

AGENDA
CITY COUNCIL
CITY OF ARCADIA
TUESDAY, APRIL 5, 2011
6:00 PM

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

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

Arcadia City Council

Mayor Robert Heine

Deputy Mayor Keith Keene

Councilmember Roosevelt Johnson

Councilmember Sharon Goodman

Arcadia City Staff

City Administrator Lawrence Miller

City Attorney Jason Henbest

City Marshal Charles Lee

City Recorder Dana Williams

Asst City Administrator Judi Jankosky

Deputy Mayor Keene gave the invocation, which was followed by the Pledge of Allegiance and roll call. The Mayor announced that Mrs. Craven was out of town and asked for prayers for her family.

CONSENT AGENDA

1. MINUTES OF THE MARCH 15, 2011 WORKSHOP
2. MINUTES OF THE MARCH 15, 2011 REGULAR MEETING
3. MINUTES OF THE MARCH 22, 2011 WORKSHOP
4. ARCADIA GOLF COURSE REPORT FOR FEBRUARY 2011
5. ARCADIA PRO SHOP REPORT FOR FEBRUARY 2011
6. REQUEST BY THE COMITE CINCO DE MAYO-AZTECA PROMOTION TO HOLD THE 11TH ANNUAL CINCO DE MAYO PARADE ON MAY 1, 2010
7. REQUEST TO CLOSE OAK STREET BETWEEN POLK & MONROE ON APRIL 8TH, MAY 13TH & JUNE 10TH FOR CAR SHOWS.
- 7.5 CHECK WARRANTS FOR MARCH 11, 18, 25 AND APRIL 1, 2011

On motion of Councilmember Goodman and seconded by Councilmember Johnson, Items #1 through 7.5 of the Consent Agenda printed above were unanimously, 4-0, approved.

DISCUSSION ITEMS

8. ADULT ATHLETIC PROGRAM CONTRACT BETWEEN THE CITY OF ARCADIA AND DESOTO COUNTY ADULT ATHLETIC ASSOCIATION

Ms. Eva Lowe, on behalf of the Adult Athletic Program stated her desire to reestablish the adult softball program that had been in existence through the City prior to Hurricane Charley. The City Administrator added the city had received the contract, forwarded it to the

Attorney for review, made a few minor changes, and that Ms. Lowe had agreed to work with other community groups in a cooperative spirit. Mr. Wade Huckabee, of DCYAA, requested that committee membership be a joint effort between the groups. Ms. Lowe responded there would be an open organizational meeting this coming Thursday evening and that Mr. Huckabee and other representatives from DCYAA were welcome to attend. The City Administrator added the City will monitor the field usage and activities, but hopes the two groups will work cooperatively amongst themselves.

On motion of Councilmember Goodman and seconded by Councilmember Johnson, the Council voted unanimously, 4-0, to approve the contract for the establishment, management, operation and conduct of an Adult Athletic Program with the DeSoto County Adult Athletic Association, Inc.

9. REQUEST BY THE ARCADIAN TO PLACE A CONGRATULATORY AD TO THE 2011 DESOTO COUNTY HIGH SCHOOL GRADUATING CLASS

The City Administrator briefly covered the request for the Arcadian and the various types of ads available.

On motion of Deputy Mayor Keene with a second by Councilmember Goodman, the Council voted unanimously, 4-0, to place a full page ad in the Arcadian which should include photographs of the Council and Administrator.

10. UPDATE ON STATUS OF WATER TREATMENT PLANT AND REQUEST FOR AUTHORIZATION TO PROCEED WITH CONSTRUCTION SERVICES. (JULIE KARLESKINT AND DAN SCHMIDT/HAZEN & SAWYER)

Ms. Julie Karleskint gave a PowerPoint presentation as an update to the Ion Exchange Water Treatment Plant. The highlights of her slides discussed the four alternatives considered, the final recommendation for replacement of the plant, revised capacity, contaminants of concern, a pilot study and testing to establish design criteria, funding opportunities, and the proposed layout and elevations. She then discussed the services covered under allowances to include engineering and administration with the next step being to bid the work and construct the plant. Moving to the amendment for specific authorization #11, Ms. Karleskint covered the cost projections for project management (\$25k), additional engineering to include permitting revisions and bid forms (\$80k), bid assistance (\$25k), construction services (drawings, certifications, testing etc @ \$209k), on-site construction observations (\$216k), and post construction services such as startup O&M, and training (\$40k). The total additional request was \$595,000. She and the City Administrator both spoke about the reduction of costs (down from \$620,000) by removing the components for LEED certification; although the Administrator pointed out the facility could meet LEED certification, although it does not need to be LEED certified.

Deputy Mayor Keene confirmed overall costs saying of the \$6.4 M to construct, the City had secured \$2 M in loan forgiveness in addition to a \$200k grant. Ms. Karleskint concurred. Mr. Keene then discussed how he had had several talks and meetings with the County and engineers to look at every opportunity available and to select the best option for the City. The

Deputy Mayor said he was sad the plant had gotten to the point of disrepair but that by investing in a new plant, the city appears to be recovering.

Ms. Karleskint also talked about the option of purchasing water from the County, quoting \$3.75/2000 gal. at their bulk rate in addition to the cost of treatment, whereas the cost to the City for repaying the loan is less than \$2/2000 gal.

Mr. Bob Allen, an opponent of building a new plant, expressed concern about incurring debt which his children and grandchildren will end up having to pay off. He felt the loan payment will only increase rates for the City; whereas the river water belongs to everyone. He asked for an extension of time before a decision is made to go back to the County and secure a contract for the purchase of water for the Council to additionally consider.

Further discussion followed amongst the Council and with Mr. Ernest Hewett from the public also speaking in favor of new plant construction. The City Administrator added there is a fiduciary responsibility to the City for both the long and short term.

On motion of Deputy Mayor Keene with a second by Councilmember Goodman, the Council voted unanimously, 4-0, to approve the amendment to Specific Authorization #11 with Hazen & Sawyer in the amount of \$620,000.00.

11. APPOINTMENT OF A BOARD OF ADJUSTMENT

The City Administrator pointed out that since December 31, 2010, the city has not had a Board of Adjustment although the code provides for one; and that in all likelihood a variance request will be forthcoming from the CDBG administration related to a non-conforming use at one of the applicant's houses.

On motion of Councilmember Johnson and seconded by Councilmember Goodman, the Council voted unanimously, 4-0, to appoint the members of the Planning & Zoning Board to serve in the additional role of the Board of Adjustment.

12. AWARD OF RFP FOR BANKING SERVICES FOR THE OPERATING BANK ACCOUNT TO SEACOAST NATIONAL BANK

The City Administrator reported on the receipt of RFP's for banking services with four banks having responded. They were Bank of America, Suntrust, First State Bank of Arcadia, and Seacoast National Bank. The Administrator continued that the best return on investment, total cost associated with maintaining an account structure and the volume of services to be provided was determined to be with Seacoast; and that in order to get the biggest bang for the City's buck, it was his recommendation to change the operating bank account from Bank of America to Seacoast National Bank.

On motion of Councilmember Goodman and seconded by Deputy Mayor Keene, the Council voted unanimously, 4-0, to change the operating bank account for the City of Arcadia from Bank of America to Seacoast National Bank.

13. APPROVAL OF THE GENERAL CONTRACTS FOR THE FOUR TOP AIRPORT CONSULTING SERVICES FINALISTS

The Assistant City Administrator presented contracts for Hanson Professional Services, Inc., C&S Engineers, Inc. and Kimley-Horn and Associates, Inc. for general airport consulting services. She added there was no payment or request for funding associated with these, but merely a description of how the city will interact with the consultants, expectations from the consultants and how payments will be arranged once work is performed.

Deputy Mayor Keene made a motion to approve the Agreements for Professional Services with Hanson Professional Services, Inc., C&S Engineers, Inc. and Kimley-Horn and Associates, Inc. Councilmember Goodman provided a second to the motion and a voice vote of the Council recorded unanimous, 4-0, approval.

14. LEASE AND BUSINESS AGREEMENT WITH SKYDIVE MARYLAND, INC.

This item was tabled to April 19, 2011 at the request of staff.

15. REQUEST BY EUGENE HICKSON SR. TO RENAME ORANGE AVENUE BETWEEN GIBSON AND MLK TO BE NAMED IN HIS HONOR

Mr. Eugene Hickson requested that Orange Avenue from Gibson to MLK be renamed "Eugene Hickson Sr. Boulevard" in his honor. He then covered his background and service with the City as well as some personal challenges he had faced.

Many people from the audience were in favor of honoring Mr. Hickson, though few supported renaming the street. Ms. Catherine Hackney, Mr. Ernest Morgan, Mr. Jeff Norris, Ms. Marsha Brown, Ms. Helen Hough, Ms. Katie Caudill, Ms. Janie Watson, Ms. Cindy Norris, and Mr. Greg Smith each spoke in favor of some form of tribute, though they felt the inconvenience and expense of changing a street name was not the best choice. Mr. Charles Conklin, Ms. Willie Johnson, and Mr. Darby Ellis were in support of the street name change. Other options discussed to recognize Mr. Hickson included the naming of a park, or structure within a park, a monument, bust, or mural.

Mr. Hickson spoke again, saying he was responsible for integrating the City of Arcadia and that he had never received credit in this town for his many contributions. He spoke of renaming the City to "City of Eugene" and challenged the Council to do what they thought was right; but promising to return if a decision was deferred.

Councilmembers Johnson and Goodman each spoke highly of Mr. Hickson and the many significant contributions he has made to Arcadia. Dr. Johnson noted how Mr. Hickson had created an easier path for him to serve on the Council and Dr. Goodman referred to him as a "trailblazer". However she added that everyone has the right to feel comfortable and that she can't do what she wants as Mr. Hickson has suggested because she has to do what is in the best interest of everyone in the City. The Deputy Mayor added that he felt there were other opportunities more fitting Mr. Hickson's contributions than naming a street. Councilmember Goodman thought the mural would be a magnificent way to pay tribute to Mr. Hickson but

suggested a committee be created to discuss and decide on a fitting homage and that Mr. Hickson be a part of the committee.

On motion of Councilmember Goodman, and seconded by Councilmember Johnson, the Council voted unanimously, 4-0, to appoint Mr. Eugene Hickson, the Deputy Mayor, City Administrator, and City Marshal to an ad hoc committee charged with recommending an appropriate tribute honoring Mr. Hickson and to do so expeditiously. (also see City Attorney comments below)

COMMENTS FROM DEPARTMENTS

16. CITY MARSHAL

The City Marshal was available to address any questions on the monthly police and code enforcement activity report. He also noted that an anonymous donor had recently donated two pieces of "thumb pad" or biometrics equipment, approximately \$3,000 each that will provide a criminal history at the touch of a thumb print. He hopes to have it up and on-line within 30 days.

17. ATTORNEY

With respect to the Hickson tribute committee, the City Attorney clarified to the members it would have to be a fact-finding committee only (no decisions) or comply with the requirements of the Sunshine Law. He added that any recommendation would need to be brought back before the Council.

A) UPDATE ON RUPP LAWSUIT

The Attorney discussed a previous action of Council which provided for the attorneys of record to open negotiations for the possibility of a settlement with former administrator Markae Rupp. He noted any settlement costs would be paid, in total, by the City's insurance company. The City Attorney continued that Ms. Rupp had begun negotiations at \$20,000, with the City opening at \$100; but following negotiations a final figure was reached at \$8,250; and that Ms. Rupp had verbally agreed to such. Along with the settlement amount there would be stipulations of no admission of liability on the part of the City, a waiver of any future cause of action on the part of Ms. Rupp, and the best assurance possible for no ill effect on the city's policy (premiums) as a result. The Attorney added that although there is a principle involved, he does believe it is a good offer and less expensive than to continue with litigation.

On motion of Deputy Mayor Keene and seconded by Councilmember Johnson, the Council voted unanimously, 4-0, to approve the settlement agreement with former administrator Markae Rupp in the amount of \$8,250.00 with the stipulations cited above.

18. ADMINISTRATOR A) SPRING BREAK CAMP

The City Administrator mentioned that he had attended a memorial service for Alize Hodges, the young lady who tragically collapsed during Spring Break Camp at Smith-Brown

Gym, then later died at DeSoto Memorial. He added the Homeless Coalition had brought in grief counselors for the other participants and that he had expressed condolences on behalf of the city to the family of Miss Hodges.

B) FIRE HYDRANTS

The City Administrator also reported the process of replacing fire hydrants within the City limits had begun. He added that although there is sufficient water pressure to the hydrants, many have been around for decades and from a safety standpoint, all hydrants need to be operational. Also, some of the money designated from the rate increase would be used for this project.

C) BOA

The Administrator briefly touched on the BOA issue brought forward earlier as it relates to the CDBG grant. The grant is already overextended in time and officials have requested a one-year extension from the Department of Community Affairs. The Administrator believes the City will be granted a minimum 6-month extension; however, the extension does not relieve the City of the responsibility to continue or finish the project and in doing so, needs four additional contracts to satisfy the commitment for 10 properties to be constructed. He added he is working with the County in terms of their SHIP funds but has found there are some properties on non-conforming which will require variances to bring them into compliance.

D) CITY SERVICES

The Administrator stated that all the brick pavers in the downtown area are complete and work will now begin in the alleyways by smoothing them out and putting in new concrete. He also reported on repairs to the cracks in the basketball court at Louis Anderson Park and replacement of the dugouts at the MLK ball fields. With regard to the Clean City Campaign, the Administrator stated he had received a list from the Code Enforcement office of properties that have liens on them and will begin the process of demolishing those which are abandoned.

E) SMALL BUSINESS CONFERENCE

Aides to Congressman Vern Buchanan, Danny Bilyeu and Sally Tibbets, met with the City Administrator to plan and conduct a Small Business Conference in Arcadia, planned to be held at the Chamber of Commerce. In addition, they will be working with the USDA on other downtown issues such as parking lots and street lights. Finally, thanks to the Assistant City Administrator's efforts, pole banners to be placed in the downtown area year round will be forthcoming in the near future. These banners will be changed seasonally and for various holidays.

PUBLIC

Ms. Helen Hough questioned whether Seacoast National Bank was a community or local bank, saying that through the reduction in positions slated to occur as a result of the new Water Plant, the City needs to implement measures to create more jobs.

Ms. Katie Caudill questioned the passage of the nuisance ordinance and whether the process had begun which will allow dilapidated houses to be demolished. She also questioned the process and legality of a recent demolition at 237 S. Orange Avenue. The City Administrator stated the house in question was already down and that the City had only cleared the lot. He continued that the owner was deceased and attempts to locate estate heirs had been unsuccessful.

Ms. Cynthia Scott of the DeSoto County Health Department distributed information on the Footsteps 2 Fitness program and fair. She invited everyone to attend the kickoff on Saturday, April 16th from 10 AM - 12 PM at Lake Katherine.

Mr. Clinton Burton asked if criteria for eligibility in regard to the CDBG housing assistance included a criminal history check and whether or not it was legal to ask about that in the course of the applications. The City Attorney did not have an immediate answer but said he would research it and provide a response in the future.

Mr. Burton also asked each member of council if they utilized text messaging on their city-issued cell phone and/or used their private cell phones to conduct city business. Each responded they did not.

Mr. Charles Conklin asked if there was a book of history on Arcadia and whether or not Mr. Hickson was included in it.

MAYOR AND COUNCIL MATTERS

The Deputy Mayor requested a continuation of the workshop on the Personnel Manual. The consensus of Council was to hold one at 5 PM on Tuesday, April 19, 2011, immediately prior to the regular meeting.

Mr. Keene also stated he had received an inquiry about a garbage bag hanging from the power lines at the intersection of Magnolia and Monroe. It was determined its removal would be the responsibility of Florida Power and Light.

Councilmember Johnson would like the City to be more decorated for the Christmas season and asked that staff look into the costs for decorations.

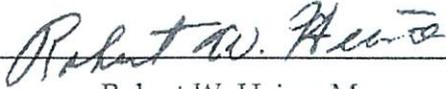
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ADJOURN

Having no further business at this time, the meeting was adjourned at 8:05 PM.

APPROVED THIS 19th DAY OF APRIL 2011.

By:



Robert W. Heine, Mayor

ATTEST:



Dana L.S. Williams, CMC, City Recorder