

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, FEBRUARY 21, 2017
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 Susan Coker

Councilmember Robert W. Heine, Jr.
Councilmember S. Delshay Turner

Arcadia City Staff

City Administrator Terry Stewart
City Clerk Penny Delaney
City Attorney T.J. Wohl

Finance Director Beth Carsten
Marshal Matthew Anderson
Public Works Director Steve Underwood

PRESENTATIONS

Agenda Item 1 – Proclamation Regarding Adam T. Morgan

Mayor Wertz-Strickland pulled this item from the agenda and advised Mr. Morgan was in Texas and could not attend the meeting.

CONSENT AGENDA

Agenda Item 2 – City Council Special Meeting Minutes Consisting of the Two Item Agenda for January 31, 2017

Agenda Item 3 – City Council Workshop Minutes for February 7, 2017

Agenda Item 4 – City Council Regular Meeting Minutes for February 7, 2017

Agenda Item 5 – Special Event Permit – Garcia Bros. Golden Ring Circus

Agenda Item 6 – Special Event Permit – Annual March Rodeo Parade

Councilmember Coker made a motion to approve the Consent Agenda with one change to Agenda Item 2, on page 3 after the presentation, the next paragraph on the third line. She

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advised there was a typographical error which reads “affordance” and it should read “affordable”. Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS

Agenda Item 7 – Kelly Drive Culvert Crossing

City Administrator Stewart advised this was an emergency repair that he had given the authority to proceed with and it was being brought back to City Council for their final approval. Public Works Director Steve Underwood advised the National Guard Armory was located at the particular site and their trucks cross the referenced culvert. He referred to pictures provided to Council which demonstrated the shape of the culvert as being oval shaped instead of round shaped. He stated he was asking for a motion to approve the culvert crossing replacement for Twenty-Two Thousand Four Hundred Five and 00/100 Dollars (\$22,405.00). Councilmember Coker made a motion to approve the emergency culvert pipe replacement on Kelly Drive in the total amount of Twenty-Two Thousand Four Hundred Five and 00/100 Dollars (\$22,405.00) with Consolidated Productions Groups, Inc. and Councilmember Turner seconded the motion. Councilmember Heine advised he had looked at it and it needs to be repaired. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 8 – Renewal of Code Enforcement Special Master Contract

City Administrator Stewart stated this was a request to renew the contract with the Special Master. He stated when Code Enforcement cites a violation, if the issue is not corrected within a specified period of time, it is scheduled to go before the Special Master (an attorney) who hears the case and makes a ruling. He advised that the City has worked well together with Mr. Nielander. Mr. Stewart advised Mr. Nielander’s hourly rate is quite reasonable and he has not asked for an increase. City Administrator Stewart recommended Council approve the contract. Deputy Mayor Simons made a motion to approve the Special Master William J. Nielander contract renewal for a period of one year starting on March 1, 2017 and ending March 2, 2018 in the amount of One Hundred Fifty and 00/100 Dollars (\$150.00) per hour and Councilmember Coker seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 9 – Audit Committee Recommendation for Financial Auditor

City Administrator Stewart advised this was a great evening for the City and he expressed how pleased he was from a professional perspective as to how this was handled by Finance Director Carsten and her staff and with the way the committee has worked together. Ms. Carsten provided an update of what had taken place. She advised after the Request for Proposal (RFP) was put out on the street, five (5) submittals were received as follows: Christopher, Smith, Leonard, Bristow & Stanell, P.A.; Clifton Larson Allen LLP; Mauldin & Jenkins, LLC; McDermitt Davis CPAs and Advisors; and Shinn and Company. After the submittals were evaluated by the committee, she explained the committee ranked the top four (4) as follows:

Clifton Larson Allen LLP as the top ranked; McDirmit Davis CPAs and Advisors as number two (2); and Christopher, Smith, Leonard, Bristow & Stanell, P.A. and Mauldin & Jenkins, LLC tied for third place. Ms. Carsten advised the committee decided they wanted to see presentations from the four (4) top ranked and after the presentations were presented, out of a total of four hundred fifty (450) points, the scores were as follows: Christopher, Smith, Leonard, Bristow & Stanell, P.A. scored three hundred sixty (360) out of four hundred fifty (450) points; Clifton Larson Allen LLP scored four hundred ten (410) out of four hundred fifty (450) points; Mauldin & Jenkins, LLC scored three hundred forty (340) out of four hundred fifty (450) points; and McDirmit Davis CPAs and Advisors scored three hundred twenty (320) out of four hundred fifty (450) points. She advised the committee took these total scores and took fifty percent (50%) of that and fifty percent (50%) of the evaluation scores and came up with totals as follows: Christopher, Smith, Leonard, Bristow & Stanell, P.A. had a total score of Sixteen Hundred Ten (1610); Clifton Larson Allen LLP had a total score of Seventeen Hundred Ninety (1790); Mauldin & Jenkins, LLC had a total of score of Fifteen Hundred Ninety (1590); and McDirmit Davis CPAs and Advisors had a total of Fifteen Hundred Ninety (1590). Ms. Carsten then reviewed the final ranking as follows: Clifton Larson Allen LLP as being the top ranked; Christopher, Smith, Leonard, Bristow & Stanell, P.A. as being ranked second; Mauldin & Jenkins, LLC and McDirmit Davis CPAs and Advisors tied as being ranked third. She advised the committee voted 3/0 to make the recommendation that this be their top four (4) ranked and to ask City Council's permission for staff to enter into negotiations with the top ranked firm. Two (2) committee members were present (one had to go out of state due to a family emergency) and Ms. Carsten asked Council if they had any questions for the committee members present, along with Julie Fowler of Clifton Larson Allen LLP who was also in attendance. City Administrator Stewart advised that while staff had participated with the committee in providing assistance, background and things of that nature, they were not voting members and the voting was strictly done by the three (3) outside, independent members of the audit committee. There were no questions asked by the City Council. Councilmember Coker made a motion to approve the final ranking of Financial Auditing Services RFP#2017-02 to be Firm #1: Clifton Larson Allen LLP; Firm #2: Christopher, Smith, Leonard, Bristow & Stanell, P.A.; Firm #3: Mauldin & Jenkins, LLC; and Firm #4: McDirmit Davis CPAs and Advisors and to authorize the staff to enter into negotiations with the top ranked firm and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

City Administrator Stewart congratulated Council on their ability to have the kind of confidence that was absolutely worthwhile and appropriate in the work that was done by the committee and stated they did an outstanding job and he thanked them for what they had done. Mayor Wertz-Strickland thanked the two committee members that were in attendance and Ms. Carsten for doing an outstanding job.

Agenda Item 10 – Turner Five Ash Annexation Agreement

City Administrator Stewart advised there was another item that had been included at the last moment on the agenda, but it was being pulled at the request of the proposers. He stated the Turner Five Ash group that had wanted to get approval from the City for the City to provide them with water and sewer service has decided to withdraw it. He advised they kept insisting

that the City include within their proposal that the connections be made at no cost to the proposers or at a reduced rate. He further advised that the City Attorney nor he would agree with that. He stated it was a cost to the City to make that connection and provide that service and if the proposers do not pay it that means the citizens of the City of Arcadia will have to pay it within their rates and he stated he did not think that was fair. Mr. Stewart advised that if they try to come back before the Council with a request, his recommendation is that they do not receive such approval.

COMMENTS FROM DEPARTMENTS

Marshal Anderson informed the City Council that Lieutenant Gary Evans had been awarded Officer of the Year by the Moose Lodge and he stated it was well earned. He then advised the Cape Coral Police Department had come up for training and graciously allowed the department to use their simunition weapons. He explained this type of weapon and the training it entails. He thanked the Arcadian for the article they published regarding such. After the training, he stated that the anonymous donor that had donated to the department in the past had inquired of the cost for such and expressed a desire for the department to obtain the information regarding the cost in hopes of getting such for the City of Arcadia Police Department. He asked if the City Council or the general public had any concerns and none were expressed.

City Attorney Wohl announced that a Shade Meeting had taken place before tonight's meeting regarding the litigation with Dr. Lawrence Miller in order to discuss settlement options, an amount and to formulate a strategy and he asked for a motion to have such voted on to finalize the decision so he can authorize the litigation counsel to start on the process on making that offer. Councilmember Coker made a motion to approve the litigation team to make a Rule of 68 offering for Mr. Leonard Miller in the amount of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) as an offer of judgment for Lawrence Miller (incorrectly stated before) and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved. For public clarification, City Attorney Wohl stated this was what was called a Rule 68 offer of judgment which essentially is a strategic offer because in the event Dr. Lawrence Miller does not accept this offer within fifteen (15) days and the City ultimately prevails at trial and receives a verdict for less than the offered amount, the City can then obtain a judgment for the attorney's fees incurred in the case against Dr. Miller. He explained they were trying to put some risks on Dr. Miller in the event the case does not go to trial. No discussion followed and it was unanimously, 5/0, approved.

City Administrator Stewart advised he had met with a gentleman named Jaime Hill regarding his helicopter rebuilding and repair business and his interest in relocating it to the City of Arcadia Airport. He advised Mr. Hill's operation includes approximately Fifty Million and 00/100 Dollars (\$50,000,000.00) worth of inventory that he would like to move on site for a cooperative partnership that he is working on with foreign based investors. It would entail the building of a building of approximately fourteen thousand five hundred (14,500) square feet and would bring a number of jobs to the area and significantly enhance the airport. The building would cost approximately half a million dollars (\$500,000.00) with either the City building it or allowing the business to build it on the City's site. He asked if Council was comfortable with

him continuing the discussion with Mr. Hill and it was the general consensus of the Council for him to continue to do so.

PUBLIC

Dawn Sudbury, a teacher at Memorial Elementary, expressed her concern for the children in the area and suggested an after-school program (including a program for spring and summer breaks as well) which would provide character education, athletics and citizenship. She advised she was unable to provide funding or transportation. She referenced the Smith-Brown building, but stated she had been unable to find enough information regarding it. She stated she wanted to put a seed in the City Council's mind that something needs to be done for the children and the future. After she made her presentation, Mayor Wertz-Strickland agreed that there was a need for such with the children. Deputy Mayor Simons shared his personal experience and he stated that there was a need in the City to equip its youth to be better prepared along the way. He advised he would provide her with a contact for the Smith-Brown Foundation.

Connie Bateman echoed Ms. Sudbury's concerns. She then advised the Saturday Night Lights event held on February 12, 2017 was successful and stated that the March 11, 2017 event would be partnered with the Rodeo Association and the Friends of Arcadia Airport. She advised this would be on the rodeo weekend and there would be a fly-in at the airport. She further advised that reserved setting would be provided for those flying in, as well as the City Council if they would like to attend.

MAYOR AND COUNCIL REPORTS

Councilmember Coker stated that she had attended the Town Hall Meeting regarding planning for 2030 in the State of Florida. She stated she had also attended the Arcadia Housing Authority's Open House which included many community sponsors with information and a free lunch for everyone. In addition to the above, she advised she had also attended the pancake breakfast at the airport and thought it was the biggest event yet. She suggested people attend the next Saturday Night Lights event and stated the food was good and reasonably priced.

Mayor Wertz-Strickland thanked Public Works Director Steve Underwood and his department for the assistance with the Leadership DeSoto Class 8 fundraiser that took place, specifically relating to the restroom repairs, street closures and break down after the event. She stated they went above and beyond and she advised there were approximately three hundred fifty (350) in attendance.

She then addressed that cities were subject to losing rights regarding their ways to do business and the way they develop rules and laws for the people in the cities to go by if House Bill 17 is approved. She advised she had a website address that will provide the names of the committee members if anyone was interested in contacting them. Next, she expressed her concern regarding the medical marijuana issue. She advised that on August 4, 2017, the Health Department has to roll out the law that people will be governed by and on November 4, 2017, the cards would be issued regarding the purchase of it. City Attorney Wohl stated that the

moratorium was in place to know when the certain terms and conditions that the state agencies will come out with and the requirements of the dispensaries so they can be included in the ordinances that regulate particular businesses. He then stated House Bill 17 was a very big issue regarding city municipalities' home rule power which provides power to regulate anything unless it is specifically preempted to the state. He explained that House Bill 17 is an attempt to preempt the regulation of businesses, occupations and professionals to the state.

ADJOURN

Councilmember Coker made a motion to adjourn and Deputy Mayor Simons 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 6:45 P.M.

ADOPTED THIS 7th DAY OF March, 2016.

ATTEST:

By:



Judy Wertz-Strickland, Mayor



Penny Delaney, City Clerk

