

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, AUGUST 5, 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 6:02 p.m. with the following members and staff present:

Arcadia City Council

Mayor Alice Frierson
Councilmember Keith Keene
Councilmember Robert W. Heine

Deputy Mayor Joseph E. Fink
Councilmember Robert R. Allen

Arcadia City Staff

City Administrator Tom Slaughter
Deputy City Clerk Dena Duran
Marshal Matthew Anderson

City Attorney Thomas J. Wohl
City Planner Carl McQuay

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

Algie Didlaukies thanked the City Council regarding the request for the Brotherhood Ride. She specifically acknowledged Lieutenant Kevin Joens, Officer McVey, and Carrie Taylor for their assistance during the event.

PRESENTATION

Agenda Item 1 – Florida Power and Light Franchise Agreement

Rae Dowling of Florida Power and Light made a presentation to City Council regarding the renewal of the franchise agreement. She advised the current thirty (30) year franchise agreement will expire in November. She stated the new agreement will also be a thirty (30) year non-exclusive agreement. She advised FPL applies a fixed percentage of 5.9% to the residential, commercial and industrial bills and they collect those revenues and directly pass them through to the City of Arcadia. Over the last anniversary year which expired in November of 2013, the value of this agreement to the City has been \$372,000.00 that the City has received and over the last five (5) years, the City has received over \$2,000,000.00 on this agreement. She advised that the only difference between the previous franchise agreement and this one is that FPL has

changed the calculation; such that the ad valorem taxes are no longer part of the franchise calculation. Those ad valorem taxes are paid to the City separately and it's worth about \$55,000.00 annually to the City. She further advised that in the previous franchise agreement, there was a 10% true up that FPL held until the end of the year mainly from an accounting standpoint. There will no longer be a true up and those dollars will come to the City monthly. She expressed FPL's pleasure for being a part of the City of Arcadia. She thanked staff for their help in bringing this to Council and allowing FPL to move this forward.

CONSENT AGENDA

Agenda Item 2 – City Council Minutes for July 1, 2014

Agenda Item 3 – City Council Minutes for July 15, 2014

Agenda Item 4 – DEO Letter of Acceptance of ElectriCom, LLC, Regarding Bridle Path Project

Agenda Item 5 – Third Amendment to Interlocal Agreement between the City of Arcadia and DeSoto County for Purchase of County Flush Water

Agenda Item 6 – Request for Special Event Permit – Bulldog Tailgate Party

Agenda Item 7 – Request for Special Event Permit – Antique Association of Arcadia, Florida

Agenda Item 8 – Request for Special Event Permit – Brotherhood Ride

Mayor Frierson advised that the request for Agenda Item 7 of the Consent Agenda had been withdrawn. The City Attorney recommended pulling Agenda Item 4 so that it could be voted on separately due to a conflict of interest with one of the council members. Councilmember Keene made a motion to pull Agenda Item 4 and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Mayor Frierson stated that the consent agenda passes. Deputy Mayor Fink made a motion to move Consent Agenda Item 4 as presented and Councilmember Allen seconded the motion. Mayor Frierson advised that she would abstain from voting on this particular item. No discussion followed and it was unanimously, 4/0, approved.

ACTION ITEMS

Agenda Item 9 – RCMA – Resolution 2014-07 – Property Maintenance Standards Review Committee

The City Attorney advised this was the resolution that was revised to reflect in Section Five that the committee will not bring their recommendations back until such time as Council requests them to do so essentially leaving an open ended time period for them to review the Code

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and make their recommendations. Otherwise, there were no changes to the Resolution. Deputy Mayor Fink pointed out that in Section Two, all members of the committee must be registered voters in DeSoto County and he didn't feel that non-residents of the City of Arcadia should be setting the standard for the City of Arcadia as far as what is seen as a code enforcement issue. Councilmember Keene made a motion to approve Resolution 2014-07 and Councilmember Heine seconded the motion. No discussion followed and it was 4/1 approved with Deputy Mayor Fink casting the dissenting vote.

Agenda Item 10 – Baseball Field Contracts

The Public Works Director, Steve Underwood, advised that all entities regarding the baseball field contracts were in attendance. He pointed out that the adult contract was existing and youth contract was extended at the April 1, 2014 Council Meeting. As it stands now, there are two (2) current outstanding bills and he felt that neither entity was aware of the outstanding bills on the utilities and he assumed they would bring their current in order to extend the contract they have now. Lester Hornbake, Treasurer for the DeSoto County Adult Athletic Association, of P.O. Box 292, Arcadia, Florida, stated they have no problem with paying for the lighting that they utilize. He pointed out that there are three (3) meters there and there was a conflict in the billing that they received that had meters from the front field on it. He advised that as soon as it is clarified, they can write a check to the City right away. Michael Cross, President for Miss DeSoto Fast Pitch of 603 E. Oak Street, Arcadia, Florida, advised that at this point they have never received a bill for the power. He stated that under the old contract, he believed the City granted them \$3,000.00 a year for the lighting because it was DeSoto County Youth, but they have no problem with paying for their power. Mayor Frierson asked Mr. Underwood if the City had always paid the \$3,000.00 and Mr. Underwood advised that to the best of his knowledge, the City had always paid it.

Councilmember Keene asked for clarification regarding the issue of the locks that was discussed at the last Council Meeting. Mr. Underwood stated that it is in their contracts that if they maintain the fields inside the field, they have full ownership to turn the lights on and off at their leisure. Councilmember Keene asked if they have requests for use of the field when the two (2) contracted entities are not using it and if there is an issue there. Mr. Underwood advised that sometimes there is an issue. Councilmember Keene stated that he would hope that if there was a situation like that, if it was a significant event that it could be worked out to accommodate the request. Mr. Hornbake stated that the problem is not with the tournaments, but with vandalism. Mr. Cross stated that a schedule is sent in that states when they are using the fields and when they are not and it's not an issue for them either.

It was decided that a type of universal agreement was needed among all parties regarding equipment, fields, etc. Deputy Mayor Fink suggested Mr. Underwood and Mr. Wohl meet with the representatives of the entities to get an undated contract to be brought back to Council which would kick in at the same time in an effort to make it easier for the City's bookkeeping methods. It was agreed upon among the parties. It was further agreed that there would be two separate contracts.

Agenda Item 11 – Airport Mowing

George Chase of Friends of Arcadia Airport stated that on June 3, 2014, Council gave their approval to seek funding for the pilot shelter and tent camping area on the airport and to work with staff to carry out the project. The Airport Advisory Committee approved unanimously to support the plan at their last meeting. He advised that they should hear the results of their grant application by September 2014. He stated that they would like to get the area cleaned up so that they can utilize it for the Vietnam Traveling Wall Event which was approved by Council on May 6, 2014 and which is set for December 5-7, 2014. He further stated that they were seeking Council's approval to remove the old field fence, mow and clean up the area so that they can get on to the property and come up with a proper site plan as per Council's request. The issue of volunteers arose and Lou Ambler stated they are covered under Statute 440 which is the workman's compensation statute as a volunteer. Mr. Ambler stated the liability will not extend to the employment workman's compensation issues and that is the problem with the volunteers. Councilmember Keene asked Mr. Chase to get with Mr. Ambler and get back with Council so they could move forward with it. Mr. Chase stated that he would and asked if it would be possible to get permission to start the work as soon as an insurance policy was in place. Councilmember Keene made a motion to approve and Councilmember Heine seconded the motion. The City Attorney stated that he would want to know how much Mr. Ambler felt should be in place for the policy. Mr. Ambler felt it would probably be \$1,000,000.00. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 12 – Adopt-A-Park Agreement

Emily Suter of the Florida Department of Health addressed Council and introduced Penny Kurtz as the Assistant Administrator for the Florida Department of Health. Ms. Suter gave a presentation of how the City and the Department of Health can work together to improve the health of the community. Ms. Kurtz addressed Council regarding the adopt-a-park program. Councilmember Keene made a motion to approve the adopt-a-park agreement as presented by the local health department and Councilmember Heine seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 13 – Health Insurance

The Finance Director, Beth Carsten, and Tom Guidry of DeSoto Insurance addressed Council regarding health insurance. She stated that the City pays 95% of the health insurance and the employee pays 5%. She stated that originally the plan was to have set up a base plan which would have most likely been an HMO61 that had a little bit higher deductible and the City was planning on paying that at 100%. If the employee opted in and wanted to get a little less of a deductible or a PPO, they would pay the difference. Somehow that did not take place last year and that 95% / 5% went across the board. She felt the plan needed to be reviewed. She stated that will be in increase over last year if things are left they way they are of \$65,000.00. She further stated that the increase will really hurt some of the City's departments. Different options were presented by Mr. Guidry. He stated that when they first came to Blue Cross this year, they wanted a 37% rate increase and they were asked how they could get that rate down. He advised

they came back with the new numbers and the new numbers can be tweaked to get it down some more. He then reviewed each option. Councilmember Keene stated that he would be interested to hear Mr. Guidry's recommendation. Mr. Guidry stated his recommendation would be to go with option two (2) which would be to replace the HMO, to tweak it by raising it up from a \$1,250.00 to a \$1,500.00 deductible. He stated it was not moving it up that drastic and to make it the base plan. The employee would pay nothing for that plan and if they wanted to buy up to the other two (2) plans, then they could. Deputy Mayor Fink asked how option two (2) would affect the budget. Ms. Carsten stated that it would lower the numbers down about \$20,000.00 from where we are now. She further stated that HMO 47 would be a blanket plan that would go to everyone in the City and it would be simpler and fairer. Discussion was made regarding two (2) employees who were old enough to go onto Medicare and if that would be done, it would be better insurance for them and a savings to the City. Mr. Guidry stated that he would speak with the two (2) employees immediately. Deputy Mayor Fink asked if they would have a special one item meeting again to come back with a decision because he wanted an opportunity to review the information provided. Councilmember Keene agreed as long as it could be advertised and they could move directly into the next meeting. Deputy Mayor Fink made the motion to have the special one item meeting and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Ms. Carsten asked if they would need to see any breakdown. Deputy Mayor Fink stated that if she could provide how it will affect the overall budget for each option.

COMMENTS FROM DEPARTMENTS

14. CITY MARSHAL

Marshal Matt Anderson advised the police report was provided in each packet and asked if there were any questions from Council or the general public. He stated juvenile crimes had picked up such as vandalism and/or criminal mischief and that it happens every year around this time.

15. CITY ATTORNEY

The City Attorney, T.J. Wohl, stated that over a year ago former Finance Director Jorge Santana filed a whistleblower complaint against the City. He advised he had received a call from the attorney who is handling the defense of that on behalf of the City and he indicated that they have had settlement negotiations and asked if the City had any objection to them settling the case. Mr. Wohl stated it certainly would be well below the policy limits it sounded like. He felt that with most insurance policies of that nature, the insurance company has a right to settle it without the City's opinion on whether they should or not. It is their money that's paying for the attorney and it's their money that's coming out of their pocket to pay the Plaintiff. He wanted to make sure everyone was okay with them doing that or if they wanted the case to continue until they offered the Plaintiff zero or as in some cases, until the Plaintiff goes away. He stated his recommendation is to let them do as they want since it is their money. Deputy Mayor Fink stated that it's not their money. It will eventually be the City's money because no matter what the settlement is, insurance companies make their money up when there is a settlement in that

regard. The City Attorney pointed out the consequences of doing that will have it go to trial and a jury of his peers will present a fairly large settlement that exceeds the policy limit and now the City is paying with its own money. Deputy Mayor Fink agreed that was an option and Mr. Santana's suit is not a singular suit. Mayor Frierson stated that she felt they needed to trust the insurance company and the attorney to some degree to do what they feel is right too. Mr. Wohl stated they could let them settle and have their settlement contingent on Council's approval. There was a common consensus to do so.

16. CITY ADMINISTRATOR

The City Administrator reminded Council of the special workshop on the 12th with the special meeting at 5:00 p.m. He advised the second workshop will immediately follow. He stated he, Marshal Anderson and Carl McQuay had hosted a couple of downtown workshops with the various representatives of downtown, the Antique Association, Team Arcadia, and Farmer's Market to get input on the special event permitting process. He stated it was his hope to present to Council at the next meeting some thoughts and ideas on the application process, the fee structure, the site planning process, and liability insurance.

He then advised of the three (3) waterline breaks in about a three (3) day period. Issues arose regarding the emergency on call phone tree due to the next person in line was working on a previous break. To address this issue, staff meetings were scheduled with Marshal Anderson and various representatives to discuss how to develop a calling tree during a multiple event. He advised he was proud of the efforts of the City employees during this time and asked for A.J. Berndt, the Utility Director, to brief Council on what had occurred. Mr. Berndt briefed Council on the multiple waterline breaks. He advised that he has documentation regarding the breaks, the attempts to contact the contractor, parts, City labor, etc. Councilmember Heine stated that he felt they needed to do whatever it took to get reimbursed. Mayor Frierson asked the City Attorney if they just wait and see what happens now. The City Attorney stated that once they get all the numbers back and they're steadfast they're not paying anything; we can fire off a letter and let them know what they're into it for. Councilmember Keene felt that this issue needed to be sent to Representative Albritton's office and expressed his disappointment of DOT's response to Mr. Berndt. The City Administrator advised that he could call Karen Whaley the following morning. Deputy Mayor Fink questioned the City Administrator if he would have all the numbers for hours of overtime incurred and the actual dollar cost. The City Administrator advised that he would provide documentation. Mr. Berndt expressed his appreciation to Lee Snyder, his crew, volunteers from Steve Underwood's department and the prisoners that Marshal Anderson was able to provide. Mayor Frierson stated that she felt everyone who participated should receive a letter of commendation.

PUBLIC

Rob Herron of 521 East Pine Street, Arcadia, Florida, addressed Council regarding a proposal regarding vandalism in the community. The hope and vision is to develop, through the power of social media, a dedicated group of community minded volunteers to take action on projects such as cleaning of or covering up graffiti, use of light carpentry repairs, painting,

landscaping projects, repairing broken playground equipment or whatever else is needed to improve and maintain our public spaces. He requested Council approval to sit down with City staff to help determine how best to identify and prioritize the needs of our public areas, to identify possible City owned sites for storage of donated supplies and materials, assist in determining best practices for selected projects, to ensure that efforts fall within established governmental guidelines, material and quality of work, and possibly assist in advice in setting up methods accurately accounting for, tracking, and making proper use of any financial donations the group may receive and advice on necessary insurance to accomplish this mission. Councilmember Keene stated that he would like to direct the City Administrator to have conversation with Mr. Herron regarding the proposal. He went further to state that consideration should be given to other organizations that have similar goals and combining resources would be worthwhile discussion as well. Deputy Mayor Fink brought up the issue of proof of insurance. Councilmember Keene made a motion to direct the City Administrator to meet with Mr. Herron to discuss this issue and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Penny Kurtz of the Florida Department of Health in DeSoto stated that they will be doing their joint back to school fair this Saturday at the DeSoto High School from 9:00 – 12:00. She advised that the recipients that attend are between 600 and 800 people from our community that come with the support of vendors that give free school supplies to our youth. She expressed the health department's appreciation of the community's support.

MAYOR AND COUNCIL MATTERS

None

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:48 P.M.

ADOPTED THIS 19th DAY OF August, 2014.

By:



 Alice Frierson, Mayor

ATTEST:



 Dena Duran, Deputy City Clerk