AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, JANUARY 7, 2014
6:00 P.M.

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
Deputy Mayor Joseph E. Fink
Councilmember Robert R. Allen
Councilmember Keith Keene
Councilmember Robert W. Heine

Arcadia City Staff

City Administrator Tom Slaughter
City Recorder Penny Delaney
City Marshall Matt A. Anderson
City Attorney Thomas J. Wohl
Finance Director Beth Carsten
Deputy Finance Director Ashley Killmon
Code Enforcement Officer Carl McQuay

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

SPECIAL PRESENTATIONS

1. 30 YEAR EMPLOYMENT ANNIVERSARY – PATROLMAN ANGIE ALLRED, ARCADIA POLICE DEPARTMENT

Mayor Frierson asked Marshal Matt Anderson to make the presentation. Marshal Anderson advised that Patrolman Allred has been with the Arcadia Police Department for over 30 years now. He advised that she started out in the Records Department, then Dispatch. She put herself through school and got on auxiliary of which she was a part of for many years. In 2005, she became a full-time law enforcement officer. Since then, she's done road patrol, code enforcement, evidence and crime scene and now back to road patrol. She's done an excellent job.

2. PROCLAMATION FOR MARTIN LUTHER KING DAY.

Upon request of Mayor Frierson, City Clerk read said proclamation establishing January 20, 2014 as Martin Luther King Day, a federal legal holiday, established by Public Law 94-144.

CONSENT AGENDA

Mayor Frierson advised that under the Consent Agenda, Item 6 would be pulled and placed under the discussion items. She asked for a motion for Items 1-5 and 7-10. Councilman Keene made a motion to approve Items 3-5 and Items 7-10. Councilman Heine seconded the motion. No discussion followed and it was unanimously, 5-0, approved.

Agenda Item 11 – Fair Housing Workshop / CDBG Update to include Invitation to Bid – Bridle Path Subdivision Revitalization Project (Hazen & Sawyer/Alday)

Corbett Alday with Guardian Community Resource Management, Inc. introduced himself and stated they are pleased to be the City's grant consultants. He stated that a brief update of the CDBG project is in council's packets. It's a neighborhood project for water and sewer replacement. The summary budget was included in the packets for council's reference. It is a $700,000.00 grant and there's $23,000.00 program income from the resale of a house. That includes engineering during construction and also grants administration. The bid has been monitored once with no findings and no concerns by the state. The environmental review has been completed, the release of funds have been approved by the state, and the bid documents have been approved by the State of Florida. An invitation to bid was included in the packets and he stated they were ready to advertise for bids for construction. The bids will be open bid and they will also solicit minority and other small business venders. Bids will be due in February, giving 30 days for that bid opening. The award would come back to the City and the State would review the award before signing the contract. This project could very well be done by September so it's time thought is given to the next project. Other areas that need sewer lining has been discussed, one being East Maple and the adjoining streets (Cypress, Hickory, Maple).

Gary Frierson asked if any road repairs would be made and if so, how would it affect lift stations under the road. Mr. Alday explained that there's some lining involved and some replacement, so some pavement will be disturbed and put back. Gary Frierson also asked about some homes not being connected to the sewer system. He asked if they would be connected. Mr. Alday stated that that's not part of the grant project, but they could be. There will be no new lines. It will be a rehabilitation or replacement of what's there already. Fred Lewis of the Systems Department stated that they will be extending those lines to catch some of those houses not included. Once they put the main in, the city will follow through to make them connect. Nothing is being done to the lift station.

Councilman Keene asked when would be a good time for the City to come forward with another project. Mr. Alday stated it would be good to start thinking and talking about it now so that there is no rush. Deputy Fink asked the City Attorney if it would be appropriate to take action in that regard to point staff to come back with an additional project for the next time. The City Attorney had no issue with it. Councilman Keene made a motion to direct the City Administrator to work with Mr. Alday to come back to us with a recommended project. Deputy Mayor Fink seconded the motion. No discussion followed and it was unanimously, 5-0, approved.

Mr. Alday stated that the grant program requires them to do a Fair Housing activity on a quarterly basis, so he presented a Fair Housing Activity that explained in more detail what they offer. He explained what was protected as far as race, religion, gender, age, national origin, disability. Some areas are not protected marital status, sources of income, criminal history and drug abuse. This applies if you're applying to rent or to buy a home. Fair Housing Act is a law that is protected by a Fair Housing Ordinance that you have locally, also state requirements and then the Fair Housing Act. It's illegal to be discriminated against due to a disability or children. This applies to financing or threatening or coercion.

Agenda Item 6 – FAA Pre-Application Grant to Request Funding for Taxiway B Design

Michael Moon stated that the first thing to be discussed was a pre-application for federal assistance for construction of a taxiway from the Butler Building which will follow parallel to the grass runway and tie in at your existing taxiway 8 thus we think provide a better access to the Butler Building and make it more rentable and more business oriented. The first phase would be to design permit and bidding project and would get bids about this time next year. Once bids are received, then we would ask you for permission to submit an application for the funding for the construction and construction management of the project. The project, if awarded by the FAA, would be funded 90% by the FAA, 10% by FDOT, with no City funding would be required. The application deadline is next Monday so that's why it's here before you tonight. With your approval, we are ready to submit the pre-application for federal assistance.

The Interim City Administrator stated that the resolution was not included in the agenda due to a staff error on our part. The project had been approved, but the state also likes to have that final sign off by council being in resolution form. This is pre-application for federal assistance for design permitting bidding of the taxiway bravo. The resolution that Tom is referring to is for the lighting project. FDOT has now issued a supplemental joint participation agreement that will cover those additional expenditures in that grant and Tom needs you to approve the resolution for him to execute the supplemental joint participation agreement. So we need a motion to submit the pre-application to allow Tom to sign the pre-application for the federal assistance for the taxiway B bidding and permitting. Councilman Heine made a motion to approve and said motion was seconded by Councilman Keene. Mayor stated she was going to abstain from voting on this. No discussion followed and it was unanimously, 4-0, approved.

Michael Moon stated that the second action we would need would be for you to approve a resolution approving a supplemental joint participation agreement with the Florida Department of Transportation for the lighting project to cover the entire cost of the bid you have already authorized to be awarded. Again, it is a 100% funded project and all the paperwork is ready for your signature if you approve. Councilman Heine made a motion to approve and said motion was seconded by Councilman Keene. The City Clerk then read title only of the resolution.

Mayor Frierson stated that it should be pointed out to the public that this is in addition to the grants that we have for the lighting. Michael Moon stated this was an additional $242,000.00. The Interim City Administrator wanted to thank the Gary Frierson for bringing this issue forward a few days ago. Mayor Frierson stated she was going to abstain from voting on this. No discussion followed and it was unanimously, 4-0, approved.

COMMENTS FROM DEPARTMENTS

3. CITY MARSHALL
ACTIVITY REPORT FOR DECEMBER 2013

Marshal Anderson wanted to refer to some high points. For the whole year of 2013 we had:

Felony Arrest Total 124
Juvenile Arrest Total 28
Warrant Arrest Total 86
Misdemeanor Arrest Total 218
Traffic Arrest Total 101

Accident Reports Total 355
Citations Total 1170
Issued Warrants Total 926
Complaints Total 10,043

He wanted to point out that the department is being more proactive. Code Enforcement pulled 739 complaints for the year. The criminal investigation division received 101 cases to investigate of which almost 50 of them were closed out. The state averages a little less than 30% on closure rates for cases.

4. CITY ATTORNEY

NONE

5. CITY ADMINISTRATOR

The Interim City Administrator identified five different projects that we have out there that from his understanding it's the desire of council to not deal with these items initially under regular agenda items, but to deal with them separately as workshop items. He had put a list together for their review. He stated that he had put this in a pretty good order to start with, but if council wanted to rearrange it, it could be changed.

i. Annual budget and MUNIS municipal software upgrades. Council has had questions regarding this. The Finance Director and Deputy Finance Director should be coming forward with an agenda item that will walk through what the budget and the spending specifically through the MUNIS software system.
ii. Strategic plan and community engagement. It's probably going to take half a year in duration. It will involve large scale community input sessions, but also to include smaller stakeholder where we could meet with different folks to engage their ideas. This one the state provided $25,000.00 through the Department of Economic Development through a grant that required no matching funds.
iii. Special events and use of public lands and facilities. Obviously we're halfway through the season, but we still want to work with the Police Department and the shop owners along the downtown area to discuss what's the best strategy for the 1,st 3rd and 4th Saturday of each month. We also have other needs, issues and buildings regarding the city strategy of use of these buildings by the public. We need to make some policy decisions regarding this.
iv. City staffing, management team, amendment to City Personnel Policy Manual. We've talked about a number of policies that need to be revisited. Staff should be presented with an organizational chart, but also what's the strategy of the structure behind a management approach.
v. Budget audit and revenue stream creation including storm water, streets, solid waste, and potable water rates. There's going to be talks and strategies that are going to be more specific that deal with the budget, the audit system and revenue streams that could be captured. We need to reevaluate some of our practices.

One example – had a meeting with interim director of public works at a shopping center. We are servicing five dumpster, but there's ten out there. We're not recouping our full costs for those. Part of that is poor management, but there's also a culture that "it's not that big of a deal". This is significant. Strategies are being placed on how to remedy this.

Is there an agreement that the order that these have been placed in reflects the importance from your standpoint? Mayor Frierson asked for comments. Comment from public, Rob Herron, if there are budgetary revenue streams that aren't being brought into our budget, maybe that's something that we can move to a higher priority. The Interim City Administrator stated that was an excellent point, but the reason it's put there because the budget with the initial review of the budget and then for me, the strategic plan is the most important, then the next ones fall into place from that. He stated when we can have a finely tuned team, and then we can deal with number five.

The Interim City Administration asked if they can try to set dates. Councilman Keene stated that he would make every effort to try to make the meetings when they're set, favoring meetings starting at 4:00 p.m. or 5:00 p.m. and not opposed to Saturdays, but that the dates that he would not be available would be January 15th – 17th. Mayor Frierson stated that she would not be available January 17th – 20th. Councilman Heine was open to any time. Councilman Allen was also open to any time. Councilman Fink indicated that it would be difficult for him to attend day meetings and Saturdays are usually days that he's not available during the day. He would prefer meetings starting at 4:00 p.m. or 5:00 p.m. Councilman Heine suggested the days be the second and fourth Tuesdays. Councilman Keene also suggested the second and fourth Thursdays or Wednesdays.

Mayor Frierson suggested that since it sounds like the strategic plan is going to require so many meetings, maybe it should be last. Councilman Keene commented that the meetings may move along faster than we think and maybe then when they're settled, we can move right into the next one. He felt the strategic plan should have a higher priority.

Dick Fazzone spoke from the public suggesting the personnel policy should be toward the top because it's gotten the City into a lot of trouble. Mayor Frierson suggested that there were other items within the policy that needed to be addressed immediately. Dick Fazzone though the first one should be moved to number two and then move everything else down. Council seemed to agree. The Interim City Administrator stated that they would move item 4 to item 1. Mayor Frierson asked if there were any objection to said change. Deputy Mayor Fink stated that it was brought to them and changed by them. He wondered if it would be dealt with through a resolution because that was probably all they needed to consider. He stated if he was reading the board correctly, the mindset is to put it back the way it was, and if that's the case, then how much do we need to discuss and is a workshop necessary since it seems to be already settled from what he was hearing. Mayor Frierson asked for comments. Councilmen Heine, Allen and Keene felt it should be made a workshop. Mayor Frierson asked if it should be made number one. Councilman Keene stated he had no objection to it and Councilman Heine felt it should be made number one.

PUBLIC

Charles Conklin stated that he had a concern about whether City Council had gone after the embezzlement that had been done against the City of Arcadia within the Police Department. The City Attorney stated that the City Council had not made any decision to do that. He had spoken with the current Marshal and spoke with the State Attorney who is prosecuting the case and looked into whether there was a potential to go against the former Marshal civilly. Of course, that's money that the City would have to spend doing that and potentially not being able to get anything but a judgment against the former Marshal and not being able to collect against that judgment. He stated that the City could allow the State to prosecute this and hopefully gain a restitution order for free or we can pursue a civil judgment against him and attempt to enforce that. Marshal Anderson spoke us and said to answer his question, yes the ball is rolling. Mr. Conklin asked if the money would go back to the Police Department and Marshal Anderson stated it was up to City Council, that a portion of it would have to because it was taken out of drug confiscation money. The City Attorney advised City Council that they could pursue a civil action against the former City Marshall. Deputy Mayor Fink asked if there was a timeframe that we have to deal with if the State decides to do some sort of plea bargain? The City Attorney advised that there is a 4 year statute of limitations from the time it was discovered. He stated that the issue is we can either wait to see how a potential restitution order comes out which you are getting for free on the criminal side or we can pursue the civil side, but again it will cost attorney's fees, costs, prosecuting against the former Marshal. You can get a judgment, but whether you will ever see the money is a whole different story. A decision does not have to be made now. Mayor Frierson thought it would be wise to see what happens in the criminal case. The City Attorney advised that would be his recommendation.

MAYOR AND COUNCIL MATTERS

NONE

ADJOURN

Having no further business at this time, the meeting was adjourned at 7:10 P.M.

ADOPTED THIS 21st DAY OF JANUARY, ~~2013~~ 2014

By: Alice Frierson
Alice Frierson, Mayor

ATTEST:

Penny Delaney
Penny Delaney, City Recorded

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Frierson, Alice	City Council
MAILING ADDRESS 23 N. Polk Avenue	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Arcadia — COUNTY: DeSoto	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED January 7, 2014	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Alice Frierson, hereby disclose that on January 7, 20 14:

(a) A measure came or will come before my agency which (check one)

[X] inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Abstained from vote on FAA Pre-Applicatin Grant to Request Funding for Taxiway B Design due to husband, Gary Frierson, serving on the Airport Committee.

1-21-14
Date Filed

Alice Frierson
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.