

**AGENDA MINUTES
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, DECEMBER 15, 2015
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.

INVOCATION, PLEDGE CALL TO ORDER AND ROLL CALL

The Mayor called the meeting to order at approximately 6:00 p.m. and Finance Director Beth Carsten which was followed by the pledge of allegiance. The following members and staff were present:

Arcadia City Council

Mayor Judy Wertz-Strickland

Deputy Mayor Alice Frierson

Councilmember S. Delshay Turner

Councilmember Joseph E. Fink

Councilmember Susan Coker

Arcadia City Staff

City Administrator Terry Stewart

City Clerk Penny Delaney

Human Resource Manager Linda Lowe

Finance Director Beth Carsten

Marshal Matthew Anderson

Public Works Director Steve Underwood

Councilmember Fink stated that he was uncomfortable with continuing without settling the issue of the Mayor and Deputy Mayor of the City of Arcadia. He advised that he had provided Council with copies of the resolution that Council passed last year, from the year 2004 and also a copy of a portion of the Charter. Councilmember Fink was concerned that Council had by-passed the Charter. City Attorney Wohl stated that he was having a hard time understanding Councilmember Fink's interpretation. Councilmember Fink stated that Mr. Wohl's resolution stated, in Section 4, that the term of office should be from the date of the resolution which is September 16, 2014 which it was not because their term of office was two (2) weeks prior to that, until the end of the fiscal year 2015. Councilmember Fink asked why they did not follow the dictate of the Charter. City Attorney Wohl asked him what the Charter stated and Councilmember Fink replied that the Charter stated that if they were unable to have a selection of a new Mayor, then the person getting the largest number of votes in the regular or runoff election . . . City Attorney Wohl pointed out that a phrase had been skipped which stated that if they were unable to do so within five (5) days after taking the oath. He stated that last year they had an election and there were three (3) new council members. He advised that if, after that election of the three (3) new council members were sworn in, there had been an inability to elect a Mayor or Deputy Mayor, then they would go by what Paragraph Thirteen (13) of the Charter states. Mr. Wohl further stated that looking at the very first sentence of Section Thirteen

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(13) of the Charter, it states that the Council shall elect from its members officers of the City who shall have the title of Mayor and Deputy Mayor, each of whom shall serve at the pleasure of the Council. City Attorney Wohl stated that when voting after the first nominations and appointing Mayor and Deputy Mayor after an election, Councilmember Fink was correct, but after that, they are serving at the pleasure of the Council and as the resolution states, they were voted to be put in that office through the end of the fiscal year 2015 or until their successors are appointed. Referring to the 2004 resolution, Mr. Wohl stated that although it seems to be tradition in the past, he was not quite sure what the point was of having the phrase "through the end of the fiscal year". He felt it would probably be better just to state "shall be from the date of the resolution until their successors are appointed." Mr. Wohl stated that although it would be burdensome and maybe somewhat ridiculous, Council could vote a new Mayor and Deputy Mayor in each week, each month, each meeting or however they wanted to do it because they serve at the pleasure of Council. Councilmember Fink made a motion to nominate Susan Coker as Mayor for this year and Deputy Mayor Frierson seconded the motion. No discussion followed and it was 3/2, approved with Mayor Wertz-Strickland and Councilmember Turner casting the dissenting votes. Councilmember Fink then made a motion to nominate Councilmember Turner as Deputy Mayor and Councilmember Turner declined the nomination. No other nominations were made. At this time, City Attorney Wohl asked for clarification on the previous motion regarding when it would take effect and Councilmember Fink stated it was to take effect immediately. Councilmember Wertz-Strickland then passed the gavel to the newly appointed Mayor, Susan Coker.

Mayor Coker then called the meeting to order. Lorenzo Dixon asked whether previous resolutions that have been passed supersede the Charter and the City Attorney replied that they do not. City Attorney Wohl clarified that Councilmember Frierson is still the Deputy Mayor. Roll call was then taken.

CONSENT AGENDA

Agenda Item 1 – City Council Minutes for December 1, 2015

Agenda Item 2 – City of Arcadia Municipal Airport November Report

Councilmember Fink made a motion to accept the Consent Agenda as presented and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved. City Clerk Delaney stated there was a typographical error in the December 1, 2015 minutes and it should have listed the vote as 5/0 and not as 4/0 due to Councilmember Fink abstaining from said vote. She asked if it could be approved with the correction and Councilmember Fink agreed to do so and he stated "with corrections". Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ACTION ITEMS

Agenda Item 3 – Ordinance No. 1011 Implementing the Provisions of Section 286-0115, Florida Statutes, to Establish a Procedure Governing Ex Parte Communications with Local Public Officials

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Councilmember Fink made a motion to have Ordinance No. 1011 read by title only and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved. The City Clerk then read Ordinance No. 1011 by title only. Councilmember Fink made a motion to send said ordinance off to second reading and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 4 – Ordinance No. 1012 Amending Section 50-101 to Include Inoperative Vehicles as a Nuisance

Councilmember Fink made a motion to have Ordinance No. 1012 read by title only and Councilmember Turner seconded the motion. No discussion followed and it was unanimously, 5/0, approved. Mayor Coker instructed the City Clerk to read Ordinance No. 1012 by title only and the City Clerk did so. Mayor Coker asked if there was any discussion and Charles Conklin, a City Resident, stated that he thought it was a good deal, but asked if it would be enforced and referenced a number of vehicles around town. City Attorney Wohl stated that the ordinance had the language that it would be prima facie evidence that it is an abandoned inoperative vehicle if it does not have a current tag or current registration. City Administrator Stewart advised Council that they would have, coming before them in January, a request for a workshop to explain the International Property Maintenance Code (IPMC). He explained that the Property Maintenance Standards Review Committee will be recommending the adoption of the code. Mr. Stewart stated the section of the code that deals with this specific item would be pulled and sent to the City Attorney to ensure there is no conflict. He explained that if there is language that might work better for this, it will be determined at that time whether to add the language or whether there will be a substantial change, but they would keep the Council informed of it. Councilmember Fink made a motion to send said ordinance to second reading and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 5 – State Revolving Fund Loan Program, Project No. WW-140110 Resolution No. 2015-13

Finance Director Carsten explained this resolution had to do with the Department of Environmental Protection Loan to televise the sewer pipes. She stated this would allow the Mayor and the City Administrator to sign the paperwork to finalize the loan. City Administrator Stewart stated this involved a loan of One Million and 00/100 Dollars (\$1,000,000.00) total. He explained that it starts out as a loan, but the City will have Eight Hundred Fifty Thousand and 00/100 (\$850,000.00) in forgiveness on the loan, but it has to be described as a loan. Councilmember Fink made a motion to have the Resolution read by title only and Deputy Mayor Frierson seconded the motion. No discussion followed and it was unanimously, 5/0, approved. The City Clerk read Resolution 2015-13 by title only. Councilmember Wertz-Strickland made a motion to accept the Revolving Fund Loan Program and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved. City Administrator Stewart stated this was a resolution to authorize the Mayor and the City Administrator to exercise their responsibilities. He asked if the motion could be amended to adopt the resolution

to authorize actions. Councilmember Wertz-Strickland made a motion to approve Resolution 2015-13 which will authorize the Mayor and the City Administrator to represent the City in carrying out the responsibilities under the loan agreement and Councilmember Fink seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

Agenda Item 6 – Street Sweeper Repairs

City Administrator Stewart stated he had provided a summary explanation that detailed how this issue rests. He explained that the unit was in a sad state and had not received the maintenance that it needed. He stated it cost almost Eight Thousand and 00/100 Dollars (\$8,000.00) to get the unit in a condition where it could be fully assessed. Mr. Stewart asked Public Works Director Steve Underwood to step to the podium and confirm that it was in Fort Pierce and Mr. Underwood confirmed same. Mr. Underwood advised the amount to get it to where it could be assessed was Six Thousand Five Hundred and 00/100 Dollars (\$6,500.00). City Administrator Stewart advised the estimate to repair it was Twelve Thousand Five Hundred Eighty-Two and 00/100 Dollars (\$12,582.00) and that amount was in his authority to approve it, but the additional Six Thousand Five Hundred and 00/100 Dollars (\$6,500.00) would cause the total to exceed the amount he is authorized to approve for a project. Mr. Stewart stated they could seek other providers, but it would entail driving it to two (2) other cities with an additional cost of the City of One Thousand and 00/100 Dollars (\$1,000.00) to accomplish such. He explained there was a section of the purchasing rules for the City of Arcadia that states when it is in the best interest of the City that the City Council may elect to waive those requirements and authorize an expenditure exceeding the Fifteen and 00/100 Dollar (\$15,000.00) amount which is also the amount that requires a sealed bid. Mr. Stewart stated it was his judgment that it was in the best interest of the City not to expend that money to take the vehicle which will extend the time and the money. He asked for a motion to approve the repair at an additional Twelve Thousand Five Hundred Eighty-Two and 00/100 Dollars (\$12,582.00) and to waive the City's purchasing requirement necessitating additional quotes. Councilmember Wertz-Strickland made a motion to approve the additional repair of the City street sweeper in the amount of Twelve Thousand Five Hundred Eighty-Two and 00/100 Dollars (\$12,582.00) to Southern Sewer Equipment Sales and to waive City purchasing requirements for additional quotes and Councilmember Fink seconded the motion. Councilmember Fink then stated that after the parade, the street was terrible and he felt this was a necessity because they did not have the staff to go out and pick up those sorts of things. City Administrator Stewart advised they had received a best estimate of when the unit could be repaired and that would be at the end of January. He explained that they had a previous schedule of sweeping the streets on Wednesdays and after parades or for some current necessity. He stated they have an issue of cars being parked overnight on the downtown streets and the street sweeper cannot do an effective job. Mr. Stewart advised that he would be bringing something forward for Council's approval regarding the cars on the streets to at least get the downtown done without any problems. No discussion followed and it was unanimously, 5/0, approved.

Mayor Coker advised there was an addendum to the agenda regarding a meeting Council had with the Senior Advisors. She explained they had set some City goals and established certain things they wanted to accomplish in the coming year. She stated they were looking for a

motion to adopt the goals and objectives for the City of Arcadia. Councilmember Fink made a motion to adopt the goals as presented and Councilmember Wertz-Strickland seconded the motion. Mayor Coker reviewed the list of goals and she also expressed her desire to use the old City Hall building for City Hall business. No discussion followed and it was unanimously, 5/0, approved.

COMMENTS FROM DEPARTMENTS

Marshal Anderson provided an update regarding the Shop with a Cop Program. He stated he was there to address any concerns the City Council or public may have and there were none.

City Attorney Wohl advised he had no reports and wished everyone a Merry Christmas.

Finance Director Carsten provided the financial report as of November 30, 2015. She advised that the revenues for all funds were at twenty-eight percent (28%) and the expenses were at thirteen point eight percent (13.8%). She advised Council would be seeing a budget amendment next month which will entail many of the things they had been deciding on and one will include the water plant loan amount, along with the sweeper.

City Administrator Stewart advised Council of the repairs needed for Orange Avenue and explained the reasons are the same as they were for the recent repairs of Mills Avenue. He explained it ran from Magnolia to around the area of the Hickson Funeral Home. He advised they had a ballpark figure of approximately Eighty Thousand and 00/100 Dollars (\$80,000.00). He advised they would move ahead with the repair. He explained he would like to get it done before the Martin Luther King Parade because he had learned that it was the route that the parade takes. Mr. Stewart stated that the parade impacted the time on the repair, but the main issue was safety. He explained that the State has a certain amount of responsibility which may impact the City's timeline. Mr. Stewart stated the County had put out a Request for Proposal (RFP) from persons to provide emergency utility work and he had spoken with the County Administrator and requested, and they agreed, to word it so that the City can piggyback or use their RFP for their provider. He advised he would get a hard price and try to bring it back before City Council at the first meeting in January. Councilmember Fink stated that since this was an emergency issue, he wondered if Mr. Stewart would want Council to deal with it in the form of a motion. City Administrator Stewart respectively declined because he did not have enough information to make Council feel comfortable with making a motion that would cover everything. He advised he would keep Council informed all along the way.

Mr. Stewart reminded Council that they had authorized, in this year's budget, the approval of One Million and 00/100 Dollars (\$1,000,000.00) worth of funds in order to repair roads. He provided an update on such by explaining they had identified roads that would be repaired and they were focusing on roads that do not have utility infrastructure under them. He explained the reason for doing so was to prevent paving a road and then having to rip it out in order to make utility repairs later. City Administrator Stewart further explained staff would be doing a RFP to get bids which will be on unit pricing with so much for lineal foot. He stated

firms will bid on it and it will be in the form of a sealed bid which will meet all the criteria of state statutes and City purchasing requirements which will come before Council for final approval. Mr. Stewart stated that in order to keep the One Million and 00/100 Dollars (\$1,000,000.00) that was set aside for road repair, when the budget adjustment is made he was going to request Council to take the money for the work that was done on Mills and the work that will be done on Orange to be taken out of street reserve or infrastructure reserve funds so the full One Million and 00/100 Dollars (\$1,000,000.00) will be kept to do work other than emergency repair. He also pointed out that the One Million and 00/100 Dollars (\$1,000,000.00) will not come close to doing everything that needs to be done. He addressed the pothole issue and stated that after speaking with Public Works Director Steve Underwood, they want to take some money and buy a piece of equipment that will enable them to perform hot patch pot hole repairs which are more effective and also bring a team on board to address the potholes on streets that are not being paved. Lastly, he stated he had attended the Holiday Tour of Homes and really enjoyed it.

PUBLIC

Janie Watson, a City resident, thanked the City Council for their decision on agenda item four (4) regarding the inoperable vehicles and for the pothole repair. She then asked why City Council meetings did not include a Code Enforcement Report. City Administrator Stewart stated that a weekly report is provided to the City Council which includes code enforcement activity and he further stated that the reports are on the City's website.

Greg Smith declined speaking although he had filled out a speaker card.

Charles Conklin wished everyone a Merry Christmas and Happy New Year.

Tim Twohig, a Non-City resident, complimented the Christmas Parade, but suggested placing the horses toward the end of the parade for safety and cleanliness purposes. City Administrator Stewart agreed that the parade was great, but stated he had observed some safety issues as well.

MAYOR AND COUNCIL REPORTS

Councilmember Wertz-Strickland stated the Regional Advocacy Team of which she is a part will be meeting to discuss public records advocacy, relocation of utilities and municipal elections. She also stated that she and others will be in Pasadena, California and responsible for the decorations on the Rose Bowl floats for Rotary International, Kiwanis International and Trader Joe.

Councilmember Fink referred back to Section 13 of the Charter and stated that he felt it needed work. He stated that City Council could not change those particular things themselves, but instead it should be sent to the people. He advised that before the three (3) new members of the Council were on board, Council had authorized a Charter Review Advisory Committee that went by the wayside due to the many changes of Administrators. He suggested they review what

the committee did and determine if there was any merit to it. There was discussion of possible referendum items and the ordinances associated with such to have the issue put before the people to see if they wish for anything to be changed regarding the charter. Mayor Coker advised she would like to read it. City Attorney Wohl stated he had all the information and he referred to some of the issues that were addressed.

Councilmember Fink stated he would like Council to consider changing what has been a policy regarding automatic restoration of rights to non-violent felons. He stated it limited the City Administrator the ability to hire someone who might be a convicted felon for a non-violent crime that might be a good worker. He felt the City Administrator should be given the latitude to hire anyone he sees fit. Councilmember Fink advised we were only one (1) of two (2) states in the entire union that does not restore automatic rights to non-violent convicted felons. He then wished the citizens and the best staff he had the opportunity to work with a merry Christmas and happy New Year.

Mayor Coker announced that JimSpace had opened earlier today and stated it was lovely, she also stated that the 1924 American Lafrance fire truck was delivered this morning to Daytona Beach for the start of the restoration process. She then wished everyone a merry Christmas and a happy new year.

City Administrator Stewart referred to a memorandum sent to City Council on December 11, 2015 regarding McSwain Park and the issue revolving around the necessity for a bathroom. He explained that when the project was originally brought forward, the water feature was identified as a fountain and did not require the installation of a bathroom. He further explained that the Health Department is the decider on this and they had stated it qualifies as a swimming pool and it must follow the rules of a swimming pool which requires bathrooms. He stated that was an additional cost and reminded Council that there was a contingency within the approval which amounted to Ten Thousand and 00/100 Dollars (\$10,000.00), but unfortunately that contingency was absorbed in the necessity to drill irrigation well. He explained there had been an assumption that the irrigation well that existed previously on the site would be sufficient, but unfortunately that well had been capped and filled with concrete. City Administrator Stewart stated that had cost Nine Thousand and 00/100 Dollars (\$9,000.00) of the Ten Thousand and 00/100 Dollars (\$10,000.00) that was there. He advised that the best estimate to get the restrooms done would fall somewhere around Thirty Thousand and 00/100 Dollars (\$30,000.00). He stated there was a realization on the part of the folks that were driving the project that the funds are not there with the City. He stated it will be their intent to try to raise the money to accomplish it. Mr. Stewart stated the Chamber of Commerce is requesting they be allowed to manage the bathroom portion of the project. He advised the project is scheduled to be completed around February 19, 2016, and if it has to go through the City's process, it will not be accomplished in that period of time. He explained it will require a Memorandum of Understanding (MOU) which will allow the Chamber of Commerce to manage the project on City property. Mr. Stewart asked Council to advise if they were comfortable with staff preparing a MOU to bring back to Council on the first meeting in January. He asked if staff had Council's authorization to prepare a Memorandum of Understanding to accomplish it. Councilmember

Fink stated he made a motion for such and Councilmember Wertz-Strickland seconded the motion. No discussion followed and it was unanimously, 5/0, approved.

ADJOURN

Deputy Mayor Frierson made a motion to adjourn and Councilmember Wertz-Strickland 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 approximately 7.25 P.M.

ADOPTED THIS 5th DAY OF January, ²⁰¹⁶ 2015.

By:

Susan Coker
Susan Coker, Mayor



Penny Delaney
Penny Delaney, City Clerk