



MULBERRY CITY COMMISSION MEETING

REGULAR MEETING

January 7, 2020 6:00 PM

Mulberry City Hall

AGENDA

1. **CALL TO ORDER**
2. **INVOCATION FOLLOWED BY PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES OF THE REGULAR MEETING ON DECEMBER 17, 2019**
5. **MOSAIC CHECK PRESENTATION**
6. **DEPARTMENT DIRECTORS REPORT**
7. **COMMUNITY REPORTS**
8. **NEW BUSINESS**
 - I. **ORD-2020-01 - AN ORDINANCE RELATING TO MUNICIPAL FINANCE; CREATING CHAPTER 2, ARTICLE IV, DIVISION 5 OF THE CODE OF ORDINANCES OF THE CITY OF MULBERRY, FLORIDA TO BE ENTITLED "INVESTMENTS"; CREATING SECTION 2.73.51 OF THE CODE OF ORDINANCES OF THE CITY OF MULBERRY, FLORIDA; AUTHORIZING THE CITY COMMISSION TO INVEST SURPLUS MUNICIPAL MONIES AS PERMITTED BY GENERAL STATE LAW; REPEALING ANY AND ALL PRIOR WRITTEN INVESTMENT PLANS ADOPTED BY THE CITY COMMISSION; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE, FIRST READING**
 - II. **SPECIAL MEETING DISCUSSION REGARDING GEM THEATER BID**
9. **UNFINISHED BUSINESS**



10. COMMUNICATIONS FROM CITIZENS:

Public comments/communications from citizens are limited to 5 (five) minutes. Anyone wishing to address the Commission should sign in upon entering at the beginning of the meeting. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing the Commission.

***CITY COMMISSION COMMENTS:**

***CITY MANAGER COMMENTS:**

***CITY ATTORNEY COMMENTS:**

***CITY CLERK COMMENTS:**

*** ADJOURNMENT:**

Each of the meetings/events scheduled may constitute a public meeting at which two or more City Commissioners may attend



MULBERRY CITY COMMISSION MEETING

REGULAR MEETING

December 17, 2019 6:00 PM

Mulberry City Hall

MINUTES

1. CALL TO ORDER

Mayor Hatch called the meeting to order at 6:00 p.m.

2. INVOCATION FOLLOWED BY PLEDGE OF ALLEGIANCE

Louis Holstein, City Programs Director, led the invocation followed by the Pledge of Allegiance.

3. ROLL CALL

Present: Commissioners McAteer, McClintock and Smith, Mayor Hatch, City Attorney Crawford, City Manager Johnson and City Clerk Lauther

Department Head present: John Wasmund, Finance Director, Louis Holstein, Programs Director, Ron Borchers, Planning Director, John Wright, Public Works Director, Chelsea Young, Cultural Center/Museum Director, Cheri Schisler, Library Director.

4. APPROVAL OF THE MINUTES THE REGULAR COMMISSION MEETING ON DECEMBER 3, 2019

Commissioner McAteer made the motion to accept the minutes as distributed, seconded by Commissioner McClintock. Mayor Hatch asked all in favor of the motion say aye. All voted yes. Motion carried unanimously.

At this time, Louis Holstein, Programs Director, presented the winners of the Christmas Parade Floats, 1st Place was Just for Kids Preschool and 2nd Place was Victory Worship Center.

5. PUBLIC WORKS AND UTILITIES REPORT

John Wright, Public Works Director, gave a brief report on the work his department has accomplished since November 13, 2019.



6. PLANNING REPORT

Ron Borchers, Planning & Development Director, gave a brief update on the Bridgeport Lakes development, 1014 N Church Avenue property issue, rebuild of the Nutrients Ag Solutions building.

At this time the Finance Report was given.

John Wasmund, Finance Director, gave a brief update on the pre-audit preparation work is complete and the Auditor's will be coming to City next month to complete the audit. Commissioner McClintock congratulated John for being Department Head of the Year.

7. NEW BUSINESS

i. Contract Agreement with Marsha Faux, Polk County Property Appraiser

City Attorney Crawford gave a brief explanation of this agreement. Commissioner McClintock made a motion to execute the Contract Agreement with Marsha Faux, Polk County Property Appraiser, seconded by Commissioner McAteer. Mayor Hatch opened it up to the Public. No one came forward. Mayor Hatch asked all in favor of the motion say aye. All voted yes. Motion carried unanimously.

8. UNFINISHED BUSINESS

None

9. COMMUNICATIONS FROM CITIZENS:

Public comments/communications from citizens are limited to 5 (five) minutes. Anyone wishing to address the Commission should sign in upon entering at the beginning of the meeting. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing the Commission.

None

***CITY COMMISSION COMMENTS:**

City Commissioner McAteer stated that the Christmas Parade was nice and thanked everyone for all their work.

City Commissioner McClintock stated the Christmas Parade and Christmas Village was awesome. Commissioner McClintock thanked the City for the Christmas luncheon. Commissioner McClintock congratulated Luis Figueroa for receiving Employee of the Year. Commissioner McClintock stated that she had several people ask her about several large



gaps in the parade. City Manager Johnson stated they are already working on a way to resolve this for next year's parade. Commissioner McClintock wished everyone a Merry Christmas and Happy Holidays.

City Commissioner Smith thanked the City and City Manager for the Christmas luncheon. Commissioner Smith thanked City Manager Johnson for his donation to the Kiwanis Club.

Mayor Hatch commended Conlan Tire for decorating their business.

***CITY MANAGER COMMENTS:**

City Manager Johnson gave an update on the Landstar project, the GEM Theater, the Library expansion, potentially new tenants at the Mulberry Community Services Center, the backpack program with One Child, streetlight updates at intersections by TECO and city street paving projects.

***CITY ATTORNEY COMMENTS:**

City Attorney Crawford stated Hinterland submitted their final Affidavit of Completion. City Attorney Crawford wished everyone a Merry Christmas and another great year.

***CITY CLERK COMMENTS:**

City Clerk Lauther reminded everyone about the Fossils and Frost event this Thursday at the Museum from 5:30 to 7:30. City Clerk Lauther reminded the Commissioners to let her know who will be attending the Florida Legislative Action Days in Tallahassee.

City Attorney Crawford stated the second Amendment on 1014 N Church Avenue has been executed.

*** ADJOURNMENT:** Meeting adjourned at 6:53 pm.

Approved: _____

Honorable Mayor George H. Hatch

Attest: _____

Sharon Lauther, City Clerk CMC

ORDINANCE NO. ORD-2020-01

AN ORDINANCE RELATING TO MUNICIPAL FINANCE; CREATING CHAPTER 2, ARTICLE IV, DIVISION 5 OF THE CODE OF ORDINANCES OF THE CITY OF MULBERRY, FLORIDA TO BE ENTITLED “INVESTMENTS”; CREATING SECTION 2.73.51 OF THE CODE OF ORDINANCES OF THE CITY OF MULBERRY, FLORIDA; AUTHORIZING THE CITY COMMISSION TO INVEST SURPLUS MUNICIPAL MONIES AS PERMITTED BY GENERAL STATE LAW; REPEALING ANY AND ALL PRIOR WRITTEN INVESTMENT PLANS ADOPTED BY THE CITY COMMISSION; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND THE ADMINISTRATIVE CORRECTION OF SCRIVENER’S ERRORS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida law permits a Florida local government to invest surplus public funds either: (a) as provided for in and consistent with a written investment plan adopted by the local government’s governing body in accordance with Sections 218.415(1) through 218.415(16), Florida Statutes (2019); or, alternatively, (b) in a set of securities and funds identified in Section 218.415(17), Florida Statutes (2019); and

WHEREAS, Florida law permits a Florida local government to invest surplus public funds in financial deposit instruments that meet the requirements of Section 215.415(23), Florida Statutes (2019); and

WHEREAS, certified public accounts conducting audits of units of local governments under Section 218.39, Florida Statutes (2019) must report, as part of the audit, whether the unit of local government has complied with Florida’s general laws governing investment of surplus funds; and

WHEREAS, the City Commission of the City of Mulberry desires to adopt the alternative investment guidelines in Section 218.415(17), Florida Statutes (2019) as the same may be amended from time to time, as the local law framework for investment of surplus City funds in securities and funds; and

WHEREAS, the City Commission of the City of Mulberry desires to adopt the financial deposit instrument requirements in Section 218.415(23), Florida Statutes (2019), as the same may be amended from time to time, as an additional means for investment of surplus City funds in qualified public depositories; and

WHEREAS, the City Commission desires to repeal any prior written investment plan adopted by the City Commission of the City of Mulberry or enforced by any administrative officer of the City of Mulberry; **NOW, THEREFORE:**

Be it enacted by the city commission of the City of Mulberry, Florida:

Section 1. Intent and Findings.

It is the intent of this Ordinance to adopt the alternative investment guidelines for surplus public monies in F.S. § 218.415(17) (2019) as the general investment policy for the city. It is further the intent of this Ordinance to permit the Director of Finance, after consultation with the City Manager, to invest surplus public monies of the city in any security, fund or depository that is identified by the Florida Legislature for use by Florida local governments who do not adopt a special separate written investment policy. To this extent, the recitals to this Ordinance are found to be true by the City Commission, are incorporated herein by reference and are made a part hereof.

Section 2. Creation of Chapter 2, Article IV, Division 5, Section 2-73.51 of the Code of Ordinances.

Chapter 2, Article IV, Division 5, Section 2-73.51 of the *Code of Ordinances of the City of Mulberry, Florida* is created to read (additions are underlined and deletions are ~~stricken through~~):

Chapter 2 - ADMINISTRATION

...

ARTICLE IV. - FINANCE

...

DIVISION 5. - INVESTMENTS

Sec. 2-73.51. - Investment of surplus city monies in securities or funds.

- (a) Public monies of the city in excess of the amounts needed to meet current expenses may, in the discretion of the Director of Finance after consultation with the City Manager, be invested or reinvested in:
- (1) the Local Government Surplus Funds Trust Fund, or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act of 1969, as provided in F.S. §163.01;
 - (2) Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency;
 - (3) interest-bearing time deposits or savings accounts in qualified public depositories, as defined in F.S. § 280.02;
 - (4) direct obligations of the United States Treasury;

- (5) authorized financial deposit instruments insured by the Federal Deposit Insurance Corporation and held for the account of the city as permitted by F.S. § 218.415(23); or
- (6) any other securities or funds permitted under the statutory alternative investment guidelines for local governments without a written investment policy as amended from time to time by the Florida Legislature.
- (b) Securities purchased with surplus city monies shall provide sufficient liquidity to pay obligations as they come due. The highest investment priority for surplus city funds shall be the safety of principal and liquidity of funds. Optimization of investment returns shall be secondary to safety and liquidity.
- (c) Every security purchased shall be properly earmarked and:
 - (1) if registered with the issuer or its agents, must be immediately placed for safekeeping in a location that protects the city's interest in the security;
 - (2) if in book entry form, must be held for the credit of the city by a depository chartered by the Federal Government, by the State of Florida, or any other state or territory of the United States which has a branch or principal place of business in Florida as defined in F.S. § 658.12, or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in Florida , and must be kept by the depository in an account separate and apart from the assets of the financial institution; or
 - (3) if physically issued to the holder but not registered with the issuer or its agents, must be immediately placed for safekeeping in a secured vault.
- (d) The city may also receive bank trust receipts in return for investment of surplus monies in securities. Any trust receipts received must enumerate the various securities held, together with the specific number of each security held. The actual securities on which the trust receipts are issued may be held by any bank depository chartered by the Federal Government, by the State of Florida, or any other state or territory of the United States which has a branch or principal place of business in Florida as defined in F.S. § 658.12, or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in Florida.

Section 3. Repeal of Prior Written Investment Plans.

All written investment plans adopted by the City Commission of the City of Mulberry or enforced by the administrative staff of the City of Mulberry prior to the adoption of this ordinance, if any such investment plans exist, are repealed.

Section 4. Conflicts.

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 5. Severability.

If any section or portion of a section of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Ordinance.

Section 6. Codification; Administrative Correction of Scrivener's Errors.

It is the intent of the City Commission that the provisions of Section 2 of this Ordinance shall be codified and become and be made a part of the *Code of Ordinances of the City of Mulberry*. Section 2 of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word. The implementing sections of this Ordinance, Sections 1, 3, 4, 5, 6 and 7 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance. Regardless of whether such inclusion in such codes is accomplished, sections of this ordinance may be renumbered or relettered and the correction of typographical or scrivener's errors which do not affect the intent may be authorized by the City Manager or his or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

Section 7. Effective Date.

This Ordinance shall become effective immediately upon its passage and adoption

INTRODUCED on First Reading this _____ day of January, 2020.

PASSED AND ENACTED on Second Reading, with a quorum present and voting, by the City Commission of the City of Mulberry, Florida this _____ day of January, 2020.

CITY OF MULBERRY, FLORIDA

Attest:

Mayor George H. Hatch

Sharon Lauther, City Clerk

Approved as to form:

Frederick J. Murphy, Jr. City Attorney