

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JANUARY 16, 2018
6:00 P.M.**

The following minutes reflect action items of the City Council of the City of Arcadia. For a verbatim copy of the minutes, you may contact City Administration to obtain a copy of the recorded meeting.

INVOCATION, PLEDGE CALL TO ORDER AND ROLL CALL

Deputy Mayor Simons gave the invocation which was followed by the pledge of allegiance. The Mayor called the meeting to order at approximately 6:00 p.m. and the following members and staff were present:

Arcadia City Council

Mayor Judy Wertz-Strickland
Deputy Mayor Jaccarie D. Simons
Councilmember Keith Keene

Councilmember Jerry B. Alexander
Councilmember Robert W. Heine, Jr.

Arcadia City Staff

City Administrator Terry Stewart
City Clerk Penny Delaney

City Attorney T.J. Wohl
Lieutenant Gary Evans

PRESENTATIONS

Agenda Item 1 – Presentation to Mary Ann Applegate

Mayor Wertz-Strickland presented Mary Ann Applegate with a certificate recognizing her ten (10) years of service to the City of Arcadia.

CONSENT AGENDA

Agenda Item 2 – City Council Regular Meeting Minutes for December 19, 2017

Agenda Item 3 – City Council Regular Meeting Minutes for January 2, 2018

Councilmember Keene made a motion to approve the Consent Agenda Items 2 and 3 and Deputy Mayor Simons seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS

Agenda Item 4 – City of Arcadia Asset / Equipment Disposal

City Council Meeting Minutes
January 16, 2018
Page 1 of 7

City Administrator Stewart advised that Finance Director Carsten was not in attendance due to making arrangements for the services of her close friend, Mike Waller, who had passed away. He explained that she had asked that he handle the agenda item and he referred to when staff had advised Council that a methodology needed to be developed regarding the disposal of assets within the City's inventory. He stated that before any asset would be disposed of, it would come to the Council for approval with a recommendation to designate it as surplus and how it should be disposed of. Mr. Stewart advised that if it had no continued usable value, but might serve as scrap, it would be sold for scrap, but if it had continued value, it might be given to another organization or sold on Govdeals. Deputy Mayor Simons asked if the items had already been declared as surplus items and City Administrator Stewart confirmed that they had been from the perspective of the department they had come out of, but the actual official designation of surplus could only be done by City Council. Deputy Mayor Simons made a motion to declare the items on the disposal list for the City of Arcadia as well as approval of the disposal for the City of Arcadia owned assets and equipment as proposed in the attached disposal list and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 5 – Specific Authorization 30 for Golf Course Reclaimed Water Storage Pond Design, Bid and Construction Services

City Administrator Stewart asked Utilities Director Berndt to come to the podium and advised the project was the design, bid and construction piece. Mr. Berndt explained they would be expanding some of the ponds at the golf course which would provide more capacity for the reuse water (currently limited just to the tank). He further explained that the water is treated when it passes to the reuse so when it goes to the ponds, it will revert back to more natural water which would provide really good water to the golf course. Mr. Stewart advised the cost of the project was through a grant received from the Southwest Florida Water Management District which had approved both the stormwater master plan study that is now underway and should be finished by next year and this project as well. Councilmember Heine made a motion for Council to approve Specific Authorization 30 for Hazen and Sawyer in the amount of Eighty-Five Thousand and 00/100 Dollars (\$85,000.00) to proceed with providing design, bidding, permitting and construction assistance associated for a new six hundred thousand (600,000) gallon storage pond, transfer piping and associated appurtenances at Arcadia Golf Course and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 6 – Sign Special Exception Request – DeSoto County Historical Society

City Administrator Stewart advised Agenda Item 6 would be pulled from the agenda.

Agenda Item 7 – Request Use of City ROW Property for a Gas Transfer Station

City Administrator Stewart advised there were representatives from Florida Public Utilities and Magnolia in attendance regarding their request for a gas transfer station to be located at a property that is at the north end of Baldwin, north of SR 70. He stated an application had been submitted by the public utility almost a year ago which he had refused to sign and he

did not know what had happened to it, but they had been proceeding down SR 70 and the state road right-of-way which they had cleared with the State of Florida. Mr. Stewart advised he did not have the authority to allow such use of the right-of-way within the City and he further advised they were at a place in the project where they need to know one way or the other whether they will be able to use the right-of-way.

David Love of Magnolia River Services thanked the Council for the opportunity to present their pipeline gas service to them. He introduced John Burke of Florida Public Utilities, Ed Sawicki of Magnolia River Services, Bo Connelly of Kimley Horne and Russell Melendy of Sebring Gas System. He presented the proposed plan to bring natural gas into the City of Arcadia and advised Florida Public Utilities was currently contracted as the engineering firm. He explained the gas line would come from 72 down 70 to the intersection of Baldwin and they propose to turn north from Baldwin to a proposed location. At this time, he provided a power point, a copy of which is on file in the office of the City Clerk. Mr. Love stated that Florida Public Utilities and Sebring Gas offer to come in and train the first responders regarding both natural gas and propane gas and also provide assistance in locating equipment that would help to protect the gases that are there in the event there is an incident. He reviewed the regulatory compliance general maintenance schedule as well as a map which displayed where the pipeline was proposed to run, along with photos of where they are proposing to place the meter station. He then reviewed a map of the proposed site layout and photos of examples of what the stations look like across the State of Florida in residential neighborhoods. He explained that Florida Public Utilities would bring the gas up to the metering station and there would be a transfer of custody over to Sebring Natural Gas which would then distribute the natural gas. City Attorney Wohl asked if there was a sale or transaction at the transfer station within the municipality would it be subject to the public service tax. Russell Melendy of Sebring Gas System stated that he was not extremely familiar with the structure of the charges, but he would be more than happy to get whatever information he could to City Attorney Wohl. At this time, Mr. Melendy continued the presentation of the power point and reviewed the proposed plan for the natural gas distribution line, the benefits of natural gas to include both the broad benefits (green, efficient, domestic, reliable and economical) and the direct advantages (superior comfort, monthly savings, appliance rebates, long-term value, storm-proof and eco-friendly). Discussion that followed included already attained customers, local jobs to be created, the impacts of the transfer station in a residential area and whether a survey of residents was normally performed.

City Administrator Stewart stated that the utility had already received the permission for use of the right-of-way from the State of Florida, but they needed permission from the Council to use the City's right-of-way to bury the feeder lines and the use of a piece of right-of-way to put the transfer station in. He expressed a disappointment that no alternative location had been provided in the event the City Council was to deny the request. He suggested they be mindful of the fact that it will be in a residential area and if they decide to proceed with it they should be mindful of crafting a way for it to be there that would be as least intrusive as possible and for the City to be copied with the schedule of the requirements. Mr. Love stated that they had looked at a couple of alternate locations and if the Council had a preferred location, they would look at where it would need to be relocated. After discussion that included franchise fees, the fact that there were two (2) entities that would require two (2) agreements, public service tax and liability

in the event of an accident, City Attorney Wohl advised he was not at a comfort level to recommend it at that time and stated he would like to explore it more. After more discussion, Councilmember Keene made a motion to table the matter to the first meeting in February which will be February 6, 2018 and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 8 – FDOT ROW Vacation Request

City Administrator Stewart stated the properties on either side of the current right-of-way were owned by the Florida Department of Transportation (FDOT). He referred to a previous request for the City to vacate the property at which time the City requested the State repave W. Hickory and FDOT was not comfortable with such and did not have the money programmed for it. He explained that recently, FDOT reached out to the City again and stated they were now in a position to accomplish it. Mr. Stewart advised that the road bifurcates the FDOT lot and it affects the efficiency of their operations. He further advised there was a current utility line that ran under it which would remain, but if the vacation moves forward, FDOT was in agreement to provide the City with a utility easement that would allow the City access into the yard for any necessary repair work. City Administrator Stewart stated that FDOT had agreed to mill and repave Hickory from the bridge to Baldwin. In addition, he informed Council staff had requested it go to the bridge because the State had programmed money to rehab the bridge (to remain a footbridge). He stated that the Public Works Director and the Utilities Director were both in agreement with the vacation. City Attorney Wohl asked if the twenty-five foot (25') alley was entirely within the said property and Mr. Stewart confirmed that it was and was fenced in and not used by anyone. Councilmember Keene made a motion to approve a Florida Department of Transportation request for the City to vacate the portion of Parker Avenue lying north of SR 70 and south of West Hickory Street as well as the westerly portion of a twenty-five foot (25') alley east of Parker Avenue within the FDOT property contingent upon the milling and repaving of Hickory from Baldwin to the footbridge and Councilmember Heine seconded the motion.

City Attorney Wohl stated there was a procedure under the land use development regulations that the right-of-way has to be vacated through an application and ultimately a resolution. City Administrator Stewart advised they had received the application. Mr. Wohl stated they would have to provide notice through publication and once the resolution was brought forward, they could then proceed with the vacation. He further stated that ultimately FDOT will want the resolution recorded verifying that the vacate is done. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 9 – Resolution 2018-01 Election to Use the Uniform Method of Collecting Non-Ad Valorem Special Assessments

City Attorney Wohl advised this was a required resolution that has to be done in the event the City wants to have the option of using the uniform method of collecting non-ad valorem special assessments on the tax rolls. He stated this was not a commitment to do it, but it only provided the option if the City wanted to look at its fire assessments and stormwater assessments.

He advised it had been published in The Arcadian prior to this night's meeting and had met all such requirements. He explained the Proof of Publication and the City's legal description would be attached and he referenced the Council's previous discussion regarding a special benefit district for roadway improvements which would be covered as well in the event Council wanted to get some sort of assessments on property owners' tax bills in November on roadway improvements. Mr. Wohl advised that once it was approved, the Clerk would provide it to the Florida Department of Revenue, the DeSoto County Tax Collector and the DeSoto County Property Appraiser so they would be on notice that the City of Arcadia has elected to have the opportunity to do this.

City Administrator Stewart advised that the paving that the City had been doing had pretty much eaten up the reserve they had in the roadway account, so they will be struggling next year for additional money to be able to continue to do it. Councilmember Heine made a motion to approve Resolution 2018-01, providing that the City may elect to use the Uniform Method of Collecting Non-Ad Valorem Special Assessments for the cost of providing fire services; stormwater improvements and maintenance services; and roadway improvements and maintenance services beginning in the 2018-2019 fiscal year and Deputy Mayor Simons seconded the motion. Councilmember Keene asked City Attorney Wohl if this would allow the City to do lighting districts also. Mr. Wohl stated that to the extent it would be some sort of roadway maintenance or improvements in the light districts, then it would. City Administrator Stewart advised he wanted to address the issue of lighting after the vote. No discussion followed and it was unanimously, 5/0, approved. At this time, Mr. Stewart stated that at this time, Florida Power and Light provides the street lights based upon the City's requests. He explained the City pays a certain annual fee for each street light (cost of amortizing the cost of the light over a period of years and the cost of the electric to operate it) so if someone calls and asks for a street light and it gets authorized, the City ends up paying for it.

Walk on Item – Resolution 2018-02 – Opposing Legislative Efforts to Impede the Constitutional Right Under Municipal Home Rule Powers

Mayor Wertz-Strickland stated that the Ridge League Advocacy Committee had designed a resolution to be approved and signed by every Councilmember. If approved, it would then be submitted to the Ridge League to be sent on to Tallahassee regarding Home Rule. She further stated they were asking for the City Administrator to put a petition on Facebook and encourage the public to sign it. City Administrator Stewart defined Home Rule and explained how it affects local governments. City Attorney Wohl stated it was a no-brainer and shared how it affects the local citizen's voice being heard. He then advised Council that he would take the resolution that had been provided to Council for their review, put it into the City's format and correct a couple of spelling/grammar issues and once done, it would be sent to the City Clerk to have each Councilmember sign it. Councilmember Heine made a motion to approve Resolution 2018-002 (will actually be assigned number 2018-02) as presented and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Walk on Item – Ajax Paving Unit Price Paving Contract

City Administrator Stewart stated that staff had put together a list for the next group of streets to be paved. He explained that the initial contract that the City had with Ajax was for a year and provided two (2) one (1) year extensions. He explained that the current unit price contract had been handled as a sealed bid so the City did not have to go out for bid again and he requested Council to approve the extension and within that to approve the amount of Four Hundred Thirteen Thousand Seven Hundred Sixty-Five and 00/100 Dollars (\$413,765.00) to pave the next group of streets that would include Imogene from Highway 17 to just about northbound Volusia, Oak from Highway 70 (the entrance) down to Manatee, Sevilla, Mira Flores and Palm Streets. Deputy Mayor Simons made a motion to extend the unit pricing contract with Ajax Paving Industries of Florida, LLC, for the first of two (2) contract year extensions and to authorize the paving and repairs of Imogene from Highway 17 northbound to Volusia, Oak Street from Highway 70 westbound to Manatee, Sevilla, Mira Flores and Palm in the amount of Four Hundred Thirteen Thousand Seven Hundred Sixty-Five and 00/100 Dollars (\$413,765.00) to Ajax Paving as provided under the unit price contract as approved by the City Council on April 5, 2016. City Administrator Stewart advised some money would have to be pulled from stormwater to accomplish the paving. Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

COMMENTS FROM DEPARTMENTS

Lieutenant Gary Evans advised he did not have a report and asked if the Council or the general public had any questions and there were none.

City Attorney Wohl stated he did not have a report.

City Administrator Stewart advised the Finance Report would be provided at the next meeting.

City Administrator Stewart advised he would not be at work next Friday due to his birthday and he also advised that the Martin Luther King Day Parade was a nice experience and he enjoyed it.

PUBLIC

Candy Reid, a City resident, asked when the recycling bin used at the Turner Center would be returned. City Administrator Stewart stated he was not involved with putting it there or paying for it, but stated he would contact the County Administrator and get an answer for her.

MAYOR AND COUNCIL REPORTS

Mayor Wertz-Strickland announced the dates, times and locations of the visitation and funeral services for Mike Waller. Councilmember Keene stated it was nice to participate in the parade and expressed his excitement of the Smith Brown project moving forward. Deputy

Mayor Simons spoke of the ribbon cutting ceremony for the new fire station being held on Friday and the open house being held on Saturday.

Councilmember Heine spoke of road cave-ins in front of the Florida Power and Light yard and on Wilson and Parkview and inquired as to the status of them. City Administrator Stewart stated they needed to have an agreement with FP&L regarding how they are going to handle the hole in the middle of the erosion, but it had not been accomplished yet and he also stated that the City had applied to FEMA for reimbursement for the project. He advised he would get with the Public Works Director and get a better answer for him.

Councilmember Alexander stated that he enjoyed the participation at the parade and felt it was important to show the unity of the community and he hoped it would continue.

Mayor Wertz-Strickland referred to the sponsorship of the Florida League of Mayors in a seventh grade contest entitled "If I were elected Mayor". She advised she was scheduled to pick up thirty-six (36) papers tomorrow to be submitted to the State. She also reminded everyone of the Home Rule petition on Facebook.

Regarding yard debris, City Administrator Stewart advised two (2) sweeps had been made throughout the City after Hurricane Irma and unfortunately not everyone was able to get everything to the road in time. He advised he had received some complaints and the City had contacted A-Plus Environmental to come in on a temporary basis to pick it up until it can be caught up. He thanked Public Works Director Underwood for arranging such.

ADJOURN

Councilmember Heine made a motion to adjourn and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Having no further business at this time, the meeting was adjourned at approximately 7:42 P.M.

ADOPTED THIS 16th DAY OF February, 2018.

By: Judy Wertz Strickland
Judy Wertz-Strickland, Mayor

ATTEST:

Penny Delaney
Penny Delaney, City Clerk

