

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, APRIL 1, 2014
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.

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & ROLL CALL

The Mayor called the meeting to order at approximately 6:00 p.m. with the following members and staff present:

Arcadia City Council

Mayor Alice Frierson
Councilmember Robert R. Allen
Councilmember Keith Keene

Deputy Mayor Joseph E. Fink
Councilmember Robert W. Heine

Arcadia City Staff

Interim City Administrator Tom Slaughter
City Marshall Matthew A. Anderson
Finance Director Beth Carsten
Code Enforcement Officer Carl McQuay

City Clerk Penny Delaney
City Attorney Thomas J. Wohl

Councilmember Keene gave the invocation, which was followed by the Pledge of Allegiance and roll call.

CONSENT AGENDA

Agenda Item 1 – City Council Minutes for March 18, 2014

Councilmember Heine made a motion to approve the March 18, 2014 City Council Minutes and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

DISCUSSION ITEMS

Agenda Item 2 – Amendment to Proposed Contract between Miss DeSoto Softball and the City of Arcadia

The Interim City Administrator advised that some time ago, the City had entered into an agreement with a number of parties. That agreement has now been changed and has expired. He advised approval was not being sought today, but just some thoughts and ideas. Michael Cross,

Miss DeSoto Softball President, advised Council Miss DeSoto Fast Pitch Softball is the girls' softball which used to be DCYAA. DCYAA no longer exists. It has been split into three areas: football, baseball and softball to allow each sport to work directly for their program. He advised they had put \$18,000.00 in the fields in the last 12-15 months and stated it's hard for them to consider putting \$25,000.00 into the complex and only have a one year contract. The Brewer Complex is all boys' baseball and there's no softball field over there, so they're trying to bring the program back to Arcadia Avenue. He further advised that they had painted it all and taken care of the maintenance on the fields. Basically, the only thing the City has to do is take care of the mowing on the outside. Councilmember Allen asked what the costs would be. Mr. Cross stated that there are a lot of upgrades to be done, but right now they're working on the things that have to be done. He stated the roofs on the buildings are shot, toilets need to be replaced in one, there's no hot water heater in one and just the clay alone in the outfield is going to be very expensive. Councilmember Allen asked about raising funds for the repairs. Mr. Cross stated that they are non-profit and they raise funds through registration fees, concession stands, fundraisers and local business support.

Councilmember Keene asked if a five (5) year contract was something they would like to look at and Mr. Cross stated they would. Councilmember Keene thought the idea was great and that it was another opportunity to collaborate with the community to enhance an asset that the City already has and to help provide an activity that is successful. Mayor Frierson stated that she didn't think five years was asking too much for the amount of money to be invested. After conferring with the City Attorney, Deputy Mayor Fink made a motion to extend the current contract by sixty (60) days and Councilmember Heine seconded the motion. Deputy Mayor Fink stated that he just wanted to make sure their liability is covered so that in the interim between the times this contract is expired and the new one is in place that they are covered by an action of Council. Mr. Cross stated the newest insurance was just renewed within the last month. Mayor Frierson asked that since they were already a month into the expired contract, would sixty (60) days cover it. Deputy Mayor Fink suggested that rather than put date certain, they should state until contractual negotiations are completed between administrative staff and the City Attorney and it's brought back to Council. Mr. Cross asked if the Southern Shockers agreement would be a separate agreement. The City Attorney stated that it should be one agreement and however many different entities involved with the City as owner of the field. Mr. Cross asked if they should set up a new contract and bring it back to Council. The City Attorney agreed and stated to bring it to staff for whatever issues they may have with it. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 3 - Impound Ordinance – Second Reading

Councilmember Heine made a motion to read the Ordinance by title only and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved. The City Clerk read Ordinance No. 997 by title only. The City Marshall stated this was an idea to get more revenue into the police department to help offset some of the budget. He stated that this year their education dollars were cut down to nothing and the department has no money to send people to school for training and certifications. He asked if they generated money with this ordinance, could some of the money be earmarked for education and equipment.

Mayor Frierson asked if they had any projection of revenue. He advised that the vehicles that will be towed to their impound lot will be vehicles involved in a crime. He stated he has no idea what type of revenue this may generate at this point. Deputy Mayor Fink stated that without having an idea of the revenue this could generate, he didn't think they could earmark any money. Mayor Frierson stated that she didn't think they were talking about thousands of dollars. Marshall Anderson stated that it would take many vehicles or a vehicle would have to remain in the lot for many days to even get close to \$1,000.00. Councilmember Keene stated that it sounds like they're talking about two separate subjects. The first being the consideration of the ordinance for towing and the second being the funds. He stated he would like to see the ordinance put in the place first and then have Marshall Anderson come back to Council later regarding the funds. Councilmember Keene made a motion to approve Ordinance No. 997 on second reading and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 4 – Resolution No. 2014-03 – Authorizing a Lease Purchase Agreement with Leasing 2, Inc. Regarding Vacuum Truck

The City Attorney stated that this is a Resolution only approving the lease and authorizing him to enter into it with Leasing 2. He stated he had read the lease and it's fairly standard. The lease date will be today, if approved, but the first payment will not be until October 1, 2014 and it will be on October 1st of each year thereafter for six (6) years with an interest rate of 3.2%. Mayor Frierson instructed the City Clerk to read the Resolution and the City Clerk did so. Councilmember Keene made a motion to approve Resolution 2014-03 and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 5 – Resolution No. 2014-04 - Authorizing a Lease Purchase Agreement with Leasing 2, Inc. Regarding Front Loader Garbage Truck and Rear Loader Garbage Truck

The City Attorney stated that he wanted to point out that this is a payment in arrears. The first payment on this one is not until April 1, 2015. He stated the question he had and the reason it was pulled from the last meeting was because the date was uncertain for when the trucks would be delivered and the lease is commencing today because Leasing 2 has to commit the money at the time of the purchase order which is why the commencement date is today and not the date of delivery. Councilmember Keene asked if they had an idea of what the anticipated delivery date might be. Steve Underwood advised they were anticipating two (2) months on the rear loader and roughly 90-120 days on the front loader. Councilmember Heine asked how many times they broke down this past week and Mr. Underwood replied six (6) times. The City Clerk was instructed to read the Resolution. After the City Clerk did so, Councilmember Keene made a motion to approve Resolution 2014-04 and Deputy Mayor Fink seconded the motion. Mayor Frierson stated that she felt the timing was wrong and would have liked to have had more time with the budget and the audit to be finished to see where they were from last year because they were committing to future budgets. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 6 – Resolution No. 2014-05 – Vacation of an Unimproved Right-of-Way

Mayor Frierson instructed the City Clerk to read the Resolution by title only and the City Clerk did so. The City Attorney stated that there was a Resolution on the January 21, 2014 Agenda and Council approved the Vacation and the formal Resolution approving the Vacation here tonight. The Resolution is required because once the Resolution that is entered, that's the document that gets recorded in public records to show that the property has now been vacated. Councilmember Keene made a motion to approve the Resolution and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 7 – Provide Direction to Staff on City Administrator Recruitment

The City Clerk advised that Council had been provided with the top five (5) candidate resumes, qualifying questions and grid sheets for their review. She advised that individuals who did not make the top five (5) selections have called the administration office and she asked if they could be told that the top five have been chosen. She also asked what direction Council wanted to take regarding interviews. Councilmember Keene suggested that Council needed to come up with questions for the candidates and that the questions be the same for all candidates. He stated that with the exception of one candidate, it appears they will be doing some type of electronic interview. He further stated that Council needed to give the City Clerk direction as to how to set up the interview and when they actually want to do the interviews. He thought that Council may want to come back with a meeting on Monday or Tuesday evening to bring questions in and determine how they want to proceed. Mayor Frierson suggested a meeting on Monday to set it into place. Deputy Mayor Fink was concerned with limiting the same questions to each candidate due to the constraint of it with diverse backgrounds. Councilmember Keene stated that he felt they needed to stick with the same questions, but allow follow up questions. Deputy Mayor Fink also stated that he did not feel Council could afford to fly the candidates in and suggested a technique such as Skype be used for the interview. Mayor Frierson stated that she didn't feel they should rule out an individual paying their own way if they wanted to and all agreed. It was agreed that everyone would meet at 5:00 p.m. on Monday.

Dick Fazzone, from the public, advised that the search committee no longer exists as the top five (5) candidates have been turned over to Council. He pointed out that background checks were not performed on the candidates and their expected salaries were not addressed so those two items would need to be considered during their meeting. Mayor Frierson stated it could be offered on the contingency of the background check and the salary might depend on the person decided on. Councilmember Keene stated that he felt that should be part of the decision making on Monday.

Deputy Mayor Fink stated salaries are negotiable and felt the Mayor should go into negotiation with the City Attorney once someone is selected to ensure our interests are covered. Councilmember Keene stated that they have an idea of salary because a range was listed in the advertisement. Mr. Fazzone said it was an interesting process and the committee learned a lot. Mayor Frierson stated she felt the committee did an excellent job and that she felt it was very

clear that the committee took their time in reviewing the candidates. Deputy Mayor Fink advised that since the committee has expired, he felt that each member should be given a proclamation of the City of Arcadia and Council's thanks for their service. Councilmember Keene stated that he seconded that motion. No discussion followed and it was unanimously, 5/0, approved.

Councilmember Keene wanted clarification from the City Attorney that it was okay to send the questions to the City Clerk for her to hold until the Monday meeting. The City Attorney stated that it was okay to send to the City Clerk, but not to go any further. He also suggested that he attend the meeting to ensure everything complies with the Sunshine Law, etc. He further stated that since one of the candidates is with them at all of the meetings, he wanted to ensure that if the Interim City Administrator receives an advance notice of the questions, that all candidates should receive the same advance notice. The City Attorney stated that a lot of the questions may be the same and suggested the City Clerk filter through those. Deputy Mayor Fink pointed out that there is no statutory requirement stated that all questions have to be the same. The City Clerk asked that the questions be turned into her office by Thursday at noon and she advised she would send them out on Friday to each Councilmember so they could have them for review.

**Agenda Item – Resolution No. 2014-06 – Amending Resolution No. 2014-01
Regarding Supplemental Joint Participation Agreement for Airfield Lighting 433003-1-94-01**

The City Clerk was instructed to read the Resolution by title only and she did so. The Interim City Administrator advised a similar agreement was approved back at the end of January and this is an amendment to that. It is for a fiscal impact of \$90.00. He felt that with a total cost of almost three quarters of a million dollars that \$90.00 could be included, but with working with the state it has to go through the amendment process. He advised it had gone through legal and staff's review and they're looking to amend the contract by \$90.00. Councilmember Keene made a motion to approve the amendment and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

COMMENTS FROM DEPARTMENTS

12. CITY MARSHALL

Marshall Anderson advised that the police department's report had been provided to Council and asked if there were any questions. He gave an update as to the accident involving Mitzie McGavic. Councilmember Keene asked how they can slow people down on that curve. Marshall Anderson advised they patrol and run radar in that area and cannot seem to get anyone for excessive speed. He also advised that Karen Whaley with Department of Transportation has been instrumental in getting a temporary fix for our traffic at the corner of Turner Realty. He stated that hopefully within the next week or two they will have a wire going from pole to pole that will put the traffic lights back up in the air so everyone can see them. Deputy Mayor Fink asked the Marshall if it would be possible to go into the agreement with the County to have a traffic study done of those areas where the turns are to see if they are excessive at 40 m.p.h.

Marshall Anderson stated that it would have to be done through the state because it is a state highway. He asked Ms. Whaley, who was in the public, what was required. She advised they would need a letter from the Marshall.

13. CITY ATTORNEY

NONE

14. INTERIM CITY ADMINISTRATOR

The Interim City Administrator discussed improvements to the public meeting process to include reformatting some of the agenda, providing instruction for council members, but also creating opportunities for council to engage with the public in a more serious discussion. One of the ideas which have been discussed is a speaker card. He stated this is not an attempt to try to dictate what people say or how they speak to council. He stated that certainly there will be a policy that deals with behavior. The information that is really needed is their written name and that is to ensure that the record is correct. If they want to include an address, e-mail or phone number, they can because there are some matters that don't get decided upon and they may wish for Council or staff to follow up. Deputy Mayor Fink pointed out different wording for one of the areas and same was noted. The second idea was the instruction page for council. The Interim City Administrator stated this was not to replace the agenda, but to provide instruction. He asked Council if they wanted a time limit. Councilmember Keene suggested that they stick with the five minute, but didn't feel they should limit themselves to not engage with follow up with the person making the presentation. He stated that he would hope it would encourage the speakers to be prepared and get to the point. He further stated that he felt it would increase decorum of council and increase efficiency and effectiveness in dealing with the concerns of the public. He stated that he was all for it. Councilmember Allen expressed concern regarding the speaker card and how the public would know what the agenda was about and whether they would know if they wanted to speak. The Interim City Administrator stated that copies of the agenda are placed in the council chambers for the public and upon review of same would know if they felt they needed to speak. He advised that staff would prepare an Arcadian version of the speaker card, the speaker policy sheet, as well as the expanded agenda that will have instructions for Council. He further advised these items can be amended or changed when needed.

PUBLIC

Frank Peterson of 912 West Oak Street, Arcadia, Florida, stated that he wanted to address Main Street. He further stated that he participated in the first and fourth Saturday sales downtown. He advised he has been ejected from his spot because it is being boycotted. He stated certain individuals are being rude to visitors and new vendors and turning them away. He went on to say that the City Administrator and the Code Enforcement Officer were very nice to him, but that something needed to be done because there's going to be more vacant areas downtown.

Rose Williams, President of the Arcadia City Park Association, and John Eppheimer, Vice President of the Arcadia City Park Association, addressed council regarding the following issues: 1) letter to Carrie Taylor asking for a meeting to address resident's concerns, 2) RV site occupancy rate, 3) relocation of entrance sign, 4) fire ant problems, 5) outdoor covered patio, 6) enforcement of rules and regulations, 7) effect of Highway 17 on park's entrances and exits, and 8) inquiry as to plan to replace current park manager.

Deputy Mayor Fink advised that about a year ago the City placed gates on the side streets and Mr. Eppheimer advised that it was extremely helpful. Deputy Mayor Fink stated that he just wanted to know whether it was a help or not. Discussion was made regarding the Department of Transportation's plans. Councilmember Keene addressed the lack of response to the Park Association and pointed out that we need to excel at customer service. Mayor Frierson suggested that the Interim City Administrator, Ms. Taylor and park residents have a meeting to come to some solutions. The Interim City Administrator stated that a community meeting could be set up at the park to meet with the residents. He stated there were maintenance issues and also access management issues. He pointed out that the problem with the covered patio was presented to the building official as a carport. He stated that the building official knew it would be used for something else and it was failed by the fire marshal during the building inspection. Mayor Frierson stated that once the meeting is set up between the residents, Ms. Taylor and the Interim City Administration, if they could advise Council of the time, maybe some Council members could attend as well.

Marshall Anderson pointed out that the park is very community oriented. He advised that for eight (8) years in a row, they have donated so much to the victim's advocate program, that not only were there enough donations for the City's victim's advocate program, but also for the Sheriff's Department's program as well. The items donated include stuffed animals, clothing, this year an infant car seat, totaling approximately \$600.00 or \$700.00.

MAYOR AND COUNCIL MATTERS

Councilmember Keene stated that he had heard that Parker Avenue is closing between W. Hickory Street and Highway 70. The Interim City Administrator stated that there was an interest about a year ago regarding a vacation of right of way and there had been much discussion with the State, but that he had not heard anything further. He acknowledged that that road is in very poor shape and stated that the City lacks a street maintenance program that is probably his biggest nightmare at this time. Councilmember Keene stated that Baldwin Avenue is worse, but wanted to confirm as to whether the Parker Avenue issue is a done deal.

Councilmember Keene advised that he serves as Chairman of the Trustees of the Arcadia Elks Lodge and at the end of their year, they had chosen a distinguished citizen to recognize. He further advised that the person chosen is a member of the City of Arcadia family. He asked Council if they were okay with him making the presentation to this particular citizen and Council acknowledged they were in agreement with him proceeding to make the presentation. At that time, he asked Marshall Anderson to come forward to be recognized. Councilmember Keene read the plaque and made the presentation.

When asked if anyone had anything else to address, Deputy Mayor Fink stated that he just wanted to make sure they showed their appreciation to the search committee and Mayor Frierson advised they would do so.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:49 P.M.

ADOPTED THIS 15th DAY OF April, 2014

By:

Alice Frierson
Alice Frierson, Mayor

ATTEST:

Penny Delaney
Penny Delaney, City Clerk