

CITY COUNCIL MINUTES

JANUARY 12, 2010

Mayor Penton called the meeting to order at 7:30 p.m.

Pastor Walter Lawlor, New Life Community Church, gave the invocation.

Those present recited the Pledge of Allegiance, led by Mayor Donald Penton

ROLL CALL

Mayor Donald Penton, Vice Mayor Nancy Adorno, Councilor Kristi Eilertsen, Councilor Joe LaCascia, Councilor Paula Roddenberry, City Manager Cory Carrier, City Attorney Jeff Sullivan and City Clerk Patricia Jackson. Also present were Assistant City Manager Pam Peterson, City Planner Gene Kniffin, Finance Administrator Pam Lawson and Library Director Mary Ellin Barrett

A quorum was established and the meeting was turned over to City Attorney Jeff Sullivan.

APPROVE CONSENT AGENDA

Councilor Eilertsen made a motion to approve the Consent Agenda; the motion was seconded by Councilor LaCascia.

Roll Call: Councilor Eilertsen-aye, Councilor Roddenberry-aye, Vice Mayor Adorno-aye, Mayor Penton-aye, Councilor LaCascia-aye.

5-ayes

0-nays

PRESENTATIONS AND/OR RECOGNITIONS

There were no presentations or recognitions.

PUBLIC HEARINGS

ORDINANCE 1260, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POLK CITY AMENDING CHAPTER 74 UTILITIES, SECTION 204, DRILLING AND DIGGING OF WELLS PROHIBITED, EXCEPTIONS; AND PROVIDING AN EFFECTIVE DATE

City Attorney Jeff Sullivan read Ordinance 1260 in short title. Mayor Penton opened the Public Hearing and City Manager Carrier explained the change in the language of the Ordinance, which was requested by SWFWMD, and advised that Mr. Kushmer, who is with SWFWMD, was present to answer any questions.

Mr. Longest, Mt. Olive Shores, asked about the change in the Ordinance; Mr. Kushmer advised there were three municipalities that had adopted the same language, and

Southwest Florida Water Management District asked the language be changed because in essence the Water Management District has the sole authority to regulate water use and its resources within the State of Florida. At this time City Manager Carrier read the language that was being stricken from the Ordinance and what language was being added.

Mayor Penton closed the Public Hearing and turned it over to City Council for review, discussion and to take action.

Vice Mayor Adorno made a motion to accept Ordinance 1260 in its entirety; the motion was seconded by Councilor Eilertsen.

Roll Call: Councilor Roddenberry-aye, Mayor Penton-aye, Councilor Eilertsen-aye, Councilor LaCascia-aye, Vice Mayor Adorno-aye.

5-ayes
0-nays

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Bids – Wastewater Collection System, Phase I

City Manager Carrier advised Council staff is requesting the bids be tabled for no further action until the next meeting. As you are aware, the City is in the middle of negotiations with FGUA, and they are doing their due diligence and we should have some resolution at the February meeting. If they should decide to take over, it would become a mute point and you wouldn't need to vote on it; however, if they don't you would need to make a decision. Staff feels making a decision tonight would be preliminary. Mayor Penton asked City Council if they would like to table this until the next meeting.

Vice Mayor Adorno made a motion to table this until the February meeting; the motion was seconded by Councilor Eilertsen.

Roll Call: Vice Mayor Adorno-aye, Councilor LaCascia-aye, Mayor Penton-aye, Councilor Eilertsen-aye, Councilor Roddenberry-aye.

5-ayes
0-nays

Brittany Hengel, 401 Honey Bee Lane, asked if Council was talking about the issue of water rates; Mayor Penton advised it was not water rates, but the Sewer System, Phase One. This is tabled until the February meeting because at the last meeting there was discussion about turning our entire water and sewer system over to FGUA, and next month the City will have to make a choice.

Councilor LaCascia asked if there was any assurance we would hear from FGUA by next month's meeting so that this doesn't just continue. City Manager Carrier advised the bids can only go out to February; they are good for 60 days after the bid opening; a decision will need to be made at the February meeting. The City is working very closely with FGUA in their due diligence; they have all of the information needed, and we are hoping to bring a package to Council in February. Councilor LaCascia asked if FGUA says no, is the funding still available and in place, or is it gone. City Manager Carrier advised it is gone.

Trudy Block, 218 Bayberry Drive, wanted to clarify the stimulus money is gone; City Manager confirmed it was.

Ordinance 1261, An Ordinance of the City of Polk City, Florida, Adopting Qualification Period and Deadline for Qualification of Candidates for Elected Office in the City; Providing for Severance; Providing for Conflicts; Providing for an Effective Date

Attorney Jeff Sullivan read Ordinance 1261 in short title. City Manager Carrier advised this is a housekeeping item; Polk City's qualifying period is significantly different than other cities and is causing some difficulty. The City got a legal opinion regarding being able to change the qualifying times with an Ordinance versus a Charter Amendment, and we were advised it could be done by Ordinance per Florida Statute 100.3605(2). The City Manager then announced the qualifying period (the body of the Ordinance will be changed to reflect 1:00 p.m. on the 47th day prior to the election).

Councilor Eilertsen made a motion to accept Ordinance 1261 in its entirety; the motion was seconded by Vice Mayor Adorno.

Roll Call: Mayor Penton-aye, Councilor Roddenberry-aye, Councilor LaCascia-aye, Vice Mayor Adorno-aye, Councilor Eilertsen-aye.

5-ayes
0-nays

CITY MANAGER ITEMS

City Manager Carrier advised she would be out of the office at the end of the month for a few days for a medical procedure.

CITY CLERK ITEMS

City Clerk Jackson reminded everyone of the Municipal Election and qualifying period. Packets will be available on the Monday following a meeting with the Elections Office next Wednesday.

CITY ATTORNEY ITEMS

The City Attorney had nothing to report.

COUNCIL MEMBER ITEMS

Councilor Eilertsen – Councilor Eilertsen thought the Christmas Parade was a huge success, as well as the vendors at the park. She thanked everyone for attending tonight.

Councilor LaCascia – had nothing to report.

Councilor Roddenberry – had nothing to report.

VICE MAYOR ITEMS

Vice Mayor Adorno had nothing to report.

MAYOR ITEMS

Mayor Penton went over the Christmas Donation and Expenditure Report, and thanked everyone for attending tonight.

PUBLIC COMMENTS/REQUEST

There were no public comments or request.

ANNOUNCEMENTS

There were no announcements.

Vice Mayor Adorno made a motion to adjourn the meeting; the motion was seconded by Councilor Eilertsen and unanimously carried.

Patricia R. Jackson, City Clerk

Donald L. Penton, Mayor

