

POLK CITY

Special City Commission Meeting

September 24, 2020

Polk City Government Center
123 Broadway Blvd., SE

6:30 PM

CALL TO ORDER – Mayor Joe LaCascia

INVOCATION

PLEDGE OF ALLEGIANCE – Mayor Joe LaCascia

ROLL CALL – City Manager Jackson

AGENDA

1. **Ordinance 2020-10** – an Ordinance of the City Commission of Polk City, Florida, amending Section 2-132 of the Code of Ordinances of the City of Polk City (The “Code”); increasing spending limits for City Manager approved purchases and contracts; providing for severability; providing for conflicts; providing an effective date. **first reading**
2. **Resolution 2020-08** – a Resolution of the City Commission of Polk City, Florida, Authorizing the Chief Elected Official to make application to the Florida Department of Economic Opportunity for a Community Development Block Grant, and to adopt the City’s Comprehensive Plan as its Community Development Plan, providing an effective date, and for other purposes
3. **Resolution 2020-09** – a Resolution committing the expenditures of local funds by Polk City, Florida, on CDBG eligible activities as leverage for the City’s FFY 2019 Small Cities Community Development Block Grant Application in the Neighborhood Revitalization Category

ANNOUNCEMENTS

ADJOURNMENT

Please note: Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the City Commission with respect to any matter considered during this meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the American with Disabilities Act, a person with disabilities needing any special accommodations to participate in city meetings should contact the Office of the City Clerk, Polk City Government Center, 123 Broadway, Polk City, Florida 33868 Telephone (863) 984-1375. The City of Polk City may take action on any matter during this meeting, including items that are not set forth within this agenda. Minutes of the City Commission meetings may be obtained from the City Clerk’s office. The minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may arrange with the City Clerk to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be at the expense of the requesting party.

**Special City Commission Meeting
September 24, 2020**

**AGENDA ITEM # 1: ORDINANCE 2020-10 – AMENDING SECTION 2-132(b) OF THE CODE
OF ORDINANCES – INCREASING SPENDING LIMITS**

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

Ordinance 2010-10, an Ordinance of the City Commission of Polk city, Florida, amending Section 2-132(b) of the Code of Ordinances of Polk City (The “CODE”); increasing spending for the City Manager approved purchases and contracts; providing for severability; providing for conflicts; providing an effective date.

ATTACHMENTS

1. Draft Ordinance 2010-10

ANALYSIS:

During the City Commission Workshop and the City Commission meeting on September 21, 2020, the Commission directed the City Manager to draft an Ordinance increasing the City Manager expenditures to \$25,000 and to increase the sealed bid amount to anything \$50,000 and over.

The Commission requested a special meeting to be held at 6:30 p.m. prior to the FY 2020-2021 Budget Hearing (final hearing) on September 24, 2020.

STAFF RECOMMENDATION:

Move to approve Ordinance 2020-10 on first reading

ORDINANCE 2020-10

AN ORDINANCE OF THE CITY COMMISSION OF POLK CITY, FLORIDA; AMENDING SECTION 2-132 AS OF THE CODE OF ORDINANCES OF THE CITY OF POLK CITY (THE "CODE"); INCREASING SPENDING LIMITS FOR CITY MANAGER APPROVED PURCHASES AND CONTRACTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission finds it appropriate and prudent to review budgetary procedures from time to time, and

WHEREAS, the City Commission previously adopted Ordinance 2013-1307 revising policies and procedures in budgetary actions, and

WHEREAS, the City Manager shall approve purchases and let contracts necessary for operation or maintenance of City services for amounts to be set by the Commission, and receive sealed bids for purchases or contract in excess of those amounts set by the Commission, and

WHEREAS, to increase the amount that the City Manager may authorize, it is appropriate to amend the ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

SECTION 1. AMENDMENT TO SECTION 2-132, CODE OF ORDINANCES.

Section 2-132, Code of Ordinances of the Polk City, Florida, is hereby amended to read as follows:

(a) The city manager shall be the purchasing and contracting officer for the city, and shall supervise the purchase of all materials, goods, supplies, services and equipment for which funds are appropriated in the budget.

(b) The city manager shall approve purchases and let contracts necessary for operation or maintenance of town services for amounts to be set by the city ~~council~~ commission; receive sealed bids for purchases or contracts in excess of the amounts set by the ~~council-commission~~; and present such sealed bids to the city council commission with a recommendation. The city manager is hereby authorized to expend funds and let contracts necessary for the operation or maintenance of city services for amounts not to exceed ~~ten~~ twenty-five thousand dollars (~~\$10,000.00~~) (\$25,000). In recognition that the sealed bid process is cumbersome, lengthy and expensive to carry

out, the City Manager is hereby authorized to receive a minimum of three written quotes gathered by advertisement, telephone or facsimile contact for amounts exceeding ~~ten~~ twenty-five thousand dollars (\$10,000.00) (\$25,000), but not to exceed ~~twenty five~~ fifty thousand dollars (\$25,000.00) (\$50,000) and present the same to the city ~~council~~ commission with a recommendation. If the city manager recommends the acceptance of a bid other than the bid with the lowest total price, the reason for the recommendation shall be given. Except as set forth hereinbelow, the city manager shall advertise for and receive sealed bids for purchases or contracts in excess of ~~twenty five~~ fifty thousand dollars (\$25,000.00) (\$50,000), and present the same to the city ~~council~~ commission with a recommendation.

(1) Purchases and/or contracts which, by their nature, are impractical to award by competitive bid shall be exempt from the bidding requirement. Examples of such types of purchases and/or contracts shall include, but are not limited to:

- a. Salaries and wages.
- b. Professional services, including, but not limited to, medical services, accounting services, consultants and insurance policies. (This provision is subject to F.S. ch. 287 and any other applicable law.)
- c. Any item or service which is available from only one source.
- d. Purchases of supplies, such as gasoline and vehicle repair parts, which are purchased as needed.
- e. Emergency purchases or contracts, the delay of which would delay the delivery of city services, stop work or threaten life or property. The city manager shall notify the city ~~council~~ commission of such purchases or contracts at its next meeting.
- f. Purchases made through the utilization of state contracts or contracts negotiated by other governmental entities.

(2) When the city ~~council~~ commission determines that it is in the best interest of the city, it may authorize the ~~town~~ city manager to purchase insurance by negotiation, but this shall be done only under conditions most favorable to the public interest, and upon a showing that such purchase shall result in the lowest ultimate cost of the coverage obtained.

(3) Individual items costing less than the amount set by the city ~~council~~ commission will not be subject to the bid limit, even if several items purchased together total more than the amount set by the ~~council~~ commission.

(c) In case of an accident, disaster or other circumstance creating a public emergency, the city manager may award contracts and make purchases for the purpose

of meeting such emergency, but he or she shall promptly file with the city ~~council~~ commission a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

(d) Upon request of the city manager, the city ~~council~~ commission may, by majority vote, waive the bid requirements of this section and authorize the city manager to purchase items or services by negotiation rather than bidding.

(e) Purchases shall not be made, contract let, or obligation or liability incurred for any item or service which exceeds the current budget appropriation.

(f) The city manager may issue such rules governing purchasing procedures within the administrative organization which are not inconsistent with the Charter and ordinances.

(g) It is the intent that bidding procedures set forth in subsection (b) of this section not be circumvented by issuing several purchase orders or checks to cover the purchase of a single item or service.

(h) The city ~~council~~ commission recognizes that the city does not have central purchasing and warehousing facilities. It is the intent, however, that bulk purchases be made, whenever feasible.

SECTION 2. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, the deletion of which would not adversely affect (in the general sense) the receipt of any material benefits or, substantially increase the burden of any party hereunder, be declared by a judicial or administrative tribunal of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared to be invalid

SECTION 3. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. INCLUSION INTO CITY CODE. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect as provided by general law.

PASSED ON FIRST READING this ____ day of _____, 2020.

PASSED ON SECOND READING this ____ day of _____, 2020.

POLK CITY, FLORIDA

Joe LaCascia, Mayor

ATTEST:

Patricia R. Jackson, City Clerk

**APPROVED AS TO FORM &
LEGALITY**

Thomas A. Cloud, City Attorney

**Special City Commission Meeting
September 24, 2020**

**AGENDA ITEM # 2: RESOLUTION 2020-08 –AUTHORIZING THE CHIEF ELECTED
OFFICIAL TO MAKE APPLICATION TO DEO FOR A COMMUNITY
DEVELOPMENT BLOCK GRANT**

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

Resolution 2020-08, a Resolution of the City Commission of Polk City, Florida, authorizing the Chief Elected Official to make application to the Florida Department of Economic Opportunity for a Community Development Block Grant, and to adopt the City's Comprehensive Plan, providing an effective date, and for other purposes

ATTACHMENTS

1. Draft Resolution 2020-08

ANALYSIS:

On September 21, 2010, the City Commission approved the FFY 2019 Community Development Block Grant Application to the Department of Economic Opportunity.

The City now needs to approve Resolution 2020-08 authorizing the Chief Elected Official to sign all necessary certifications of the Community Development Block Application.

STAFF RECOMMENDATION

Move to pass Resolution2020-08

DRAFT

RESOLUTION NO. 2020-08

A RESOLUTION OF THE CITY COMMISSION OF POLK CITY, FLORIDA, AUTHORIZING THE CHIEF ELECTED OFFICIAL TO MAKE APPLICATION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR A COMMUNITY DEVELOPMENT BLOCK GRANT, AND TO ADOPT THE CITY’S COMPREHENSIVE PLAN AS ITS COMMUNITY DEVELOPMENT PLAN, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, Polk City is experiencing a need for physical improvements to benefit low-to-moderate income persons.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

Section 1. That the Community Development Block Grant (CDBG) program is declared to be a workable program for providing needed physical improvements to benefit low-to-moderate income persons indicated in the proposed FFY 2019 CDBG application.

Section 2. The City Commission hereby directs the Chief Elected Official, or City Manager in his absence, to sign all necessary certifications of the Community Development Block Grant application.

Section 3. That the City Commission hereby authorizes the Chief Elected Official, or City Manager in his absence, to modify, execute and submit the attached application to the Florida Department of Economic Opportunity for state approval.

Section 4. That the Chief Elected Official, or City Manager in his absence, is authorized and directed to submit additional information in a timely manner as may be required by the Florida Department of Economic Opportunity.

Section 5. The proposed CDBG application is consistent with the local comprehensive plan.

Section 6. The City’s comprehensive plan is hereby adopted as the City’s Community Development Plan.

Section 7. That this Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED at the Commission Meeting of the City of Polk City, in Polk County, Florida on the ___ day of _____, 20_____.

City Commission of Polk City, Florida

Joe LaCascia, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY

Attest: Patricia Jackson, City Manager

Thomas A Cloud, City Attorney

**Special City Commission Meeting
September 24, 2020**

**AGENDA ITEM # 2: RESOLUTION 2020-09 – COMMITTING THE EXPENDITURE OF
LOCAL FUNDS BY POLK CITY, FLORIDA, ON CDBG ELIGIBLE
ACTIVITIES AS LEVERAGE FOR THE CITY’S FFY 2019 SMALL
CITIES COMMUNITY DEVELOPMENT BLOCK GRANT**

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

Resolution 2020-09, a Resolution committing the expenditure of local funds by Polk City, Florida, on CDBG Eligible Activities as leverage for the City’s FFY 2019 Small Cities Community Development Block Grant Application in the Neighborhood Revitalization Category.

ATTACHMENTS

1. Draft Resolution 2020-10

ANALYSIS:

On September 21, 2020, the City Commission approved the FFY 2019 Community Development Block Grant Application to the Department of Economic Opportunity.

The CDBG application being made is in the amount of \$650,000; however, today I received an email from Scott Modesitt with the preliminary opinion of probable cost for the North and South Citrus Grove Project. The preliminary cost without engineering fees and construction services is \$691,175.28.

When you add the administrative fees for Summit Professional Services in the amount of \$45,500 (previously approved), the total cost of the Project without engineering fees and construction services is \$736,675.28

Scott Modesitt will be attending the meeting to go over the City’s options for the project. Should the Commission want to do the entire project (based on preliminary cost plus administrative services, the City can leverage funding from the restricted funds for paving of the streets and possible sidewalk replacement.

If that is the case, then we would ask the Commission to approve Resolution 2010-09, committing the expenditure of local funds.

STAFF RECOMMENDATION

Move to pass Resolution2020-08

DRAFT

RESOLUTION NO. 2020-09

A RESOLUTION COMMITTING THE EXPENDITURE OF LOCAL FUNDS BY POLK CITY, FLORIDA, ON CDBG ELIGIBLE ACTIVITIES AS LEVERAGE FOR THE CITY'S FFY 2019 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IN THE NEIGHBORHOOD REVITALIZATION CATEGORY.

WHEREAS, it is desirable to assist in the scoring of the City's FFY 2019 Community Development Block Grant (CDBG) Neighborhood Revitalization Category application to increase its competitiveness and expand the scope of that grant project to benefit the Citizens of the Polk City; and

WHEREAS, Polk City will apply for grant funds from the Neighborhood Revitalization Category of the Florida Small Cities Community Development Block Grant program to partially fund the street improvement work described in the City's FFY 2019 CDBG application; and

WHEREAS, the CDBG grant program rules require that the City document the absolute availability of the non-CDBG funds for the project.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Polk City, Florida, as follows:

Section 1. The City Commission does hereby commit to spend \$25,000 in local funds on CDBG eligible activities identified in the FFY 2019 CDBG Neighborhood Revitalization application as local government leverage in accordance with the applicable rules and guidelines as set forth by the Department of Economic Opportunity.

Section 2. The City Commission does hereby commit to expend all local government leverage between the time of site visit and the time of administrative close-out for said application, in accordance with applicable rules and guidelines as set forth by the Department of Economic Opportunity.

Section 3. That this Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at the Commission Meeting of the Polk City, in Polk County,

Florida on the __ day of _____, 20_____.

City Commission of Polk City, Florida

Joe LaCascia, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY

Attest: Patricia Jackson, City Manager

Thomas A Cloud, City Attorney