

# CITY COUNCIL MINUTES

OCTOBER 4, 2010

## City Council Workshop

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Vice Mayor Block called the meeting to order at 6:04 p.m.

### **ROLL CALL**

Mayor Joe LaCascia, Vice Mayor Trudy Block, Councilor Nancy Adorno, Councilor Mike Blethen, Councilor Don Kimsey and City Clerk Patricia Jackson.

Vice Mayor Block advised the workshop was called to review Polk City's Purchasing Policy. She advised this is a time the City Council works together; no motions or decisions are made, and usually there is no participation from the audience. Vice Mayor Block then turned meeting over to Councilor Adorno.

Councilor Adorno advised she was interested in calling a workshop because of Council and residents wanting to be more informed. It seems to her this particular area was causing some concern because of what the Resolution says and what is the responsibility and limits of the purchasing policy. Councilor Adorno then touched on the Government in the Sunshine rule whereby Council cannot call each other up; anything that has to do with the City has to be done in public. This is an important issue that needs to be discussed amongst Council; if you have any questions or doubts, bring them forward and be sure and clear; if we need to make some adjustments this is the time to discuss it.

Mayor LaCascia thinks it is important to know where we are now, and read a portion from Resolution 2008-09 whereby it states the City Manager is authorized to expend funds and let contracts necessary for the operation or maintenance of City services for amounts not to exceed then thousand dollars. Mayor LaCascia read from Section 2-132 of the Administrative Code regarding purchases and the bid requirement. Mayor LaCascia advised as of right now the City Manager has the authority to spend up to \$10,000 at her discretion.

Councilor Blethen thinks \$10,000 is too much in our economic situation; \$2,000 to \$3,000 may be reasonable, but it is hard to get in touch with us if there is an emergency. He would like to see changes in the future.

Councilor Adorno commented that with the situation, how can we determine how low or how high it should be because one of the characteristics of this is if it is too low we all have to be here to decide it is okay to spend the money; if it is too high money is going out and we don't know until after the fact. We need to find a happy medium -- \$7,000 or \$5,000 because if it is too low we will have to meet more often. The City Manager has to be able to manage, and we need to understand the type of government we have. We

have a Council – Manager Form of government with a strong Manager opposed to a strong Mayor form with the Mayor making decisions.

Councilor Kimsey asked for a hypothetical situation that could arise that the City Manager would need to spend \$2,000; Councilor Adorno commented if something unexpected happens and we need a specialist, i.e. computer, electrical that would need to come in and fix something in order to get it resolved quickly. Councilor Kimsey asked what could happen that we would need to do that when Council can be called and do a notice to meet in 24 hours. Mayor LaCascia asked if he is talking about a budgeted item; say you have a budgeted line item of \$100,000 – are you talking about discretionary spending within that \$100,000 line item, or are you talking about line items that are not budgeted and clearly requiring immediate Council attention. Councilor Kimsey advised that is what he is talking about. Councilor Blethen briefly discussed emergency situations. Mayor LaCascia then commented we are talking about discretionary spending limit within a budget line item of \$100,000 or something, and wanted to know if that is what we are talking about? Mayor LaCascia commented if there is money budgeted in a line item, it seems the authorization is there to go ahead and spend that money because it has been budgeted and voted on.

Councilor Kimsey commented he presumed the Acting City Manager hired an Attorney to fight the County. Mayor LaCascia advised Councilor Kimsey that is not true. Councilor Kimsey responded the information he gets is from the newspaper. Councilor Kimsey then asked if there has been a contract with an Attorney from Haines City. Vice Mayor Block asked if Councilor Kimsey was talking about Fantasy of Flight. Councilor Kimsey asked if it mattered; Mayor LaCascia advised it does, and he then read an email that Councilor Kimsey had written about not being informed that the City had retained a law firm to go against the County. Mayor LaCascia advised we have not retained a law firm to go against the County. Councilor Kimsey advised according to the paper we had retained an Attorney. Vice Mayor Block advised when she spoke with City Attorney Jeff Sullivan regarding some of things going on with the County, he told her we would be better advised to ask a few of these questions to the Haines City Attorney, which is what she did. We have not engaged him against the County, but have engaged him for the response to Fantasy of Flight. When Council decided not to approve the contraction, the City is obligated to respond to the lawsuit. Mayor LaCascia advised our Attorney said it was above his expertise and he couldn't handle that. Councilor Kimsey then read from the City Charter, Section C-21 – Powers and Duties of the City Manger, Item #8 "keep the Council fully and continuously advised as to the financial condition and future needs of the town and make such recommendations to the Council concerning the affairs of the town as he deems desirable." Councilor Kimsey feels if the City Attorney was spoken to and he didn't know about it, and he is entitled to know. Mayor LaCascia advised the way he understands it Jeff had recommended we seek services of another municipal attorney; at that point in time he recommended the services of Tom Cloud, at which time Trudy called up Tom Cloud and told him the situation we have and asked him to make himself aware of it, and let us know if is willing to take this on so she could go back to Council. Councilor Kimsey advised we are five people up here; we are doing the best we can, and he doesn't want something to take place he doesn't know about. The City Manager cannot spend more than she is authorized to spend for professional services. More discussion took place regarding things that happen and Councilor

Kimsey not knowing about – the feasibility study. Vice Mayor Block advised she did spend some money for a quick consultation with Attorney Cloud. More discussion took

place regarding the feasibility study required by State Statute for the Fantasy of Flight contraction, and the length of time it took from the time the City received the petition. Vice Mayor Block advised she was not here when the petition was received, and she got the best group with the least amount of money (nothing had previously been done). Discussion then took place regarding another feasibility study having to be done because of a petition for contraction received. Councilor Adorno asked Councilor Kimsey how he would have handled it. Councilor Kimsey responded he probably would have probably checked with other people that have been affected one way or the other from it, and done the study with “run of the mill people.” Councilor Adorno advised the way she sees it, the State says we have to present a feasibility study; if she’s going to want to get the best information possible, get someone who knows what they are doing. More discussion took place regarding the feasibility study mentioning the running of water and sewer lines; Vice Mayor Block advised it is within our service area. Mayor LaCascia advised we should get a proper response from Mr. Sanderson. Mayor LaCascia commented that it goes back to what he said regarding going out and talking to people and being exposed to liability if people making choices that is not in their field of expertise. More discussion took place regarding the feasibility study and Fantasy of Flight. The information received was so that Council could make a more informed decision. Discussion then followed concerning liability of the city, and the feasibility study for Mt. Olive Shores North. Mayor LaCascia advised our City Attorney has resigned, and feels we should wait until we get legal counsel to proceed with having feasibility study done; he would not want to move forward without one. Additional discussion took place regarding the feasibility study for Mt. Olive Shores North. Council Kimsey commented Vice Mayor Block has been Acting City Manager for four months and wanted to know what we have been waiting on; December is the deadline. He was advised we were waiting on Attorney Sullivan to speak with Council. A cost for the feasibility study should be ready for the October 12 meeting.

Councilor Adorno advised we need to call city hall and speak to the City Clerk, and ask her what’s taking place; this should be done on a daily basis. She feels Council should do this more often so that we can stay on top of things. Councilor Adorno suggested if we have questions and need more detail, to take the time and inquire about it.

Mayor LaCascia advised the purpose of this meeting is simple – to talk about the City Manager’s authority to spend \$10,000; by the next meeting make a change in the Resolution and go forward. That’s where the discussion has to be; Council can go to the City Clerk and place on the agenda for the next meeting.

Councilor Blethen asked what the \$10,000 encompasses. Councilor Kimsey doesn’t want the City Manager to enter into contracts (Frank Sanderson example). He was advised Mr. Sanderson was an emergency situation, and that contract will come before Council at the October meeting. Councilor Kimsey asked if it was necessary to hire him as an emergency. Mayor LaCascia advised the City Manager was acting within her authority, and the City could have been exposed to risks otherwise. Vice Mayor Block advised at the next meeting she will be asking for approval.

Mayor LaCascia read from an email whereby Councilor Kimsey accuses him and the Vice Mayor of incompetence and malice, and asked Councilor Kimsey to expand on that. Councilor Kimsey feels Council should be kept advised, and asked why Council has never been informed (he mentioned believing it to be incompetence or malice).

Concerning Polk County, Vice Mayor Block advised the terms and conditions of the contract have been met; she doesn't know what is going to happen. She has not engaged an Attorney. A question was asked as to whether or not we are planning on walking away from the Mt. Olive System.

Mayor LaCascia advised the purpose of this workshop is to discuss the purchasing policy. Councilor Kimsey advised he would get a Resolution for the next meeting to change the amount. Councilor Adorno asked if the amount was the issue, or engaging in a contract. Councilor Kimsey advised in the Resolution he does not want the Acting City Manager to enter into any contract with anyone. Councilor Blethen advised in the future, this has nothing to do with Vice Mayor Block. Councilor Adorno wanted to clarify this is not against a person, but position; she hopes what is being said is whoever is in that position. Councilor Adorno asked if Councilor Kimsey is considering rewording for the amount or contract. Councilor Kimsey has a problem with both. Councilor Adorno commented that we would then be looking at changing the dollar amount as well as entering into contracts. LaCascia advised that is two separate issues; one is amending the Resolution, which is the \$10,000, and on the other hand you would have to amend the Polk City Code which deals with the purchases portion (includes contracts). Mayor LaCascia asked if we can agree the Resolution, which is the simple part, is changing the dollar amount. Councilor Kimsey advised he doesn't want the City Manager, whomever it may be, to sign a contract without coming before the Council. Mayor LaCascia advised Council will need to be prepared to meet every week. Councilor Blethen asked if Councilor Kimsey is talking about something outside of the normal scope. Mayor LaCascia asked if he was looking to change Section 2-132(a) – Councilor Kimsey advised he had no problem with that language. Mayor LaCascia then read Section 2-132(b); Councilor Kimsey does not want the City Manager to be able to sign contracts on a moments notice as was done with Mr. Sanderson. Mayor LaCascia commented that Councilor Kimsey would have to come up with the language on how to change the Polk City Code in form of an Ordinance. Councilor Blethen feels the City Manager has to make the decision of what an emergency is. Discussion took place regarding the contract with Mr. Sanderson and running the water and sewer plants. Vice Mayor Block then briefly discussed some of the issues that we were faced with after Mr. Kniffin left.

Mayor LaCascia commented changing the amount from \$10,000 should be simple; however, if you look at the Ordinance in which you are now talking about in terms of granting virtually no authority to a town manager (he doesn't think you will be able to hire a town manager going forward with these changes). What you are talking about changing is almost three pages in the administration of Polk City, and he thinks it should be thought out more carefully; however, he thinks for purposes of tonight is bring forth a Resolution changing the amount of \$10,000 to another amount.

Councilor Blethen asked what amount we are talking about; Councilor Kimsey advised he was looking at something like \$1,000. Council feels this is too low; discussion took place regarding spending on a daily basis versus an emergency – the purchasing policy covers everything. Councilor Adorno suggested that maybe Councilor Kimsey is talking about something out of the norm. Councilor Blethen thinks it should be left alone. Vice Mayor Block feels \$10,000 is appropriate; she feels Councilor Kimsey is angry about the feasibility study and the Attorney. Vice Mayor Block advised she has been Acting City Manager for five months and had to move quickly; she noted that every contract will be brought forward, and she hasn't done anything she wasn't authorized to do. Vice Mayor Block suggested waiting a few months – you will see communication and information get better. Councilor Blethen agrees; he wants to deal with mobile homes rather than this – leave money to City Manager. Further discussion took place regarding the spending and the feasibility study; Mayor LaCascia advised it didn't have to come before Council because it was within the City Manager's authority. Councilor Kimsey advised he wants to be informed. Councilor Adorno advised the City Clerk is liaison between the City Manager and Council. Councilor Adorno would like to have known; however, she has confidence with employees to do what is needed; it is not malice or out of order. Mayor LaCascia advised Vice Mayor Block was acting within her scope as City Manager.

Councilor Blethen advised Polk City Elementary School is having a spaghetti dinner and cake sale.

Mayor LaCascia advised he would allow comments regarding the spending limit of the City Manager, and asked that if you speak to please give your name and address.

Mr. Jim Hill, The Other Place, advised he has done a lot of contracts with the County, and gave them information on their purchasing policy (can spend \$5,000 and anything over \$5,000 requires three prices by phone).

Mr. McElwee asked if there was an ordinance or guidelines as it pertains to the \$10,000 spending limit; Mayor LaCascia gave him a copy as reference. He also asked if Council has looked at other municipalities.

The meeting was adjourned by voice vote.

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