



AMENDED AGENDA
ARCADIA CITY COUNCIL
CITY COUNCIL CHAMBERS
23 NORTH POLK AVENUE, ARCADIA FL

TUESDAY, SEPTEMBER 2, 2014
6:00 PM

CALL TO ORDER, INVOCATION, PLEDGE AND ROLL CALL

CONSENT AGENDA

1. City Council Minutes for July 22, 2014 Budget Workshop (Penny Delaney – City Clerk)
2. City Council Minutes for July 29, 2014 One Item Agenda Meeting (Penny Delaney – City Clerk)
3. City Council Minutes for July 29, 2014 Budget Workshop (Penny Delaney – City Clerk)
4. City Council Minutes for August 12, 2014 One Item Agenda Meeting (Penny Delaney – City Clerk)
5. City Council Minutes for August 12, 2014 Budget Workshop (Penny Delaney – City Clerk)
6. City Council Minutes for August 19, 2014 (Penny Delaney – City Clerk)

ACTION ITEMS

7. Ordinance 1000 - Florida Power and Light Franchise Agreement – Second Reading (T.J. Wohl – City Attorney)
8. Ordinance 981 – Providing Administrative Code for Rules of Conduct for the Arcadia City Council – Never Adopted (Councilmember Heine)

COMMENTS FROM DEPARTMENTS

9. City Marshall
10. City Attorney
11. City Administrator

PUBLIC (Please limit presentation to five minutes)

MAYOR AND COUNCIL REPORTS

ADJOURN

NOTE: Any party desiring a verbatim record of the proceedings of this hearing for the purpose of appeal is advised to make private arrangements therefore.

PLEASE TURN OFF OR SILENCE ALL CELL PHONES

AGENDA No. 1



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: September 2, 2014

DEPARTMENT: Administration
SUBJECT: Minutes from July 22, 2014 Budget Workshop

RECOMMENDED MOTION: Council Approval

SUMMARY:

FISCAL IMPACT: _____ () Capital Budget
() Operating
() Other

ATTACHMENTS: () Ordinance () Resolution () Budget (x) Other

Department Head: _____ Date: _____

Finance Director (As to Budget Requirements) _____ Date: _____

City Attorney (As to Form and Legality) _____ Date: _____

City Administrator: Tom Slaughter _____ Date: _____

COUNCIL ACTION: () Approved as Recommended () Disapproved
() Tabled Indefinitely () Tabled to Date Certain _____ () Approved with Modifications

**AGENDA MINUTES
BUDGET WORKSHOP
CITY OF ARCADIA
TUESDAY, JULY 22, 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 5:00 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
City Clerk Penny Delaney
Finance Director Beth Carsten

The Pledge of Allegiance was recited followed by roll call.

Agenda Item 1 – Discussion and Setting of 2015 Millage Rate

The Finance Director, Beth Carsten, stated this was the first meeting and she hoped she had provided enough data to Council to determine the proposed millage rate. She advised she used the State of Florida, Department of Revenue's forms to determine the millage and proposed ad valorem rates. She stated that their determination showed that if the City chose to do roll back, because the values have gone down, it would allow the City to make the same revenue that was generated last year. She presented three (3) scenarios for Council to consider. She advised that if Council chose any of the percentages, the City would not have to do the full blown ad because they would not be showing an increase, so they would just have to do the shorter part of the ad showing the millage rate and the budget since this would not be an increase; anything higher, they would have to. Councilmember Keene wanted to ensure that everyone understood that there had been a decrease in value in property which was causing Council to consider adjusting the millage, but it was also important to know what was set tonight would be an interim millage and it could be adjusted later. He stated he was agreeable for purposes of setting a millage rate at the rollback rate. Ms. Carsten asked if they would want to state what their highest would be. Councilmember Keene stated that he would not want it to be any higher than the rollback rate. Mayor Frierson stated that in order to set the trim, she would go with the rollback

rate so they can reduce it if they want to. Deputy Mayor Fink was in agreement, however, he felt that they may not want to go with the trim with the rollback rate, but with the actual because if Council is of the mindset to not increase taxes then why not just set it at that and set it as the lowest. Ms. Carsten asked if he meant as last year's to which he agreed. Councilmember Keene pointed out theoretically it's not an increase in taxes and he stated that they stayed with the rate that it was the year before. He asked when the actual rate had to be established. Ms. Carsten stated it's around October 3rd. Mayor Frierson asked how many meetings they are required to have. Ms. Carsten advised they are required to have two (2) meetings. Once the millage rate is decided, they have to certify back to the property appraiser and the first hearing has to be set at that point and it will go out with the trim notices. The two (2) hearings have to take place by the end of October. Deputy Mayor Fink stated that no action could be taken that night because it was a workshop, but he stated that he didn't feel raising taxes at all was reasonable. Ms. Carsten stated this had to be certified back to the property appraiser by the third of August and asked if a meeting should be called before then. Deputy Mayor Fink suggested that since they were meeting the following Tuesday, they should have a special one (1) item meeting as a special meeting. Ms. Carsten confirmed that on the 29th at 5:00 p.m, they would have a one (1) item special meeting to vote on the tentative millage rate. It was decided they would move right into the budget workshop afterward.

Agenda Item 2 – Overview of 2014 Revenue and Expense Projections

Ms. Carsten reviewed the revenue and expense projections with City Council. Mayor Frierson asked if she had had any discussion with the County regarding the nine cent gas tax. Ms. Carsten advised that she had spoken with the County and they stated that it was just a matter of the City sending them the paperwork to request it. Mayor Frierson asked what the percentage of that would be and Ms. Carsten stated it would be 25% and it would be around \$25,000.00 - \$30,000.00 based on last year's numbers. Deputy Mayor Fink suggested that before they go into negotiations with the County, maybe they should have the City Attorney see if they are constrained from negotiating a better deal than what is anticipated from the County because other counties do not have the County divide that. Other counties go into negotiations depending on not only the population level, but where those facilities that sell gasoline are located. He felt it might be prudent to ask the City Attorney to actually look into the law before they go into negotiations with the County over this since there might be a bigger chunk than just the \$25,000.00. Ms. Carsten stated that she would speak to the City Attorney about it.

Regarding the technical assistance planning grant, Mayor Frierson pointed out that the City had \$25,000.00 budgeted and the proposed was \$15,000.00. She asked if the City would get \$25,000.00 next year. The City Administrator stated that this year, the State notified the City that the City is eligible for a technical assistance grant which is up to \$25,000.00 or a competitive Florida grant which is generally between \$25,000.00 and \$40,000.00. Because it comes from the same pot of money, the City can actually get approved for both, but they will only award one. He stated that obviously they will go for the higher value grant. Mayor Frierson questioned as to whether we were pretty much guaranteed the \$25,000.00 and the City Administrator stated that we were.

Discussion was made regarding the golf course and pro shop. Mike Kotzker, the Golf Course Director, advised that they had increased the rates and a lot of work was being done on the course. He further advised that they had lost a lot of membership in January. Mayor Frierson asked how much was increased and Mr. Kotzker advised it was 30%. He stated the condition of the course was better and they are still the cheapest in the area. He advised they were saving on the leases with the equipment and golf carts. He further advised that they would be eliminating one (1) position in the back and using a temporary service for five (5) months.

Regarding expenses, Ms. Carsten stated that initially they were looking at approximately a 34% hike increase in health insurance, but they have been able to get it down to approximately 14% and hopefully it will continue to drop. More discussion was made and it was determined that they would determine what the hard costs will be and then have another discussion regarding it.

Discussion was made regarding administration, various departments, salaries, schools and conferences. Mayor Frierson expressed she has a hard time justifying spending money for a conference with a budget such as this. Councilmember Keene stated that he would also, unless he was going to qualify what they were attending for. He also stated that he has mixed emotions about paying someone to maintain a certification that they already have. He felt that should be some of their responsibility. He stated they want their staff to have an awareness of and be educated of what the most recent trends are. He felt training through the Florida League of Cities is justified. Deputy Mayor Fink stated that cities need to have trained individuals on their staff, not just competent ones, using the City's Clerk's position as an example. He suggested three (3) workshops be held to cover the budget material presented. Discussion was made and it was agreed to schedule workshops on August 12, 2014 at 5:00 p.m. and August 26, 2014 at 5:00 p.m. Ms. Carsten announced a special meeting would be held on July 29, 2014 at 6:00 p.m. and continue with a budget workshop. She then stated that there would be a meeting on August 12, 2014 at 5:00 p.m. Councilmember Keene confirmed there would be a regular meeting on August 5, 2014. Ms. Carsten stated that there would also be a meeting on August 26, 2014, at 5:00 p.m.

Deputy Mayor Fink asked if there was going to be any additional expenses regarding finance and the computer system. Ms. Carsten stated that they had got to a certain point and she didn't feel they should do anything else for this year. She stated there are some hardware issues with the server regarding the e-mail exchange and it's approximately going to cost \$8,000.00.

Ms. Carsten stated she had lowered legal counsel due to a jump from last year and the fact that a small amount had been spent up to date. Deputy Mayor Fink asked if legal services deals with, or if it is through the insurance itself, when there's a suit against the City. Ms. Carsten advised the amount covers many issues, i.e., labor, etc., areas that the City Attorney does not cover. Deputy Mayor Fink stated that even if a suit is settled out even through an insurance company, he'd like to know about it because that could be the reason the rates are going up also.

Regarding Code Enforcement, City Council was advised of the professional fees increase for the Special Master and also the part-time water department meter reader who will be also

working with Code Enforcement with his funding being split between the water department and code enforcement.

The City Administrator stated that Mr. Boone with the cemetery is planning on retiring and if Mr. Underwood hires a replacement for him at that time, it will be at a significantly lower salary. Discussion was made regarding a possible GPS system for plot information.

Regarding the Way Building, the subject of re-carpeting the building was discussed. Doing away with the cleaning contract was also discussed and replacing the cleaning crew with a staff employee to provide a better service level. Steve Underwood advised Council of the generator that was hooked up to the building in the event of a catastrophic event. He felt monies should be allotted for it under contractual services. Deputy Mayor Fink asked how much he thought needed to be allotted. Mr. Underwood stated that he wanted to be safe and suggest \$2,000.00, but he didn't think it would be anywhere near that amount. Deputy Mayor Fink asked for more information to be presented at the next meeting.

Mayor Frierson asked what happened to the \$400,000.00 that was allotted for street projects in the 2013-2014 budget. Someone from the public stated it was under surtax. Ms. Carsten stated she didn't know, but would find out.

Ms. Carsten asked Mr. Underwood to address City Council regarding an issue with Parks. Mr. Underwood advised Council of the ball field usages by various entities as such pertains to electric bills. He stated the electric bills are not being paid by these entities. After much discussion, Council directed Mr. Underwood to have the representatives from the various entities to appear before them at the next Council meeting.

The idea of getting the inmates back was discussed with spreading the charges out among the various departments. Ms. Carsten asked if they wanted to proceed with the idea. Deputy Mayor Fink pointed out that last year they were "held hostage" over the issue of vacation times of State employees during the crucial time of the year and the inmates not being made available during that crucial time. He also pointed out issues regarding the lack of close supervision with the Trustees.

Mayor Frierson asked if there was any word on the audit. Ms. Carsten advised that there was not. Mayor Frierson stated the reason she was so interested was because in the 2012 audit that they received, there was \$972,000.00 in the fuel tax reserve fund and \$979,000.00 in the capital improvement reserve fund and she can't find it in the budget that they're finishing up. She stated she hopes the auditor can tell them what happened to those funds.

Ms. Carsten announced the next special meeting will be July 29, 2014 at 5:00 p.m. and then continue on with the workshop.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:25 P.M.

City Council Budget Workshop Minutes

July 22, 2014

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ADOPTED THIS ___ DAY OF _____, 2014.

By:

Alice Frierson, Mayor

ATTEST:

Penny Delaney City Clerk

AGENDA No. 2



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: September 2, 2014

DEPARTMENT: Administration

SUBJECT: Minutes from July 29, 2014 One Item Agenda Meeting

RECOMMENDED MOTION: Council Approval

SUMMARY:

FISCAL IMPACT: _____ () Capital Budget
() Operating
() Other

ATTACHMENTS: () Ordinance () Resolution () Budget (x) Other

Department Head: _____ Date: _____

Finance Director (As to Budget Requirements) _____ Date: _____

City Attorney (As to Form and Legality) _____ Date: _____

City Administrator: Tom Slaughter _____ Date: _____

COUNCIL ACTION: () Approved as Recommended () Disapproved
() Tabled Indefinitely () Tabled to Date Certain _____ () Approved with Modifications

**AGENDA MINUTES
ONE ITEM AGENDA MEETING
CITY OF ARCADIA
TUESDAY, JULY 29, 2014
5:00 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 5:00 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
City Clerk Penny Delaney

Finance Director Beth Carsten
City Attorney T.J. Wohl

Agenda Item 1 – Vote on Tentative Millage Rate

The Finance Director, Beth Carsten, addressed the millage rate, the options that were previously presented and what option was chosen which was the rollback rate. She advised that it would generate \$1,463,069.01. She pointed out that the bottom line is still below what the bottom line was in the 2014 adopted budget. After reviewing the other options, she stated that last week Council had chosen the rollback rate with the option of possibly coming in later and picking the lower, this year's, rate. Ms. Carsten advised that they needed to certify by August 4, 2014, with the property appraiser what the tentative millage rate will be and also the date, time and meeting place of the tentative budget hearing. Councilmember Keene stated that he was still of the mindset that they should go with the rollback rate which gives them the opportunity as they work through the budget whether they want to stay at that rate or not. He hated to set it low and not have the option of bringing it down. Councilmember Keene made a motion to adopt the rollback millage rate and Councilmember Heine seconded the motion. Deputy Mayor Fink stated that it was the third year in a row that they raised the millage and he further stated that he was not going to vote for it. He believed it was the principal of it and felt they needed to deal specifically with trying to do with what they have rather than putting any additional burden on the people. He said he understood that the collectable monies will remain basically the same, but that it was about fairness and equity and he didn't believe he could vote for an increase in any way.

Mayor Frierson shared that an argument she heard was that it does not encourage the City growth in any way. She stated it didn't encourage commercial growth of any type, but she didn't know if they had any choice unless they were going to take the budget down to bare bones. She then opened it up to the public for comment. William Bailey of 422 East Magnolia Street, Arcadia, Florida, stated that he would have to agree with Deputy Mayor Fink. He didn't think it would be right to raise the rates again. He said two years in a row is one thing; three years is setting a precedent. He felt there would have to be other ways to balance the budget other than putting the burden on the citizens again.

Councilmember Heine pointed out that the property values had gone down and he stated that he didn't think anyone on the Council wanted to, but felt they had to in order to exist. Councilmember Keene stated that there are alternatives and services should be paid for as an alternative to taxes. Council has been looking at ways to reduce those things through some of the programs that they have been considering to encourage development. He advised that studies have been done and the City is some of the lowest around regarding water and sewer rates. Mayor Frierson asked for a vote and it was 4/1 approved with Deputy Mayor Fink casting the dissenting vote.

Ms. Carsten advised that dates needed to be discussed because that was one of the issues that needed to be certified. She stated the tentative meeting did not have to be advertised because it was advertised on the trim notice that you receive in the mail from the Property Appraiser. She said since they were still working through the budget, she didn't feel comfortable with the meeting at the beginning of the month. She felt better setting the tentative budget for September 16, 2014 which would allow them to advertise and hold the final budget meeting on September 30, 2014. This would also allow them until October 3, 2014 to have the final budget meeting. Councilmember Heine made a motion to approve the aforementioned meetings and dates and Deputy Mayor Fink seconded the motion. Deputy Mayor Fink questioned the time and Ms. Carsten stated the tentative meeting will be part of Council's regularly scheduled meeting and she advised that was acceptable. Deputy Mayor Fink stated that he was talking about the September 30, 2014 meeting. Ms. Carsten advised it would be 6:00 p.m. They City Attorney asked if the paper runs on that Thursday, the 25th, and Ms. Carsten stated as far as she knew and she advised she had checked and it falls within the required five (5) days. No discussion followed and it was unanimously, 5/0, approved.

ADJOURN

Deputy Mayor Fink made a motion to adjourn and Councilmember Allen 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 5:30 P.M.

ADOPTED THIS ___ DAY OF _____, 2014.

By:

Alice Frierson, Mayor

ATTEST:

Penny Delaney, City Clerk

AGENDA No. 3



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: September 2, 2014

DEPARTMENT: Administration

SUBJECT: Minutes from July 29, 2014 Budget Workshop

RECOMMENDED MOTION: Council Approval

SUMMARY:

FISCAL IMPACT: _____ () Capital Budget
() Operating
() Other

ATTACHMENTS: () Ordinance () Resolution () Budget (x) Other

Department Head: _____ Date: _____

Finance Director (As to Budget Requirements) _____ Date: _____

City Attorney (As to Form and Legality) _____ Date: _____

City Administrator: Tom Slaughter _____ Date: _____

COUNCIL ACTION: () Approved as Recommended () Disapproved
() Tabled Indefinitely () Tabled to Date Certain _____ () Approved with Modifications

**AGENDA MINUTES
BUDGET WORKSHOP
CITY OF ARCADIA
TUESDAY, JULY 29, 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 Keith Keene
Councilmember Robert W. Heine

Deputy Mayor Joseph E. Fink
Councilmember Robert R. Allen

Arcadia City Staff

City Administrator Tom Slaughter
City Clerk Penny Delaney

Finance Director Beth Carsten

Mayor Frierson stated that this would involve the water/sewer fund and turned it over to the Finance Director, Beth Carsten.

Agenda Item 1 – Water/Sewer Fund – General Fund

The Finance Director, Beth Carsten, stated they were prepared to talk about the water/sewer fund and also the general fund. She advised she had not made any changes since the last time Council discussed the issue because she was still waiting on hard numbers regarding the health insurance. She asked if it needed to be brought to Council in an actual Council meeting if they were going to make a decision about making a change or did it need to be in a workshop setting and then taken to Council. After much discussion, it was agreed to put it on the agenda for discussion at the next meeting. Ms. Carsten asked if there were any questions regarding general fund or did they want to go right into water/sewer.

Deputy Mayor Fink stated he was very troubled by the \$3,000.00 that they are anticipating making a profit which includes raising golf memberships by 30% which means they might lose some golf memberships. He felt they should look at the possibility of either outsourcing it or possibly selling it. He didn't see how they could afford it and he didn't think they would make what the anticipated revenue is going to be. Councilmember Keene stated he didn't disagree totally, but looked at it from a different perspective. He felt a conversation with doing something different with the golf course is something that they need to do as they should

do with all assets that they own. He felt that for purposes of the budget, he stated they still own the golf course and would like to move forward with a positive attitude. He stated that the golf course had been outsourced in the past, but if they need to make adjustments as the year goes on, then they should make them. Deputy Mayor Fink stated that he would like to look at all the options. Mayor Frierson stated that she knew the revenues came from the state and they didn't meet them this year and didn't see how they would be able to make them next year with an increase. Ms. Carsten advised she and Mr. Kotzker have had several conversations and he's worked on several things with the expenditures to bring those things down. Changes haven't been made in the book yet, but he is very aware of those issues. Mayor Frierson asked if there were any other questions regarding the general budget and there was not.

Ms. Carsten moved on to the water/sewer. Regarding the revenues, she stated increases were discussed and those numbers are included for Council's review. She advised the water/sewer revenue funds are estimated at 3% increase which is what was done last year. Deputy Mayor Fink advised those are automatic increases that come over from the original vote when they raised the water and sewer rate. Ms. Carsten stated that most of the late fees collected this year were in the first quarter and they went dramatically down since March and April. She also stated that revenues are coming up consistently. Mayor Frierson asked what was being done to avoid another situation like Stonegate. Ms. Carsten advised that individual meters had been installed.

The City Administrator advised that the City Mobile Home Park Manager had identified a possible opportunity to at least more accurately reflect the costs by the meter. A.J. Berndt advised that none of the mobile homes are metered so they have no idea how much water is being used in that area so it was suggested a master meter be put going into the mobile home park to get a monthly account of how many gallons are used. Ms. Carsten advised that right now it's just a flat rate. Councilmember Keene stated that we didn't know if the \$80,000.00 which was alleged is accurate or not and he felt this needed to be addressed at the mobile home park. Steve Underwood stated that he felt that the park residents should be charged a minimum fee and as it is now, they're not being charged as it is a flat rate basis. Deputy Mayor Fink pointed out that without knowing what people are using, there could be a serious leak out there or any of a number of things and he stated this all affects sewage disposal as well. Councilmember Keene asked Fred Lewis if the water loops around or if it dead ends and Mr. Lewis stated that it loops around and ties back into itself. Mr. Lewis stated that as far as the meter that is in the plans for Highway 17, he already has the meter and it's ready to go. He advised when they re-loop the waterline, it will be installed. Councilmember Keene asked if there was a timeframe on it and Mr. Lewis stated he's been told before the end of the year they will be starting. Ms. Carsten asked if there were any questions regarding the revenues at this point and there were not any.

Ms. Carsten moved on to the Water Treatment Plant and introduced A.J. Berndt to answer any questions. Councilmember Keene asked Mr. Berndt to walk them through the changes in salary since it is projected to be less than what it was this year. Mr. Berndt advised that Larry Bullion retired and they are a little short-handed, but there are plans to become more automated. He stated that DEP has recommended that they don't have to man the plant seven (7) days a week. Councilmember Keene asked him to help him understand the utilities. Mr. Berndt

stated they had to factor in the interconnect due to a credit that was exceeded. He further stated they are still in negotiations with the County and they plugged in a number which was probably a little high, but better safe than sorry. Councilmember Keene asked a question regarding the reduced expense with operating supplies. Mr. Berndt stated there is still a warranty on some of the parts and there is a fund that they can draw out of if necessary. Mr. Berndt stated that every five (5) years the DEP requires the tanks to be cleaned and certified and this was the fifth year. Ms. Carsten advised we won't have that expense next year. Mayor Frierson asked if the chemical increase is due to the price of the chemicals and Mr. Berndt stated that salt cost is up which is out of our control, but they are trying to extend the amount of time that the salt is used. Ms. Carsten asked if there were any more questions regarding the Water Treatment Plant and there were not.

Ms. Carsten moved on to the Wastewater Treatment Plant. Councilmember Heine asked if the chemicals were still going up and Steve Underwood replied that they vary, but advised that when they go up, it's normally around the first of the year. Mr. Underwood stated that he is working on an agreement with WCA that will go to the City Attorney for the verbiage and then it will come before Council for approval or disapproval and either sign into the agreement with WCA to treat their leachate water. With this agreement, the City will make a little money to pay for the chemicals. The City Administrator asked Mr. Underwood, knowing how long it took to build the Water Treatment Plant, what he thought about the lifespan of the Wastewater Plant and when does he think Council need to start looking forward down the road. Mr. Underwood stated that time would be right now. The City Administrator asked Mr. Berndt how many years, from the time of the initial thought to selecting a financial model to CO, was it in the making. Mr. Berndt stated it was approximately three (3) years. He advised it went a little faster because it was a shovel-ready job at the time and Hazen and Sawyer captured the grant really fast and the plans were turned over really fast. The City Administrator asked that assuming no major expansion of the plant, what percent it was operating now from total capacity. Mr. Berndt replied that the total capacity was 1.5 million gallons a day and right now they were at 700,000 or 800,000. Mr. Berndt advised that they designed the plant so they could expand it. Steve Underwood stated that he felt the infrastructure needed to be looked at first before the plant. To back up his thought, he pointed out that they were dealing with 800,000 gallons a day and over a three day period, during Hurricane Charley, it went to 300,000,000 gallons which is infrastructure. He stated that those problems need to be addressed first. He advised that the wastewater plant was rebuilt in 1991 and it's done a great job and is still doing a great job, but the efficiency in the plant is going down. Until the infrastructure is addressed, we're fighting an uphill battle. He advised there are many clay and asbestos pipes that are cracked, manholes with seepage in them, lift stations with concrete walls built around them that has water coming through the concrete walls during the dry season. Mayor Frierson asked if there were any more questions for the Wastewater Treatment Plant and there were not.

Mayor Frierson asked why the salaries have gone up in utility billing. Ms. Carsten stated there were some big changes in this department with moving people around and health insurance and other issues were not figured into the budget. There were several people who were moved into that department. The subject of visa and mastercard charges were discussed and the number of people who use it. Councilmember Keene asked if there was a charge to the customer for

using it and Ms. Carsten advised that there was not. He advised the State of Florida had gone to online permitting and bill pay also and there is a convenience fee. He thought that might be something that should be given some consideration. Deputy Mayor Fink suggested they may want to look into the agreement that was signed because generally you have a service of contract for a period of years and equipment payment for a period of year and if you don't follow the agreement, you can be dealt a severe penalty. Ms. Carsten stated that she would investigate it and come back with options. She asked if there were any other questions regarding utility billing and there was not.

Ms. Carsten moved on to Water/Systems and Councilmember Keene questioned the salary increase. Fred Lewis advised that he had requested another laborer due to upcoming projects. Ms. Carsten advised that regarding the Highway 17 widening project, the City will not be reimbursed until after it is completed, but the expenses had to be paid. Ms. Carsten also pointed out that the figures look good this year because benefits dropped when so many people left last year which made the figures much lower.

Ms. Carsten moved on to the sewer department and advised that she and Mr. Lewis had discussed the possibility of taking the one employee that he's looking at hiring and splitting him between these two (2) departments because he could actually use him in both and it would spread the money around a little bit. Councilmember Keene questioned the contractual line item and Ms. Carsten advised it included the inmates. Mayor Frierson questioned the vehicle repair and Mr. Lewis advised that the trucks were getting quite a bit of miles on them.

Ms. Carsten moved on to solid waste and she advised there was a 2% increase. Steve Underwood stated the 2% was not included in the 2% increase on dumpsters, but dumpsters, residential and commercial garbage service have always been included together. He stated his personal opinion was that they should be separate. He advised residential pickup and dumpster pickup is the same thing, but rates were last increased on dumpsters in 2011. He further advised that a survey had been done within a five (5) county area and other than Hardee County for dumpsters; we're the lowest in that five (5) county area. He advised Hardee County is the lowest and after looking at their tipping fees vs. their dumpster fees, he didn't know what their billing is, but he didn't understand how they were making any money. He stated that from Manatee County, Sarasota County and Charlotte County, we're the lowest on dumpster rates. Mr. Underwood advised there was another county, but he couldn't recall which one, but advised he had it and could provide it to Council at the next workshop. Councilmember Keene stated that he would like to see it and he would be interested to know how often the dumpsters are emptied and who monitors what goes in those dumpsters. The possibility of an ordinance addressing the issue was discussed. Mr. Underwood asked regarding the garbage and dumpster revenue, did Council want to include the dumpsters in that 2% increase or do they want to see the figures from the other counties first or do they want to separate the garbage and dumpster revenues separately. Councilmember Keene felt that since they had time and were having workshops, they should give this some consideration. The City Administrator asked Mr. Underwood if he had to guess what the dollar value of money was they recouped since the dumpsters were inventoried. Mr. Underwood stated it was roughly \$141,000.00. Mr. Underwood was presented with the dumpster rates which were previously discussed from a staff member and he provided

same to the City Council. Deputy Mayor Fink stated that with Council knowing there are serious problems and deficiencies with this, he felt they needed to deal with possible ordinance changes to shore up those deficiencies in the system so this doesn't reoccur. Mayor Frierson asked that a presentation be brought to Council after the budget is completed so this can be addressed. Mr. Underwood agreed that he would.

The City Administrator stated that the next workshops would be August 12, 2014 and August 26, 2014 at 5:00 p.m.

MAYOR AND COUNCIL MATTERS

Councilmember Heine stated that he had been here a long time and he felt this was the best they had had so far with getting their people involved. He advised that before, no department heads were a part of it and the administrator did it all, but now department heads meet and come up with their budget and bring it before the Council. He felt it gives them a better idea of what's going on.

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:20 P.M.

ADOPTED THIS ___ DAY OF _____, 2014.

By:

Alice Frierson, Mayor

ATTEST:

Penny Delaney, City Clerk

AGENDA No. 4



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: September 2, 2014

DEPARTMENT: Administration

SUBJECT: Minutes from August 12, 2014 One Item Agenda Meeting

RECOMMENDED MOTION: Council Approval

SUMMARY:

FISCAL IMPACT: _____

Capital Budget

Operating

Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head:

Date:

Finance Director (As to Budget Requirements)

Date:

City Attorney (As to Form and Legality)

Date:

City Administrator: Tom Slaughter

Date:

COUNCIL ACTION: Approved as Recommended

Disapproved

Tabled Indefinitely Tabled to Date Certain _____

Approved with Modifications

**AGENDA MINUTES
ONE ITEM AGENDA MEETING
CITY OF ARCADIA
TUESDAY, AUGUST 12, 2014
5:00 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 5:00 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
City Clerk Penny Delaney
City Finance Director Beth Carsten

Mayor Frierson gave the invocation, which was followed by the Pledge of Allegiance and roll call.

Mayor Frierson stated that this meeting was regarding health insurance and she turned the meeting over to the Finance Director, Beth Carsten.

Ms. Carsten introduced Tom Guidry and Lou Ambler from DeSoto Insurance. Councilmember Heine asked what she and Mr. Guidry thought was best for the City. She advised they recommend going to a base plan and switching the plan from the 61 HMO to the 47 HMO which would be Option 9 with a variation of 10 and 11. Ms. Carsten stated that she would recommend either Option 10 or 11 with 10 being more of her choice due to it being more of a savings. She advised the 47 HMO is very similar to the 61 HMO except it's a little higher of a deductible. It goes from a \$1250.00 to a \$1500.00 deductible, but it still has the co-pays and the prescription card available. They reviewed Options 9, 10, and 11. Mr. Guidry stated that the original idea was for the City to have a base plan which the City would either pay all of or the majority of. He advised that with the other two (2) plans, the employee can buy up if they want to get a better plan with either a lower deductible HMO or a lower deductible PPO if they prefer. Mr. Guidry pointed out that Option 9 would be the most expensive option to the City with an increase over last year of \$58,713.00. With this option, the City would pay the entire base plan and if the employees wanted to buy the better plans, they would have to pay the difference

between those plans and the base plan. He pointed out that the increase for the City with Option 10 would be \$8,431.00, but it would charge the employee 10% on the base plan and the City would pay 90%. He stated Option 11 would be with the City paying 95% of the base plan and the employee paying 5%.

Mr. Guidry advised that Florida Blue has offered bundling. Right now, the City has its life insurance with one company and its dental and vision with another company. Florida Blue is offering if you switch to life insurance, it would be the exact same coverage that they have now. Right now, the City is paying \$4.30 per employee. If there was a switch to Florida Blue, it would be \$3.00 per employee which comes to a savings of about \$1100.00 a year just in premiums for the City. He stated that what Blue Cross is offering in the bundle is them taking the life and discounting the health insurance another 1%. He advised they will also give 1% for dental insurance, but he stated that he wanted to do a comparison to ensure the employee would get as good a product as they have now. He advised he would get the information to Council. Deputy Mayor Fink stated that Option 11 would offer \$10,000.00 in savings and it would increase if they went with Option 9. Mr. Guidry agreed.

Mayor Frierson asked on the average what it would do if it went from 95% to 90% for the employee. Ms. Carsten advised with Option 10, the HMO 47, which is the 90%, their cost for the plan would be \$27.24 and it would be \$13.62 with Option 11, which is the 95%. Councilmember Keene asked what kind of number they would be looking at if someone wanted to buy a lower deductible. Mr. Guidry stated the way it is right now, if they took the base plan which is the 61, they're paying \$12.61 per pay period. If they wanted to buy up to the HMO 60, right now they're only paying \$23.38. If they wanted to take the PPO, it would be \$37.10. He advised if they were to take Option 11, the employee, for the base plan, the increase would only be \$0.99 per paycheck. If they wanted to buy up, they would pay the \$13.62 and they would have to add the \$21.34 so it would be around \$34.00 or \$35.00 per paycheck and about \$70.00 a month for a lower deductible. He advised with a PPO, it would be pretty expensive at almost \$66.00 per paycheck, so it would be about \$150.00 a month. Councilmember Keene wanted to ensure there were plenty of providers locally for all these plans. Mr. Guidry advised that there were and that Florida Blue probably has the best network for our County, and in his opinion, the best network in the state, both HMO as well as PPO. He advised their HMO is not restrictive so you can pick one and go without having the primary doctor referring you to a specialist. He further advised you would just have to be more proactive if you choose the HMO to ensure your doctor is in the network because not all doctors who take the PPO also take the HMO.

Mayor Frierson asked Ms. Carsten what numbers she used in the budget and Ms. Carsten advised she used the renewal rate that was given which was basically a 13.5% increase and the original number was 37%. Ms. Carsten stated she figured it as a base plan with the employee paying 100% if they wanted to buy up.

Deputy Mayor Fink stated that previously the City paid for the health insurance for the employee and with Options 10 and 11, the employees pay for a portion of that healthcare. He pointed out the employees will lose pay because they are not going to get raises this year.

Councilmember Heine asked how much the life insurance was worth and Mr. Guidry advised it was a \$10,000.00 policy that wouldn't change. He stated that if Council could agree on that, he would go ahead and give it to the underwriters. He apologized for not having the numbers for the dental or vision, but he had just received the numbers.

Lew Ambler introduced Mike Buza who is the new owner of DeSoto Insurance and has an extensive background with health insurance. He re-emphasized what he had stated last Tuesday; that the City needs to do the same thing for every employee. He stated that if they were going to pay 95% of the employee's portion, whatever that is, they need to give the same amount toward somebody that buys up, not 95% of what the buy up rate is because that's different. He stated they could use 95%, but they would need to state it as a dollar amount and give the same dollar amount to each employee. He stated that was risk management talking.

Councilmember Keene made a motion to adopt Option 11 and Deputy Mayor Fink seconded the motion. Councilmember Keene amended the motion to include a request that the City's insurance agent explore the bundling opportunities to get the figure down and Deputy Mayor Fink seconded the motion.

Mr. Guidry advised he had been given the go ahead to meet with the active employees who were Medicare age and he stated he had been able to sign up one and the other needs to get enrolled in Medicare Part B first. This will save the City several thousands of dollars in premiums, but it also gives the employee better insurance. He stated these employees were wondering what the City will be paying for because the premium comes in three (3) parts. They have to pay Medicare Part B which is approximately \$105.00 for most, they have to pay for the supplement that ranges somewhere from \$180.00 - \$190.00, depending on their age, and the third is Part D which is the prescriptions. He stated they're not clear if the City is paying for Medicare Part B, their supplement and their prescriptions or if they are just paying for the prescriptions and the supplement. Councilmember Keene asked what the Part D costs. Mr. Guidry advised that the Part D plan costs \$46.10, but it changes every year.

Mr. Guidry advised that as far as Part D goes, instead of paying for the prescription plan, the City could give a stipend of \$35.00 for them to go buy their own plan. He further advised that way they can do their own shopping and ensure that everyone gets the same benefit. Deputy Mayor Fink asked if Council as a body should actually enact that as a policy. Mr. Ambler stated that he thought they would want staff to put it in policy form. He pointed out that it unfortunately changes every year. Deputy Mayor Fink asked if they could have staff structure a suitable motion using Mr. Ambler's expertise in risk management to craft a motion for the next meeting on Tuesday. Ms. Carsten stated that when they were talking this through, she went through the policy and she felt they really needed to look at the policy as a whole, along with these lines, because the City does not have anything in their personnel manual for Medicare for employees. However, it does have policies for retirees. She stated there are some things in there that she's not sure were being followed and she felt it may be a good time to look at the policy completely for Medicare and this may be a good time while they are restructuring this to look at it. She pointed out that it's possible that things have changed because of policy changes. Deputy Mayor Fink asked that staff deal with similar municipalities that might do the same thing so they

don't have to reinvent the wheel. Mr. Amber stated that once you get an idea of how you want it structured, you can call Pigit legal hotline because it's free and part of the insurance product. Deputy Mayor Fink requested they have something for them to review at the next meeting. Councilmember Keene stated there was a motion on the table. Councilmember Heine asked if they want to read it again. Mr. Guidry stated it was for Option 11 and Councilmember Heine seconded the motion. Mr. Guidry stated Option 11 would be to change the base plan from the HMO Plan 61 which is a \$1250.00 deductible and it would raise it up to HMO Plan 47 which is a \$1500.00 deductible. The City would pay 95% of that plan and the employees would pay 5% of that plan if they choose that plan. If they wanted to buy up, they would pay 5%, plus the difference of the other two plans and they will give more information on bundling, but asked if they wanted to go ahead and switch to life and Council confirmed. No discussion followed and it was unanimously, 5/0, approved.

ADJOURN

Having no further business at this time, the meeting was adjourned at 5:40 P.M.

ADOPTED THIS ___ DAY OF _____, 2014.

By:

Alice Frierson, Mayor

ATTEST:

Penny Delaney, City Clerk

AGENDA No. 5



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: September 2, 2014

DEPARTMENT: Administration
SUBJECT: Minutes from August 12, 2014 Budget Workshop

RECOMMENDED MOTION: Council Approval

SUMMARY:

FISCAL IMPACT: _____ Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: _____ Date: _____

Finance Director (As to Budget Requirements) _____ Date: _____

City Attorney (As to Form and Legality) _____ Date: _____

City Administrator: Tom Slaughter _____ Date: _____

COUNCIL ACTION: Approved as Recommended Disapproved
 Tabled Indefinitely Tabled to Date Certain _____ Approved with Modifications

**AGENDA MINUTES
BUDGET MEETING
CITY OF ARCADIA
TUESDAY, AUGUST 12, 2014
5:40 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 5:40 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
City Clerk Penny Delaney
City Finance Director Beth Carsten

Ms. Carsten stated that they would start with enterprise and the airport. She stated this particular budget is a little rough because they are still working on some expenses. She advised there were grants this year and both grants ended. There is one still out there for the study master plan which they haven't received any funding for. She advised she received word from FDOT regarding the lighting and they are in the process of cutting a check and we will be able to pay that loan off pretty fast. We'll be getting all of the \$500,000.00 back. Ms. Carsten advised the airport committee would be meeting on Thursday and will have items that they will be working on.

Ms. Carsten moved to the CDBG grant. She stated this was for the Community Development Block Grant and the numbers were hard numbers based on the contract so they will have \$120,000.00 over and above what the grant will pay. She stated she spoke with the engineer on it and she recommended that the contingency be put in there because there may be a chance that they won't use all of it. Councilmember Heine asked if there were new bids out and Ms. Carsten advised this was the lowest bid and it was for the Bridle Bath subdivision.

Ms. Carsten moved on to the McSwain Park budget and stated there was nothing to put into expenses for this budget. The City Administrator advised there was only one (1) certified bid and it came in well over. After speaking with Mosaic, they are reconsidering portions of the project.

Ms Carsten moved on to the Small County Surtax and advised the revenues are going from \$456,000.00 projected for the 2014 year to \$472,806.00. She advised this is where the capital improvements money goes where the bulk of it is streets. So in expenses they put the bulk of it to be in streets, but with the possibility of doing some sort of contingency for capital improvements. Discussion was made about future road work. Steve Underwood stated that at this point they are looking to identify roadways that have no utilities underneath them and maybe prioritize those roads that we could pave now at Council's direction. He also stated that the water plant is also looking to do a grant through SWFWMD to tie in our dead-end waterlines and loop them and that would cover resurfacing and getting some infrastructure fixed. Deputy Mayor Fink stated that a disinterested party needed to put it together. Ms. Carsten asked if the contingency should be left there and it was the common consensus of the Council to do so.

Ms. Carsten then moved on to the general fund and advised the revenues themselves had not changed a lot. She stated there will be a \$177,392.25 shortfall. Regarding revenues, Mike Kotzker with the Golf Course, changed his from the 30% to 27% so that brought his revenue down a little bit. There has been discussion with Linda Hinson, the mobile home park manager, regarding possibly raising the mobile home park rates and if then did a \$10.00 increase across the board, it would be a little bit under \$10,000.00 of an increase and Ms. Hinson stated she'd like to contemplate a \$10.00 monthly raise in rates and raise it \$10.00 every year over the next three years so it doesn't hit them all at once. Over three (3) years, it will be a \$30,000.00 increase. She stated that could potentially raise the revenues a little bit. She advised the water is a part of what they pay for so this will be a little bit of an offset for that. Mayor Frierson asked if they were talking about it taking effect immediately and Ms. Hinson stated they would need a ninety (90) day notice. Ms. Carsten stated it could begin at the beginning of the 2015 year which would cover the three (3) month notice. Councilmember Heine asked what they pay now. Ms. Hinson advised right now on the south side of the park is being charged \$171.00 a month and the north end of the park is \$165.00 a month. Mayor Frierson asked what was the reason for the difference. Ms. Hinson advised she thought most of the mobile homes in the north end are older and have been there a lot longer. The south end has the new mobile homes. Discussion was made regarding a doublewide being charged the same as a singlewide. It was the common consensus that since a doublewide covers two (2) lots; they should be paying for two spaces or at least more than a singlewide. Mayor Frierson suggested that after budget time, maybe they could deal with this. Ms. Hinson stated they needed to re-write the perspectives in order to indicate that. Deputy Mayor Fink asked that since this is in the budget, can they change it after budget or should it be changed with the budget. It was agreed that they could amend the budget. Ms. Hinson pointed out that would be another ninety (90) day notice because anything they do, they have to give a ninety (90) day notice. Mayor Frierson suggested it all be done at the same time. It was agreed to hold off for now until it could all be looked at at one time.

Ms. Carsten advised that she had a chance to speak with Rae Dowling regarding the Florida Power and Light franchise to ensure she was putting the right amount in the budget and Ms. Dowling believed it would be very close to the \$400,000.00 amount for next year.

She asked Council if they wanted to go through the expenses. She said the only changes that had really been made, with the exception the department heads really came through and tried to trim down where they could, was the health insurance, personnel wise. \

It was decided to move on to water/sewer regarding projected estimated year-end numbers for 2014. Ms. Carsten advised these numbers had been reviewed thoroughly and she felt pretty good about where they are at for the end of the year. The adopted budget for water/sewer was \$3,763,700.00 and right now they are projecting to end the year at \$3,147,996.00. She advised if that happens, that will be with making the \$620,000.00 reserve. She stated they also have money that is contingency money that will be able to cover a couple of things that they will be short on because the US widening project was never put in our budget which is almost \$50,000.00. She advised it would cover that and whatever happens with the issues we've had the last couple of weeks because we don't know where we're going with the FDOT, if we're going to have to pay those. It will cover that and still leave us \$615,000.00 in the good after our reserves are made. That money will be in the fund balance. She asked if they could use that money to make up the difference that will be in the water/sewer this year because the expenses will be more than the revenues for the 2015 year. She stated that some of the reasons the expenses have gone up is because they had loan payments that were going from none this year to double next year and things like that. Mayor Frierson asked if she had an estimate of what it will be and Ms. Carsten stated she thinks it will be difference of \$218,000.00 which is based on what they increase which is based on where we end up this year. She advised it could be higher. Councilmember Heine stated that if we have the funds, we should do it. Mayor Frierson stated that she didn't know if we had a choice. Deputy Mayor Fink stated that if it was legitimate to move it, he didn't see a reason not to.

Ms. Carsten stated that it is her understanding that over the years the general fund has funded water a lot. She advised they're already on a loan program where the water/sewer is paying back general fund \$53,000.00. She asked if they could pay back a higher amount if they had it in there and maybe make the shortfall in general fund. She asked if that was an acceptable practice. Council agreed by general consensus. Councilmember Heine asked about the auditor and Ms. Carsten advised that she had discussed it with them. Deputy Mayor Fink stated that as long as they find it legitimate, he didn't see why Council couldn't. Ms. Carsten stated this is a tight budget, it is a workable budget. She felt if they would get through this revenue bump this year, she felt next year will be better. She advised that for the most part, they had kept within where they were last year. Mayor Frierson stated the departments did a great job. She stated it was so tight last year, she questioned whether they would be able to do it, but they did an excellent job of it. Deputy Mayor Fink stated they had originally scheduled two (2) budget workshops and then they had gone to two (2) more. He stated he didn't think they needed to have the extra one. Ms. Carsten advised the first hearing will be September 16, 2014. She asked if they would want to look at anything before that meeting. Deputy Mayor Fink stated that only if anything changes. Ms. Carsten advised some things will change such as the numbers with the health insurance. Deputy Mayor Fink advised that she could provide Council with copies of it. Ms. Carsten stated the first meeting will be on an actual Council meeting night on September 16, 2014 and the final hearing will be on September 30, 2014. The City Administrator stated that they will cancel the meeting scheduled for August 26, 2014. He stated there is a regular

scheduled Council date on August 19, 2014 and another regular scheduled meeting on September 2, 2014. He further stated that the first budget hearing will be September 16, 2014, with the second budget hearing, special meeting, on September 30, 2014. He advised that all of those meetings on the 2nd, 16th, and 30th, will be on a Tuesday at 6:00 p.m. He stated that depending on the September 2, 2014 agenda is a light agenda or not, he may move the staff presentation to the regular meeting. If it's more, it will be moved an hour earlier.

ADJOURN

Having no further business at this time, the meeting was adjourned at 6:40 P.M.

ADOPTED THIS ___ DAY OF _____, 2014.

By:

Alice Frierson, Mayor

ATTEST:

Penny Delaney, City Clerk

AGENDA No. 6



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: September 2, 2014

DEPARTMENT: Administration

SUBJECT: Minutes from August 19, 2014

RECOMMENDED MOTION: Council Approval

SUMMARY:

FISCAL IMPACT: _____ () Capital Budget
() Operating
() Other

ATTACHMENTS: () Ordinance () Resolution () Budget (x) Other

Department Head: _____ Date: _____

Finance Director (As to Budget Requirements) _____ Date: _____

City Attorney (As to Form and Legality) _____ Date: _____

City Administrator: Tom Slaughter _____ Date: _____

COUNCIL ACTION: () Approved as Recommended () Disapproved
() Tabled Indefinitely () Tabled to Date Certain _____ () Approved with Modifications

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, AUGUST 19, 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 Keith Keene

Deputy Mayor Joseph E. Fink
Councilmember Robert R. Allen

Councilmember Robert W. Heine was not present.

Arcadia City Staff

City Administrator Tom Slaughter
City Clerk Penny Delaney
Finance Director Beth Carsten

City Attorney Thomas J. Wohl
City Planner Carl McQuay
Marshal Matthew Anderson

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

Mayor Frierson advised that Agenda Item 12, City of Arcadia and WCA of Florida, LLC Agreement for Treatment and Disposal of Landfill Leachate Water, will be moved to the first item due to one of the participants having an obligation somewhere else. She then called Steve Underwood, the Public Works Director, forward to address Council.

Agenda Item 12 – City of Arcadia and WCA of Florida, LLC Agreement for Treatment and Disposal of Landfill Leachate Water

Mr. Underwood advised this agreement was between WCA and the City of Arcadia to treat their leachate water which in essence is infiltration from their landfill. He stated they had reviewed the numbers with the engineer and they currently meet the City's water quality standards. He advised this will be an income for the City to treat their water at .025 per gallon of water treated on a 6,000 gallon trailer load as they bring it to the plant. He stated the City currently does it with DeSoto County now and it is a swap off between the City and the County. However, WCA will be charged on a monthly basis for the City to treat it at the wastewater plant. Mayor Frierson asked if the City Attorney had reviewed it. The City Attorney advised a

few changes had been made, but they were all accepted by WCA. Councilmember Keene made a motion to accept the agreement for the treatment and disposal of the leachate from DeSoto County Landfill and Deputy Mayor Fink seconded the motion. No discussion followed and it was 4/0 approved.

PRESENTATION

Agenda Item 1 – Strategic Plan

Mayor Frierson called Mandy Hines, the Interim County Administrator, and Carl McQuay, the Code Enforcement Officer, to come forward to make their presentation. Mrs. Hines made her presentation regarding strategic initiatives they had been working on in close partnership with the City. She stated they had selected a site selection group and asked them to come in and do a scope of work for us that would give them an actionable plan for them to focus on. During that time, the DEO Competitive Florida Process pilot program came open and the County was one (1) of four (4) pilots chosen. She advised they basically come in and tell you to choose one, they'll provide technical assistance, and they want to build on our community's unique assets and unique strengths. She reviewed a Competitive Florida Asset Mapping Report which had been compiled. She stated one consistent theme they heard was the need to invest in our own community, the need to change the curb appeal, the need to address major infrastructure challenges, and facade improvements.

She stated that as a part of that process, about a year ago, the County started having a conversation with the board about hosting a series of community conversations. In April they held four (4) series of community conversations in different areas throughout the County; Nocatee, Fort Ogden, Exhibit Hall and Kingsway. In total, there were 170 public participants. She reviewed each meeting, including location, number of attendants, responses to surveys, concerns and comments. She pointed out that areas of concern at all four (4) areas were economic opportunity, curb appeal and infrastructure. She shared information from the draft study and stated there are also a lot of positives and we're going to market and focus on those positives. She expressed her appreciation to City Council for hearing from the County and hoped to have a well-planned partnership to move this community forward. Councilmember Keene thanked Mrs. Hines for bringing the presentation forward and stated that he looked forward to developing greater partnership opportunities between the City of Arcadia and the County Commission.

Jackie Scoggins of 117 S. Hillsborough, Arcadia, Florida, asked what projects the City and County are starting to work on. Mrs. Hines stated that one thing that has been part of the five (5) year DOT plan is redevelopment work in the downtown area which includes ADA accessibility issues, beautification, landscaping because downtown is the jewel and the heart of the community. She advised there are lots of ways they work together on utility issues in providing for interconnects to reduce the flushing in both the County system and to help the water pressure issues with the City which is mutually beneficial, the fire merger, economic development initiatives, building and permitting. She pointed out the City serves on our Economic Development Advisory Committee and the Tourism Development Council. Mrs.

Hines stated that if there are questions, please feel free to call the County Office and ask. She stated there is so much misinformation out on social media sites; not ill-intended, but misinformation. She asked for people to get involved, ask the questions, get the information and help them share it.

Carl McQuay, the City Code Enforcement Officer, presented the Arcadia Strategic Plan. He stated the team consisted of himself as City Planner, Jim LaRue of LaRue Planning and Management Services and Jeff Matthews of Venice Design Group. He advised the funding project is for \$15,000.00 from the Department of Economic Opportunity and that there is no local match required so the money is coming in free. He reviewed the planning goals, the program components and the planning program progress.

Jim LaRue introduced himself and Jeff Matthews and presented their presentation which included points on commitment to the strategic plan, mission, vision, values, and reaffirmation of challenges which entails strengths, weaknesses, opportunities and threats and identification of the strategic issue areas. They reviewed the public input from back in May, the reaffirmation of issues, and discussed where to go with the strategic plan. Mr. LaRue thanked everyone for their participation, but pointed out it's not a new year's resolutions, but something on an annual basis. The City Administrator advised the City had applied for a grant from the DEO's technical assistant fund. He advised they are aiming for the \$40,000.00 grant, but if they don't get it through the Competitive Florida Grant, they will seek the \$25,000.00 from the technical assistance grant fund through the state.

Agenda Item 2 – Special Event Permits

Carl McQuay, the City Planner, presented a presentation regarding special events. He pointed out there will be various tiers as follows: Tier I which is garage sales; Tier II which is parking lot sales, Tier III which is minor special events, and Tier IV which is major special events. Mr. McQuay followed up by reviewing, in detail, the specifics of each tier which included who it pertains to, requirements, fees, frequency of events, and if Council approval will be required to obtain a specific permit.

Rob Herron of 521 E. Pine Street, Arcadia, Florida suggested for some of the downtown events the use of stickers to identify as being part of an organization and it could possibly help with enforcement. Martha Craven of 15 West Oak Street, Arcadia, Florida, asked if the City were to have a block party, could the City sponsor it and could the City's insurance be used, and would there be a fee? The City Administrator stated that the insurance agent had been broached with that question and he believed so.

Mayor Frierson asked if they would want to table it and Deputy Mayor Fink stated that he would think not. He felt it should be put on to another agenda item so they could look it over again. He thought it should go to a public hearing so they could change whatever ordinance would need to be changed and have it codified into City Code. The City Attorney recommended to put it in ordinance form, but have the fee schedule as a resolution. It was agreed the City Administrator will come back before Council at a later date regarding this issue.

CONSENT AGENDA

Mayor Frierson advised Consent Agenda Item 9 was being pulled to be voted on separately. Councilmember Keene made a motion to remove Item 9 from the consent agenda and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 3 – City Council Minutes for August 5, 2014

Agenda Item 4 – Rodeo Fly-In

Agenda Item 5 – Site Plan for Camping Site Area

Agenda Item 6 – Request for Special Event Permit – Homecoming Parade

Agenda Item 7 – Request for Special Event Permit – Antique Association

Agenda Item 8 – Placement of Historical Marker at the Tree of Knowledge

Agenda Item 9 – Certificate of Appropriateness within Historical District – 216 E. Oak Street – Re-roofing and Painting

Deputy Mayor Fink made a motion to approve the consent agenda 3 – 8 and stated that concerning Item 7, according to the Commission on Ethics, he is required to vote on this and he has no conflict. Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 9 – Certificate of Appropriateness within Historical District – 216 E. Oak Street – Re-roofing and Painting

Mayor Frierson stated that Item 9 is regarding 216 E. Oak Street, which Gary and Alice Frierson own and she stated she would not be voting on it. She then turned the item over to the City Planner to be addressed. Mr. McQuay stated Mr. Frierson had re-roofed and is painting the house. He stated it had been brought before the Historical Committee and they voted on it to move forward with a recommendation for the City Council to approve it. Councilmember Keene made a motion to approve and Deputy Mayor Fink seconded the motion. Mayor Frierson abstained from voting. No discussion followed and it was unanimously, 3/0, approved.

ACTION ITEMS

Agenda Item 10 – Ordinance 1000 – Florida Power and Light Franchise Agreement – First Reading

Deputy Mayor Fink made a motion that it be read by title only and Councilmember Keene seconded the motion. No discussion followed and it was 4/0 approved. Mayor Frierson

City Council Meeting Minutes

August 19, 2014

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instructed the City Clerk to read Ordinance 1000 by title only and the City Clerk did so. Deputy Mayor Fink made a motion to approve to second reading and Councilmember Keene seconded the motion. No discussion followed and it was 4/0 approved.

Agenda Item 11 – Resolution No. 2014-08 – Repealing Resolution 2013-13 and Re-Establishing the Local Business Tax Fee Schedule

The City Attorney stated that back in September they had looked at potentially raising or re-classifying some of the rate structure in the local business tax. He stated that he had provided a memorandum essentially advising that they couldn't at that time. He stated he knew former Administrator Jankosky was drafting it and some of them actually did get increased. He advised they're repealing that and bringing it back to the existing fees. Deputy Mayor Fink asked if we collected money last year for this. The City Administrator replied that they had and it was during the Munis system upgrades. Councilmember Keene stated that he hopes it can be communicated in a clear and concise way. Mr. McQuay asked when they could start billing and the City Attorney stated that it was an October 1 – September 30 cycle. Deputy Mayor Fink made a motion that it be read by title only and Councilmember Keene seconded the motion. No discussion followed and it was unanimously, 4/0 approved. Mayor Frierson instructed the City Clerk to read Resolution No. 2014-08 by title only and the City Clerk did so. Councilmember Keene made a motion to approve the Resolution repealing Resolution 2013-13 and re-establishing the local business tax fee schedule and providing an effective date and Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 4/0, approved.

Agenda Item 13 – Jehovah Witness Literature Distribution Table Complaint

The City Planner advised that several months ago, Council had given Jehovah Witness permission to set up at the Tree of Knowledge in a designated area. A complaint has been received by Martha Craven that they were aggressive. He asked for permission from Council to move them further back. The City Attorney stated that he was not sure he would ask Council to weigh in on this just yet. He felt they should check with the Jehovah Witness individuals first and see if they were willing to make any voluntary compromises. Marshal Anderson suggested he and Mr. McQuay meet with them to see if a compromise could be made. After much discussion, it was decided Marshal Anderson and Mr. McQuay would meet with them to discuss a compromise and report back to Council.

COMMENTS FROM DEPARTMENTS

14. CITY MARSHAL

He stated he had nothing to report, but would answer any questions or concerns from the general public. Councilmember Keene asked how the opening of school was going. Marshal Anderson stated they had received a lot of complaints, but they have been trying to assist in directing traffic. Mayor Frierson stated she had received a call from a parent to thank Council for the police department for doing such a fantastic job.

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15. CITY ATTORNEY

The City Attorney advised there is a new law taking effect on January 1, 2015; all elected municipal officers will be required to obtain four (4) hours of ethics training each year. Deputy Mayor Fink asked if the league would be offering that and the City Attorney stated that he believed they will have either online seminars and live training.

16. FINANCE DIRECTOR

The Finance Director, Beth Carsten, presented an update. She advised that as of August 14, 2014, they had received 77.4% of revenues. There are other revenues, especially the state revenues, that will not come in until later in the year, but they will be allocated for this year. She advised that to date expenses are at 61%. Ms. Carsten stated that she had spoke with the insurance company and they are very close to getting a firm number. They are waiting on the health insurance to be bound and instead of being around 44% as first indicated; we should be around 10%. She felt she should be able to get something back to Council before the September 2, 2014 meeting. Deputy Mayor Fink stated that upon reviewing the health insurance Council adopted last week, he was uncomfortable with the action they took. He felt that many employees have not had raises in a significant time and they took the action last week of increasing their insurance by \$27.00 and change per month. He stated that for someone that makes \$8.00-\$10.00 per hour, it could mean the difference between the basic necessities. He asked Council to consider adopting Option 9 rather than Option 11 as presented last week. He stated he didn't want to change the base plan, but wanted to change the 95% / 5%. Mayor Frierson asked if there were any comments from the Council or the public.

Ernest Hewett of Poultry Street, Arcadia, Florida, stated that he agreed with Deputy Mayor Fink and felt that Council should try to support the employees with a raise if possible and if not, at least not hurt them on the insurance. He stated that last year Council passed a Resolution to have 17% of your budget put into reserves. He further stated the word used in the budget was "contingency" not "reserves" and as a contingency, it's an expense. Mr. Hewett made a negative comment toward Councilmember Keene to which Councilmember Keene advised the Mayor that the comment was totally out of order. Mr. Hewett stated that at 17%, the Finance Director has \$600,000.00 as contingency in this next budget. He felt that if they have the contingency, they could afford the money to help the employees. He then turned to the public and asked how many people cared that they're paying a fuel tax and the roads are in the condition they are in. He advised in the 2012 audit, there was \$972,000.00 in the street reserve fund and a capital improvement fund that had \$979,000.00. He stated that's 1.9 million dollars that the Finance Director can't find to which the Finance Director stated his comment was an unfair comment. He advised Ms. Jankosky stated in the budget hearing that year that there was no money in the fuel reserve fund and whatever money is there, she would sweep into the general fund. Deputy Mayor Fink stated that he would like to apologize to Councilmember Keene. He told Councilmember Keene he should have jumped in and made a point of order earlier and he (Councilmember Keene) shouldn't have had to do it himself. Deputy Mayor Fink made a motion that City Council adopt Option 9 that was presented to Council at the last meeting that was held and repeal Option 11. The motion died for the lack of a second.

Ms. Carsten advised that they had received word that the Charles Lee sentencing will be continued because of a serious accident that the defense attorney had. She advised there is not a re-scheduled date yet. Mayor Frierson advised this was beyond the City Council's control and it is between the attorneys. Ms. Carsten stated that some of the issues that were brought up a little while ago are also out of her control. She expressed that she would like to be able to get more information regarding reserves, but because the audit is not finished and due to the state of affairs when she started financially, she has not been able to answer all of those things. She advised the budget that they had presented is based on what they have at this time and those numbers are real numbers. Mayor Frierson asked if she had heard anything more on the audit and Ms. Carsten advised it's still continuing and they are still trying to get through some of the balancing of some of the statements. Regarding the Charles Lee issue, Deputy Mayor Fink stated it was unfortunate his counsel was involved in an accident, however, the Judge stated this would be taken care of and he would have one (1) month to pay the money or face the consequences. He felt there was more to this than meets the eye. He felt the City had reason to go to the next level because he didn't feel Mr. Yuter has the City's best interest in mind. He stated if the City doesn't get anything there, then perhaps Ms. Bondi in Tallahassee needs to be involved.

Martha Craven from the public asked if anyone on the Council had ever considered asking for a state audit. She said it sounds like we've got a mess and have had a mess for a long time. She asked that Council think about it.

17. CITY ADMINISTRATOR

The City Administrator stated that as they get closer to the September 16th and September 30th public hearing dates for the budget, they may want to schedule one (1) lighter workshop to tighten up a couple of loose ends. He also stated that he would like to have an opportunity for the directors to come forward and address the strategic plan.

PUBLIC

William Bailey of 422 E. Magnolia Street, Arcadia, Florida, stated he has no personal affiliation with Mr. Hewett, but he felt the numbers he presented and the shadow of doubt over the budget is something that should be addressed. As a candidate, he stated that should he be fortunate enough to be on the council, he would like to know what he was walking into. He agreed with Mrs. Craven regarding having someone do a formal audit. He felt everyone would benefit by having it straightened out to include the new council coming in.

MAYOR AND COUNCIL MATTERS

Deputy Mayor Fink stated that we do an annual audit of the City's books, not a forensic audit, but from point a to point b, and asked for confirmation of which Ms. Carsten agreed. He asked what the annual costs and Ms. Carsten replied it would be \$85,000.00. He asked what a ballpark figure of forensic audit would cost and Ms. Carsten stated she imagined it would be upwards of \$100,000.00. Mayor Frierson stated the auditors that audit the City only audit the

information they are given and there is a big difference between an audit that they're doing for the City and an in-depth audit that the State might give us or a forensic audit. Deputy Mayor Fink stated that he couldn't imagine the State would give the City anything, so this would fall to the taxpayers of the City of Arcadia if they went to a forensic audit. He asked Ms. Carsten if she had seen any evidence of misappropriation of funds and she replied she had not. He then asked Ms. Carsten if she had a dog in the fight and she replied that she did not. Deputy Mayor Fink stated that he would suggest that if anyone felt so inclined, if they felt there's been some sort of misappropriation that they should investigate their options because he didn't feel they could look into this collectively as a body.

Janie Watson of 804 W. Imogene, Arcadia, Florida stated that she believed a State audit could be requested if the Council asked Representative Albritton and Senator Galvano to do it and there would be no charge. If it comes from citizens, it requires a 20% petition of the registered voters in the City and it is approximately \$80,000.00.

Ernest Hewitt spoke again stating that he wanted to make clear that he doesn't think the money is missing or that it was stolen. He believed the fuel tax money should only be spent on road improvements. He stated that Mr. Miller and Ms. Jankosky believed it could be raked into the general fund and spent and he felt that was what happened. He stated they, and others, believed that fuel tax money could be spent to maintain the roads or on other items such as a garbage truck. Mayor Frierson stated she felt it went to the contingency fund and paid the lawsuit attorney and whatever the general fund was short.

ADJOURN

Having no further business at this time, the meeting was adjourned at 8:15 P.M.

ADOPTED THIS ___ DAY OF _____, 2014.

By:

Alice Frierson, Mayor

ATTEST:

Penny Delaney, City Clerk

AGENDA No. 7



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: September 2, 2014

DEPARTMENT: Legal

SUBJECT: Ordinance 1000 regarding Florida Power and Light Franchise Agreement (second reading)

RECOMMENDED MOTION: Council Approval

SUMMARY:

FISCAL IMPACT: _____ () Capital Budget
() Operating
() Other

ATTACHMENTS: (X) Ordinance () Resolution () Budget () Other

Department Head: _____ Date: _____

Finance Director (As to Budget Requirements) _____ Date: _____

City Attorney (As to Form and Legality) _____ Date: _____

City Administrator: Tom Slaughter _____ Date: _____

COUNCIL ACTION: () Approved as Recommended () Disapproved
() Tabled Indefinitely () Tabled to Date Certain _____ () Approved with Modifications

ORDINANCE NO. 1000

AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR MONTHLY PAYMENTS TO THE CITY OF ARCADIA, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Arcadia, Florida recognizes that the City of Arcadia and its citizens need and desire the continued benefits of electric service; and

WHEREAS, the provision of such service requires substantial investments of capital and other resources in order to construct, maintain and operate facilities essential to the provision of such service in addition to costly administrative functions, and the City of Arcadia does not desire to undertake to provide such services; and

WHEREAS, Florida Power & Light Company (FPL) is a public utility which has the demonstrated ability to supply such services; and

WHEREAS, there is currently in effect a franchise agreement between the City of Arcadia and FPL, the terms of which are set forth in City of Arcadia Ordinance No. 787, passed and adopted November 6, 1984, and FPL's written acceptance thereof dated November 28, 1984, granting to FPL, its successors and assigns, a thirty (30) year electric franchise ("Current Franchise Agreement"); and

WHEREAS, FPL and the City of Arcadia desire to enter into a new agreement (New Franchise Agreement) providing for the payment of fees to the City of Arcadia in exchange for the nonexclusive right and privilege of supplying electricity and other services within the City of Arcadia free of competition from the City of Arcadia, pursuant to certain terms and conditions, and

WHEREAS, the City Council of the City of Arcadia deems it to be in the best interest of the City of Arcadia and its citizens to enter into the New Franchise Agreement prior to expiration of the Current Franchise Agreement;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA:

Section 1. There is hereby granted to Florida Power & Light Company, its successors and assigns (hereinafter called the "Grantee"), for the period of 30 years from the effective date hereof, the nonexclusive right, privilege and franchise (hereinafter called "franchise") to construct, operate and maintain in, under, upon, along, over and across the present and future roads, streets, alleys, bridges, easements, rights-of-way and other public places (hereinafter called "public rights-of-way") throughout all of the incorporated areas, as such incorporated areas may be constituted from time to time, of the City of Arcadia, Florida, and its successors (hereinafter called the "Grantor"), in accordance with the Grantee's customary practice with respect to construction and maintenance, electric light and power facilities, including, without limitation, conduits, poles, wires, transmission and distribution lines, and all other facilities installed in conjunction with or ancillary to all of the Grantee's operations (hereinafter called "facilities"), for the purpose of supplying electricity and other services to the Grantor and its successors, the inhabitants thereof, and persons beyond the limits thereof.

Section 2. The facilities of the Grantee shall be installed, located or relocated so as to not unreasonably interfere with traffic over the public rights-of-way or with reasonable egress from and ingress to abutting property. It is the intent of the foregoing provision that all lanes of travel shall remain accessible for use by vehicular traffic at all times, except

from time to time as necessary for installation, maintenance, repair and removal. To avoid conflicts with traffic, the location or relocation of all facilities shall be made as representatives of the Grantor may prescribe in accordance with the Grantor's reasonable rules and regulations with reference to the placing and maintaining in, under, upon, along, over and across said public rights-of-way; provided, however, that such rules or regulations (a) shall not prohibit the exercise of the Grantee's right to use said public rights-of-way for reasons other than unreasonable interference with motor vehicular traffic, (b) shall not unreasonably interfere with the Grantee's ability to furnish reasonably sufficient, adequate and efficient electric service to all of its customers, and (c) shall not require the relocation of any of the Grantee's facilities installed before or after the effective date hereof in public rights-of-way unless or until widening or otherwise changing the configuration of the paved portion of any public right-of-way used by motor vehicles causes such installed facilities to unreasonably interfere with motor vehicular traffic. Such rules and regulations shall recognize that above-grade facilities of the Grantee installed after the effective date hereof should be installed near the outer boundaries of the public rights-of-way to the extent possible. When any portion of a public right-of-way is excavated by the Grantee in the location or relocation of any of its facilities, the portion of the public right-of-way so excavated shall within a reasonable time be replaced by the Grantee at its expense and in as good condition as it was at the time of such excavation. The Grantor shall not be liable to the Grantee for any cost or expense in connection with any relocation of the Grantee's facilities required under subsection (c) of this Section, except, however, the Grantee shall be entitled to reimbursement of its costs from others and as may be provided by law.

Section 3. The Grantor shall in no way be liable or responsible for any accident, personal injury, property damage or any claim or damage that may occur in the construction, operation, installation, removal, repair, relocation or maintenance by the Grantee, its employees, agents, contractors, subcontractors, sub-lessees or licensees, in connection with or in relation to its facilities hereunder. Grantee's acceptance of the franchise granted pursuant to this New Franchise Agreement shall be deemed an agreement on the part of the Grantee to indemnify the Grantor, its officials, employees, and agents and to hold Grantor, its officials, employees and agents harmless against any and all liability, loss, cost, damage, claim, third-party claim, demand, or expense which may accrue to the Grantor by reason of the negligence, default or misconduct of the Grantee in the construction, operation, installation, removal, repair, relocation or maintenance of Grantee's facilities hereunder. For an additional Ten Dollars (\$10.00) paid to Grantee, and for other good and valuable consideration, Grantee's receipt of which is hereby acknowledged, Grantee agrees that it has received sufficient consideration for its agreement to indemnify Grantor, and Grantor's officials, employees and agents, as set forth above.

Section 4. All rates and rules and regulations established by the Grantee from time to time shall be subject to such regulation as may be provided by law.

Section 5. As a consideration for this franchise, the Grantee shall pay to the Grantor, commencing 90 days after the effective date hereof, and each month thereafter for the remainder of the term of this franchise, an amount which added to the amount of all licenses, excises, fees, charges and other impositions of any kind whatsoever (except ad valorem property taxes and non-ad valorem tax assessments on property) levied or

imposed by the Grantor against the Grantee's property, business or operations and those of its subsidiaries during the Grantee's monthly billing period ending 60 days prior to each such payment will equal 5.9 percent of the Grantee's billed revenues, less actual write-offs, from the sale of electrical energy to residential, commercial and industrial customers (as such customers are defined by FPL's tariff) within the incorporated areas of the Grantor for the monthly billing period ending 60 days prior to each such payment, and in no event shall payment for the rights and privileges granted herein exceed 5.9 percent of such revenues for any monthly billing period of the Grantee.

The Grantor understands and agrees that such revenues as described in the preceding paragraph are limited to the precise revenues described therein, and that such revenues do not include, by way of example and not limitation: (a) revenues from the sale of electrical energy for Public Street and Highway Lighting (service for lighting public ways and areas); (b) revenues from Other Sales to Public Authorities (service with eligibility restricted to governmental entities); (c) revenues from Sales to Railroads and Railways (service supplied for propulsion of electric transit vehicles); (d) revenues from Sales for Resale (service to other utilities for resale purposes); (e) franchise fees; (f) Late Payment Charges; (g) Field Collection Charges; (h) other service charges.

Section 6. As a further consideration, during the term of this franchise or any extension thereof, the Grantor agrees: (a) not to engage in the distribution and/or sale, in competition with the Grantee, of electric capacity and/or electric energy to any ultimate consumer of electric utility service (herein called a "retail customer") or to any electrical distribution system established solely to serve any retail customer formerly served by the

Grantee, (b) not to participate in any proceeding or contractual arrangement, the purpose or terms of which would be to obligate the Grantee to transmit and/or distribute, electric capacity and/or electric energy from any third party(ies) to any other retail customer's facility(ies), and (c) not to seek to have the Grantee transmit and/or distribute electric capacity and/or electric energy generated by or on behalf of the Grantor at one location to the Grantor's facility(ies) at any other location(s). Nothing specified herein shall prohibit the Grantor from engaging with other utilities or persons in wholesale transactions which are subject to the provisions of the Federal Power Act.

Nothing herein shall prohibit the Grantor, if permitted by law, (i) from purchasing electric capacity and/or electric energy from any other person, or (ii) from seeking to have the Grantee transmit and/or distribute to any facility(ies) of the Grantor electric capacity and/or electric energy purchased by the Grantor from any other person; provided, however, that before the Grantor elects to purchase electric capacity and/or electric energy from any other person, the Grantor shall notify the Grantee. Such notice shall include a summary of the specific rates, terms and conditions which have been offered by the other person and identify the Grantor's facilities to be served under the offer. The Grantee shall thereafter have 90 days to evaluate the offer and, if the Grantee offers rates, terms and conditions which are equal to or better than those offered by the other person, the Grantor shall be obligated to continue to purchase from the Grantee electric capacity and/or electric energy to serve the previously-identified facilities of the Grantor for a term no shorter than that offered by the other person. If the Grantee does not agree to rates, terms and conditions which equal or better the other person's offer, then Grantor

may proceed with the other person's offered sale and purchase arrangement and all of the terms and conditions of this franchise shall remain in effect.

Section 7. If the Grantor grants a right, privilege or franchise to any other person or otherwise enables any other such person to construct, operate or maintain electric light and power facilities within any part of the incorporated areas of the Grantor in which the Grantee may lawfully serve or compete on terms and conditions which the Grantee reasonably determines are more favorable than the terms and conditions contained herein, the Grantee may at any time thereafter terminate this franchise if such terms and conditions are not remedied within the time period provided hereafter. The Grantee shall give the Grantor at least 60 days advance written notice of its intent to terminate. Such notice shall, without prejudice to any of the rights reserved for the Grantee herein, advise the Grantor of such terms and conditions that it considers more favorable. The Grantor shall then have 60 days in which to correct or otherwise remedy the terms and conditions complained of by the Grantee. If the Grantee reasonably determines that such terms or conditions are not remedied by the Grantor within said time period, the Grantee may terminate this franchise agreement by delivering written notice to the Grantor's Clerk and termination shall be effective on the date of delivery of such notice. Nothing contained herein shall be construed as constraining Grantor's rights to legally challenge Grantee's reasonable determination of more favorable terms leading to termination under this Section 7.

Section 8. If as a direct or indirect consequence of any legislative, regulatory or other action by the United States of America or the State of Florida (or any department, agency, authority, instrumentality or political subdivision of either of them) any person is

permitted to provide electric service within the incorporated areas of the Grantor to a customer then being served by the Grantee, or to any new applicant for electric service within any part of the incorporated areas of the Grantor in which the Grantee may lawfully serve, and the Grantee reasonably determines that its obligations hereunder, or otherwise resulting from this franchise in respect to rates and service, place it at a competitive disadvantage with respect to such other person, the Grantee may, at any time after the taking of such action, terminate this franchise if such competitive disadvantage is not remedied within the time period provided hereafter. The Grantee shall give the Grantor at least 90 days advance written notice of its intent to terminate. Such notice shall, without prejudice to any of the rights reserved for the Grantee herein, advise the Grantor of the consequences of such action which resulted in the competitive disadvantage. The Grantor shall then have 90 days in which to correct or otherwise remedy the competitive disadvantage. If such competitive disadvantage is not remedied by the Grantor within said time period, the Grantee may terminate this franchise agreement by delivering written notice to the Grantor's Clerk and termination shall take effect on the date of delivery of such notice. Nothing contained herein shall be construed as constraining Grantor's rights to legally challenge Grantee's reasonable determination of competitive disadvantage leading to termination under this Section 8.

Section 9. Failure on the part of the Grantee to comply in any substantial respect with any of the provisions of this franchise shall be grounds for forfeiture, but no such forfeiture shall take effect if the reasonableness or propriety thereof is protested by the Grantee until there is final determination (after the expiration or exhaustion of all rights of appeal) by a court of competent jurisdiction that the Grantee has failed to comply in a

substantial respect with any of the provisions of this franchise, and the Grantee shall have six months after such final determination to make good the default before a forfeiture shall result with the right of the Grantor at its discretion to grant such additional time to the Grantee for compliance as necessities in the case require.

Section 10. Failure on the part of the Grantor to comply in substantial respect with any of the provisions of this ordinance, including but not limited to: (a) denying the Grantee use of public rights-of-way for reasons other than unreasonable interference with motor vehicular traffic; (b) imposing conditions for use of public rights-of-way contrary to Florida law or the terms and conditions of this franchise; (c) unreasonable delay in issuing the Grantee a use permit, if any, to construct its facilities in public rights-of-way, shall constitute breach of this franchise and entitle the Grantee to withhold all or part of the payments provided for in Section 5 hereof until such time as a use permit is issued or a court of competent jurisdiction has reached a final determination in the matter. The Grantor recognizes and agrees that nothing in this franchise agreement constitutes or shall be deemed to constitute a waiver of the Grantee's delegated sovereign right of condemnation and that the Grantee, in its sole discretion, may exercise such right.

Section 11. The Grantor may, upon reasonable notice and within 90 days after each anniversary date of this franchise, at the Grantor's expense, examine the records of the Grantee relating to the calculation of the franchise payment for the year preceding such anniversary date. Such examination shall be during normal business hours at the Grantee's office where such records are maintained. Records not prepared by the Grantee in the ordinary course of business may be provided at the Grantor's expense and as the Grantor and the Grantee may agree in writing. Information identifying the Grantee's

customers by name or their electric consumption shall not be taken from the Grantee's premises. Such audit shall be impartial and all audit findings, whether they decrease or increase payment to the Grantor, shall be reported to the Grantee. The Grantor's right to examine the records of the Grantee in accordance with this Section shall not be conducted by any third party employed by the Grantor whose fee, in whole or part, for conducting such audit is contingent on findings of the audit.

Other than any claims arising from alleged fraud, deceit, misrepresentation, intentional withholding of information, or other similar intentional misconduct by Grantee in relation to the calculation or remittance of the franchise payments under the Current Franchise Agreement, Grantor waives, settles and bars all claims not raised in written correspondence by Grantor to Grantee within two (2) years from the effective date of this New Franchise Agreement relating in any way to the amounts paid by Grantee under the Current Franchise Agreement.

Section 12. Grantor and Grantee agree that the New Franchise Agreement created pursuant to this ordinance and Grantee's acceptance hereof, shall terminate by its own terms thirty (30) years after the effective date of the Franchise Agreement.

Section 13. Upon Grantor's annexation of any property, the portion of Grantee's electrical system located within such annexed territory, and in, under, over, and upon the streets, alleys, rights-of-way, or public grounds of such annexed territory, shall be subject to all of the terms of this New Franchise Agreement.

Section 14. The provisions of this ordinance are interdependent upon one another, and if any of the provisions of this ordinance are found or adjudged to be invalid,

illegal, void or of no effect, the entire ordinance shall be null and void and of no force or effect.

Section 15. As used herein "person" means an individual, a partnership, a corporation, a business trust, a joint stock company, a trust, an incorporated association, a joint venture, a governmental authority or any other entity of whatever nature.

Section 16. Ordinance No. 787, passed and adopted November 6, 1984 and all other ordinances and parts of ordinances and all resolutions and parts of resolutions in conflict herewith, are hereby repealed.

Section 17. As a condition precedent to the taking effect of this ordinance, the Grantee shall file its acceptance hereof with the Grantor's Clerk within 30 days of adoption of this ordinance. The effective date of this ordinance shall be the date upon which the Grantee files such acceptance.

PASSED on first reading this 19th day of August, 2014.

PASSED AND ADOPTED on second reading this 2nd day of September, 2014.

CITY OF ARCADIA, FLORIDA

By: _____

ATTEST:

By: _____
City Clerk of the City of Arcadia, Florida

(SEAL)

APPROVED AS TO FORM AND LEGALITY

City Attorney, City of Arcadia, Florida

AGENDA No. 8



CITY COUNCIL AGENDA ITEM
Requested Council Meeting Date: August 19, 2014

DEPARTMENT: Administration (on behalf of Councilmember Robert Heine)
SUBJECT: Ordinance 981 – Providing Administrative Code for Rules of Conduct for the Arcadia City Council (Never Adopted)

RECOMMENDED MOTION:

SUMMARY: Ordinance 981 was never adopted by City Council. Pursuant to the Minutes from the November 20, 2012 City Council Meeting, then Mayor Keene asked if this item could be returned for review by the Council as a reference guide only. Administration asks what direction Council would like to take and questions whether the issue should be addressed as a Resolution instead of an Ordinance.

FISCAL IMPACT: _____ Capital Budget
 Operating
 Other

ATTACHMENTS: Ordinance Resolution Budget Other

Department Head: _____ Date: _____

Finance Director (As to Budget Requirements) _____ Date: _____

City Attorney (As to Form and Legality) _____ Date: _____

City Administrator: Tom Slaughter _____ Date: _____

COUNCIL ACTION: Approved as Recommended Disapproved
 Tabled Indefinitely Tabled to Date Certain _____ Approved with Modifications

ORDINANCE NO. 981

NEVER ADOPTED

SEE 11/20/12 MINUTES

**ORDINANCE NO. 981; FIRST READING OF AN ORDINANCE OF THE CITY OF
ARCADIA, FLORIDA CODE OF ORDINANCES; SECTION 2-36; PROVIDING
ADMINISTRATIVE CODE FOR RULES OF CONDUCT FOR THE ARCADIA CITY
COUNCIL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY
AND PROVIDING FOR AN EFFECTIVE DATE**

**CITY OF ARCADIA, FLORIDA
ORDINANCE NO. 981**

**AN ORDINANCE OF THE CITY OF ACADIA, FLORIDA;
CREATING THE CITY OF ARCADIA CODE OF ORDINANCES,
SECTION 2-36; PROVIDING ADMINISTRATIVE CODE FOR
RULES OF CONDUCT FOR THE ARCADIA CITY COUNCIL;
PROVIDING FOR CODIFICATION; PROVIDING FOR
SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Arcadia, Florida, (the "Council") has the authority to prohibit and regulate conduct within the City of Arcadia (the "City") in the interests of public health, safety, and general welfare, and to adopt ordinances effecting such prohibitions and regulations; and

WHEREAS, a valid public purpose exists in regulating conduct to provide for a safe and efficient environment for the conduct of City business; and

WHEREAS, the amendment to the Code of Ordinances set forth herein provides and promotes a safe and efficient environment for the conduct of City business; and

WHEREAS, the Arcadia City Council, as the duly elected governing body for the City of Arcadia; and

WHEREAS, City Council desires to create an Ordinance to establish a Code of Conduct for its elected officials.

NOW THEREFORE, BE IT ORDANED by the City Council of the City of Arcadia, DeSoto County, Florida:

1. The City Council declares that the procedures set forth, attached hereto, and incorporated by reference herein by "Exhibit A", as amended, is applicable to Arcadia City Council and any candidate for Arcadia City Council.
2. This Ordinance shall take effect immediately upon adoption at second reading.

First Reading: November 20, 2012
Second Reading: December 4, 2012

DULY PASSED AND ENACTED by the City Council of the City of Arcadia, Florida this 20th day of November, 2012.

CITY OF ARCADIA, FLORIDA

ATTEST:

Keith Keene, Mayor

Virginia Haas, City Clerk

APPROVED AS TO FORM:

Thomas J. Wohl, City Attorney

CITY OF ARCADIA CODE OF CONDUCT FOR ELECTED OFFICIALS

The Three Rs of Arcadia Government Leadership: Roles, Responsibilities and Respect

It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials in situations where conflicts may exist.

It is the policy of the state that public officers, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers are bound to observe, in their official acts, the highest standards of ethics regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.

Councilmembers are to be role models that the public can look up to and can expect to uphold and follow the laws, rules and regulations bestowed upon every citizen of the City of Arcadia.

The City Charter provides information on the roles and responsibilities of Councilmembers, the Deputy Mayor and the Mayor. The Florida Code of Ethics for Public Officers and Employees provides guidance on ethical issues to ensure that City Council conducts themselves independently and impartially, not using their office for private gain. But until now, what has not been clearly written down is a Code of Conduct for Arcadia City Councilmembers.

The Code of Conduct is designed to describe the manner in which Councilmembers shall treat one another, city staff, constituents, and others with whom they come into contact with while representing the City of Arcadia. It reflects the work of the City Council with defining more clearly the behavior, manners, and courtesies that are suitable for various occasions. The City Council also considered a wide variety of policy changes and clarifications designed to make public meetings and the process of governance run more smoothly.

The constant and consistent themes through all of the conduct guidelines are dignity and respect. Councilmembers experience stress in making decisions that impact the lives of the citizens. At times, the impacts of the entire community must be weighed against the impact of only a few. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Councilmembers to do the right thing in even the most difficult situations.

A. Overview of Roles and Responsibilities

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the Arcadia City Charter, Ordinances and Administrative Code and in the Handbook for Municipal Elected Officials, published by the Florida League of Cities.

MAYOR (City Charter §13)

- Elected by the City Council at the first meeting of the fiscal year
- Recognized as head of the City Government for all ceremonial purposes
- Preside over meetings of the City Council
- Has same speaking and voting rights as any other member
- Shall in no case have the power to veto
- Executes and authenticates legal instruments requiring signature
- Leads the Council into an effective, cohesive working team

DEPUTY MAYOR (City Charter §14)

- Elected by the City Council at the first meeting of the fiscal year
- Performs the duties of the Mayor if the Mayor is absent, unable to fulfill duties, ceases to be qualified or is removed from office.

ALL COUNCILMEMBERS (City Charter §14)

All members of the City Council, including the Mayor and Deputy Mayor, have equal votes. No Councilmember has more power than any other Councilmember, and all shall be treated with equal respect.

All Councilmembers shall:

- Fully participate in City Council meetings and other duly advertised public meetings while demonstrating dignity, respect, kindness, consideration, and courtesy to all.
- Prepare in advance of meetings and be familiar with issues on the agenda. Address clarifications prior to meeting with applicable staff.
- Be respectful of other people's time. Stay focused and act efficiently during Council meetings or other City related meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in Arcadia's government.
- Provide contact information with the City Clerk in case of an emergency or an urgent situation arises while the Councilmember is otherwise not available.
- Demonstrate honesty and integrity in every action and statement.
- Follow Federal, State and Municipal Laws guiding public officials, including, but not limited to, Honest Services Act, State Ethics, Sunshine and Public Records Law, Administrative Code for City Council meetings, Communications Policy, etc.

B. Policies and Protocol Related to Conduct

1. Ceremonial Events – City Charter §13 designates the Mayor to serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if the event organizers would like another representative from the Council.

2. Correspondence Signatures - Councilmembers do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings (exception: zoning ex parte contact). City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor or the appropriate City staff.

3. Intergovernmental Relations – Generally, City Charter §13 designates the Mayor to represent the City in intergovernmental relationships (the exception are designated liaisons). The Council values intergovernmental relations with neighboring communities and other entities. As a result, Councilmembers shall make a concerted effort to attend scheduled meetings with other entities to further promote intergovernmental relations.

4. Legislative Process - The City generally follows Roberts Rule of Order for meeting management. See the Administrative Code for City Council meetings.

5. Public Meeting Hearing Protocol - The Mayor will open the public meetings, following the Rules of Procedure for City Council meetings. The Mayor has the responsibility to run a safe and efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly. Councilmembers shall withhold comment during the public hearing portion of the meeting until the conclusion of the public's portion of the hearing. Councilmembers shall refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

6. Records and Confidential Information - All information that must be reported and recorded by City Councilmember shall reflect the actual transactions and be accurate and complete. Other than in the discharge of his or her official duties, no City Councilmember shall disclose any confidential information which was acquired by virtue of his or her position and would not normally be available to the public. No City Councilmember shall use any confidential information for any use.

C. Council Conduct with each Other

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve, protect and enhance the present and the future of the community. In all cases, this common goal shall be acknowledged even as Council may “agree to disagree” on contentious issues.

IN PUBLIC MEETINGS –

1. Practice civility, professionalism and decorum in discussions and debate - Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Councilmembers to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. Councilmembers shall conduct themselves in a professional manner at all times, including physical appearance.

2. Honor the role of the Mayor in maintaining order - It is the responsibility of the Mayor to keep the comments of all persons, including but not limited to, the Councilmembers on track during public meetings. The Mayor shall not allow any person to interrupt the meeting or make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. The Mayor shall require the public to conduct themselves in a professional manner at all times. The Mayor shall first warn the individual, public or councilmember, of unprofessional conduct and if the conduct continues shall after that require that individual to leave or be removed by the City Marshal or his/her designee.

3. Agenda - Councilmembers shall honor efforts by the Mayor to focus discussions on current agenda items. If there is disagreement about the agenda or the Mayor's actions in refraining staff, public or Councilmembers from speaking, those objections shall be voiced politely and with reason.

4. Avoid personal comments that could offend other Councilmembers - If a Councilmember is personally offended by the remarks of another Councilmember, the offended Councilmember should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Councilmember to justify or apologize for the language used. The Mayor will maintain order of this discussion.

5. Demonstrate effective problem-solving approaches - Councilmembers have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

6. Be punctual and keep comments relative to topics discussed - Councilmembers have made a commitment to attend meetings and partake in discussions. Therefore, it is important that Councilmembers be punctual and that meetings start on time. It is equally important that discussions on issues be relative to the topic at hand to allow adequate time to fully discussed scheduled issues. If a Councilmember has an item requested to be on the agenda, it is important they set the example by providing timely written materials.

IN PRIVATE ENCOUNTERS

1. Continue respectful behavior in private - The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions shall be maintained in private conversations.

2. Be aware of the insecurity of written notes, voice and text messages, and e-mail - Technology allows words written or said without much forethought to be distributed wide and far. The Public Records Law mandates that any material made or received by an agency in connection with official business be used to perpetuate, communicate or formalize knowledge is a public record, and unless exempt, must be turned over to someone requesting to see that material. Before you create a document, ask yourself: Would you feel comfortable to have this note faxed or PDF'd to others? How would you feel if this voicemail message was played on a speaker phone in a full office? What would happen if this email message was forwarded to others? Written notes, voicemail messages and email related to City business are public communication subject to disclosure.

3. Even private conversations can have a public presence - Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

D. Council Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff members, who implement and administer the Council policies. Therefore, every effort shall be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

1. Treat all staff as professionals - Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

2. Limit contact to specific City staff - Questions of City staff and/or requests for additional background information shall be directed to the City Administrator or City Attorney when appropriate. The City Administrator shall be copied on or informed of any request.

Requests for follow-up or directions to staff shall be made only through the City Administrator or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Councilmembers shall ask the City Administrator for direction. Materials supplied to a Councilmember in response to a request will be made available to all members of the Council so that all have equal access to information.

3. Do not disrupt City staff from their jobs – Staff wants to be accessible for City Council, but Councilmembers shall avoid disrupting City staff while they are in meetings, on the phone, or engrossed in performing their job functions.

4. Never publicly criticize an individual employee - Council shall never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance shall only be made to the City Administrator.

5. Do not get involved in administrative functions - Councilmembers shall not attempt to influence City Staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits. Chapter 2, Article IV outline the general administrative functions.

6. Check with City staff on correspondence before taking action - Before sending correspondence, Councilmembers shall check with the City Administrator to see if an official City response has already been sent or is in progress.

7. Do not attend staff meetings (with or without public) unless requested by staff or City Council - Even if the Councilmember does not say anything, the Councilmembers presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

8. Limit requests for staff support - Even in high priority or emergency situations, requests for additional staff support shall be made to the City Administrator who is responsible for allocating City resources in order to maintain a professional, well-run City government and following City Council direction.

9. Do not solicit political support from staff - Councilmembers shall not solicit any type of political support (financial contributions, display of poster or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

E. Council Conduct with the Public

1. IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. No signs of partiality prejudice or disrespect shall be evident on the part of individual Councilmembers toward an individual participating in a public forum. Every effort shall be made to be fair and impartial in listening to public testimony.

a. Be welcoming to speakers and treat them with care and gentleness - Speaking in front of Council can be a difficult experience for some people. Some issues the Council undertakes may affect people's daily lives and homes. Some decisions are emotional. The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity.

b. Be fair and equitable in allocating public hearing time to individual speakers - The Mayor, in accordance with the Administrative Code for City Council meetings, will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated three

minutes, with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers. No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public comment unless the Council requests additional clarification. After the close of any public comment portion, no more public testimony will be accepted unless the Mayor reopens the public hearing for a limited and specific purpose.

c. Give the appearance of active listening - It is disconcerting to speakers to have Councilmembers not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time, gazing around the room or getting up from your seat gives the appearance of disinterest. Be aware of facial expressions and body language (e.g., head and arm movements), especially those that could be interpreted as “smirking”, disbelief, anger or boredom.

d. Ask for clarification, but avoid debate and argument with the public - Only the Mayor – not individual Councilmembers – can interrupt a speaker during a presentation. However, a Councilmember can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Councilmember finds disturbing. If speakers become flustered or defensive, it is the responsibility of the Mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Councilmembers to members of the public testifying shall seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker.

e. No personal attacks of any kind, under any circumstance!

f. Follow parliamentary procedure in conducting public meetings - The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor, subject to the appeal of the full Council.

2. IN UNOFFICIAL SETTINGS

a. Make no promise on behalf of the Council - Councilmembers will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

b. Make no personal comments about other Councilmembers - It is acceptable to disagree publicly about an issue, but it is unacceptable to make derogatory comments about other Councilmembers, their opinions and actions.

c. Remember Arcadia is a small community at heart – Councilmembers are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in

the City of Arcadia. Honesty and respect for the dignity of each individual shall be reflected in every word and action taken by Councilmembers, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

F. Council Conduct with Other Public Agencies

1. Be clear about representing the City or personal interests - If a Councilmember appears before another governmental agency or organization to give a statement on an issue, the Councilmember must clearly state:

- (i) if his or her statement reflects personal opinion or is the official stance of the City;
- (ii) whether this is the majority or minority opinion of the Council. Even if the Council member is representing his or her own personal opinions, remember that this still may reflect upon the City as an organization.
- (iii) If the Council member is representing the City, the Council member must support and advocate the official City position on an issue, not a personal viewpoint.
- (iv) If the Council member is representing another organization whose position is different from the City, the Council member shall withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers shall be clear about which organizations they represent and inform the Mayor and Council of their involvement.

2. Correspondence also shall be equally clear about representation - City letterhead may be used when the Council member is representing the City and the City's official position. A copy of official correspondence shall be given to the City Clerk to be filed as part of the permanent public record. To avoid confusion regarding City Council's position, it is best that City letterhead not be used for correspondence of Councilmembers representing a personal point of view, or a dissenting point of view from an official Council position.

G. Council Conduct with Advisory Boards

The City has established several advisory boards as a means of gathering more community input. Citizens who serve on advisory boards become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and shall be treated with appreciation and respect.

1. If attending an advisory boards meeting, and you are not the liaison, be careful to only express personal opinions - Councilmembers may attend any advisory board meeting, which are always open to any member of the public. However, if the advisory board is conducting a public hearing, the Council member shall refrain from attending. Councilmembers shall be sensitive to the way their participation could be viewed as unfairly affecting the process. Any public comments by a Council member at an advisory board meeting shall be clearly made as individual opinion and not a representation of the feelings of the

entire City Council. Also be cognizant of the Sunshine Law, precluding discussion (outside of meeting advertised for City Council) by two or more members of City Council on any item that may take action upon. A council member's presence may affect the conduct of the advisory boards and limit their role and function.

2. Limit contact with advisory boards members - It is inappropriate, and at times illegal, for a Council member to contact an advisory board member to lobby on behalf of an individual, business, or developer. Councilmembers shall contact staff in order to clarify a position taken by the advisory boards.

3. Remember that advisory boards serve City Council, not individual Councilmembers - City Council appoints individuals to serve on Advisory boards, and it is the responsibility of advisory boards to follow policy established by the Council. But advisory board members do not report to individual Councilmembers, nor shall Councilmembers feel they have the power or right to threaten advisory board members with removal if they disagree about an issue. Appointment and re-appointment to an advisory boards shall be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. An advisory board's appointment shall not be used as a political "reward".

4. Be respectful of diverse opinions - A primary role of advisory boards is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers must be fair and respectful of any citizens serving on advisory boards.

5. Keep election issues away from public forums and advisory board meetings – While Councilmembers are free to participate in politics when not conducting official business, they shall refrain from campaigning for office or providing political support or non-support for those who are running for any elected office (national, state or local) while conducting official duties or when attending advisory meetings.

6. Inappropriate behavior can lead to removal - Inappropriate behavior by an advisory board member shall be brought to the attention of City Council, and with the assistance of the City Attorney issue letter outlining such inappropriate behavior, and the individual may be subject to removal from the advisory board or if the advisory board is not operating in accordance with City Council's direction, dissolution of the advisory board.

H. Council Conduct with the Media

Councilmembers may be contacted by the media for background and quotes.

1. The best advice for dealing with the media is to avoid going "off the record" - Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

2. Choose words carefully and cautiously - Comments taken out of context can cause problems. Be especially cautious about humor, sardonic

asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

I. Candidates for City Council

The rules incorporated within apply to Candidates for City Council as well. "Candidate" means any person who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public officer.

J. Discipline

Councilmembers Behavior and Conduct - The Mayor shall require Councilmembers to conduct themselves in a professional manner at all times.

The Mayor shall first warn and reprimand the councilmember of conduct that violates this Code of Conduct of the City of Arcadia. If the conduct continues the Councilmember may be formally censured by the Council. Serious infractions of this Code of Conduct could lead to other sanctions as deemed appropriate.

It is the responsibility of City Council to initiate action if a Council member's behavior may warrant discipline due to a breach of these written standards of conduct. Any action taken by Council on the alleged violation(s) of this Ordinance must be brought up in a public meeting.

Upon adoption of this Code of Conduct, following election to office and once a year thereafter, each elected officer will confirm that they have received a copy of this Code of Conduct for their review and use.

Signature

Date

**MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, NOVEMBER 20, 2012
6:00 PM**

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 meeting was called to order at approximately 6:00 p.m.

Councilman Heine gave the invocation which was followed by the Pledge of Allegiance.

Arcadia City Council

Mayor Keith Keene
Deputy Mayor Robert Heine
Councilman Robert R. Allen

Councilwoman Alice Frierson
Councilman Joseph E. Fink

Arcadia City Staff

City Administrator Judi Jankosky
Captain Matt Anderson
Thomas Slaughter, Planner

City Recorder Virginia S. Haas
City Attorney Thomas J. Wohl
Renee Green, Finance Director

PRESENTATION

Nico Teen Zombie Video – request for video shoot (Dr. Kirk Voelker)

Dr. Voelker gave a short presentation on the Nico Teen Zombie Video they wish to produce in the downtown area. It is a civic project for educating teens against tobacco use. The City Attorney confirmed this would require a special event permit. **A motion was made by Deputy Mayor Heine and seconded by Councilman Allen to tentatively approve the request for the Nico Teen Zombie Video. Dr. Voelker will submit a request for a special event permit to the City Council for approval. The motion carried 5-0.**

CONSENT AGENDA

1. November 6, 2012 Regular Meeting Minutes
2. Check Warrant Reports from 10/30/12, 11/02/12, 11/06/12, 11/09/12 and 11/13/12
3. Air-Cadia Flowage and Hangar Report from October 2012
4. Special Event Permit for the Year - Myakka Church of God – Jesus' Hand Extended at the Tree of Knowledge Park
5. Request for Certificate of Appropriateness – Trinity United Methodist Church

Mayor Keene removed item number 4 from the consent agenda.
Councilman Fink removed item number 1 from the consent agenda.

A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to approve consent agenda items 2, 3 and 5 as presented. The motion carried 5-0.

Councilman Fink discussed that after listening to the tape we don't know if what Councilman Frierson said is what she said or not because the tape doesn't exist. It doesn't say anything to refute what he said because it is blank. He doesn't like to be called a liar.

A motion was made by Councilman Fink and seconded by Mayor Keene to approve the November 6, 2012 Meeting Minutes as presented. The motion carried 5-0.

Mayor Keene suggested that the Council review item 4 again and he recalled when the request was brought previously the Council agreed to approve only one event. He asked if the applicant was present. (Applicant was not present). Mayor Keene shared his concern for the dates requested in the upcoming 12 months. He stated that he was not suggesting he was against the function but questioned the idea of where it is located. He added that several business owners from downtown voiced concerns as well. Councilman Fink suggested possibly approving the event on a month by month basis and returning the remainder of the money.

A motion was made by Councilman Fink and seconded by Deputy Mayor Heine to approve the special event permit for Myakka Church of God for one month. Vote on the motion carried 5-0.

DISCUSSION ITEMS

6. Request for Special Event Permit and Waiver of Fees, Team Arcadia Holiday Tour of Homes (Team Arcadia)

Mrs. Jankosky reported that this event coincides with the above approved event. Mr. John Super, Team Arcadia, stated that the flyers have already been distributed. Councilman Heine suggested that possibly the previous applicant could change the date or location.

A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to table the Myakka Church of God special event request to allow time for the City Administrator to reschedule or relocate the December 8, 2012 event. The motion carried 5-0.

A motion was made by Deputy Mayor Heine and seconded by Councilman Allen to approve the special event permit and waiver of fees for the Holiday Tour of Homes. Councilman Fink noted that he would not vote to waive the fees because the Council previously asked a church to pay a permit fee and the Council is not being consistent.

Mrs. Janie Watson recalled a long debate about charging fees and it was decided across the board all would pay fees. Deputy Mayor Heine suggested a meeting to do away with the fees all together because of the recent problems. Councilman Fink suggested rescinding the fees and returning the money because the Antique Association gave \$300 for their events. Councilman Fink replied to Mayor Keene that the events can be placed on the consent agenda and pulled if there is a problem.

Vote on the motion carried 4-1 with Councilman Fink dissenting.

7. Lake Katherine Update (Team Arcadia)

Mr. John Super gave an update on the improvements at Lake Katherine Park to include a three-tier fountain that is 100% grant funded courtesy of Mosaic.

A motion was made by Councilman Fink and seconded by Deputy Mayor Heine to approve the three-tier fountain concept as presented. The motion carried 5-0.

8. ISI Water Company Contract for Utility Revenue Enhancement Services (Finance Director)

Mrs. Green, Finance Director, reported that the department is working on resolving any utility issues and an outside company would not be indicated.

RESOLUTIONS

9. RESOLUTION NO. 2012-16; A RESOLUTION AMENDING MISCELLANEOUS CHARGES RELATING TO WATER AND SEWER USAGE AND PROVIDING AN EFFECTIVE DATE

A motion was made by Councilman Fink and seconded by Deputy Mayor Heine to adopt Resolution No. 2012-16 as presented. The motion carried 5-0.

10. RESOLUTION NO. 2012-19; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA FOR PARTICIPATION IN THE LOCAL GOVERNMENT SURPLUS FUNDS TRUST FUND (FLORIDA PRIME) AND PROVIDING AN EFFECTIVE DATE

A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to adopt Resolution No. 2012-19 as presented. The motion carried 5-0.

11. RESOLUTION NO. 2012-20; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA AMENDING THE BUDGET FOR FISCAL YEAR 2011 - 2012 AND PROVIDING AN EFFECTIVE DATE

A motion was made by Councilman Fink and seconded by Deputy Mayor Heine to adopt Resolution No. 2012-20 as presented. The motion carried 5-0.

ORDINANCES

12. ORDINANCE NO. 981; FIRST READING OF AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA CODE OF ORDINANCES; SECTION 2-36; PROVIDING ADMINISTRATIVE CODE FOR RULES OF CONDUCT FOR THE ARCADIA CITY COUNCIL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Following discussion, Mayor Keene asked if this item could be returned for review by the Council as a reference guide only.

13. ORDINANCE NO. 982; FIRST READING OF AN ORDINANCE AMENDING THE FUTUE LAND USE MAP OF THE CITY OF ARCADIA, FLORIDA FOR THE +/-1.93 ACRE PROPERTY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH DESOTO AVENUE (U.S. HIGHWAY 17) AND WEST GIBSON STREET (PARCEL NUMBERS: 31-37-25-0020-00P0-0090; 31-37-25-0020-00P0-0200; AND 31-37-25-0020-00P0-0240) FROM THE FUTURE LAND USE OF LOW DENSITY RESIDENTIAL TO BUSINESS; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to approve Ordinance No. 982 at first reading. The motion carried 5-0.

14. ORDINANCE NO. 983; FIRST READING OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ARCADIA, FLORIDA FOR THE +/-1.93 ACRE PROPERTY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH DESOTO AVENUE (U.S. HIGHWAY 17) AND WEST GIBSON STREET (PARCEL NUMBERS: 31-37-25-0020-00P0-0090; 31-37-25-0020-00P0-0200; AND 31-37-25-0020-00P0-0240) FROM THE ZONING OF SINGLE-FAMILY RESIDENTIAL (R-1B) TO COMMUNITY BUSINESS (B-1); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A motion was made by Deputy Mayor Heine and seconded by Councilman Fink to approve Ordinance No. 983 at first reading. The motion carried 5-0.

COMMENTS FROM DEPARTMENTS

1. City Marshal - Reported on a single car accident at Magnolia.
2. Attorney – Reported update on Tremron.
3. City Administrator
 - a. CDBG NR Grant Update – Ongoing.
 - b. Senior Friendship Parking – Council requested update.

Hazen and Sawyer: DEP Grant. A motion was made by Deputy Mayor Heine and seconded by Councilman Allen to approve Amendment 3 to Specific Authorization No. 11. The motion carried 5-0.

PUBLIC (PLEASE LIMIT PRESENTATIONS TO FIVE MINUTES)

Leadership DeSoto event December 12, 2012 at 2 p.m.

Mr. Charles Conklin spoke regarding the Homeless Coalition and Smith Brown Gym.

Mr. John Super spoke about the car show and Tour of Home event.

Mrs. Virginia Lisky reported on a house in disrepair.

MAYOR AND COUNCIL MATTERS

Councilman Fink reported on the DeSoto County Delegation meeting on December 11, 2012 at 9:30 a.m.

Council agreed to hold a workshop on Tuesday, December 4, 2012 at 5:30 p.m. to review legislative priorities.

Councilman Fink asked about options and services for a paralyzed citizen.

ADJOURN

There being no further business the meeting adjourned at 7:50 p.m.

APPROVED THIS 4th DAY OF DEC; 2012.

By:



Keith Keene, Mayor

ATTEST:


Virginia S. Haas, City Recorder

DEPARTMENT REPORTS

CITY OF ARCADIA
POLICE DEPARTMENT
725 N. Brevard Ave.

MATTHEW A. ANDERSON
MARSHAL

P.O. BOX 1014
ARCADIA, FL. 34265

TOTALS FOR THIS REPORT PERIOD: AUGUST 2014

**ARREST
ACTIVITIES**

FELONY ARREST	9	MISDEMEANOR ARREST	13
JUVENILE ARREST	8	TRAFFIC ARREST	6
WARRANT ARREST	1		

TRAFFIC ACTIVITIES

ACCIDENT REPORTS	19	TRAFFIC CITATIONS	86
		WARNING CITATIONS	33

PATROL

COMPLAINTS	610
CITY ORDINANCE VIOLATIONS	15

CRIMINAL INVESTIGATIONS

CASES TOTAL	12
CASES UNDER INVESTIGATION	7
CASES CLOSED	5



CITY MARSHAL
8/26/2014