

CITY COUNCIL MINUTES

AUGUST 8, 2011

Mayor Joe LaCascia called the meeting to order at 7:04 p.m.

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

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

ROLL CALL

Present: Mayor Joe LaCascia, Vice Mayor Trudy Block, Councilor Nancy Adorno, Councilor Mike Blethen, Councilor Don Kimsey, City Manager Matt Brock, City Attorney Thomas Cloud and City Clerk Patricia Jackson

A quorum was established.

APPROVE CONSENT AGENDA

Councilor Adorno made a motion to approve the Consent Agenda; the motion was seconded by Councilor Blethen.

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

5-ayes

0-nays

The motion carried.

PRESENTATIONS AND/OR RECOGNITIONS

There were none.

PUBLIC HEARINGS

ORDINANCE 2011-1282, An Ordinance of the City of Polk City, Florida, amending and restating Ordinance No. 2011-1278 in its entirety for the purpose of increasing the authorized principal amount of bonds to \$10,500,000; authorizing the issuance of not exceeding \$10,500,000 Water and Sewer System Capital Improvement and Refunding Revenue Bonds, Series 2011A and Water and Sewer System Refunding Revenue Bonds, Taxable Series 2011B to finance the costs of certain improvements to the system and to refund certain outstanding obligations; pledging a lien on the net revenues of the combined Water and Sewer System to secure the payment thereof; providing for the rights of the holders of such bonds; providing certain other matters in connection therewith and providing an effective date – second and final reading

Mayor LaCascia read Ordinance 2011-1282 in short title, and then gave background information.

Mayor LaCascia opened the Public Hearing. There were no questions or comments from the audience, and Mayor LaCascia closed the Public Hearing.

Under Council discussion:

- Councilor Blethen asked if there were any changes in the interest rate; Mayor LaCascia advised the City is still expecting 5.25 percent – nothing has changed at this point.
- Councilor Kimsey advised we still have a chance in not approving the Ordinance; he will vote no. He asked how were we going to pay this back, and advised if he got anything out of the “blog”, it appears we are going to have a lot of debt for 30 years. He commented we still have an opportunity to give it back to the County.
- Mayor LaCascia advised a plan was put together; the Ordinance tonight is to increase the Bond to 10.5 million in order to pay for the insurance premium.
- Councilor Kimsey reaffirmed how he felt.

Vice Mayor Block made a motion to approve Ordinance 2011-1282 on second and final reading; the motion was seconded by Councilor Adorno.

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

4-ayes

1-nay

The motion carried four to one.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Resolution 2011-06, A Resolution of the City of Polk City, Florida authorizing the issuance of not to exceed \$10,500,000 in the aggregate of its (I) Water and Sewer System Capital Improvement and Refunding Revenue Bonds, Series 2011A and (II) Water and Sewer System Refunding Revenue Bonds, Taxable Series 2011B to finance the cost of certain Water and Sewer Capital Projects, Refunding certain outstanding obligations and to pay costs related thereto; pledging certain net revenues and public service tax revenues for the payment of such bonds; providing for the rights of the holders of such bonds; making other covenants and agreements in connection therewith; and providing an effective date

Mayor LaCascia read Resolution 2011-06 in short title. Hank Morgan, who serves as City Bond Counsel from Gray-Robinson, addressed Council and gave an overview of what Resolution 2011-06 does. This Resolution provides the framework of how the bond is going to work, and revenues being pledged.

Under Councilor discussion:

- Mayor LaCascia verified that the 2011-A is tax free and the 2011-B is taxable; it is assumed the Municipal Bond is tax free.
- Councilor Blethen advised it is not clear what is taxable and what is non-taxable.
- Mayor LaCascia commented the goal is to finance everything you can. The payment to Polk County for the impact fees is taxable because under the Federal Income Tax Law it is not a capital project, nor is it refinancing a capital project.
- Mayor LaCascia then asked whether or not a participant could designate tax free or taxable. Mr. Morgan went over the process when buying a particular bond series and maturity.

Vice Mayor Block made a motion to approve Resolution 2011-06 in its entirety; the motion was seconded by Councilor Blethen.

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

4-ayes

1-nay

The motion carried four to one.

Resolution 2011-07, A Resolution supplementing Resolution No. 2011-06 of the City of Polk City, Florida; authorizing and approving the negotiated sale of not to exceed \$10,500,000 in aggregate principal amount of City of Polk City, Florida Water and Sewer Capital Improvement and Refunding Revenue Bonds, Series 2011A, and City of Polk City, Florida Water and Sewer System Refunding Revenue Bonds, Taxable Series 2011B, to finance, refinance and/or reimburse the cost of certain improvements to the City of Polk City Water and Sewer System, to fund necessary reserves, to fund capitalize interest, if any, and to pay transaction costs, all subject to the satisfaction of certain conditions contained herein and subject to the terms and conditions of a bond purchase contract, approving the forms and authorizing the execution of such bond purchase agreement, a disclosure dissemination agent agreement, and a registrar and paying agent agreement, delegating to the Mayor, Vice Mayor, or City Manager the authority to award the sale of such bonds to Fifth Third Securities, Inc., pursuant to a negotiated sale and subject to the conditions and terms set forth herein and in such bond purchase agreement; authorizing the purchase of a financial guaranty insurance policy for all, some, or none of

the bonds in either or both Series; authorizing execution of an insurance commitment designating the Series 2011A Bonds as "Qualified Tax-Exempt Obligations," approving the form and distribution of a preliminary official statement and approving the execution and delivery of a final official statement; appointing the paying agent and registrar; providing certain other matters in connection therewith, and providing an effective date

Mayor LaCascia read Resolution 2011-07 in short title. Hank Morgan, with Gray-Robinson, went over the details and mechanisms in selling bonds, as well a negotiated sale. He also went over the attachments.

Discussion of Council:

- Mayor LaCascia asked if this Resolution authorizes and approves the sale not to exceed 10.5 million to Fifth Third Securities; Mr. Morgan advised that was correct.
- Councilor Blethen asked if Fifth Third Securities was the go between with the City and the purchasers of the bonds; Mr. Morgan advised they find buyers for the bonds.
- Councilor Blethen then asked if there were any problems with selling the bonds; he was advised the rating and insurance make the bonds more marketable.

Vice Mayor Block made a motion to approve Resolution 2011-07 in its entirety; the motion was seconded by Councilor Adorno.

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

4-ayes

1-nay

The motion carried four to one.

Approval of Pricing Agreement – Disclosure Dissemination Agent Agreement

Mayor LaCascia advised the bond issues are subject to the continuing disclosure requirements of SEC Rule 15C2-12 and engages DAC to file and disseminate information provided to them. This agreement will allow DAC to provide the services needed for the City of Polk City. Hank Morgan advised a lot of cities and counties use this service. The amount for the first year will be \$4,000, which can be funded from the bond; however, there will be an ongoing annual filing and storage fee of \$1,500 per year funded by city funds.

Vice Mayor Block made a motion to approve the Pricing Agreement-Disclosure Dissemination Agent Agreement in entirety at an initial cost of \$4,000 and \$1,500 annually; the motion was seconded by Councilor Blethen.

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

4-ayes
1-nay

The motion carried four to one.

Approval of Contract with GAI Consultants – Community Development Block Grant Engineering Services

City Manager Brock advised this is the CDBG Project, which is water line replacement. City Manager Brock recommends approval of the contract in the amount of \$69,867. Councilor Blethen asked if this was being funded through CDBG; he was advised it was. Some discussion took place between Councilor Kimsey and City Manager Brock regarding the amount for construction. Councilor Kimsey then wanted to know if this would include paving; Gerry Hartman advised it includes restoration cost. Councilor Kimsey then asked if this project would go to bid; Gerry Hartman advised it would. Brief discussion took place between Councilor Kimsey and Gerry Hartman regarding the completion of the project with the money left for construction.

Vice Mayor Block made a motion to approve the contract with GAI Consultants – Community Development Block Grant Engineering Services for the potable water line replacement in the amount of \$69,867; the motion was seconded by Councilor Blethen.

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

5-ayes
0-nays

The motion was carried.

Request for Extension of Contract with Hydro Solutions – Oak Ridge Heights/Railroad Heights Drainage Improvements

City Manager Brock advised the project has been going on for quite some time, and he asked Mike Azzarella, with Hydro Solutions, to be at the meeting to bring Council up-to-date and answer any questions. Mike Azzarella addressed Council and gave them the background of this project (they would not be the original engineers on the project); they are asking for additional time to complete this project – until the end of September. Mayor LaCascia asked if there would be any additional cost due to the delays; he was advised there would be no additional cost. Vice Mayor Block advised the City needs to have deliverables, and asked when they will be submitted; she was advised by the end of next week. Mike Azzarella advised this would be completed by the end of September. Councilor Kimsey asked if this project included the large culvert at 3rd

Street and Pine; Mike Azzarella advised it may have. Councilor Blethen then asked if the work was completed except for the paper work. Mike Azzarella then advised Hydro Solutions got involved with the project in 2010 to finish the project.

Councilor Adorno made a motion to grant Hydro Solutions request for an extension of the contract for the Oak Ridge Heights/Railroad Heights Drainage Improvements to September 30, 2011; the motion was seconded by Councilor Kimsey.

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

5-eyes

0-nays

The motion carried.

Resolution 2011-05, A Resolution approving the Florida Department Transportation's offer to enter into a continuous renewable ten-year term lease agreement with the City of Polk City

City Manager Brock advised this is a renewal of an existing agreement with FDOT for Freedom Park at no cost to the City; it is a 10-year renewable lease. Councilor Adorno asked why it was necessary; City Manager Brock advised it was because FDOT owns the land. Councilor Blethen asked what property; he was advised Freedom Park. Councilor Blethen asked if any improvements were scheduled on Berkley Road and Highway 33. Councilor Kimsey asked if there was any documentation that was presented; Councilor Adorno responded that at one point they were thinking of doing way with the bridge. City Manager Brock will check into that. Mayor LaCascia advised the City should make sure we have proper insurance.

Councilor Adorno made a motion to approve Resolution 2011-05 – FDOT Lease; the motion was seconded by Vice Mayor Block.

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

5-eyes

0-nays

The motion carried.

Vehicle Lease with Woodard and Curran – amendment

City Manager Brock advised some of the details weren't worked out until late and asked Steve Niro, with Woodard and Curran, to address the amendment to the vehicle lease. Steve Niro went over several changes: 1) removing the sewer jetter truck from the lease (it is inoperable); 2) the lease payment would be reduced with the exclusion of the sewer jetter truck and 3) the vehicle repair limit has been modified from \$2,499.99 to

\$999.99. Mayor LaCascia asked for clarification of modifying the vehicle repair; Mr. Niro advised they are trying to match what the O&M Contract says as it pertains to the capital outlay limit of \$1,000. Mayor LaCascia advised this has to do with vehicle repairs; Mr. Niro advised anything under \$1,000 Woodard and Curran would pay for and anything over \$1,000 the City would pay. Vice Mayor Block asked what the maintenance cost has been running for the vehicles. Councilor Kimsey asked if there was a preventive maintenance schedule. Councilor Adorno verified the City would be responsible for the larger amount. Councilor Kimsey asked for confirmation of how often preventive maintenance is done; Mr. Niro advised he does not have the schedule for each vehicle, and he also advised if they are over in the budget, they share in expenses (Woodard & Curran and the City). There is an incentive to do as much preventive maintenance as possible. When asked about a fleet maintenance schedule, Mike Cherniak advised they follow the guidelines suggested by the manufacturer; however, he will get something together. Councilor Blethen confirmed he would be putting something together. Vice Mayor Block advised the jetter truck is beyond repair and would like the City to look into selling it.

Councilor Blethen made a motion to approve the Vehicle Lease with Woodard and Curran as written; the motion was seconded by Councilor Kimsey.

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

5-ayes
0-nays

The motion carried.

Approval for Summit Professional Services, Inc. to be Grant Administrator for Community Development Block Grant – Neighborhood Revitalization Project, DCA Contract #11DB-C5-07-63-02-N08

City Clerk Jackson advised Council previously approved Summit to prepare the Community Development Block Grant, but did not approve for them to be the grant administrator, even though it was discussed.

Councilor Adorno made a motion to approve Summit Professional Services, Inc. to be the Grant Administrator over the CDBG – Neighborhood Revitalization Project; the motion was seconded by Councilor Blethen.

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

5-ayes
0-nays

The motion carried.

Steve Niro, Woodard and Curran, Semi-Annual Contract Update

City Manager Brock asked Mr. Niro to come forward and give his report. Steve Niro, Woodard and Curran, gave Council a copy of the 2011 Project Operations Summary (a copy is on file in the City Clerk's office). Mr. Niro then went over the history of Woodard and Curran getting the Contract for Operations and Maintenance of the Water and Wastewater Utilities, the transition period, and what has taken place since that contract was awarded – repairs, maintenance, customer service, etc. Vice Mayor Block feels Woodard and Curran are doing an outstanding job. Mayor LaCascia advised he was never happy with compliance issues, safety issues, quality of water, etc. – we needed something to defend ourselves, and now we can go back and say this is what we have done. Mayor LaCascia thanked Woodard and Curran for all they have done (people are being satisfied). Councilor Blethen also feels they are doing a good job.

Professional Consulting Agreement between GAI Consultants and Ardaman & Associates for Hydrogeological Services

City Council was advised by GAI the hydrogeological services that the work being performed by Douglas Dufresne, PG Environmental Consulting, for the Polk City Rapid Infiltration Basin Rerating, is now being done by Douglas Dufresne, who is now with Ardaman and Associates, Inc. Mr. Hartman advised the contract was with Douglas Dufresne, and that remains the same; the only thing changing is the name of the Company. It was stated this does not approval by Council, it is just a notification.

CITY MANAGER ITEMS

- **Polk City to host Ridge League of Cities Dinner in April, 2012** – City Manager Brock advised he estimated \$1,000 and has included that in the FY 2012 Budget, and advised the City would need to let the Ridge League of Cities know if we can do this. City Manager Brock explained that he and Mayor LaCascia discussed the possibility of using the Mount Olive Shores North Clubhouse for this event. Gerry Hartman advised that Fifth Third, GAI and Woodard & Curran will sponsor the event. Councilor Adorno asked if we have a location; Mayor LaCascia advised he doesn't have the information from MOSN because everyone is out of town. Discussion took place regarding when the Ridge League Dinner would be in April; Founders Day is scheduled for Saturday, April 14th – Councilor Adorno expressed some concern in planning if the dates are close together. City Manager Brock advised he doesn't see this being a problem from a staffing perspective. It was stated if we do not confirm MOSN for this, we do not have another facility, and asked what the alternative would be. City Manager Brock advised he would get with the Mayor; the Mayor stated he would have to wait for confirmation. It was the consensus to table this in order to obtain additional information.
- The budget workshop dates were set for August 15 and 18; however, Vice Mayor Block will be out of town and has asked if the second workshop could be held on the 17th. The consensus to Council was to have the workshops on August 15 and 17 beginning at 6:00 p.m.
- The first budget hearing will take place September 6 and the second budget hearing will take place September 20; they will begin at 6:00 p.m.

- The Florida League of Cities Annual Conference is this week
- The Planning Commission meeting will be at 6:00 p.m. (August 16)
- Water restrictions that were previously imposed have been re-imposed; copies are on the back table
- The Annual Water Quality Report is very good and is a very good report; it is posted on the website
- Council has received a copy of the information he received from the Transportation meeting; City Manager Brock pointed out the map showing the future transportation plan from S.R. 33 to USF – it is not planned for five years. City Manager Brock suggested to get with people in Polk City and do some lobbying.

CITY CLERK ITEMS

The City Clerk had nothing to report.

CITY ATTORNEY ITEMS

Attorney Cloud advised as point of notification, the Public Official Statement being sent is okay and can be advertised.

MAYOR ITEMS

The Mayor had nothing to report at this time.

VICE MAYOR ITEMS

- The Library had over 100 kids for the horse ride; Mary Ellin and Linda do an incredible job
- Attended the Mayor's conference in Lakeland; at that meeting the Mayor of Lakeland commented the County should consider the seventeen cities as jewels of Polk County.
- Vice Mayor Block advised she is proud the City got the bond.

COUNCIL MEMBER ITEMS

Councilor Adorno – Reminded everyone of the dance on August 27; it is a 50's theme and will be from 7:00 p.m. to 11:00 p.m.

Councilor Blethen – Asked about the light on the clock not be lit at night; City Manager Brock advised he thought that was looked into. Councilor Blethen then asked about the blue bricks on S.R. 33 that was done with the streetscape program – they are faded. City Manager Brock will check into this.

Councilor Kimsey – Advised when he was traveling through Lake Alfred he noticed their sign advertising the Council meeting; he would like to see a sign in front of our building letting the public know of our meetings. Councilor Adorno commented it is on the website, and Vice Mayor Block advised it is also in the newsletter. Councilor Adorno agrees it wouldn't be a bad idea. City Manager Brock will look into this.

PUBLIC COMMENTS/REQUEST

Mr. Doug Atwood, 609 Sayge Drive, advised Council he moved to Polk City a year and a half ago; he has been to several meetings and has listened to everything going on. The current administration is blaming the previous administration for things that happened in the past, and he wanted to “thank this administration for putting Polk City in more debt that has ever been.”

The meeting adjourned at 8:50 p.m. upon voice vote.

Patricia R. Jackson, City Clerk

Joe LaCascia, Mayor

CONSENT AGENDA
August 8, 2011

MAY ALL BE APPROVED BY ONE VOTE OF COUNCIL TO ACCEPT CONSENT AGENDA.
Council Members may remove a specific item below for discussion, and add it to the regular agenda under New or Unfinished Business, whichever category best applies to the subject.

A. CITY CLERK

1. Accept minutes – June 13, 2011, City Council Regular Meeting
2. Accept minutes – June 27, 2011, City Council Special Meeting
3. Accept minutes – July 11, 2011, City Council Regular Meeting
4. Accept minutes – July 14, 2011, City Council Special Meeting

B. REPORTS

1. Building Report – July 2011
2. Code Enforcement Report – June and July 2011
3. Financial Statements – July 2011
4. Library Report – July 2011
5. Sheriff's Office Report – July 2011
6. Water and Sewer Report – July 2011

C. OTHER

D. APPROVAL OF PLANNING BOARD ACTIONS