

## CITY COMMISSION WORKSHOP MINUTES

July 20, 2020

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Mayor Joe LaCascia called the meeting to order at 6:10 pm.

**ROLL CALL** – City Manager Patricia Jackson

**Present:** Mayor Joe LaCascia, Vice Mayor Don Kimsey, Commissioner Wayne Harper, Commissioner Micheal T. Blethen, Commissioner Randy Carroll, City Attorney Thomas Cloud, and City Manager Patricia Jackson

### **Agenda Review - City Commission Meeting – July 20, 2020**

Mayor LaCascia stated the purpose of the Workshop is to discuss items being presented on the Regular Meeting Agenda and address any questions or concerns and ultimately be able to proceed in a more efficient manner at the Regular Meeting.

### **ORDER OF BUSINESS**

#### **ORDINANCE 2020-06**

AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE POLK CITY CODE OF ORDINANCES (THE "CITY CODE"); AMENDING ARTICLE II, CHAPTER 34 IN THE CITY CODE TO MODIFY AND SUPPLEMENT THE CITY'S NOISE ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE. **Second and Final Reading**

Major Ken Hall, Polk County Sheriff's Office (PCSO), District Commander for the West Division was present to discuss the Noise Ordinance concerns that have come about.

Major Hall also mentioned Sheriff Judd will be in office for the next four years as he ran unopposed.

Vice Mayor Kimsey spoke words of encouragement to the PCSO members that were in attendance.

Vice Mayor Kimsey addressed Section 34-36 (Page 4) of the Ordinance – asking if the PCSO has any issues following the Ordinance as it is written.

Major Hall responded section D – Enforcement – explained this is a misdemeanor and the Deputy has discretion. City Ordinance Citation is a civil matter. The County Ordinance does not have to give a warning.

Section 34-36 C - Major Hall recommended removing the 15 minutes timeframe in the Ordinance as well. This timeframe is not in the County Ordinance.

City Manager Jackson asked if we could just use the County Ordinance.

Major Hall stated PCSO will enforce whatever Polk City desires.

City Attorney stated adoption of the Polk County Ordinance will be fine.

City Manager Jackson stated Deputy Poindexter has done her research on the noise problem in the particular area and is available to speak, if necessary.

Mayor LaCascia stated this appears to be an isolated incident and there is only one complaint that has come forth. Polk City cannot write a specific Ordinance for one specific problem.

Major Hall stated the signed affidavit is no longer done. There is a sworn witness statement which will keep the accused person out of court. The more witnesses you have to a crime, the easier it will be to prosecute.

**After lengthy conversation regarding Section 34-36 Enforcement – the recommendation of the Commission at the 7pm Regular Meeting will be to 1) change the word “Shall” to “May” throughout this Ordinance; 2) remove the fifteen (15) minute timeframe.**

**ORDINANCE 2020-07**

AN ORDINANCE OF POLK CITY, FLORIDA, RATIFYING ALL ORDINANCES ADOPTED FROM APRIL 3, 2020, UNTIL JUNE 4, 2020, INCLUDING ORDINANCE NUMBERS 2020-02, 2020-03, 2020-04, & 2020-05; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE. **Second and Final Reading**

Mayor LaCascia stated this Ordinance is a Public Hearing for the Regular Meeting.

**No further discussion.**

**RESOLUTION 2020-05**

A RESOLUTION OF POLK CITY, FLORIDA; AMENDING RULES AND POLICIES GOVERNING PUBLIC COMMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mayor LaCascia stated this Resolution is simply clarifying that each person has three (3) minutes to speak during a City Commission Meeting.

**No further discussion.**

**Republic Services Franchise Agreement Contract Extension – 3% Automatic Increase**

City Manager Jackson and Mayor LaCascia discussed the current Solid Waste and Recycling Collection Franchise Agreement with Republic Services (RS) that is set to expire January 1, 2021. Republic Services was given notice within the 180 days required by contract advising the contract would expire January 1, 2021.

In a letter dated June 24, 2020 (see attached), Republic Services has asked to extend the contract for one (1) additional term of three (3) years with an amendment to the contract to the annual rate adjustment section to an automatic fixed 3% increase on the anniversary of the contract and the proceeding years thereafter beginning on January 1, 2021.

City Manager Jackson stated that when Polk City initially entered into the contract with Republic Services, it was stated that the cost of living would automatically roll over. However, the Commission later changed it to where Republic Services would have to come forth requesting an increase with back up information.

This past year RS came to the City Commission about a 1.5% increase. The City Commission indicated that they would like to have an automatic rollover.

Therefore, Staff is recommending extending the current Solid Waste and Recycling Collection Franchise Agreement with Republic Services for one additional term of three years with an automatic of 1.5% and in the second year, come back to the City Commission with documentation for any additional increase. If the additional increase is not approved, it would revert back to the 1.5%.

**No further discussion.**

**George Cotellis Financial Reporting Officer/Comptroller Services Agreement**

City Manager Jackson discussed the Agreement will be for the year ending September 30, 2020. Mr. Cotellis will assist the City staff in making the necessary adjustments to provide for year-end closing of the accounting records and preparation of the schedules required to properly prepare the financial statements and related footnotes as well as for supporting documentation for the annual financial statement audit; preparation of the basic financial statements, required supplementary information, other supplementary information and related footnotes. He will not provide any opinion or form of assurance on these financial statements. The financial statements will be used solely by the City's independent auditors. Mr. Cotellis will also provide additional accounting services as requested by management as the need arises. Please see the attached agreement for full explanation of services and cost; however, total estimated cost is \$13,600.

This is an update to Mr. Cotellis' contract. There has not been an increase.

**No further discussion.**

**YANMAR VI017 Mini Excavator Purchase**

On many occasions during water line breaks, sewer line breaks and Public Works Repairs, and maintenance activities, the city-owned Caterpillar 416D Backhoe Combination has proven to be too large to safely maneuver in residential areas.

Cost - \$24,903.00. This equipment is in the budget.

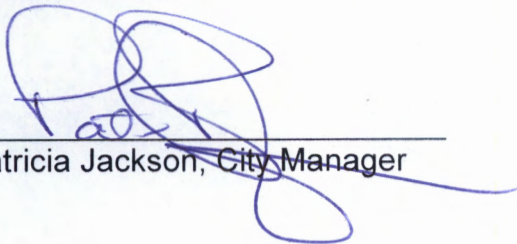
City Manager Jackson stated this item is in the budget to purchase rather than using the large backhoe. Prices for used ones are almost the price of a new one.

Commissioner Blethen inquired about how many times a year is the bucket used?

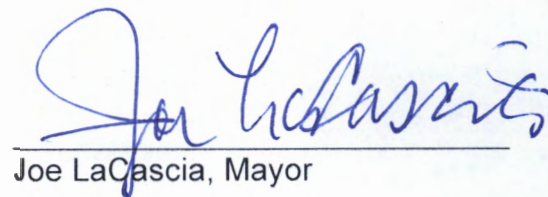
Lori Pearson, Utilities Supervisor responded at least two weeks or more per month.

**After lengthy discussion, the City Commission is in agreement for this purchase of a new Yanmar Excavator in the amount of \$24,903.00.**

**ADJOURNMENT** – 7:04 pm



Patricia Jackson, City Manager



Joe LaCascia, Mayor