

CITY COUNCIL MINUTES

JULY 13, 2010

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

Invocation was given by the Associate Pastor at the New Life Community Church

Those present recited the Pledge of Allegiance, led by Mayor Joe LaCascia.

ROLL CALL

Mayor Joe LaCascia, Vice Mayor/Acting City Manager Trudy Block, Councilor Nancy Adorno, Councilor Mike Blethen—absent, Councilor Don Kimsey, City Attorney Jeff Sullivan and City Clerk Patricia Jackson.

Also present were City Planner Gene Kniffin, Code Enforcement Officer Kathy Delp, Finance Administrator Pamela Lawson, Librarian Mary Ellin Barrett and Mike Azzarella, Hydro Solutions Consulting.

A quorum was established and Mayor LaCascia turned the reading of the agenda over to Acting City Manager Trudy Block.

APPROVE CONSENT AGENDA

Councilor Adorno made a motion to approve the Consent Agenda; the motion was seconded by Vice Mayor Block.

Roll Call: Vice Mayor Block-aye, Councilor Kimsey-aye, Mayor LaCascia-aye, Councilor Adorno-aye

4-eyes

0-nays

PRESENTATIONS AND/OR RECOGNITIONS

There were none.

PUBLIC HEARINGS

There were no public hearings.

UNFINISHED BUSINESS

Lease Agreement with Polk County – Fire Station

Mayor LaCascia advised this lease will for an additional five years, and it was discussed in a previous workshop. Vice Mayor Block made a motion to approve the Lease Agreement with Polk County for the Fire Station; the motion was seconded by Councilor Adorno.

Roll Call: Councilor Adorno-aye, Mayor LaCascia-aye, Council Kimsey-aye, Vice Mayor Block-aye

4-ayes

0-nays

ORDINANCE 1263, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, CREATING A CHAPTER OF THE CITY CODE TO BE ENTITLED FAIR HOUSING CODE; PROVIDING FOR A DECLARATION OF POLICY TO PROHIBIT DISCRIMINATION IN HOUSING ON THE BASIS OF RACE, COLOR, ANCESTRY, NATIONAL ORIGIN, RELIGION, SEX, MARITAL STATUS, FAMILIAL STATUS, HANDICAP OR AGE; PROVIDING DEFINITIONS; DESIGNATING AS UNLAWFUL CERTAIN DISCRIMINATORY PRACTICES IN THE SALE OR RENTAL OF HOUSING, AS WELL AS IN ADVERTISING IN CONNECTION THEREWITH, IN THE FINANCING OF HOUSING, AND IN BROKERAGE SERVICES RELATED TO EXCEPTIONS; PROVIDING FOR AN ADMINISTRATOR TO BE DESIGNATED BY THE CITY OF POLK CITY AND PRESCRIBING THE GENERAL POWERS AND DUTIES OF SUCH ADMINISTRATOR, PRESCRIBING ACTION UPON A DETERMINATION OF PROBABLE CAUSE, AND AUTHORIZING THE PROMULGATION OF FORMS AND REGULATIONS; MAKING PROVISIONS FOR THE FILING OF COMPLAINTS AND RESPONSES THERETO, AND THE PROCESSING THEREOF BY THE ADMINISTRATOR; PROVIDING FOR ADDITIONAL REMEDIES; PROVIDING FOR PROHIBITING UNTRUTHFUL COMPLAINTS OR FALSE TESTIMONY; PROVIDING FOR PENALTIES FOR VIOLATION OF SUCH CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This Ordinance is in relation to the CDBG Small Cities Grant; City Attorney Sullivan read Ordinance 1263 in short title. Mayor LaCascia made a motion to approve Ordinance 1263 in its entirety; the motion was seconded by Councilor Kimsey.

Roll Call: Vice Mayor Block-aye, Mayor LaCascia-aye, Councilor Adorno-aye, Councilor Kimsey-aye

4-ayes

0-nays

CDBG Update – Mike Azzarella, Hydro Solutions

Mike Azzarella updated Council on the CDBG Program. He advised Council the application has to be project specific, and we will not be able to design all of the Railroad Heights if we are not able to do all of the work. He will look at it and maximize what we can use. He updated Council on the public hearings that are needed and the

Request for Proposals that will be needed for engineering. Mike is in the process of getting the drawings done and other information that will be required for the application process.

NEW BUSINESS

Agreement for Law Enforcement Services between the Polk County Sheriff's Office and the City of Polk City

The original contract is scheduled to end September 30, 2010; the new contract will extend services to September 30, 2013. Mayor LaCascia advised the cost will be \$433,975 for Fiscal Year 2011; he has reviewed the entire contract, including two addendums that were done. Vice Mayor Block advised she did look at other cities comparable to our size.

Mayor LaCascia made a motion to approve the Agreement for Law Enforcement Services with the Polk County Sheriff's Office; the motion was seconded by Vice Mayor Block.

Roll Call: Mayor LaCascia-aye, Vice Mayor Block-aye, Councilor Adorno-aye, Councilor Kimsey -- at this time Councilor Kimsey advised he wanted to look at the contract first. Mayor LaCascia advised a copy of the contract was emailed to everyone for review; we need to review items before the meeting. Councilor Kimsey voted nay because he hasn't read the contract.

3-ayes

1-nay

Pastor Shelton Faison and Katrina Faison, Living Hope Ministries – Plan for financial help on water and sewer bill remediation

Mayor LaCascia called Pastor Shelton Faison and Katrina Faison forward; Mayor LaCascia advised the City is hoping to use Living Hope in providing financial assistance on water and sewer bills. Katrina Faison addressed Council and gave background information on what Living Hope is about and what they do to assist citizens. They are currently unable to assist with water and sewer bills, but they currently provide referral information to those that need it. Katrina Faison then went through the process how assistance will be provided once the guidelines are established and the account is set up. Pam Lawson, the City Finance Administrator, went over the voluntary donations that will be allowed through the water billing process. Mayor LaCascia thanked Pastor Faison and Katrina for attending and giving their proposal.

ORDINANCE 1264, AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA, AMENDING CHAPTER 74, UTILITIES, ARTICLE IV, WATER, SECTION 74-201, PROVISION OF UTILITY SERVICES OUTSIDE MUNICIPAL LIMITS; PETITION TO ANNEX REQUIRED; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE

Vice Mayor Block advised this ordinance changes the requirement of everyone who is currently receiving service outside of the city limits having to sign consent for annexation when a new customer takes over the utility (an existing service). City Attorney Sullivan read Ordinance 1264 in short title. Mayor LaCascia gave background information regarding this Ordinance; it brought to his attention eight to nine months ago in Mount Olive Shores South, which is a development

outside of the City. There was an Ordinance provided if someone sold property and the new owner came to city hall to transfer water and sewer they were asked to sign a form agreeing to annex into the city (prior to receiving utilities). This created controversy when the new owner did not want to sign the agreement; Mayor LaCascia read the portion of the Ordinance dealing with the annexation agreement. Councilor Kimsey asked what the provisions would be for the residents who had to sign this agreement prior to this Ordinance. After brief discussion, City Attorney Sullivan advised they signed a document to annex sometime in the future; Councilor Kimsey wanted to clarify that signing the annexation agreement did not automatically bring you into the city. Mayor LaCascia commented his concern was whether or not it could be enforced and if it could stand up in court if challenged. Mayor LaCascia advised we are trying to do things correctly; this will also repeal Ordinance 1014.

Mayor LaCascia made a motion to accept Ordinance 1264; the motion was seconded by Councilor Kimsey.

Roll Call: Councilor Kimsey-aye, Councilor Adorno-aye, Vice Mayor Block-aye, Mayor LaCascia-aye

4-eyes
0-nays

Appointment of Vice Mayor Block as Acting City Manager for an additional 30 days

Vice Mayor Block advised this has to be approved per the City Charter.

Mayor LaCascia made a motion to appoint Vice Mayor Block as Acting City Manager for an additional 30 days. Under discussion, Councilor Adorno asked what efforts have been made to get someone to fill the position. Mayor LaCascia feels it would be unfair to move in that direction at this time, as we have no idea of how much to offer a City Manager; we can't move forward until we get more information on the budget. He does have some Résumés he is holding onto. Councilor Kimsey asked if there was a time limit on how long Vice Mayor Block could serve; Mayor LaCascia advised every 30 days Council has to reappoint. Mayor LaCascia advised issues came forward notwithstanding the City Charter – remarks came back to the City that we were in violation; however, he read the last paragraph from the Attorney General affirming that we are not in violation. The motion was seconded by Councilor Adorno.

Roll Call Vote: Mayor LaCascia-aye, Councilor Adorno-aye, Councilor Kimsey-aye, Vice Mayor Block-aye

4-eyes
0-nays

CITY MANAGER ITEMS

- **FGUA Update** – Vice Mayor Block will be meeting with FGUA this week; she and the Utilities Manager will be visiting people outside of FGUA, in addition to attending a water meeting of all the customers. They will also be meeting with some of the Pasco County Commissioners. The first draft of the contract is due this week; she and Gene will go over and review it.

- City Manager Review** – Vice Mayor Block advised when she went into this position she received a lot of help from staff and other City Managers from small cities such as ours; she has control and understands what she needs to do, and she will not do anything to put the City at risk. One item to bring up to Council is that Ms. Carrier has not returned the blackberry; she refuses to give it back, and the next step in getting it back is to send the Sheriff's Office. She did not want to take the next step, and she wants Council to decide; she wants to put this behind us and move forward. The replacement cost of the blackberry is between \$200 and \$300; the phone number is the City's number. Vice Mayor Block then advised Council Ms. Carrier admitted to giving away other phones and one of those was to Mayor Penton. Mayor LaCascia commented that in the total scheme of things and in the spirit of moving forward, unless there is a compelling reason to make an issue, she has the phone and if she wants to use it, she can just change the number. Vice Mayor Block advised Ms. Carrier refuses to do that. Mayor LaCascia asked who was paying the bill; Vice Mayor Block advised the City is paying the bill; we just paid one for the last month. At this time Mr. Don Penton addressed Council; he advised the phone transferred over and he was paying the bill, and Vice Mayor Block asked for the phone to be turned off; he is paying the bill. Councilor Adorno asked if both parties are paying the bill; Mr. Penton advised when Ms. Carrier left here the phone was transferred. Mayor LaCascia commented that was a City number; Mr. Penton advised no it isn't; however the May statement shows the same number. Discussion took place regarding the cell phone number being a city cell phone number. Pamela Lawson, Finance Administrator, advised Council the City of Polk City always had a number for the City Manager, the Assistant City Manager and Gene Kniffin. Vice Mayor Block advised Nextel call her this morning and informed her that Mr. Penton had called them and said he was with the City of Polk City; the current bill is \$55. Mr. Penton advised he has now taken over the bill, but did not receive confirmation until today. Lengthy discussion continued regarding the city-issued cell phone. Councilor Adorno's main concern is calls going to that number thinking they are contacting the City of Polk City; Mr. Penton advised Ms. Carrier does not take calls. After further discussion, it was agreed that Ms. Carrier can keep the phone, but the number will be changed and the City can continue using that number. Mayor LaCascia feels it would be reasonable to allow ten days for this to be done; the City will wait to hear from Mr. Penton.
- FY 2011 Budget** – Vice Mayor Block advised the FY 2011 Budget is being prepared; they are in the middle of trying to balance it, and it is a challenge.

CITY CLERK ITEMS

City Clerk Jackson advised the workshops for the budget will be July 26 at 6:30 p.m. and August 16 at 6:30 p.m.; an agenda will be done prior to each workshop.

CITY ATTORNEY ITEMS

- Contraction Updates -- Orlampa, Inc. /Howard Lucas Trust** – Attorney Sullivan advised the workshop will be held on July 20th regarding the petition for contraction. He will be scheduling a meeting with Central Florida Regional Planning Council to discuss concerns with the contraction; once that is done he should be able to meet individually with Council and update them on his

position of the annexation. The Petition for Contraction can be placed on the Agenda for the August meeting in order for Council to make a decision. After further discussion, the Attorney advised he would make himself available should Council want to meet with him individually.

At this time Vice Mayor Block advised she had one other thing under City Manager. When she stepped in as Acting City Manager there were three things she said we had to do, which were raise rates, restructure and cut cost; she advised Council she eliminated the Assistant City Manager position, and this was a very tough decision.

MAYOR ITEMS

- **County Update** – Mayor LaCascia advised there was a meeting scheduled for July 9th; however, County Manager Herr called and moved the meeting to July 19th. Mayor LaCascia commented he had set up a lot of meetings with financial people and those will have to be pushed back; however, he will report back after the meeting on July 19th (the meeting was going to be about impact fees and the payments owed on the Mt. Olive Property).
- **Finance Restructuring Update** – Mayor LaCascia advised it looks pretty grim; we have missed two payments to Polk County for the land purchase totaling \$350,000 and we have to pay them \$536,000 in impact fees, which is short-term debt in the amount of \$886,000; we have long-term debt in the amount of \$8,554,000. The proposed budget is being worked on, which will include fallen property taxable values (the tax rate may have to be increased to make up the difference), and there is no money in the budget at this time to hire a new City Manager. Mayor LaCascia then discussed the current debt and putting together a plan to restructure that debt and also borrow additional money to take care of necessary repairs and maintenance with the sewer system and water system. Should the City be able to accomplish this, he would recommend the debt be paid off in a ten-year time period, which would encompass a reduction in water and sewer rates (15% to 20% less than the 50% increase that just took place) and the possibility of reducing the tax rate. This clearly will not happen in the next 60 to 90 days; we are looking at a time period of 6 to 9 months down the road, and the citizens committee will be put into place to review and make recommendations. The good news regarding hiring the financial consultants is they have agreed to have their fees structured into the debt.

VICE MAYOR ITEMS

Spoke under City Manager Items.

COUNCIL MEMBER ITEMS

Councilor Adorno – Informed Council the last meeting will be held August 12 for the Board of Directors of the Ridge League of Cities; the fiscal year will end September 30, 2010, and the Ridge League will be sending out a notice for the City's to appointment someone to serve on the Board of Directors for the new year.

Councilor Kimsey – Thanked everyone for attending.

PUBLIC COMMENTS/REQUEST

Paula Roddenberry, 220 Sunshine, addressed Council regarding a World War II Siren that was given to the Fantasy of Flight in 1985 to be used as a display, and advised Council some citizens have expressed to her it should be returned back to the City since Fantasy of Flight is now in the City of Auburndale; she asked Council to consider this request.

Mr. Leonid Chadovich, 242 Bayberry Drive, asked about Arbor Vitae Lane being barricaded and blocked off to thru traffic. Gene Kniffin, the City Planner, advised the Church petitioned the County to close that road, and the County granted their request. There was concern about the barricade not being lighted at night; Mr. Chadovich was advised this will be checked into.

Mr. Don Penton, 265 Bayberry Drive, addressed Council concerning the Mt. Olive Wastewater System. He advised when the County gave us that system it wasn't really given to us; the City paid the County \$550,000 to upgrade the system when the school and downtown was added to the Mt. Olive Wastewater Treatment Plant. Mr. Penton gave Council background information regarding this agreement (he advised the County owes the City \$270,000). Mr. Penton then thanked the Council for using Ms. Carrier's financial plan; Mayor LaCascia advised it was not Ms. Carrier's financial plan,

ANNOUNCEMENTS

There were no announcements.

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

Patricia R. Jackson, City Clerk

Joe LaCascia, Mayor

