

**MINUTES  
 CITY COUNCIL  
 CITY OF ARCADIA  
 TUESDAY, AUGUST 17, 2010  
 6:00 PM**

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

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

**Arcadia City Council**

Mayor Roosevelt Johnson  
 Councilmember Keith Keene  
 Councilmember Lorenzo Dixon

Deputy Mayor Robert Heine  
 Councilmember Sharon Goodman

**Arcadia City Staff**

City Administrator Lawrence Miller  
 City Marshal Charles Lee  
 Consulting Engineer Julie Karleskint

City Recorder Dana Williams  
 City Attorney William Galvano

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

**CONSENT AGENDA**

1. MINUTES OF THE AUGUST 3, 2010 REGULAR MEETING
2. CHECK WARRANTS FROM JULY 24, 2010 THROUGH AUGUST 12, 2010
3. MOBILE HOME PARK REPORT FOR JULY 2010
4. CITY FINES & ESTREATURES REPORT FOR JULY 2010
5. AIR-CADIA FLOWAGE AND HANGER RENT REPORT FOR JULY 2010
6. REQUEST OF THE DESOTO CHAMBER OF COMMERCE TO USE MCSWAIN PARK FOR THE US ARMY FIELD BAND CONCERT ON OCTOBER 24, 2010
7. REQUEST FORM DHS CLASS OF 2013 TO USE FIRE STATION ON 10<sup>TH</sup> AND CYPRESS FOR THE HOMECOMING FLOAT
8. REQUEST OF DESOTO CO. HIGH SCHOOL TO CLOSED OAK STREET FOR HOMECOMING PARADE ON FRIDAY, OCTOBER 22, 2010
9. HAND OF ANGELS, INC. REQUEST FOR RE-APPLICATION FOR A PLAYGROUND GRANT

On motion of Councilmember Keene and seconded by Councilmember Dixon, the Council voted unanimously, 5-0, to approve each item of the Consent Agenda printed above.

**DISCUSSION ITEMS**

10. PUBLIC HEARING AND DISCUSSION ON WATER RATE INCREASE

Ms. Julie Karleskint, Engineer with Hazen & Sawyer Inc., made a brief presentation related to the Water Treatment Plant. She explained the existing 3-mgd water treatment plant which serves the city has reached the end of its serviceable life, being that the plant was

constructed in 1968. Continuing, she pointed out the existing plant currently has a significant amount of corrosion due to its age with many of the steel structures having deteriorated beyond repair requiring either rehabilitation or replacement. She explained the plant provides treatment to reduce radionuclides, hardness, sulfides as well as provides disinfection to provide safe drinking water; however the FDEP has issued a Consent Order requiring the city to eliminate the current method of disposal from the backwash/sludge ponds within two years.

Ms. Karlskint reported that in order to secure funding for improvements to the WTP, a Facilities Use Plan was prepared evaluating options for the plant which included connection to DeSoto County, repair/rehabilitation of existing plant and replacement of existing plant and that the facility would be sized down to treat a maximum day flow of 2 mgd base on the average daily flow of 1 mgd. Further and as part of the evaluation, the purchase of water from DeSoto County was deliberated during several meetings to determine the viability of this option. In evaluating the current pressures and pumping conditions, the County indicated the most they can provide is approximately 400,000 gpd without any additional improvements to their system and that flows greater than this amount would require a booster pump station in order to transmit to the City. Discussion with the County indicates that the North booster pump station and storage tank currently being completed was constructed at a cost of approximately \$2.5 million and is similar to the anticipated cost for the ion exchange facility. The operating cost to purchase water from the County was also determined to be greater than the current cost to treat the water from the city wells. Therefore, connection to the County was considered as a higher cost option than the proposed facility.

The consulting engineer added that the cost to repair or rehabilitate the existing plant also proved to be greater than the cost of constructing a new facility due to the replacement costs for the filter and solid contact unit as well as having to eliminate the current method of disposal for lime sludge and backwash waters. Based on this evaluation it was determined that replacing the existing facility with a new ion exchange facility would be the best option with respect to cost and environmental impacts. Ms. Karleskint added that the WTP is currently piloting an ion exchange now and it's doing a wonderful job; however, in order to secure loan and grant funding for a new plant, the City must show they can repay the loan funds *and* set aside additional funds for the renewal and replacement of critical components of it. Therefore, a rate increase is required to provide those necessary funding revenues. She concluded by saying should the City decide not to proceed with the rate increase, it could face significant fines for violation of the consent order in addition to facing the potential of not being able to provide a safe drinking water supply to its customers.

At this point, the Mayor opened a public hearing to receive comments from the audience. Mr. Bob Allen, 12 S. 12<sup>th</sup> Avenue, reiterated the same objections he had stated in the past, asking the Council to reconsider their decision for a new plant based on the information provided by the County in a letter him dated August 2, 2010. Mr. Allen stated he was concerned over the amount of debt the City was taking on and repayment of the loan; and urged the Council to further meet with the County to work out something which would be satisfactory to the rate payers.

Dr. Ernest Hewett, 3157 NW Poultry Street, stated his agreement with the consulting engineer, believing a new plant is the "way to go." He pointed out there was no guarantee with

the County's rates and that he had "run the numbers" independently, adding that cost-wise building a new plant was the best option. Dr. Hewett add the proposed rate increase should have been done 5-6 years ago, particularly to handle repairs to the infrastructure into the future. He thought the transfer of debt from the Wastewater Plant to the Water Plant would hopefully see a decrease or neutrality; and that currently it would cheaper than the County rates.

Dr. Hewett also discussed a utility customer (Stonegate Apts.) which, according to him, had accumulated a \$12K balance, had negotiated a payment schedule with a councilmember, made one payment, then continued to allow the arrears to accumulate. Dr. Hewett also quoted City Code Section 102.31 which includes a permissive verb for connection to the City's water system; facetiously suggesting the way around a rate increase was for everyone to dig a well and 'get off city water.' Councilmember Keene countered that any water supply for community use (such as an apartment complex) would require a SFWMD and/or DEP permit and that it would be more advantageous to deal with the City than with the State. Still, Dr. Hewett suggested to the City Attorney that he may want to amend the ordinance to include more mandatory language.

The City Marshal added the complex is using a well, that a number of the residents have complained and that his office has been working with the Systems Department and Health Department to try and resolve the problem. Councilmember Keene felt certain the development order would have required the complex to identify their water source.

Councilmember Keene then turned the discussion back to the issue at hand - namely the recommendation for a utility rate increase. He pointed out to Mr. Allen the various actions needed to occur before the County could provide the quantity of water demanded by the City, the cost to the County to provide for a booster station, and most importantly, the requirement of the Authority to determine a surplus, which DeSoto County does not have. Mr. Keene added he was uncertain as to why previous Council's had not maintained the system, but now the City is at the point of "push having come to shove".

Ms. Adrienne Daly stated her water bill had fluctuated between \$62 and \$120 over the past four months with no leaks having been found. She found it peculiar to have that much fluctuation. The City Administrator said he would have the Systems Department look into the problem.

Councilmember Dixon recalled that at the previous workshop held July 20<sup>th</sup>, he had suggested action regarding the Facilities Use Plan and rate increase be considered separately; however Council had taken action in one, consolidated motion. He added he was convinced that if the County can't supply sufficient quantity, the City needs to do something to continue to move forward but was uncertain as to at what expense. Dr. Dixon stated the same group had previously conducted a rate study and as part of that, suggested a 30% rate increase although the Council only adopted a 20% increase at that time, therefore he was prepared to vote for the "other 10%" now. He continued that his feelings are directed to the people on fixed incomes and he cannot support another 20% rate increase or 40% within 7 months time, calling it harsh punishment to the citizens. Dr. Dixon added that the City didn't "get here" overnight and should be trying to come out of it overnight.

Dr. Dixon also addressed those with accounts in arrears, saying he believes anyone with debt needs to pay. He cited policies similar to Cape Coral where landlords are held accountable. He requested the City Administrator look at other cities which hold landlords responsible; and as for the Stonegate Apartments, Dr. Dixon stated the City needs to collect that debt.

The City Administrator responded to the issue of Stonegate saying he has had an inquiry from them on the language of our Code and that although he cannot verify the amount outstanding, he will check into it and report back. The Administrator stated in that regard, the staff has been working beyond the call of duty to have the owners of the complex come into compliance, adding the city will not provide a sewer hookup until the arrears is paid, but he will continued to work with the individuals to address the outstanding bill.

The City Attorney added the code contemplates private sources of water but also gives the city jurisdiction for enforcement of private sources, including taking control and disconnection of those sources. He believed the avenue for enforcement includes a legal action but will work with the Administrator on the issue, insisting the City is not at the mercy of some loophole.

Mr. Gary Frierson, 820 W. Gibson Street, confirmed with the Council that if there were to be a surplus as a result of the rate increase, conceivably rates could be reduced in the future, that the funds were not to be co-mingled in the general fund, and that the increase would help maintain infrastructure including the system lines. The answer was yes to all. Mr. Frierson also opposed the idea of landlords being responsible for tenants' utilities, suggesting instead to do something like is done with FPL and adjust the deposit required. With regard to Stonegate, Mr. Frierson likened reconnection fees to tap fees which he felt warranted serious attention. And finally, Mr. Frierson stated that no one likes an increase, but the City is where we need to be with it.

At this point, the Mayor closed the public hearing and accepted any motions. The Deputy Mayor offered a motion to increase the water rates by 20% effective October 1, 2010. Councilmember Goodman provided a second and a roll call voted recorded 4-1 approval with Councilmember Dixon dissenting.

#### COMMENTS FROM DEPARTMENTS

##### 11. CITY MARSHAL

The Marshal expressed his appreciation to Fred Lewis and Jerry Cordes of the Systems and Street Departments, respectively, for their proactive and diligent work in bringing the Stonegate Apartment issue to the attention of Code Enforcement.

He then discussed concern with the lack of action on the rental hall ordinance deferred from the last meeting for further workshop action. The Marshal cited a recent incident at The Arbor where shots were fired and three people arrested. He felt without the ordinance having been adopted, his officers had very little enforcement authority to go after the person or persons responsible for having booked/sponsored the party. The Marshal said fate had stepped in by nearly having had a murder on Oak Street.

Discussion followed on the particulars and among those in attendance. Mr. Bruce Neveau, of Arcadia Main Street, suggested a requirement for having security at these types of events and implementing certain codes of conduct to include clean up of the premises and grounds immediately following the event. The City Attorney again asked that any member of Council or the Marshal having a suggestion for inclusion with the ordinance to contact him prior to the workshop on September 21<sup>st</sup> and that first reading of the ordinance could be scheduled for the regular meeting agenda immediately following on that day.

## 12. ATTORNEY

The City Attorney reported that his office has not received a response from the County pertaining to the legal basis for the franchise ordinance they've recently adopted, though he will continue to follow up with them.

He also stated the Craig A. Smith vs. City of Arcadia lawsuit has been tried and is now in closing, written arguments. He has briefly reviewed the invoice of the specialized counsel which appears to be within the limits discussed.

## 13. ADMINISTRATOR

The City Administrator announced his pleasure in the selection of Mr. Jorge Santana as the city's new Finance Director. He stated Mr. Santana comes with a wealth of experience in finance and is well versed in auditing, collections, accounts payable and payroll issues, adding that he is a graduate of Florida International University with a BA in accounting and former finance director of Florida Civil Commitment Center. Mr. Santana is also a 10-year resident of the City and will begin with a base salary for the position.

The City Administrator reported on the having begun the process of reorganizing the administrative functions of the City to reflect priority areas of service to the citizens. He believes this initiative will reflect the financial condition of the city and what must be done in order to bring more resources into play to meet those needs. He continued that a Community and Economic Development Department is crucial to the growth of the city and that the new department will focus on those attributes. The person hired for this department should be well versed in grant writing and planning; and that the deadline for resume submission on September 9<sup>th</sup>.

*Florida Monthly* magazine readers have voted Arcadia second for "Best Antique Shopping, Best Rodeo and Best Orange Groves" as reported by Florida Media, Inc., the publisher. The City Administrator stated purchase of an advertisement in the September issue where all winners will be announced is a good marketing opportunity and highlights the attributes of the City.

The City Administrator thanked the Marshal for his mention and appreciation of staff, because they have done a great job. He continued he would like to implement a recognition program for staff on a monthly basis and asked for the Council's support.

**On motion of Deputy Mayor Heine, and seconded by Councilmember Dixon, the Council voted unanimously, 5-0, to authorize the City Administrator's implementation of a monthly employee recognition program.**

Finally, the City Administrator explained briefly about Arcadia Main Street's application for the Tiger II Discretionary Grant along with a request for a letter of support from the Council. He stated the grant would assist the city in developing a master plan for the development of the city and provide resources, up to \$11 million if fully funded, to address the much needed infrastructure issues. A draft letter was provided to the Mayor and Council for consideration.

Councilmember Keene added both the Health Department and the Chamber have prepared similar letters.

**On motion of Councilmember Goodman with a second by Councilmember Dixon, the Council voted unanimously, 5-0, to approve the letter of support for the Tiger II Discretionary Grant, to authorize the Mayor to sign it and to forward it with the application.**

### PUBLIC

Ms. Martha Craven, 15 W. Oak Street, reported on the sidewalk project beneath the Rodeo mural, saying it was complete and looked good. She appreciated the support provided by Tremron Corporation who donated three flats of bricks and worked with the association towards the purchase of others.

Mr. Dennis Tyson, President of Arcadia Main Street thanked everyone for the opportunity and support related to the Tiger II grant.

### MAYOR AND COUNCIL MATTERS

The City Administrator stated he had attended a pre-construction meeting with DOT representatives regarding the sidewalks on Polk Street. He said only one side of the street (the east side) would be done, and that they would try to minimize any impact to the businesses along there.

Councilmember Keene said he had received an inquiry about the work being done at West Elementary. Deputy Mayor Heine answered it was installation of a drainage line to prevent flooding.

Councilmember Goodman noted several employees had made it a point to tell her how they are enjoying working with Dr. Miller as the new administrator.

The Mayor stated he would be headed to the Florida League of Cities annual conference for the next few days and encouraged other councilmembers to become involved in the board and its membership.

ADJOURN

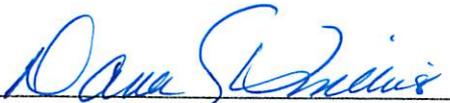
Having no further business, the meeting was adjourned at 7:20 PM.

APPROVED THIS 20<sup>th</sup> DAY OF JULY 2010.

By:

  
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Roosevelt Johnson, Ed.D., Mayor

ATTEST:

  
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Dana L.S. Williams, CMC, City Recorder

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