE RESOLUTION (B)

Resolution No. 120228

A resolution of the City of Gainesville, Florida, relating to the provision of fire services, facilities and programs in the City of Gainesville, Florida; imposing Fire Services Special Assessments against assessed properties located within the City for the fiscal year that begins October 1, 2012;

providing for exemptions; approving the assessment roll; providing for the estimated fire services assessed cost; approving the rate of assessment; providing for severability; and providing an immediate effective date.

Explanation: On July 17, 2012 the City Commission adopted Resolution 120047 (the "Preliminary Rate Resolution") which set the proposed fire services assessment rate and provided for notice by mail and publication of the proposed rate and public hearing to set the final rate. In adopting the Annual Rate Resolution, the Commission will have to determine the Fire Services Special Assessment rate for the fiscal year beginning October 1, 2012.

RECOMMENDATION

The City Commission: 1) receive any written objections filed; 2) hear testimony from all interested persons; 3) approve the assessment roll; 4) establish the annual rate for the Fire Services Special Assessment; and 5) adopt the proposed Annual Assessment Resolution.

120228_Fire Assessment Annual Rate Resolution_20120910.pdf

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

120167.

NATURAL GAS RATES (B)

Ordinance No. 120167

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING APPENDIX A, SECTION UTILITIES (5) NATURAL GAS OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING RESIDENTIAL SERVICE RATES; DELETING INTERRUPTIBLE SERVICE RATES; AMENDING LARGE VOLUME INTERRUPTIBLE SERVICE RATES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to decrease residential gas rates, delete interruptible service rates and amend large volume interruptible service rates.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2012.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

120167_GRU Rates_20120910.pdf

120168.

WATER SERVICE FEES AND CHARGES (B)

Ordinance No. 120168

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING APPENDIX A, SECTION UTILITIES (3) WATER, OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING INSPECTION SERVICE FEES; INCREASING WATER MAIN TAPPING CHARGES; INCREASING METER INSTALLATION CHARGES; INCREASING BASE RATES FOR SERVICE; INCREASING WATER TRANSMISSION, DISTRIBUTION AND WATER TREATMENT PLANT CONNECTION CHARGES; INCREASING STANDBY FIRE LINE CHARGES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase inspection service fees, water main tapping fees, meter installation charges, water base rates, and water transmission, distribution and water treatment plant connection charges, and increasing standby fire line charges.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

120168_GRU Rates_20120910.pdf

120169.

WASTEWATER BASE RATES AND CHARGES (B)

Ordinance No. 120169

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING APPENDIX A, SECTION UTILITIES (4) SEWERAGE OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING WASTEWATER BASE RATES; INCREASING CONNECTION AND INSPECTION CHARGES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase wastewater base rates, inspection service fees and connection charges.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

120169_GRU Rates_20120910.pdf

120170.**INTERRUPTIBLE SERVICE DEFINITION (B)****Ordinance No. 120170**

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING CHAPTER 27, SECTION 27-271, OF THE GAINESVILLE CODE OF ORDINANCES BY DELETING INTERRUPTIBLE SERVICE DEFINITION; AMENDING LARGE VOLUME INTERRUPTIBLE SERVICE DEFINITION; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager recommended to delete the definition of Interruptible Service, and amend the definition of Large Volume Interruptible Service in Chapter 27. The City Commission authorized the preparation and advertising of this ordinance.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

120170_GRU Rates_20120910.pdf

ORDINANCES, 2ND READING - ROLL CALL REQUIRED**120218.****GENERAL EMPLOYEE'S PENSION PLAN ORDINANCE AMENDMENTS (B)****Ordinance No. 120218**

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII, Division 5 (Employees Pension Plan) of the Code of Ordinances of the City of Gainesville; amending Section 2-521, Definitions; amending the definition of credited service related to sick leave and personal critical leave bank; amending the definition of earnings related to overtime pay and termination vacation pay; amending the definition of final average earnings related to the computation of such earnings; amending the definition of service credit rules to conform and clarify the Plan with regard to a member's death while performing qualified military service; amending Section 2-523, Membership and service, related to the computation of final average earnings for participants in the Gainesville Gas Group Pension Plan; amending Section 2-524, Contributions and funding, related to member contributions, by changing the term gross pay to earnings; amending Section 2-526, Benefits, related to years of service and age required for normal retirement and early retirement, payment of accrued benefit with an actuarial present value of \$5,000.00 or less, the

timing of termination benefits, and the amount of monthly pension benefit; amending Section 2-534, Deferred Retirement Option Program (DROP), related to eligibility, sick leave and personal critical leave bank, and interest rate; amending Section 2-535, Cost of living adjustment of benefits; non-eligibility during DROP participation, related to age and years of service; 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 Thursday, August 16, 2012, authorized the preparation and advertisement of this Ordinance. The Ordinance amends the City's General Employees Pension Plan (Plan) in accord with the collective bargaining process between the City and the Communication Workers of America, Local No. 3170 (CWA). The changes negotiated with the CWA include modifications to the length and components of final average earnings, eligibility for normal and early retirement, adjustment to the multiplier and cost of living allowance, elimination of DROP for new members and a reduction of the DROP return for existing members, and other changes mandated by Florida Statutes, as more specifically described in the title and body of the Ordinance. These changes will apply to members of the Plan to varying degrees depending on whether the member is a new City employee, non-vested, vested, or retirement eligible. City employees who are members of the CWA and the Amalgamated Transit Union, Local No. 1579 (ATU), as well as City employees classified as a Manager, Administrative, or Professional (MAP), are members of the Plan and will be affected by the changes. The changes, together with other collectively bargained for changes to members' terms and conditions of employment, were ratified by the members of the CWA on August 14, 2012 and should be ratified by the City Commission at the same time as the Second Reading of this Ordinance for the Plan changes to take effect on October 1, 2012. The City's bargaining team has attempted to bargain changes to the Plan with the ATU on many occasions for over a year, but the ATU has refused to bargain such changes. Pursuant to Article 34.5 of the Collective Bargaining Agreement between the City and the ATU, the City may make changes in the Plan subject to the ATU's right to demand impact bargaining prior to the effective date of such changes. On August 15, 2012, a representative from the City's bargaining team provided the ATU with a copy of this Ordinance, a summary of the Plan changes, written notice that the City intends to implement changes to the Plan in accordance with Article 34.5, and a reasonable opportunity to bargain the impact of the changes before their implementation. These changes have also been discussed with MAP employees at several pension meetings over the past year.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If adopted on first reading, second and final reading of the ordinance is scheduled for Monday, September 10, 2012.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/16/12	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
9/6/12	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

120218B_General Pension Amendments_20120906.pdf
120218C_General Pension Amendments_20120906.pdf
120218A_General Pension Amendments_20120906.pdf

CITY ATTORNEY

120224.

RATIFICATION OF CWA LOCAL 3170 AGREEMENTS (B)

Ratification of the Agreement between the City of Gainesville and Communications Workers of America, Local No. 3170, Non-Supervisory Unit (January 1, 2010 - December 31, 2012), and the Agreement between the City of Gainesville and Communications Workers of America, Local No. 3170, Supervisory Unit (January 1, 2010 - December 31, 2012).

Explanation: These agreements have been negotiated between Communications Workers of America, Local No. 3170 (CWA) and the City of Gainesville, and include amendments to the City's General Employees Pension Plan through the adoption of Ordinance 120218 (which is attached to and part of the agreements), as well as other amendments to CWA members' terms and conditions of employment. These amendments were ratified by the members of the CWA on August 14, 2012, and should be ratified by the City Commission at the same time as Second Reading of Ordinance 120218, which amends the General Employees Pension Plan. The Agreements cover January 1, 2010 through December 31, 2012.

Fiscal Note: Funds are currently budgeted for Fiscal Years 2012 and 2013.

RECOMMENDATION

The City Commission (1) ratify the Agreement Between the City of Gainesville and Communications Workers of America, Local No. 3170, Non-Supervisory Unit (January 1, 2010 - December 31, 2012); and (2) ratify the Agreement between the City of Gainesville and Communications Workers of America, Local No. 3170, Supervisory Unit (January 1, 2010 - December 31, 2012)

120224A_CWA Ratification_20120910.pdf
120224B_CWA Ratification_20120910.pdf
120224C_CWA Ratification_20120910.pdf

CITY MANAGER

120312.

Human Resources Policies L-3, Paid Time Off System, and L-4, Designated Leave System (B)

Explanation: Human Resources Policy L-3, Paid Time Off Leave System (PTO), is amended to eliminate employee option hours awarded for electing PTO, update Policy reference, and clarify covered family members for whose care Personal Critical Leave may be taken. This amendment also provides for changes mandated by

Florida Statutes, eliminating for all Personal Critical Leave accrued after October 1, 2012, the conversion of such leave to service credit in determining pension benefits.

Human Resources Policy L-4, Designated Leave System (Sick/Vacation - Old System), is amended to clarify eligibility criteria for earning vacation leave, clarify covered family members for whose death vacation leave may be taken, and eliminate redundant maximum vacation accrual caps for years of service. This amendment additionally clarifies covered family members for whose care vacation leave may be taken; eliminates policy reference for scheduling of vacation leave; and provides for changes mandated by Florida Statutes, eliminating for all sick leave accrued after October 1, 2012, the conversion of such leave to service credit in determining pension benefits.

Fiscal Note

There is no fiscal impact associated with this item.

RECOMMENDATION

The City Commission: approve revision to Human Resources Policies L-3, Paid Time Off, and L-4, Designated Leave.

120312A_PTO Leave - L-3_20120910.pdf

120312B_Designated Leave - L-4_20120910.pdf

GENERAL MANAGER FOR UTILITIES

120335.

Engagement of investment banking firms to advise GRU Staff in connection with future financial transactions which may include the negotiation of a prepayment transaction with respect to the GREC biomass generating plant (NB)

Explanation: Utility staff has been exploring a number of options, one of which is a potential financing transaction under which the Utility (or a third-party acting on behalf of the Utility) would prepay for a portion of the electricity to be generated by the biomass plant during the term of the current Power Purchase Agreement (PPA), thereby reducing the cost of such delivered electricity.

Any such financing transaction would be extremely complex and ultimately would require (a) the entry into a prepaid PPA between the City (or a third-party) and GREC, LLC (GREC) and (b) the issuance of bonds by or on behalf of the City (or by a third-party) to provide funds to make the prepayment for electricity to GREC. Because of the complexity of the proposed transaction, it is necessary and desirable, and in the best interests of the Utility, that the Utility engage the services of one or more investment banking firms that are recognized for their experience in the structuring and marketing of municipal securities, particularly securities to be issued to provide funds for prepayment transactions. GRU staff has identified three investment banking firms to which to sole source - Goldman, Sachs & Co., Bank of America Merrill Lynch and J.P. Morgan Securities LLC, based on their history and unique knowledge of innovative work concerning future debt structures, their proficiency in rating agency criteria and considerations, their investor expertise, their requisite

experience, their understanding of the investor base and requirements, and their familiarity with the Utility's credit and financial structure.

Because each of the three firms has differing resources, areas of expertise and experience in this regard, it is in the best interest of the Utility to have the ability to be able to draw upon the judgment and resources of several of those firms. As a result, staff is requesting authorization to engage up to three (3) firms to provide the necessary services. Thus, we are requesting that the General Manager, or his designee, be authorized to negotiate and execute, subject to approval of the Office of the City Attorney as to form and legality, up to fifteen month agreements with at least one (1) firm, but potentially all three (3) firms of Goldman, Sachs & Co., Bank of America Merrill Lynch and J.P. Morgan Securities LLC, pursuant to which (a) such firms will advise GRU Staff in connection with the negotiation of future financial transactions which may include a prepaid PPA with GREC and the structuring of a financing transaction to provide funds for such financial transaction and (b) GRU will enter into agreement(s) not to exceed \$600,000 collectively over the 15-month period.

RECOMMENDATION

The City Commission (a) authorize the General Manager, or his designee, to negotiate and execute up to a fifteen (15) month agreement with one or more of the following firms: Goldman, Sachs & Co., Bank of America Merrill Lynch and J.P. Morgan Securities LLC. Such firms would advise GRU staff in connection with future financial transactions which may include the negotiation of a prepaid PPA with GREC, and the structuring of a financing transaction to provide funds for such financial transactions, subject to approval of the Office of the City Attorney as to form and legality; and (b) approve the payment to any of such firms a combined monthly retainer not to exceed \$40,000.

RESOLUTION

120321.

A RESOLUTION INCORPORATING BY REFERENCE AND ADOPTING, AND AUTHORIZING THE EXECUTION AND DELIVERY OF, AN AMENDMENT TO TWENTY-FIFTH SUPPLEMENTAL UTILITIES SYSTEM REVENUE BOND RESOLUTION, AMENDING THE CITY OF GAINESVILLE, FLORIDA'S TWENTY-FIFTH SUPPLEMENTAL UTILITIES SYSTEM REVENUE BOND RESOLUTION IN ORDER TO MAKE CERTAIN TECHNICAL CHANGES THERETO REQUESTED BY FITCH RATINGS; PROVIDING AN EFFECTIVE DATE.

Explanation: On June 21, 2012, the City Commission, among other things, adopted the Twenty-Fifth Supplemental Resolution in order to authorize the issuance of the

2012 Series B Bonds for the purpose of refunding certain outstanding Utilities System Revenue Bonds. The 2012 Series B Bonds were issued as variable rate demand obligations, initially in the Daily Mode, and are subject to mandatory and optional tender for purchase at certain times and under certain circumstances. In order to enhance the marketability of the 2012 Series B Bonds and thereby reduce the interest cost to the City of the 2012 Series B Bonds, it is desirable that the 2012 Series B Bonds have short-term ratings assigned by Moody's, S&P and Fitch.

During the course of its review of the papers for the 2012 Series B Bonds, Fitch requested that we make several technical amendments to the Twenty-Fifth Supplemental Resolution. Because of the timing of the meetings of the City Commission, we were not able to make those amendments prior to closing, but GRU staff agreed to bring the amendments to the City Commission as soon as reasonably practicable. The Amending Resolution amends the Twenty-Fifth Supplemental Resolution in the manner requested by Fitch.

RECOMMENDATION

The City Commission adopt the attached resolution (Authorizing Resolution), which incorporates by reference and adopts, and authorizes the execution and delivery of, a resolution (Amending Resolution) amending the Twenty-Fifth Supplemental Utilities System Revenue Bond Resolution adopted by the City on June 21, 2012 (Twenty-Fifth Supplemental Resolution) authorizing the issuance of the City's tax-exempt Variable Rate Utilities System Revenue Bonds, 2012 Series B (2012 Series B Bonds).

120321_res_20120910.pdf

120321_exhibit A_20120910.pdf

ADJOURNMENT