Ocala City Council Minutes

Tuesday, January 17, 2012

Regular Meeting

151 SE Osceola Avenue
Ocala, FL 34471
www.ocalafl.org

Angel Jacobs
352-629-8266

1. General Business

a. Opening Ceremony

1. Invocation given by Reverend Green.

2. Pledge of Allegiance

b. Welcome and Roll Call

The Ocala City Council held a meeting at the Ocala City Hall, 151 SE Osceola Ave, Second Floor - Council Chambers on Tuesday, January 17, 2012 at 4:01 PM.

Attendee Name	Title	Status	Arrived
Reuben Kent Guinn	Mayor	Present	
Mary Sue Rich	Council Member	Present	
John McLeod	Council Member	Present	
Daniel Owen	Council Member	Present	
Suzy Heinbockel	Council President	Present	

Municipal Officers/Others Present: The meeting was also attended by City Manager Matthew Brower, Deputy City Manager John Zobler, City Attorney Pat Gilligan, Assistant City Manager Catherine Cameron, Assistant City Manager Larry Novak, Chief of Staff Support Services Sandra Wilson, City Clerk Angel Jacobs, Deputy City Clerk Roseann Fusco, Communications Coordinator Sonny Allen, Director of Customer Services Terry Austin, IT Director Jeannett Benson, Growth Management Director Tye Chighizola, Internal Auditor Oscar Claudio, Internal Auditor Jeannie Covington, Recreation and Parks Director Kathy Crile, Fleet & Facilities Maintenance Director Chris Dobbs, Deputy City Engineer Ed Earnest, Airport Manager Matt Grow, Water and Sewer Director Jeff Halcomb, Budget and Management Director Cindy Kelley, Chief Financial Officer John Lege, Executive Director Development Services Marc Mondell, Public Communications Coordinator Janie Pope, Public Communications Manager Jeannine Robbins, Director of Power Services Joe Roos, City Engineer William Stevens, Development Services Astrida Troupovnieks, Ocala Police Department Representative, IT Representative, Community Development Coordinator Aubrey Hale, Field Operations Manager/Streets Dwayne Drake, Traffic Division Head Darren Park, Assistant Chief of Operations Jim Ganter, Police Chief Greg Graham, Fiscal Manager for Utility Services Karen White, Deputy Police Chief Rodney Smith, Police Captain Keith Escaravage, the news media and other interested parties.

2. Awards

3. Public Comments

a. Donald Sparkman spoke regarding Operation Tuscawilla Watch.

Mr. Sparkman, 418 NE 8th Avenue, discussed the drug activity surrounding his place of business and requested that Council support the neighborhood watch. President Heinbockel thanked Mr. Sparkman and commended him for his work. Mayor Guinn pledged the City will clean the area up.

4. Presentations

a. Proclamation - The Year of Innovation - Jaye Baillie

Mayor Guinn presented a proclamation to Jaye Baillie declaring the year 2012 as the Year of Innovation. Ms. Baillie thanked Council and introduced her colleagues.

Kevin Reed, Chamber of Commerce, 303 SE 3rd Street, reported on the activities of the incubator and thanked Council for the opportunity. Council member Owen thanked all involved.

County Commissioner Charlie Stone thanked Council for their time and efforts serving the citizens of Ocala and Marion County. He invited Council to attend Commission meetings on the 1st and 3rd Tuesday of the month.

b. Toys for Tots - George Robinson

Pulled from the agenda.

c. Presentation by Mayor Guinn to Police Chief Graham.

Mayor Guinn invited Police Chief Graham to address Council and the public. Chief Graham thanked Council and the City for the opportunity.

5. Public Hearings

a. Approved Case No. 45816 Elysee Grill, LLC. for an alcoholic beverage location permit for on-premise consumption at Elysee Grill, LLC. d/b/a Elysee Grill located at 2413 SW 27th Avenue. (Quasi Judicial)

Presentation by John Zobler
Mr. Zobler read the details of the item.

The owner of Elysee Grill thanked Council for the opportunity. Council member Owen questioned the hours. The owner responded Monday through Thursday 11:00 a.m. to 7:00 p.m. and weekends from 11:00 a.m. to 8:00 p.m. Council member Owen wished him the best.

There being no further discussion, the motion carried unanimously upon roll call vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Daniel Owen, Council Member
SECONDER:	Mary Sue Rich, Council Member
AYES:	Rich, McLeod, Owen, Heinbockel

15b. Approved findings after hearing and presentation of evidence of Nuisance Abatement Board Action - Flamingo Motel.

Presentation by Patrick G. Gilligan

President Heinbockel called the Nuisance Abatement Board to order at 4:26 p.m. and read the order into the record.

Captain Keith Escarvage was sworn in by the City Clerk.

City Attorney Gilligan questioned Captain Escaravage and requested that he brief the Board of the 10 incidents documented at the property.

Captain Escaravage testified he is a captain with the Ocala Police Department and presently the District Commander for the Central District of the City. Mr. Gilligan asked Captain Escaravage to discuss the joint operation. Captain Escaravage explained the Multi-Agency Drug Enforcement Team is the City and County drug task force. Mr. Gilligan asked if they performed investigations at the Flamingo Hotel. Captain Escaravage responded in the affirmative. Mr. Gilligan questioned the location. Captain Escaravage responded 719 East SR-40, Silver Springs Boulevard. Mr. Gilligan asked if Captain Escaravage is familiar with the City Attorney Office complaint of Nuisance Abatement. Captain Escaravage responded in the affirmative. Mr. Gilligan questioned whether Captain Escaravage had served the complaint on the owners of the property. Captain Escaravage responded in the affirmative and noted he served it on the wife who is listed as one of the owners. Mr. Gilligan questioned the date of the complaint. Captain Escaravage testified he received it on January 3rd and served in on January 4th, 2012 at 2:25 p.m. Mr. Gilligan asked if the complaint regarded criminal activity taking place at the Flamingo Hotel between February and April 2011. Captain Escaravage testified that is correct. Mr. Gilligan asked if the Ocala Police Department and/or MADET prepare criminal investigative reports. Captain Escaravage responded in the affirmative. Mr. Gilligan questioned if this is normal Police practice. Captain Escaravage responded in the affirmative. Mr. Gilligan noted he has given a copy to Mr. Tucci, attorney for the defense, and provided the Board with a copy. He asked Captain Escaravage to confirm that his copies of the report were accurate and read the communications sent to the owners. Captain Escaravage testified this information is correct. Mr. Gilligan questioned the purpose in sending those letters. Captain Escaravage explained they were sent so the property owners would be put on notice regarding what is occurring on their property and what could happen if the violations are not resolved.

Mr. Gilligan requested Captain Escaravage review the ten incidents noted in the Nuisance Abatement complaint. Captain Escaravage responded in the affirmative and reviewed the incidents outlined in the complaint. Mr. Gilligan asked for confirmation regarding the date of one of the complaints. Captain Escaravage corrected the stated date from March 5th to March 3rd, according to the official Police report. Mr. Gilligan questioned the general reputation of the Flamingo Hotel in terms of ongoing criminal activity. Captain Escaravage testified there has been criminal activity since then, and two more search warrants were served since the end of the

complaint. Mr. Gilligan questioned whether Captain Escaravage or his officers had made contact with the managers or owners of the Flamingo to discuss these problems. Captain Escaravage stated they have been noticed in the letters, but he had personally not made contact with the owners until he served the complaint. Mr. Gilligan questioned whether his officers had made contact with the managers or owners. Captain Escaravage responded he is sure they have but he does not have any direct knowledge other than what Mr. Tucci told him the other day.

Mr. Gilligan asked if it is correct that the property from the property records check indicated the owners of the Flamingo were trustees of two declarations of trust dated in 2008. Captain Escaravage testified this is correct. Mr. Gilligan thanked Captain Escaravage and asked Mr. Tucci if he would like to cross examine Captain Escaravage.

Attorney Gregory Tucci showed Captain Escaravage a document and asked him to confirm the chronology of events. Captain Escaravage stated the first date and the case number are incorrect. Mr. Tucci asked if Captain Escaravage was reasonably certain those are qualifying offenses under the ordinances that occurred in the period of time that chart reflects. Captain Escaravage responded not all of them. Mr. Tucci explained qualifying.

Mr. Gilligan pointed out to Mr. Tucci that the complaint was sent by his office and Captain Escaravage sent him the information but he made the decision about the charges.

Mr. Tucci noted there was a letter sent on March 23 and April 3, 2011 by his clients relative to the Police Department issues with the hotel. He asked if Captain Escaravage had ever seen the letter. Captain Escaravage responded he saw the letter last week, when Mr. Tucci showed him during the meeting with Mr. Gilligan. He noted he had never seen the letter prior to that and had no knowledge of anyone at the Police Department receiving it.

Mr. Tucci presented a chart to the Board and submitted it to the record. He questioned Captain Escaravage regarding qualifying offenses and asked if two of them were felonies. Captain Escaravage responded in the affirmative and testified there are others that are not on the chart. Mr. Tucci asked if Captain Escaravage had spoken to the owner after April 1, 2011 about steps he could have taken to curtail illegal activity at the hotel. Captain Escaravage testified he had not. Mr. Tucci asked if any officers had reported back to Captain Escaravage that they had spoken with the owner. Captain Escaravage testified they had not.

Mr. Tucci asked if Captain Escaravage had an opportunity to personally observe the Flamingo hotel after delivering the nuisance complaint to the owner. Captain Escaravage testified he drives past it every day. Mr. Tucci asked if Captain Escaravage had noticed any changes. Captain Escaravage testified he had not. Mr. Tucci questioned whether Captain Escaravage had spoken to the other officers about changes they may have noticed at the hotel. Captain Escaravage responded he had not discussed this with the other officers.

Mr. Tucci asked if it was fair to say that most of the arrests being made are on people who are not registered with the hotel Captain Escaravage testified there are a fair amount of people that come to the hotel because of its reputation, and a fair amount are staying there. Mr. Tucci asked if Captain Escaravage was familiar with the number of trespass warnings that had been filed after April 1, 2011. Captain Escaravage responded he was noticed about them from Mr. Tucci and he has the ability to search that. He testified the reason he asked Mr. Gilligan about the abatement is after the April 1st notification, violations started happening again. He explained this has been an issue since 2007.

Mr. Gilligan asked if the Board had any questions for Captain Escaravage. Board member Rich asked if the Police officers had returned to the property to determine if the owners had done anything to prevent drug activities on the property. Captain Escaravage responded that the Police have visited the property numerous times. He testified the majority of the calls are preventative patrol and amount to 229 visits in one year.

Board member Owen questioned whether it is the Police Department's responsibility to clean up the business. Captain Escaravage responded that he feels it is the business owner's responsibility. Board member Owen commented OPD can only go so far.

Mr. Gilligan submitted into evidence composite exhibits 1 and 2.

Gregory Tucci, 225 NE 8th Avenue, attorney for the owner, Te Chu Shen, invited Mr. Shen to speak. Te Chu Shen, owner of the Flamingo Hotel, 719 East Silver Springs Boulevard, home residence at 4121 SE 26th Colt Road, was sworn in. Mr. Tucci asked if Mr. Shen had received a notice from the authorities in March 2011. Mr. Shen testified in the affirmative. Mr. Tucci asked if he received a second or similar letter on April 1, 2011 about the criminal activity at the hotel. Mr. Shen testified in the affirmative. Mr. Tucci asked Mr. Shen if he had written a letter to the OPD after receiving the second letter on April 1, 2011. Mr. Shen testified in the affirmative, and noted he mailed the letter. Mr. Tucci stated that is Respondent Exhibit 1. He questioned whether anyone had contacted Mr. Tucci about the letter. Mr. Shen responded in the negative.

Board member Rich requested that Mr. Tucci put the letter on the overhead.

Mr. Tucci asked if Mr. Shen had put up any signs in the lobby about illegal activity. Mr. Shen testified in the affirmative. Mr. Tucci questioned the sign. Mr. Shen testified the sign said there would be zero tolerance of illegal activity at the motel. Mr. Tucci asked if the sign is still there. Mr. Shen responded in the affirmative and stated it is right on the office desk.

Mr. Tucci asked who is the manager at the hotel. Mr. Shen testified Harvey Mosley. Mr. Tucci questioned how long Mr. Mosley had worked at the hotel. Mr. Shen testified twelve years. Mr. Tucci asked if he had recently retired. Mr. Shen responded in the affirmative, January 5th. Mr. Tucci asked if Mr. Mosley lives on the premises. Mr. Shen testified in the affirmative. Mr. Tucci questioned what instructions Mr. Shen had given Mr. Mosley with regards to addressing illegal activity and suspicious people. Mr. Shen testified he had instructed Mr. Mosley to ask customers with high traffic (meaning too many people coming and going from their room) to leave. Mr. Tucci asked if Mr. Shen if he knew of Mr. Mosley using trespass warnings to get rid of people. Mr. Shen testified in the affirmative. Mr. Tucci questioned the procedure for trespass warnings. Mr. Shen responded they would call the Police to give a trespass warning and the person may not come back for one year. Mr. Tucci asked how many times Mr. Mosley had done that from April 2011 to the present. Mr. Shen testified 17 times.

Mr. Tucci asked if Mr. Shen had instructed other employees and cleaning people to work with the authorities. Mr. Shen testified in the affirmative. Mr. Tucci asked if Mr. Shen was aware of situations in which Police asked to search a room and the cleaning staff allowed them to do so. Mr. Shen testified in the affirmative.

Mr. Tucci questioned what Mr. Shen has done since Mr. Mosley retired. Mr. Shen testified he is currently managing the hotel. Mr. Tucci asked if he was living in the hotel. Mr. Shen testified in the affirmative. Mr. Tucci asked if it is very different from his home. Mr. Shen testified in the

affirmative. Mr. Tucci questioned why Mr. Shen is living in the hotel. Mr. Shen responded he is doing so to make sure nothing happens. Mr. Tucci questioned how many times Mr. Shen has called the authorities to get a trespass warning since January 5, 2012. Mr. Shen responded three times.

Mr. Tucci questioned what other steps Mr. Shen has taken to reduce illegal activity at the motel. Mr. Shen responded he has worked to reduce traffic. Mr. Tucci asked how Mr. Shen responds to strangers on the property. Mr. Shen testified he asks them if they are guests, and if they are not, he asks them to leave.

Mr. Tucci asked if he has spoken with any Police officers who have come by. Mr. Shen testified in the affirmative. Mr. Tucci asked what the officer had said. Mr. Shen testified the officer had commented the motel seemed quieter. Mr. Tucci questioned whether the motel was filled to capacity. Mr. Shen testified in the negative. Mr. Tucci asked if this was because he put a lot of people out. Mr. Shen testified that is part of it, and also business is not as busy as it used to be. Mr. Tucci questioned what Mr. Shen plans to do in the future to prevent or curtail criminal activity. Mr. Shen responded he plans on screening the people who stay there and watch out for suspicious activity.

Mr. Tucci asked if Mr. Shen has called the Police in the past regarding criminal activity at the motel. Mr. Shen testified in the affirmative. Mr. Tucci asked if Mr. Shen intends to do so in the future if he witnesses criminal activity. Mr. Shen testified in the affirmative. Mr. Tucci stated he had no further questions for Mr. Shen.

Mr. Gilligan questioned whether Mr. Shen was the owner of the hotel in 2007. Mr. Shen testified in the affirmative. Mr. Gilligan asked if he had received a notice letter similar to those he received in 2011 from the Police Department. Mr. Shen testified in the affirmative. Mr. Gilligan asked if Mr. Shen had hand-delivered the letter marked Exhibit 1 to the Police Department. Mr. Shen responded he mailed it. Mr. Gilligan questioned whether he had followed up with a phone call. Mr. Shen testified that he had not followed up with a phone call, but he did what he said. Mr. Gilligan stated he did not have any further questions.

Mr. Tucci introduced into record the letter to the Police Department and information on Flamingo Motel activity from February 1, 2011 through October 28, 2011. Mr. Gilligan introduced his attorney invoice into record in the amount of $2,825. He noted that if the Board finds the defendant guilty, they are entitled to fine him in the amount of the attorney's fees.

Mr. Gilligan offered closing statements and recommended the Board find the defendant guilty and fine them $250 per day for the 10 alleged incidents and $2,825 in attorney's fees. He asked Captain Escaravage to make final comments. Captain Escaravage suggested that they hold the fine over the owner's head to motivate him to change the reputation of the Flamingo.

Board member Rich questioned the results of waiving the fee. Mr. Gilligan suggested that the Board find that if the owner is brought back before the Board within a certain period of time that the fine assessed today would be payable, with the inclusion of $500 for each day that offenses occur after this date. Captain Escaravage noted it would not be a waiver, it would be a suspension.

Board member Owen asked if the Star Motel did any better when the Board took similar action. Mr. Gilligan responded that they did as far as he can remember. Captain Escaravage testified the Star Motel is far better than it used to be.

President Heinbockel questioned what resulted from the 2007 complaints at the Flamingo Hotel. Mr. Gilligan responded he does not know. Captain Escaravage responded there was no action taken.

Mr. Tucci noted he does not believe Mr. Shen knowingly allowed the conduct, but he was unable or unsure of how to control it dealing through a manager who did not have a vested interest in the property. He stated they are not denying any of it, and want to work to resolve the issues as demonstrated by Mr. Shen moving in to the hotel and taking on the manager role.

Board member Owen stated he would support a repayment of City attorney fees $2825, suspension for twelve months, and payment of the $2,500.

Thomas McCullough, 119 NE Tuscawilla Avenue, commented he believes the hotel is a nuisance to the neighborhood.

Board member Owen made a motion for the payment of legal fees in the amount of $2,825, payment of $2,500 and 12 month suspension.

Mayor Guinn commented the reason people are going to the Flamingo Hotel is to buy drugs because that is where they can get them. He commented on the plague to that area and stated they must be dealt with.

There being no further discussion, the motion carried upon roll call vote with Council member Rich voting no and all others voting yes.

RESULT:	**APPROVED [3 TO 1]**
MOVER:	Daniel Owen, Council Member
SECONDER:	John McLeod, Council Member
AYES:	McLeod, Owen, Heinbockel
NAYS:	Rich

7. Consent Agenda

Consent Agenda items are considered to be routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless members of Council or the public request specific items be removed for separate discussion and action.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John McLeod, Council Member
SECONDER:	Daniel Owen, Council Member
AYES:	Rich, McLeod, Owen, Heinbockel

a. Adopted Budget Resolution 2012-116 amending the FY 2012 budget to appropriate grant funding from the Florida Department of Transportation (FDOT) to construct airfield markings.

Presentation by John Zobler

Introduced by Council Member Mary Sue Rich January 3, 2012

b. Adopted Budget Resolution 2012-117 to accept grant funds from Factory Mutual Insurance Company to Ocala Fire Rescue totaling $1,750.

Presentation by John DeIorio

Introduced by Council Member John McLeod January 3, 2012

c. Adopted Resolution 2012-23 approving Bodily Injury Settlement for Thys Adams in the amount of $45,000.00.

Presentation by Patrick G. Gilligan

d. See section 8.

e. Approved the submission of a substantial amendment to the 2011 CDBG Annual Action Plan; indicating the change in intended use for the remaining CDBG-R funding

Presentation by John Zobler

f. Approved fee waiver for land use plan amendment and rezoning ($1500) to allow relocation of a free, non-profit public charter school (Francis Marion Military Academy) to a parcel of land located in the 2000 block of NE 19th Avenue.

Presentation by John Zobler

g. Approved early satisfaction of the lien on the property at 2806 SW 15th Street, and that the funds that are received be put back into the CDBG Rehabilitation Program as program income to do further rehabilitation projects.

Presentation by John Zobler

h. Approved the Indemnity and Legal Representation Agreement with Marion County, Florida.

Presentation by Patrick G. Gilligan

i. Approved City Attorney Invoice for $58,190.01 for the month of December 2011.

Presentation by Patrick G. Gilligan

j. Approved Agreements for Polling Places with the Supervisor of Election for the use of the Discovery Center Large Room and the Lillian Bryant Center - Special General Election - February 28, 2012- Special Run-off - April 24, 2012.

Presentation by Angel Jacobs

k. Approved Regular Meeting City Council Minutes for Tuesday, January 03, 2012

Presentation by Angel Jacobs

8. Consent Agenda Items Held for Discussion

Should any items be removed from the Consent Agenda for discussion, they will be discussed at this time.

7d. Approved the warehouse lease agreement between Beautiful Moments, LLC and the City of Ocala.

Presentation by John Zobler

Mr. Zobler read the details of the item and explained the reason the item was pulled for discussion is because the dates were not included in the lease agreement. He requested Council's

permission for staff to pencil in the dates after they install a sprinkler system in the warehouse portion to accommodate the business. He noted that is going to take a number of weeks to get competitive bids and several more weeks to get it installed.

There being no further discussion, the motion carried unanimously upon roll call vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Daniel Owen, Council Member
SECONDER:	John McLeod, Council Member
AYES:	Rich, McLeod, Owen, Heinbockel

6. Second and Final Reading of Ordinances

(All are Public Hearings)

a. Pulled Ordinance 2012-18 to amend Section 43-139, Chapter 43, Pensions and Retirements, Article IV, City of Ocala Police Officers' Retirement System Allowing Chief of Police to Opt Out of the Police Pension Ordinance.

Presentation by Patrick G. Gilligan

Introduced by Council Member Daniel Owen January 3, 2012

President Heinbockel noted that Mr. Zobler had requested this item be pulled. Mayor Guinn questioned why the item was being pulled.. Mr. Brower explained that Mr. Gilligan contacted him and indicated that the actuary report is not complete.

RESULT:	**PULLED**	**Next: 2/7/2012 4:00 PM**

9. Introduction and First Reading of Ordinances/Introduction of Resolutions

(Second and Final Reading will be February 7, 2012)

a. Introduced Budget Resolution 2012-119 to amend the Fiscal Year 2011-2012 Budget to accept and appropriate funds from the bulkpower cost adjustment for the Electric Rate Stabilization Reserve.

Presentation by Larry Novak

Introduced by Council Member Mary Sue Rich

RESULT:	**INTRODUCED**	**Next: 2/7/2012 4:00 PM**

10. Other Business

a. Adopted Resolution 2012-24 to approve Workers' Compensation Settlement for Jonathan Pelt in the amount of $425,000.00.

Presentation by Sandra Wilson
Chief of Staff Support Services Sandra Wilson read the details of the item.

There being no discussion, the motion carried unanimously upon roll call vote.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mary Sue Rich, Council Member
SECONDER:	Daniel Owen, Council Member
AYES:	Rich, McLeod, Owen, Heinbockel

b. Adopted Resolution 2012-25 urging tobacco retailers to prevent the sale of flavored tobacco products to minors.

Presentation by John Zobler
Mr. Zobler read the details of the item.

Council member Rich questioned how the students felt about the changes. Annalese Bushfield, 3697 SE 138th Street, voiced support for the resolution. Joshua Millman, 315 SE 41st Avenue, stated the new language was a good compromise. Council member McLeod commended the students for their work.

Council member Owen clarified that the resolution is urging tobacco retailers to follow the law that is already on the books. Council member Rich responded in the affirmative. She commented that she had asked one retailer to move the colorful and flavored tobacco products to the back, and he said he would do whatever the City dictated. Council member Owen reminded Council that by selling tobacco products to minors, retailers were already breaking the law.

There being no further discussion, the motion carried upon roll call vote with President Heinbockel voting no and all others voting yes.

RESULT:	**ADOPTED [3 TO 1]**
MOVER:	Mary Sue Rich, Council Member
SECONDER:	John McLeod, Council Member
AYES:	Rich, McLeod, Owen
NAYS:	Heinbockel

c. Approved the contract for ITB 12-009 Water Main Services Replacement Project to Croft Contracting in the amount of $194,205.

Presentation by Larry Novak
Assistant City Manager Larry Novak read the details of the item.

There being no discussion, the motion carried unanimously upon roll call vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Daniel Owen, Council Member
SECONDER:	Mary Sue Rich, Council Member
AYES:	Rich, McLeod, Owen, Heinbockel

d. Approved Renewal of Comprehensive Odor Control and Corrosion Control Program with Weatherford International n/k/a Clearwater International LLC. Contract renewal period is from December 1, 2011 to November 30, 2012 and has a not to exceed price of $150,000.

Presentation by Larry Novak

Mr. Novak read the details of the item.

There being no discussion, the motion carried unanimously upon roll call vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John McLeod, Council Member
SECONDER:	Daniel Owen, Council Member
AYES:	Rich, McLeod, Owen, Heinbockel

e. **Approved** Renewal of Comprehensive Odor Control and Corrosion Control Program with Siemens Water Technologies Corp. Contract renewal period is from December 1, 2011 to November 30, 2012 and has a not to exceed price of $475,984.

Presentation by Larry Novak
Mr. Novak read the details of the item.

There being no discussion, the motion carried unanimously upon roll call vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John McLeod, Council Member
SECONDER:	Daniel Owen, Council Member
AYES:	Rich, McLeod, Owen, Heinbockel

f. **Approved** the professional services contract for Water and Sewer surveying to Southeastern Surveying, not to exceed $155,260 for the Reuse Transmission.

Presentation by Larry Novak
Mr. Novak read the details of the item.

There being no discussion, the motion carried unanimously upon roll call vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mary Sue Rich, Council Member
SECONDER:	Daniel Owen, Council Member
AYES:	Rich, McLeod, Owen, Heinbockel

g. **Approved** Contract with Waste Pro for curbside recycling services.

Presentation by Catherine Cameron
Assistant City Manager Catherine Cameron read the details of the item.

There being no discussion, the motion carried unanimously upon roll call vote.

RESULT:	**APPROVED [3 TO 0]**
MOVER:	Mary Sue Rich, Council Member
SECONDER:	John McLeod, Council Member
AYES:	Rich, McLeod, Heinbockel
AWAY:	Owen

h. Approved appointment of four members to the Enterprise Zone Development Agency: Jaye Baillie, JeRome Johnson, Michael Hageloh, and Jerone Gamble.

Presentation by Marc Mondell
Mr. Mondell read the details of the item. City Clerk Angel Jacobs pointed out staff has given a recommendation for the four members. President Owen noted the other applicants are on page 362 of the packet.

Council member Rich questioned why Jaye Baillie is not listed as application received. Mr. Mondell explained Ms. Baillie has expressed interest but has not yet submitted her application. Council member Rich commented Jaye and Jerome are the only two with terms that expire, and questioned why they are looking for four appointments. Mr. Mondell explained they had lost some other members, and he asked that Council approve the recommended individuals so that they may continue with business.

There being no further discussion, the motion carried unanimously upon roll call vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mary Sue Rich, Council Member
SECONDER:	John McLeod, Council Member
AYES:	Rich, McLeod, Owen, Heinbockel

i. Approved Appointment of Giorgio J. Placanico to the Municipal Code Enforcement Board.

Presentation by Angel Jacobs
There being no discussion, the motion carried unanimously upon roll call vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Daniel Owen, Council Member
SECONDER:	Mary Sue Rich, Council Member
AYES:	Rich, McLeod, Owen, Heinbockel

11. Utility Report

a. Assistant City Manager Larry Novak gave the Utility Report.

Mr. Novak updated Council on the work group meeting staff held at FMPA regarding the Moody situation, and reductions in the BPCA.

12. Internal Auditor's Report

a. President Heinbockel noted a report had been submitted but there would be no presentation.

13. City Manager's Report

a. Denied Consideration of Consulting Agreement for Chief Sam Williams and direction on the decision points outlined in attached memorandum.

Presentation by Matthew J. Brower
Mr. Brower read the details of the item.

President Heinbockel stated that Mr. Williams voluntarily resigned his position and she is not supportive of the contract because she feels that it is a work around of the law.

Council member McLeod questioned whether Mr. Williams is entitled to the sick pay. Mr. Gilligan responded in the affirmative. Council member McLeod remarked he does not feel a consultant agreement is necessary.

Council member Rich stated that she supports the agreement and feels that Mr. Williams deserves it.

Council member Owen asked City Attorney Gilligan to review the laws of severance package. Mr. Gilligan explained the statutory change in August made clear that severance agreements are not allowed under State Statute, and municipalities are not allowed to give them, unless they have an ordinance or policy in place, which they do not, and must adhere to specific guidelines and limitations. Council member Rich noted this would not be severance pay.

Mayor Guinn commented Mr. Williams was not pushed from his position; he resigned without any encouragement from anyone. He spoke about his discussion with Chief Graham regarding the consultation agreement, and noted they will not be consulting Chief Williams about anything.

Jerome Johnson, 2901 SW 41st Street, voiced agreement with Council member Rich and commented there were mitigating circumstances. He remarked he feels Mr. Williams was pushed out. He urged Council to consider a consultation agreement.

Council member Rich asked if the agreement covered being a consultant for the Police Department only. Mr. Brower responded the agreement still needs to be worked on with Mr. Williams and undergo legal review, but the scope could be larger than the Police Department.

Council member Rich commented Chief Graham may benefit from a consultation agreement with Mr. Williams, and she supports it. Council member Owen stated he has complete confidence in the new Police Chief and would not be supporting a consulting agreement.

There being no further discussion, the motion was denied upon roll call vote, with Council member Rich voting yes and all others voting no.

RESULT:	**DENIED [1 TO 3]**
MOVER:	Mary Sue Rich, Council Member
SECONDER:	Daniel Owen, Council Member
AYES:	Rich
NAYS:	McLeod, Owen, Heinbockel

b. Legislative Update given by Astrida Troupovnieks

Development Services Manager Astrida Troupovnieks updated Council on the City's 2012 legislative priorities. She stated House Bill 365 and Senate Bill 910 are currently in committee, and reviewed the status of Senate Bill 540 (secondary metals legislation). She discussed Senate Bill 547 that would change CRA's throughout the State of Florida, and explained staff would be urging representatives to oppose the bill. She stated there are six waste water bills, a transportation bill that increases annual funding for Florida's seaports, legislation regarding international freight, and the local business tax is also affected. She discussed debt service legislation and a redistricting change that would affect the villages in Marion County. She stated the committee also reviewed the congressional proposed district, and noted she will forward further developments to Council.

c. Approved Walk-on Amendment to Building Lease Agreement with the Ocala Marion County Chamber of Commerce for the operation of a Business Incubator.

Presentation by John Zobler
Mr. Zobler read the details of the item.

Council member Rich commented she has a very short period of time to review this item, and she would like staff to refrain from adding walk-on items to the agenda. She asked if this needs to be approved tonight. Mr. Zobler explained the lease is set to begin on February 1st and this is the last meeting in January. He reviewed the other changes in the item. Mr. Brower apologized for the walk-on and explained that the item was time-sensitive.

Council member Owen noted the benefits of having the incubator kick off on February 1st.

There being no further discussion, the motion carried unanimously upon roll call vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Daniel Owen, Council Member
SECONDER:	John McLeod, Council Member
AYES:	Rich, McLeod, Owen, Heinbockel

14. Mayor's/Police Department Report

a. Mayor Guinn questioned why Ordinance 2012-18 was pulled.

City Attorney Gilligan explained that an actuarial report needs to be received before the ordinance was approved.

Council member Rich asked if Florida Statute requires the letter. Mr. Gilligan responded in the affirmative. Council member Rich commented it might not be something petty if it is Florida Statute. Mr. Gilligan remarked it seems logical to do it this way. Chief Financial Officer John Lege noted it is a Statement of Actuarial Impact and has to go to the vision of retirement before the final reading, and that is in Statute chapter 112.

15. City Attorney's Report

a. Review Supplemental Memorandum concerning Ellis Road, Jacksonville, FL, Superfund Site.

Presentation by Patrick G. Gilligan

Mr. Gilligan read the details of the item and noted the City contributed to the site.

16. Informational Items

a. Calendaring Items

1. **Annual Strategic Planning Session - January 18, 2012 -9:00 am - 4:00 pm - Design Studio at the Train Station - 531 NE First Avenue.**

2. **Annual Strategic Planning Session - January 19, 2012 - 9:00 am - 4:00 pm - Landmark Aviation - 1200 SW 60th Avenue.**

3. **City Council Workshop - Tuesday, January 24, 2012 - 11:30am to 1:30pm - Airport Issues - Employee Handbook - City Council Chamber.**

4. **Pension Workshop - Tuesday, February 14, 2012 - 11:30am - City Council Chamber.**

5. **Future Land Use Element/Map, Transportation Element, Recreation and Open Space Element changes; Way finding/Branding; CSXT Rail Line through Ocala Workshop - Tuesday, February 28, 2012 - 11:30am - City Council Chamber.**

b. Comments by Mayor

c. Comments by Council Members

Council member Rich stated she has been asked by the Children's Alliance to request that the City help fund Council Against Substance Abuse (CASA) in the amount of $5,000.

Mr. Brower pointed out that Council could sponsor CASA out of the Discretionary Fund. Mr. Zobler explained there may be $13,000 in that fund and it is up to Council to spend that money. Council member Owen requested that the group speak before Council.

Council member Owen requested that Council send flowers to the Tomlin family.

Mr. Brower stated he will do so.

Council member Rich asked that Council members and the Mayor attend MLK events/parades in west Ocala in the future.

d. Informational

17. Adjournment

Adjourned at 6:23 p.m.

Minutes Approval

Suzy Heinbockel Council President	Angel B. Jacobs City Clerk