

**MINUTES**  
**CITY COUNCIL**  
**CITY OF ARCADIA**  
**TUESDAY, DECEMBER 1, 2009**  
**6:00 PM**

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

The meeting was called to order at 6:00 PM with Deputy Mayor Heine giving the invocation and followed by the Pledge of Allegiance. The Mayor then called roll with the following members and staff present:

**Arcadia City Council**

Mayor Roosevelt Johnson  
 Councilmember Sharon Goodman  
 Councilmember Lorenzo Dixon

Deputy Mayor Robert Heine  
 Councilmember Keith Keene

**Arcadia City Staff**

City Administrator Markae Rupp  
 City Attorney William Galvano  
 Finance Director Shelly Baumann

City Recorder Dana Williams  
 City Marshal Charles Lee  
 Recreation Director Kathleen Fox

**SPECIAL PRESENTATIONS**

**1. WATER RATE STUDY BY PUBLIC RESOURCE MANAGEMENT GROUP, ROBERT J. ORI, PRESIDENT AND THIERRY A. BOVERI, SENIOR RATE ANALYST**

Mr. Boveri presented a slide show covering the water and wastewater utility rate study evaluation. The various slides covered the purpose and background of the study, the issues facing the utility, its evaluation and methodology, observations and recommendations. Mr. Boveri pointed out additional data was required to complete the study (e.g. customer billing statistics and the City's capital improvement plan), yet certain issues such as aging infrastructure, reduced growth, operating costs and six years without a rate adjustment would not affect the overall outcome or justification for a rate increase at this point. He also discussed declining operating margins, the City's technical default of bond covenants which were included as an audit comment, and requirements for operating an enterprise fund.

Mr. Boveri and Mr. Ori each recommended a minimum 20% increase, but encouraged the Council to go 30% in order to make all coverage requirements and to implement the increase no later than January 1, 2010. They also pointed out that a 20% increase would only fund the operating expenses without any capital projects and it would not cover the entire general fund transfer. Mr. Ori, referring to the technical default, also explained a 30% increase would serve to get the City "minimally whole".

Councilmember Dixon questioned the 10% rate increase approved during the budget adoption. The Finance Director clarified that increase had not and would not go into effect due to noticing deficiency prior to adoption. Mr. Dixon then questioned the legality of having adopted that rate increase, which the City Attorney explained was not done illegally, but perhaps would be subject to challenge. Regardless, the increase did not take effect and was not factored on top of any

PAGES 7395 - 7400  
ARE NOT INCLUDED  
IN THIS BOOK DUE TO  
A PRINTING ERROR.  
THE MINUTES OF THE  
DECEMBER 1, 2009 COUNCIL MEETING  
ARE SEVEN (7) PAGES IN TOTAL LENGTH  
BUT EXTEND HERE FROM  
PAGE 7394 THROUGH 7404

increase being considered this evening.

Discussion in the form of questions from the public and answers from either the consultants or City staff followed on topics such as the cost of this study, modeling, forecasts and predictions, and the dollar amount. Mr. Steve Game and Ms. Martha Craven both discussed utility deposit requirements and the need for stricter policies on collection. Councilmember Dixon provided an example from another city whereby the property owner assumes responsibility for tenants who skip out on unpaid utility bills. Mr. Paul Hoover suggested the Council compare how much is being billed vs. how much is collected less the posted deposit to determine whether a rate increase is needed or simply to tighten up on collection policies.

The Finance Director talked briefly about the collection process noting that nearly \$10,300 has been collected in unpaid or overdue accounts since April. She then mentioned that although a 20% or 30% increase sound exorbitant, in fact in equates to only \$8.10 and \$12.15 respectively on a minimum (3,000 gal) bill.

The Mayor confirmed with the consultants the reason for the City being in this financial position was related to not having increased utility rates for several years; and that if the City takes an aggressive step at this time, it would behoove the City to enact small, periodic increases in future years to avoid a similar type position. The consultants agreed with that assessment and again, recommended an immediate 30% increase with 20% being the absolute minimum recommendation.

**Councilmember Keene, noting the City's requirement to meet its debts and obligations, made a motion direct staff to prepare a resolution increasing the water and wastewater utility rates by 30% to become effective January 1, 2010; and to tie future annual increases to the Florida Public Service Commission's index as of October 1 of each year. The Deputy Mayor provided a second to the motion for discussion purposes.**

Councilmember Goodman questioned the consequences should the Council vote not to raise the rates. The Finance Director responded there would be a cash deficiency, audit comments would most likely continue and in the worst-case scenario, bondholders could call in their bonds; resulting in approximately \$4million additional debt. Councilmember Dixon, expressing concern for the citizens, felt the minimum recommendation of 20% could be justified; but that this problem didn't happen overnight and therefore could not be fixed over night. The Finance Director pointed out that a 20% increase would demonstrate to the auditors the City was taking proactive action but that because of the amount of revenue generated, it would not necessarily eliminate the audit comment.

**A call for the vote recorded the following: Yes- Keene and Heine; No - Goodman, Dixon and Johnson. The motion failed 3-2.**

**On motion of Councilmember Goodman with a second by Councilmember Dixon, the Council voted 4-1 to direct staff to prepare a resolution increasing the water and wastewater utility rates by 20% to become effective January 1, 2010; and to tie future annual increases to the Florida Public Service Commission's index as of October 1 of each year. Councilmember Keene cast the dissenting vote.**

## CONSENT AGENDA

2. MINUTES OF THE NOVEMBER 17, 2009, WORKSHOP
3. MINUTES OF THE NOVEMBER 17, 2009, REGULAR MEETING
4. REQUEST BY ARCADIA MAIN STREET TO USE TREE OF KNOWLEDGE PARK FOR ARTS, CRAFTS AND FARMER'S MARKET
5. REQUEST BY THE LOCAL CHAPTER OF NAACP TO HOLD ANNUAL MARTIN LUTHER KING DAY PARADE ON MONDAY, JANUARY 18, 2010
6. REQUEST BY THE ARCADIA ROTARY CLUB TO ERECT A ROTARY CLUB SIGN AT THE ENTRANCES TO THE CITY ON 70 EAST AND/OR 70 WEST.
7. MOBILE HOME PARK REPORT FOR NOVEMBER 2009
8. CAR SHOW, DECEMBER 19, 2009 AND JANUARY 16, 2010

Councilmember Dixon made a motion to pull items #6 and #8 from the Consent Agenda for further discussion. Councilmember Goodman provided the second and a voice vote recorded unanimous, 5-0, approval.

Councilmember Goodman offered a motion to approve items #2 through #5 and #7 of the Consent Agenda printed above. The motion was seconded by Councilmember Dixon and carried unanimously, 5-0, upon voice vote.

Concerning item #6, Councilmember Dixon clarified with the City Administrator that any Rotary Club sign erected would conform to the proposed sign regulations being considered by ordinance. The City Administrator confirmed she had already spoken with the requestor who understood the regulations and agreed to compliance.

In relation to item #8 of the Consent Agenda, Councilmember Dixon asked if the Car Show vehicles were new or antique; and whether there would be any solicitation or sales associated with the event. The City Administrator stated they would be antique vehicles and the event would be similar to one which occurred last month to raise money for Veterans. She added there would not be any sales on the premises. Councilmember Dixon then requested that streets associated with these type events not be blocked or closed until after 4 PM so as not to disrupt business operations. Councilmember Goodman also cited an instance where a private citizen was placing a barricade along Orange Avenue and cautioned that only City employees or other authorized personnel had the authority to do so.

On motion of Councilmember Dixon and seconded by Deputy Mayor Heine, the Council voted unanimously, 5-0, to approve items #6 and #8 listed on the Consent Agenda above.

## DISCUSSION ITEMS

The City Administrator brought forward a request by Arcadia Main Street to conduct sponsored car shows on the second Friday of each month from January to April 2010. She added these shows would close downtown Oak Street from 4 PM - 9 PM between DeSoto Avenue and Orange Avenue.

Because the request was received after the printed agenda and packet had been distributed, **Councilmember Dixon made a motion to defer consideration of this item until the next regular meeting. Councilmember Keene provided a second to the motion, which passed unanimously, 5-0, following a voice vote.**

The Administrator then mentioned that the Leadership DeSoto Program had made a request for her and the Council to speak to their group on December 15<sup>th</sup> from 1:45 - 2:45 to explain a little about City Government. She said she would be attending but encouraged any interested Councilmembers to attend and make a presentation as well. Councilmember Goodman explained the Leadership program as a cadre of professionals who learn together, grow together and mentor others; and that the program has been highly successful throughout Florida. She also suggested that if the County Commissioners are invited to participate, it would represent the City well for the Council to attend also. The Mayor asked the City Administrator to find out of Commissioners would be presenting and if so, he would rearrange his schedule to attend.

The City Administrator reported on an FDOT project to replace sidewalks on Polk Street between Magnolia and Hickory. She stated she had met with the FDOT representative and that the funding is available and the department is ready to begin pending receipt of a certification of right-of-way from the Attorney. The Administrator continued there would be mulch, sod, or some type of landscaping feature on the aprons, which would eliminate the need for the delineators at the traffic light posts. She added the proposed project would only cover one intersection although the others could be done at a cost to the City or by donations of the downtown merchants.

Councilmember Keene praised this initiative saying it was exactly in line with the walkability study recently presented. He felt the new sidewalks would enhance the area and was excited for the project to begin. The Mayor asked if anything involving ADA compliance would require a change to which the Administrator responded yes, although what is currently in place had been grandfathered in. Continuing, she added that only those portions of the sidewalks to be changed or replaced would affect the ADA requirements.

**Councilmember Dixon made a motion to remove the delineators from the downtown intersections as soon as possible or no later than this time the following day. Councilmember Keene provided a second to the motion, which carried unanimously, 5-0.**

Questioning the project from a business aspect, Ms. Judith Randle asked how long the sidewalks would be out of commission. The City Administrator did not have an immediate answer since the project was being administered, funded and conducted by the DOT. Ms. Randle also asked if there would be design drawings available to which the Administrator responded there would be once the scope of the project is complete and that it would be brought before the Council at that point.

The Administrator distributed a reminder of the Ridge League Dinner for December to be held in Lakeland and asked the Council to RSVP to either her or the League. Councilmembers Keene, Heine, Dixon and Johnson confirmed their attendance.

The City Administrator reported she had received a request for a personnel hearing which was received after the agenda packages were distributed, but was time sensitive according to the

grievance policy. She requested the Council consider conducting a special meeting prior to the next regularly scheduled meeting. The Mayor asked the opinion of the City Attorney who confirmed a special session would be the best course of action.

**On motion of Councilmember Dixon, seconded by Deputy Mayor Heine, the Council voted unanimously, 5-0, to hold a special meeting at 4 PM on Tuesday, December 15, 2009, for the purpose of conducting a personnel appeal hearing.**

#### **COMMENTS FROM DEPARTMENTS**

##### **9. CITY MARSHAL**

The Marshal stated his report had been placed on the dais for the Council's review. In addition, his office had begun corrective action for the property at 500 W. Oak Street, saying the owners are presently out of town, but have definite plans to restore the property and that he is in touch with them weekly. The Marshal also reported on a Ford F150 truck won in forfeiture proceedings after nearly 2 years in litigation; and also that the two, donated vehicles had been delivered from Naples.

##### **10. ATTORNEY**

The City Attorney had no comments.

##### **11. ADMINISTRATOR**

The City Administrator briefly mentioned the restoration of the WWII airplane in DeSoto Park which is being refurbished, the December 5<sup>th</sup> Christmas Gala and Aviation Day activities, and the tree lighting following the Christmas parade.

##### **12. OTHER DEPARTMENTS**

Mr. Ernie Hewett, Chairman of the Airport Advisory Committee discussed several issues related to the airport including development of a master plan, Homeland Security concerns and recent vandalism. He presented a one-page letter outlining his topics, which included two motions for the Council's consideration. Brief discussion followed on the various topics of concern. The Council directed the Administrator to place these items on the December 15<sup>th</sup> agenda.

Mr. George Chase provided a brief description of the events involved with Aviation Day, including the pancake breakfast beginning at 8 AM and encouraged everyone to attend.

#### **MISCELLANEOUS/NOTED ITEMS**

There were no items of note.

#### **PUBLIC**

Mr. Clifford Long on behalf of Central Missionary Baptist Church discussed repeated abuse of the church property, particularly with vehicles doing "doughnuts" in the parking area. The

church is therefore requesting to erect a post and rope barricade in part along the west side along N. Roger from the south end of the church property to E. Cypress Street. Mr. Long explained that because the property line is not straight and to construct the barricade more attractively (i.e. straight), it would encroach on a right-of-way, he was inquiring what the procedure would be to gain permission for allowing the design as planned or in making that request.

The Mayor believed that as long as no utility was running through the ROW, encroachments had been allowed in the past. Mr. Long confirmed that he had spoken with the Systems Superintendent and that there were no water lines in that area; however he would check with other utilities as well. He also explained the barricade was intended as a deterrent and would not be constructed as a permanent fixture.

**On motion of Deputy Mayor Heine, with a second by Councilmember Dixon, the Council voted unanimously, 5-0, to grant permission to Central Missionary Baptist Church to erect a post and rope barricade in a straight line along the west side of N. Roger from the south end of the church property to E. Cypress Street which will knowingly encroach on a City right-of-way, provided there is no utility service within that right-of-way. For the record, this action does not convey ownership, title, or interest in any manner.**

Mr. Steven Game discussed the Livestock Market and issues with the City's permits, demolition and burning. He felt the City was not being held to the same standards others were. He continued that where the "Council had always led by example; they were now leading by dictatorship." The Deputy Mayor responded that Mr. Game's interest was due to the fact the Council decided against selling the property to his partner, Mr. O'Leary, but instead had voted to clean up the land and investigate what options the City had for its use. Mr. Heine felt Mr. Game's actions were nothing more than a vendetta.

Ms. Angela Bates, representing the Grace and Mercy Church of Our Lord, Jesus Christ, Inc. requested use of the Smith Brown facility for the 1<sup>st</sup> Annual Gospel Explosion on December 19, 2009. She described this activity as a positive outreach to the community with participants from surrounding communities participating as well. The Parks and Recreation Director requested Ms. Bates contact her at the Speer Center for the policy, pricing and insurance information. Councilmember Dixon questioned the implementation of fees for use of an outdoor park. Capt. Anderson explained that in the past, the city has typically been a co-sponsor, which would alleviate the liability insurance requirement.

**On motion of Councilmember Dixon with a second by Councilmember Goodman, the Council voted unanimously, 5-0, for the City to co-sponsor the event and to waive all fees and policies required in connection with it.**

Mr. Paul Hoover spoke briefly about the discussion regarding the Livestock Market saying he believes the intentions were good although the comments were blown out of proportion.

#### **MAYOR AND COUNCIL MATTERS**

Councilmember Dixon weighed in on the Livestock Market issue expressing concern over the sale of surplus material and the acceptance of cash for those transactions. He felt there should

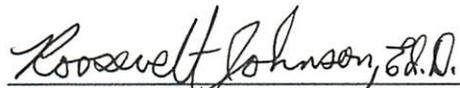
be more accountability for money handling and that availability to purchase items should be advertised as a surplus sale or put out to bid. Mr. Dixon stated the materials being sold are government property to which no one has any more right than anyone else and that hopefully the City hasn't broken any laws by selling lumber to individuals. The City Attorney answered he would look into the specifics of the sales and report back to the Council. The City Administrator also offered that what is being sold as scrap is not usable except as fence line and animal pens and that cash receipts are written, tracked and turned in every day.

ADJOURN

Having no further business at this time, the meeting was adjourned at 8:45 PM.

APPROVED THIS 15<sup>th</sup> DAY OF DECEMBER 2009.

By:

  
\_\_\_\_\_  
Dr. Roosevelt Johnson, Mayor

ATTEST:

  
\_\_\_\_\_  
Dana L.S. Williams, CMC, City Recorder