

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, MARCH 20, 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

City Planner Jeff Schmucker
Finance Director Beth Carsten
City Marshal Matt Anderson

PRESENTATIONS

Agenda Item 1 – HCW (Helen C. Washington) Foundation

Charles Washington, son of Helen C. Washington, presented a power point presentation to the City Council and stated the foundation's ultimate goal was to build a museum on SW Arcadia that would house the history and the culture of African-Americans that could be documented in DeSoto County. He also stated the foundation hoped to have a learning/event center that could improve things that are there to. He advised the center would hopefully assist both the elderly and young people in the community. Mr. Washington stated the foundation was looking for help in a number of areas such as: advocate support, property attainment, sponsorship, funding and business expertise, etc. A copy of the power point presentation is on file in the office of the City Clerk.

Carol Mahler felt that the community had not done a good job of documenting the African-American history in Arcadia and DeSoto County. She pointed out that not one (1) building in SW Arcadia was on the historic property survey that was done in 1984 and she asked that the City specifically put aside some staff time to help get those structures put at least on the Florida Master Site File. Mayor Wertz-Strickland asked Ms. Mahler how many properties it

consisted of and Ms. Mahler stated at least twenty (20) that needed to be done immediately (the most historic) and then they could move on from there. Councilmember Alexander felt it was important that the history of all the citizens of Arcadia was important and he expressed that he was thankful that they were at a place that it could be recognized and something could be done about it. He offered his assistance to help in any way possible outside of Council, but as a citizen of Arcadia. It was the general consensus of the Council to assist with the effort of placing the structures on the Florida Master Site File.

At this time, City Administrator Stewart presented Carrie Taylor with a Certificate of Appreciation for assuming the role of Interim Golf Course Director from April 1, 2017 through March 11, 2018.

CONSENT AGENDA

Agenda Item 2 – City Council Regular Meeting Minutes for March 6, 2018

Agenda Item 3 – Special Event Permit – Downtown Roaring 20s Gala – Arcadia Main Street

Agenda Item 4 – Special Event Permit – La Guadalupana End of Harvest Season Appreciation

Deputy Mayor Simons made a motion to approve Consent Agenda Items 2, 3 and 4. City Administrator Stewart advised that Marshal Anderson had requested to pull Agenda Item 4. Deputy Mayor Simons restated his motion to approve Consent Agenda Items 2 and 3 and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Marshal Anderson expressed his concern with the location of the event due to the small parking lot and the fact that it was situated at the intersection of DeSoto and Highway 70. He explained that the first year the event was held, the Police Department had to shut them down because the people were overflowing onto the highway, along with open containers of alcohol in the parking lot (they do not have a consumption license which would allow it). He shared similar concerns from last year's event and stated the venue was too small for the event and stated there were places that could be rented to accommodate the event. After very lengthy discussion, Councilmember Keene made a motion to deny the special event permit for the La Guadalupana End of the Season Appreciation and Councilmember Heine seconded the motion. City Administrator Stewart pointed out that they were approximately one (1) month away from the date of the event. Depending on the availability of other venues, he asked Marshal Anderson if he had an alternative location and Marshal Anderson suggested the Tree of Knowledge. Councilmember Keene expressed concern about considering a facility so small to accommodate the expressed number of people as such related to public safety. He stated he was more concerned about a person's public health and safety than the inconvenience of not being able to have the event at the location on the day they wanted to have it. City Administrator Stewart requested, due to insufficient time to process a second special event permit request, Council to grant him the authority to work together with the applicant, and assuming they meet all the concerns that Council has, to give them the approval they are looking for. Councilmember

Keene withdrew his previous motion in its entirety and made a new motion to approve the special event permit for La Guadalupana End of the Season Appreciation function subject to them finding a suitable venue to hold the function and meeting the needs of that location and Councilmember Heine seconded the motion. City Attorney Wohl pointed out that one of the licenses within the packet had already expired and the other would be expired as of the date of the event and he stated they needed to be updated prior to the event and code Enforcement Officer McQuay advised that he would see to it. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS

Agenda Item 5 – Ordinance 1036 – City-Initiated Text Amendment to the Unified Land Development Code – Second and Final Reading

Jeff Schmucker of the Central Florida Regional Planning Council provided a power point overview (a copy of which is on file in the office of the City Clerk) and explained this amendment was based on a prospective developer who would like develop an RV park in the City. He explained that although the RV park use is a permitted use in the City, there were no development standards for such. Mr. Schmucker stated that Article Six (6) would provide the development standards in an existing section, but it would add a new section specifically for RV parks. He further stated that Article Five (5) related to the development table would provide a footnote referencing the new section for the standards. He advised that the new provisions would provide general provisions, RV park development standards, uses and structures, site design standards, maintenance of buildings and grounds and site development plan requirements and he provided a summarized detail for each section. Councilmember Heine made a motion to approve Ordinance 1036 on second reading and Deputy Mayor Simons seconded the motion. At this time, the City Clerk read Ordinance 1036 by title only. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 6 – Roadway and Paving Repairs Unit Pricing (IFB #2016-02)

Finance Director Carsten advised this would exercise the renewal for the paving repair unit pricing bid. She explained that back in April of 2016, the City had gone out to bid for a paving and roadway repair unit pricing contract and went into contract with Ajax Paving. She further explained it was a one (1) year contract with two (2) options to renew and the first renewal was done last year. She asked Council to approve the second and final renewal. Ms. Carsten advised that with this contract, the City had done approximately One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00) worth of paving under it. Deputy Mayor Simons made a motion to exercise the terms of the per price unit agreement between Ajax Paving Industries of Florida, LLC and City of Arcadia for an additional one (1) year term with the same terms, conditions and pricing and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 7 – SE Looping Project Contract (IFB #2018-01)

Finance Director Carsten advised this project was previously brought to Council and the City had received funding from the Southwest Florida Water Management District (SWFWMD) with SWFWMD providing seventy-five percent (75%) of the funding and the City providing twenty-five percent (25%) of the funding. After recommending to Council to allow staff to go into negotiations with Go Underground, Council approved such and she advised a contract was now in place. She asked Council for approval for staff to enter into said contract. Councilmember Heine made a motion to approve contract between City of Arcadia and Go Underground Utilities, LLC for the Southeast Looping Project IFB 2018-01 in the amount of Two Hundred Forty-Two Thousand Eight Hundred Fifty and 00/100 Dollars (\$242,850.00) and Deputy Mayor Simons seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 7a – Approval of Small Communities Outreach Program Grant Application

City Administrator Stewart advised this was exactly the same project staff had presented to Council for approval last year. He explained it had been submitted to the State for consideration of funding and the City did not receive the funding. He advised the total project was approximately One Million Six Hundred Fifty Thousand and 00/100 Dollars (\$1,650,000.00) and in total in the State of Florida (for this program) there is Nine Million and 00/100 Dollars (\$9,000,000.00) worth of funding. Mr. Stewart stated that two (2) years ago, the City was fortunate to receive funding of One Million Two Hundred Thousand and 00/100 Dollars (\$1,200,000.00) for a project and he felt it was approved because Arcadia had never applied for the funding previously and the state may have felt more inclined to deal with a bigger project and there were two (2) project locations within that One Million Two Hundred Thousand and 00/100 Dollars (\$1,200,000.00). He stated he had asked the individual who handles the evaluations and was told that last year's application was a good application, but the problem was the amount of the project. He informed Council staff had bifurcated the project into two (2) phases and are submitting for phase one (1). He explained there was no guarantee the second phase would be approved the following year, but when a project has already been accepted, it increases the probabilities for the follow-up piece of it to be approved. Mr. Stewart reminded Council there was no local match because the City was a ready community and if the funding is received (Seven Hundred Thousand Three Hundred Thirty-Three and 62/100 Dollars (\$700,333.62)), it would cover the design, construction and inspection. Councilmember Heine made a motion to approve submittal of the State of Florida Small Communities Outreach Program (SCOP) Grant application for 12th Avenue Phase One construction in the amount of Seven Hundred Thousand Three Hundred Thirty-Three and 62/100 Dollars (\$700,333.62) and Councilmember Keene seconded the motion. After discussion of how far it would extend on 12th Street, it was unanimously, 5/0, approved.

COMMENTS FROM DEPARTMENTS

Marshal Anderson asked if the City Council had any concerns and there were none. At this time, he provided discs of body cam videos regarding two (2) events: the first on Saturday night and the second on Sunday night, both of which were bigger than what he and the

organizers had anticipated. He went into great detail regarding the issues that arose as a result of the events as follows: concern for the safety of individuals and Arcadia Police Officers, not enough police manpower to handle the event, the venue was not big enough to handle the number of attendees, parked cars and individuals were in the street, and alcohol and drugs (could be smelled, but not seen) were present. He advised that after the event shut down, attendees went to Alabama/Harris Court (The Hot Spot). He explained that once again the roadway was blocked by cars and individuals in the area which is mostly a residential neighborhood. Marshal Anderson explained that his officers attempted to clear the roadway, but were met with opposition and threats of guns. He advised it took an hour and forty (40) minutes to clear the area and every officer he had available, plus four deputies from the Sheriff's Department. He explained that attendees would leave one location and move to another and along the way fights were occurring which involved the police having to break them up. He suggested there had to be something the City could do that would make the proprietors of property and event holders responsible for the patrons that come into their establishments and he asked for Council to instruct the City Attorney to locate an ordinance that would do so.

Marshal Anderson then addressed an issue with the Woman's Club and the Garden Club. He stated they are a 501c3 and they rent out their facilities to the general public, when they are only supposed to be allowed to rent to members. He explained that after discussion between him, Code Enforcement Officer McQuay and City Administrator Stewart, the Woman's Club will be cited for violating the ordinance.

Mayor Wertz-Strickland asked the City Attorney if there was any possibility in locating something to assist the Marshal and the City Attorney stated that there was. He explained that essentially the Council's job was to protect the public's health, safety and welfare and if there are things that are endangering or violating that then ordinances can do that and if actions have to be taken against someone's livelihood or business then so be it. However he stated a strong record would need to support the actions (and he felt the DVDs were an example of such support). After much further discussion which included increasing the amount of required insurance, the placement of thresholds on both the venue and special event ordinances along with penalties for not abiding by such, it was decided that Marshal Anderson, City Attorney Wohl, City Administrator Stewart and Code Enforcement Officer McQuay would get together and come back to Council with recommendations to address these issues. The event holder was in attendance and thanked the Council for allowing the car show to be held on March 17, 2018 at the Louis Anderson Park. He explained that he did not expect the large crowd and worked with law enforcement in trying to get the crowd out as quickly as possible, but he addressed the fact that it boosted the economy of the City of Arcadia.

City Attorney Wohl spoke of the "internet café" and briefly reminded Council of what led up to the establishment being shut down by the Police Department. He advised Council that the owner had filed a civil lawsuit seeking declaratory relief and also seeking replevin (asking for all the equipment back). He did not want to go into all the legal details, but stated it was not something he was terribly concerned about.

Finance Director Carsten provided an update for the financials as of March 9, 2018. She advised that revenues were at thirty-six point five percent (36.5%) and the expenses were thirty-one point seven percent (37.1%). She reviewed the breakdown for any expenses over category 3 (Mr. Stewart's approvals) and she reviewed the expenses related to Hurricane Irma. She advised there was one (1) last project to be finalized and then they would be awaiting the reimbursements. Finance Director Carsten stated the audit and budget was right around the corner and advised the auditors would arrive April 3, 2018.

City Administrator Stewart advised he had a walk-on agenda to be considered. He explained that the Saturday Night Lights event for March had been rained out and they were requesting approval for a new date. Deputy Mayor Simons made a motion to approve City of Arcadia's Saturday Night Lights for the proposed date of April 14th and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Mr. Stewart announced the passing of former City Marshal Kenny Carlton over the weekend. He stated Mr. Carlton's passing was very sad for the community.

He shared that the Human Resource Director spoke with him about addressing Career Source regarding the changes made within the City such as the compensation and classification study, the ways of handling employees relating to ways to improve their performances, evaluations, unemployment compensation issues, etc. He hoped the City was making a decent name for itself in the municipal government community.

City Administrator Stewart shared that he had attended a meeting with County Administrator Hines and representatives from the Department of Economic Opportunity. He explained that aside from the money made available through FEMA to deal with the aftermath of Hurricane Irma, there was another Seven Billion Four Million and 00/100 Dollars (\$7,004,000,000.00) available through CDBG and in addition to that, Congress had just approved another Twenty-Five Billion and 00/100 Dollars (\$25,000,000,000.00) to be distributed amongst the states for CDBG. He explained the funds can be used for infrastructure, roads, water, wastewater and stormwater as long as there is a rational nexus to impacts from the storm. He advised he was in the midst of it to ensure the City of Arcadia receives its fair share.

Regarding the grant related to Lake Katherine, Mr. Stewart explained that the City would not be able to apply this year, but would apply next year due to lack of a Capital Improvement Plan (CIP) in place. He explained such a plan is a five (5) year plan which deals with major expenditures, infrastructure, buildings and equipment. He stated that it must be stated how much something will cost and must be identified as to where the funding will come from. He felt it was a good tool for Council to know what to expect to have to deal with as well as the public to have a better understanding with what the Council will be faced with in those years. City Administrator Stewart advised that staff would also apply for a similar grant for the Clark Brothers Park that Council had approved to be included in next year's budget.

He spoke of FEMA and stated that Two Million Seven Hundred Thousand and 00/100 Dollars (\$2,700,000.00) had been set aside for mitigation work in DeSoto County, but staff had

received word that the amount had been reduced to One Million Fifty-Six Thousand and 00/100 Dollars (\$1,056,000.00).

City Administrator Stewart advised the Council of an EEOC complaint that had been filed by the former Golf Course Director and the City had answered it. He explained that the EEOC declined to support his allegations. He complimented Human Resource Director Lowe for doing an outstanding job of preparing the documentation that was necessary for the success.

Mr. Stewart shared that he sang the National Anthem at the rodeo and also at the Delray Beach St. Patrick's Day Parade which also honored first responders and military veterans.

PUBLIC

The Honorable Danielle Brewer addressed the City Council and expressed her appreciation to the Police Department and Sheriff's Office for their efforts in keeping our citizens safe. She shared that the Court had just had its first Drug Court Graduate and went into brief detail explaining how the program worked. She stated that the graduate is now a valuable person in the community and hopefully will share the message going forward.

She then shared that one percent (1%) of the national populace are veterans yet they populate ten percent (10%) of our jails nationwide. She advised she has been working with the Department of Veterans Affairs on creating a veterans support program to tie into the drug court program. Judge Brewer stated she is hoping to provide the veterans who are in our jails who have served our country a way to get back on track. She also spoke briefly of ways to get veteran benefits to these individuals who feel they may not qualify. She asked the public if they knew of a veteran who needed the assistance and if so, she would love to be able to connect them with the right person so that they can fill out the necessary paperwork and mail it in. Deputy Mayor Simons thanked Judge Brewer for her service and for what she is doing regarding such.

MAYOR AND COUNCIL REPORTS

Councilmember Alexander thanked Marshal Anderson for his honesty and his service. He also wished the Mayor a happy belated birthday.

Councilmember Keene congratulated the community for shining the way it did regarding the new rodeo venue and he expressed his pleasure with being able to participate in the parade.

Mayor Wertz-Strickland stated that Carol Mahler had worked with the Historic Preservation Commission to successfully get the City of Arcadia approved as a Florida Certified Local Government. City Attorney Wohl stated that Ms. Mahler had worked on it for two (2) years since the ordinance passed. Mayor Wertz-Strickland expressed her pleasure with the rodeo as well. She also stated she would be working on the Ridge League Scholarship applications and she also advised she had sent off thirty-six (36) middle school essays ("If I were Elected Mayor") to be reviewed by the league.

ADJOURN

Deputy Mayor Simons made a motion to adjourn and Councilmember Heine 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 8:20 P.M.

ADOPTED THIS 3rd DAY OF April, 2018.

By: Judy Wertz Strickland
Judy Wertz-Strickland, Mayor

ATTEST:

Penny Delaney
Penny Delaney, City Clerk

