AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, APRIL 5, 2016
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

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

Arcadia City Council

Deputy Mayor Frierson
Councilmember S. Delshay Turner
Councilmember Judy Wertz-Strickland
Councilmember Joseph E. Fink

Mayor Susan Coker not in attendance due to illness.

Arcadia City Staff

City Administrator Terry Stewart
City Clerk Penny Delaney
City Attorney T.J. Wohl
Human Resource Manager Linda Lowe
Finance Director Beth Carsten
Lieutenant Gary Evans

PRESENTATION

Agenda Item 1 – Proclamation – Donate Life Month

Deputy Mayor Frierson presented James Lavery, on behalf of LifeLink Foundation, Inc., with the proclamation regarding Donate Life Month. Mr. Lavery stated he was a recipient of an organ donation. He spoke of the foundation and encouraged individuals to consider the matter of organ donation.

Agenda Item 2 – Personnel Policy Manual

City Administrator Stewart advised the purpose of the presentation was for presentation only and City Council was not being asked to vote on it that evening. He explained the purpose was to get it to Council ahead of time to allow them to get a general understanding of what they will be seeing before them at the next City Council meeting. Mr. Stewart explained that Mrs. Lowe would not be going into exact detail on every item. He stated that the purpose was for City Council to understand what they have before them and between this meeting and the next

meeting, staff would be happy to meet at Council's request to review each and every item to help them understand the recommended changes and why those recommended changes exist. Human Resource Manager Linda Lowe stated this was being brought to Council for informational purposes only to call their attention to recent modifications made to the manual. She explained the modifications had been made by Brian Koji, the City's labor attorney, and stated those changes were made in blue. She further explained the modifications were based on the changes to the labor law, most notably Chapter 16 as it refers to the drug-free workplace and the alcohol policy. She also advised other modifications had been made by her and City Administrator Stewart working together and those were made to remove conflicts within the manual and those modifications were made in red. Mrs. Lowe explained the other changes were made for better operations of the City and to make a part of the personnel policy items that had been in practice within the City, but had never been included in the policy, i.e., the use of City vehicles. She explained the more significant of the modifications that are being looked at are the following: Chapter 5.60 on page 20 as Council sees it today which references on-call and Chapter 12, Article 35, on page 47 which references sick leave accumulation. She restated that staff would be bringing the manual back to Council at the next meeting for action.

City Administrator Stewart stated it was his understanding that the last time Council addressed this issue, they were not properly informed and he did not want Council to be in that position again. He stated he and Mrs. Lowe would be available to answer any questions they may have so that the next time it comes before Council, they will have a full understanding of what is being presented to them.

City Administrator Stewart addressed the modification regarding the accumulation of sick leave which had been significantly restricted. He pointed out that the accumulation of sick leave and the pay out of sick leave were two (2) different things. He stated the crux of the issue was how much would be paid out when an employee leaves. Mr. Stewart advised it is being recommended to Council that employees be able to accumulate unlimited amounts of sick leave and the issue of the payouts will be addressed in a different fashion. He recommended that the sick leave be returned to the employees and asked Council to consider such.

Mrs. Lowe updated Council regarding the compensation and class study. She advised she had been working with Oel Wingo who had worked with the City regarding the goal setting strategy and Mrs. Lowe further advised that Ms. Wingo was donating her time to the City regarding the study. Mrs. Lowe informed Council that staff's goal was to have all the information gathered by June 1, 2016. Deputy Mayor Frierson asked if staff felt Council would be able to deal with this at a regular meeting and after much discussion, City Administrator Stewart stated that he believed Council had had the information for ten (10) days and will have it for another two (2) weeks plus, so he felt there was plenty of time to sit down with Council to review any questions they may have. He further stated that if at the point they get to that meeting and they do not feel comfortable proceeding without a workshop, to please advise staff. Councilmember Wertz-Strickland pointed out benefits of an employee having accumulated sick leave.

CONSENT AGENDA

Agenda Item 3 – City Council Minutes for Meeting on March 15, 2016
Agenda Item 4- Special Event Permit – Decorate a Pole Event
Agenda Item 5 – Special Event Permit – Scarecrows on Oak Street Event
Agenda Item 6 – Special Event Permit – Arcadia Main Street Wine Walk
Agenda Item 7 – Special Event Permit – Arcadia Heritage Festival
Agenda Item 8 - Special Event Permit - Super Jaripeo Bravio Event

Councilmember Wertz-Strickland made a motion to accept the Consent Agenda and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

ACTION ITEMS

Agenda Item 9 – Ordinance No. 1013 – Amending Two (2) Parcels of Land (Parcel Number 25-37-24-0012-0220-0120 and Parcel Number 25-37-24-0012-0220-0125) totaling 0.5 acres located at 102 North Brevard Avenue and 110 North Brevard Avenue from the Zoning of City P-1 (Professional Office) to City B-3 (General Business Commercial District) – First Reading

Councilmember Fink made a motion to have the ordinance read by title only and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 4/0, approved. At this time, the City Clerk read Ordinance No. 1013 by title only.

Ron Borcher of the Central Florida Regional Planning Council was in attendance in the absence of Jeff Schmucker. He advised that the Planning and Zoning Board recommended approval of the amendment. He stated the B-3 fits the area and is in keeping with what is already in that area. Mr. Borcher stated it was consistent with the comprehensive plan and the underlying land use does permit this type of zoning without a land use change. He stated the subject property and surrounding properties have a business future land use and the character in the area is mixed use commercial and public governmental planning uses. He further stated the proposed zoning and uses permitted within the B-3 district are compatible with existing uses and the character of the area. Mr. Borcher advised there were public facilities and services, public water, sanitary sewer and solid waste available to serve the site. He stated transportation was not anticipated to negatively impact the area, but further studies would need to be done upon development. He also stated there would be no impact to the schools. Councilmember Wertz-Strickland made a motion to approve Ordinance 1013 on the first reading and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 10 – Tourist and Development Tax Committee Appointment

City Administrator Stewart explained the Tourist and Development Tax Committee have members from the City of Arcadia that are appointed by the City Council. He stated there have been an appointment and an alternate, Councilmember Fink and Deputy Mayor Frierson,

respectively. Mr. Stewart explained that Councilmember Fink had religiously attended those meetings, but the meeting days have changed and it will now require him to close his business in order to attend the meetings so Councilmember Fink has indicated he will now not be able to carry the responsibility. There was much discussion regarding whether there were two (2) representatives or one (1) representative and one (1) alternate. City Administrator Stewart asked if they would like to table the item for the next meeting until staff could receive clarification. Councilmember Fink made a motion to table the item until the next meeting and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 11 – Approval of GovDeals.com as the City's Internet Surplus Items Auction Site

City Administrator Stewart asked the Council for their approval to enter into a non-exclusive agreement. He stated he had used the service in three (3) of the cities he had worked and in Cape Coral, they had used an on-site auctioneer prior to using Govdeals. He further stated that after they implemented the use of Govdeals, their proceeds from their surplus items sales went up two hundred percent (200%). Mr. Stewart advised that it was similar to E-bay except it was for surplus government items and it had a nationwide reach. Mr. Stewart explained that any surplus items would be listed on the inventory and items that were recommended for disposal would be brought to a Council meeting for Council's approval. He stated each one would identify the item, when it was purchased, etc., and why it was no longer of use to the City. He explained that he was asking Council to approve for the City to enter into a Memorandum of Understanding with Govdeals that would enable the City to utilize their site. He stated it would not tie them only to Govdeals and they could use other methodologies at any time they so chose. Councilmember Wertz-Strickland made a motion to allow the City Administrator to let the City set up with Govdeals.com and Councilmember Fink seconded the motion. After being questioned from various Council members regarding fees and whether it was open to the public, City Administrator Stewart advised there was a fee (based on percentage) when an item is sold, but it could be wrapped into the sale of the item so that the purchaser pays the fee, there is no set up fee, annual fee or minimum amount, and that it was open to everyone. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 12 – Request Approval of Roadway and Paving Repairs Unit Pricing, Bid No. 2016-02

Finance Director Carsten advised that for the 2015-16 budget year, Council made a very wise decision to set aside One Million and 00/100 Dollars ($1,000,000.00) to pave the City's roads. She informed Council that in February the City had issued an invitation to bid which was bid number 2016-02 for the roadway and paving repairs unit pricing bid. She stated it closed on March 28, 2016 and two (2) bids were received. She advised that she had enclosed in the amended agenda the unit pricing bid tabulations and staff had reviewed same to ensure the bids were responsive and responsible. Ms. Carsten stated that staff had determined that the lowest responsive and responsible bidder is AJAX and was recommending that Council award the bid to AJAX. She stated that she had spoken with the representative from AJAX and they have advised

that if the City should go forward with an agreement, they were looking at being able to start by the end of April or the very beginning of May. City Administration Stewart stated that the work the City had identified had been estimated to probably use up the amount of money that was budgeted, but the bid came in at such a good price that it is just a little more than half of what Council had set aside. Mr. Stewart advised Council that staff was only asking, at this point, for Five Hundred Five Thousand Nine Hundred Fifty and 00/100 Dollars ($505,950.00) and because there is additional money within the budgeted fund, staff would come back and ask Council, at a later date, regarding additional work. Councilmember Fink asked for confirmation that One Hundred Thousand and 00/100 Dollars ($100,000.00) had been taken out of the fund and City Administrator Stewart confirmed that Council had moved stated figure out of the fund in order to provide for the pothole repair program. He stated Council had authorized the purchase of a vehicle to tow the trailer mounted hot patch machine and Council authorized the purchase of the machine, plus Council had moved money into accounts to provide for two (2) part-time employees whose full time work will be pothole patching. Councilmember Fink asked for confirmation that they will still have Three Hundred Ninety-Five Thousand and 00/100 Dollars ($395,000.00) and Mr. Stewart confirmed they would roughly have said figure remaining. Councilmember Wertz-Strickland made a motion to approve that AJAX Paving Industries of Florida, LLC for Five Hundred Five Thousand Nine Hundred Fifty and 00/100 Dollars ($505,950.00) and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved. Councilmember Wertz-Strickland stated that she thought the City Administrator, Beth Carsten, Steve Underwood and whoever else was involved had done an excellent job regarding getting this all put together.

Deputy Mayor Frierson pointed out that this does not cover the emergencies. The emergencies are being covered by the money in R/R which is due to the increases that had been made. She felt it was fantastic that there was money in R/R to cover the emergency in addition to doing the road paving. No discussion followed and it was unanimously, 4/0, approved.

Ms. Carsten advised they also needed a motion for staff to enter into the agreement. Councilmember Fink made such motion and Councilmember Wertz Strickland seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

COMMENTS FROM DEPARTMENTS

Lieutenant Gary Evans attended the meeting in the absence of Marshal Anderson and provided City Council with the Police Department Monthly Report. He then stated he was there to address any concerns the Council or the public may have and there were none.

City Attorney Wohl advised he had a couple of meetings with the City Administrator and Utilities Director A.J. Berndt regarding a mandatory sewer connection ordinance. He stated he is working on the ordinance and it will allow the City to take advantage of a Florida Statute that allows the City to apply certain regulations requiring individuals to connect to the sewer when those lines become available. He explained that without the ordinance, there is a one (1) year period in which they have to notify that the City is coming and once the line is there, the City has to provide another one (1) year notice to connect. He advised, with the ordinance, with most

municipalities who utilize this, it is a ninety (90) day notice requiring them to connect provided the sewer line is available. After further discussion that included mandatory water hookup, Mr. Wohl advised that it should come before Council within a couple of months and hopefully before that.

City Administrator Stewart referenced the meeting he, Shelley Peacock and the City Attorney had had with the FBO at the airport and their attorney. He advised he felt the meeting was productive and he gave a shout-out to opposing counsel, John McClure, who, although there was a mix-up with scheduling a prior meeting, had sent a check to cover the City's attorney's fees for attendance at said meeting.

Regarding use of the inmates from the Department of Corrections, Mr. Stewart advised the state has a budget that runs from July 1st through June 30th of each year and they were preparing their budget for the coming year. He advised they are not asking for approval of the agreement at this time, but are asking whether the City has the intent to utilize those services again next year. It was the general consensus for the City Administrator to inform DCI that the City would be utilizing the prisoners again.

He advised that staff had met the deadline regarding the Airport RFQ. He stated that normally such is not brought before the Council, but they had specifically asked staff to do so and it will be brought to Council at the next meeting and they will be asked for approval to place it on the street.

City Administrator Stewart also advised that staff is working on a healthcare RFP which will be brought before Council in the not too distant future.

He then addressed a sinkhole on Whidden between Mills and Hillsborough which is due to a deteriorated stormwater drain. Staff was able to do a temporary repair that will last long enough for staff to get prices in the appropriate manner instead of doing it as an emergency and he advised it will be coming before Council.

Mr. Stewart then advised that he had received a request from the Arcadian asking whether the City Administrator would like to do a similar article as to what the County does with the County Administrator informing the public as to what is happening in the County. He stated that the purpose of it was to inform the public of what is happening within the City and not to be used as a venue for the City Administrator to push or recommend a policy. It was the Council's general consensus to proceed with such. Mr. Stewart advised he would respond to the Arcadian, will inform Council when they propose to have his first column and will provide Council with such before it hits the newspaper.

PUBLIC

Vince Sica, CEO of DeSoto Memorial Hospital addressed City Council and spoke of an incident at the hospital in which the Arcadia Police Department was called for assistance. He also spoke of a former police officer who was also there at the time who intervened and helped

control the situation until the police could arrive. He then extended his appreciation to the officers who were called to the scene and identified the former police officer as being Councilmember S.D. Turner. Mr. Sica thanked the Arcadia Police Department and Councilmember Turner for their response and protection.

MAYOR AND COUNCIL REPORTS

Councilmember Fink advised he had been contacted by the Peace River Shopper regarding the graduation insert. He stated that past practice has been to place an advertisement in both the Arcadian and the Peace River Shopper for graduating seniors at DeSoto High School. He advised the Arcadian's fee is Two Hundred Thirty-Six and 00/100 Dollars ($236.00) and the Peace River Shopper's fee is One Hundred Seventy-Five and 00/100 Dollars ($175.00) for the same type of advertisement that the City ran last year. Councilmember Fink made a motion to run the advertisements and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

Councilmember Fink stated he was very proud of the financial strides that the City had made over the last four (4) years and that roadways are being improved. He stated he was also very proud of the City Administrator that Council had hired. With that said, he stated people are constantly commenting to him regarding code enforcement and he felt the City needed to do something with code enforcement; possibly a workshop. City Administrator Stewart thanked him for his kind words and Mr. Stewart then advised that staff was working with the Property Maintenance Standards Review Committee regarding the International Property Maintenance Code (IPMC). He stated that it would be on the agenda for the first meeting in May unless Councilmember Fink felt otherwise. Mr. Stewart stated that he believed the IPMC will cover all of the issues that have been discussed. He stated there is a process that the State of Florida requires code enforcement to utilize to be able to take people to a code violation hearing and have the hearing officer make an appropriate decision and he pointed out that still has to be followed.

ADJOURN

Councilmember Wertz-Strickland made a motion to adjourn and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 4/0, approved. Having no further business at this time, the meeting was adjourned at approximately 7:15 P.M.

ADOPTED THIS 19th DAY OF April, 2016.

By: Alice Frierson

Alice Frierson, Deputy Mayor

Penny Delaney

Penny Delaney, City Clerk