

The regular meeting of the Lake Wales City Commission was held on October 21, 2008 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. Mayor Lee A. Wheeler, III, called the meeting to order.

#### **INVOCATION**

The invocation was given by David Smith, Babson Park.

#### **PLEDGE OF ALLEGIANCE**

**COMMISSIONERS PRESENT:** Terrye Y. Howell; Jack Van Sickle; John Paul Rogers; Kathy Manry; Lee A. Wheeler, III, Mayor.

**COMMISSIONERS ABSENT:** None.

**CITY REPRESENTATIVES PRESENT:** Anthony G. Otte, City Manager; Albert C. Galloway, Jr., City Attorney; Judith H. Delmar, Asst. City Manager; Clara VanBlargan, City Clerk.

#### **Agenda Item 4. APPROVAL OF MINUTES**

Commissioner Howell made a motion to approve the minutes of the October 7, 2008 regular meeting. The motion was seconded by Commissioner Van Sickle.

#### **ROLL CALL:**

Commissioner Howell	"YES"
Commissioner Van Sickle	"YES"
Commissioner Rogers	"YES"
Commissioner Manry	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

#### **AGENDA ITEM 5. Ordinance D2008-02, CPA/Zoning: Hernandez Property, East Side of U. S. Highway 27 N - 2nd Reading & Public Hearing**

Mr. Otte reviewed Agenda Item 5. The full staff memo is incorporated into the minutes.

[begin agenda memo, prepared by Margaret Swanson, Planning & Development Director]

#### **RECOMMENDATION**

Staff recommends adoption after second reading of Ordinance D2008-02.

The ordinance was approved on first reading in July 2008 and transmitted to the state Department of Community Affairs (DCA) for review. The department raised no objections.

The land use designations proposed for the properties are as recommended by the Planning and Zoning Board. A public hearing and action are required

#### **BACKGROUND**

The property is in two parcels with a total of 400 feet of frontage along the highway and 1337 feet of depth. The majority of the property is in the FEMA Flood Plain, Zone AE (regulatory flood plain) and the central

portion of the site is a National Wetlands Inventory Wetland, according to the Polk County Geographic Information System (GIS).

Surrounding land use and land use designations:

North: City LCI-Limited Commercial Industrial - mini-warehouse, medical office and light manufacturing

South: City LCI-Limited Commercial Industrial - vacant

East: County RS-Residential Suburban - mobile home park

West: City RR-Rural Residential across US Highway 27

A Future Land Use Map classification of RAC – Regional Activity Center and Zoning Map designation of C-3 Highway Commercial have been requested by the owner. However, the Planning Board voted to recommend LCI – Limited Commercial-Industrial and Wetlands Overlay as recommended by staff. The LCI designation is consistent with land use classifications in the area.

Per the Comprehensive Plan RAC is limited to one or two areas of the City and has been established in the area of the Eagle Ridge Mall. The primary function of the Limited Commercial-Industrial classification is to allow low traffic generating commercial and industrial uses fronting on major roadways that will not result in commercial strip development.

The Wetlands Overlay will be subject to the following Comprehensive Plan policies:

**Policy 3.12:**

The Wetland Overlay District is created to recognize those areas identified on the National Wetlands Inventory and by other applicable authorities as wetlands, the boundary of which may be more accurately defined as set forth in this Plan.

**Policy 3.13:**

The Wetland Overlay District shall designate and map wetlands areas. This overlay area is generally shown on the Future Land Use Map. The specific boundaries of the wetlands may be verified by site specific studies which delineate specific wetland boundaries. It is the responsibility of the owner and/or developer to submit documentation, exhibits, studies, etc., for the purpose of establishing that properties should not be included in the Wetland-Study Overlay District when the adopted land-use map indicates that the property is within such an area. All studies to verify the boundaries of wetlands are required to be signed and sealed by an appropriate professional consultant and have their boundaries verified and approved by the City's Engineer and by the agencies having jurisdiction.

**Policy 3.14:**

The designation and mapping of the Wetland Overlay District shall be based on areas delineated as wetlands by the National Wetlands Inventory and/or as determined to be jurisdictional by appropriate regulatory agencies having the authority to designate areas as wetlands and exercise jurisdiction over the wetlands so designated (such as Southwest Florida Water Management District, the Department of Environmental Protection, and the Army Corps of Engineers).

**Policy 3.15:**

Development within the Wetland Overlay District shall conform to the following criteria: All permits from and agency with jurisdiction shall be approved prior to, or concurrently with, the City issuing the final development order. Wetland impacts shall first be avoided. Secondly, where they cannot be avoided, impacts shall be minimized and shall be mitigated by wetland compensation or wetland enhancement. Wetland impacts, where unavoidable and where properly mitigated, as determined by agencies having jurisdiction, shall be permitted for the beneficial viable use of the property.

Site Access:

Access is from US Highway 27.

## OTHER OPTIONS

Other land use designations may be proposed for the property, but must be consistent with the City's comprehensive plan policies.

[end agenda memo]

Ms. Delmar read Ordinance D2008-02 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE LAND USE DESIGNATIONS ON 12 ACRES OF LAND, LOCATED ON EAST SIDE OF US 27 SOUTH OF TOWER BLVD, FROM POLK COUNTY FUTURE LAND USE DESIGNATION CE - COMMERCIAL ENCLAVE AND RS – RESIDENTIAL SUBURBAN TO LAKE WALES FUTURE LAND USE DESIGNATIONS LCI – LIMITED COMMERCIAL-INDUSTRIAL AND WETLANDS OVERLAY DISTRICT AND ZONING DESIGNATION LCI – LIMITED COMMERCIAL-INDUSTRIAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Manry made a motion to adopt Ordinance D2008-02 after second reading and public hearing. The motion was seconded by Commissioner Howell.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Van Sickle	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

**AGENDA ITEM 6. Ordinance 2008-37, Repealing Section 2-88 of the Lake Wales Municipal Code, Executive Director (Depot Museum) and Inserting that the Depot Advisory Commission Advises the City Commission – 2nd Reading & Public Hearing**

Mr. Otte reviewed Agenda Item 6. The full staff memo is incorporated into the minutes.

[begin agenda memo, prepared by Anthony G. Otte, City Manager]

## RECOMMENDATION

Approval.

## BACKGROUND

The City Commission approved after first reading of Ordinance 2008-37 on October 7, 2008. All advertisement requirements have been met.

The action requested seeks to remove a conflict that has now been created with the new contract with the Historic Lake Wales Society.

On September 19 the City Commission approved a contract between the City and the Historic Lake Wales Society for the operation of the Depot Museum. This contract eliminated the need for city employees to operate the museum and serve as museum staff. In the past the City budget contained one or more city positions for this purpose. The current year budget does not have those positions as the operation is now handled through the contract with the Historic Lake Wales Society. The current City budget does contain a grant to the Society to provide funding for that purpose.

The roster of City employee positions no longer contains depot museum employees. However, there is an existing ordinance that establishes the position of depot executive director, appointed by the city manager and working under the direction of the city manager. With the execution of the Historic Lake Wales Society contract, this ordinance and the position it creates are a moot point. As a ministerial duty, that ordinance needs to be repealed.

The ordinance also notes that the Depot Commission will advise the Executive Director of the Depot Museum. As other City advisory boards advise the City Commission, staff has also made that change.

## **OPTIONS**

Do not repeal the ordinance, which would continue a conflict between a City position and the Historic Lake Wales Society's operation of the museum.

## **FISCAL IMPACT**

None.

[end agenda memo]

Ms. Delmar read Ordinance 2008-37 by title only.

## **AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES BY ELIMINATING THE POSITION OF DEPOT EXECUTIVE DIRECTOR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.**

### **OPENED PUBLIC HEARING**

Tom Baynes, Historic Lake Wales Society, commented that he thinks the ordinance is consistent with the agreement that was made between the City and the Depot Museum. He said that the Board of Directors of the Historic Lake Wales Society would set the policy concerning the operation of the particular units of the City. According to the ordinance, the Depot Commission would remain in existence, but would become an advisory board rather than policy oriented. Mr. Baynes suggested that the ordinance be amended to allow the director or the president of the Historic Lake Wales Society, as an ex-officio member of the Depot Commission, to make the discussions and the information flow back and forth between them and the City. Mr. Otte asked Mr. Baynes if he was suggesting that the Depot Advisory Commission ordinance be amended to include the Director of the Historic Lake Wales Society as an ex-officio member. Mr. Baynes said yes, because that would allow the Depot Commission the benefit of having information available right there. This information could be presented to the Board of Directors of the Historic Lake Wales Society so a lot of things could be resolved without having to come back to the City Commission. Mr. Otte said if it is the consensus of the Commission, staff could bring that back for consideration. Mayor Wheeler said that it might not have to come back to the Commission if the last sentence in Sec. 2-86 of the ordinance is put back in. Ms. Delmar said only if the sentence is put back in and "Depot Executive Director" is changed to "Chairman of the Historic Lake Wales Society." Mr. Galloway said that would conflict with the title of the

ordinance. It would be better to bring back a separate ordinance. Mr. Otte said staff could do that at the next City Commission meeting.

#### CLOSED PUBLIC HEARING

Commissioner Manry made a motion to adopt Ordinance 2008-37 after second reading and public hearing. The motion was seconded by Commissioner Howell.

#### ROLL CALL:

Commissioner Manry	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Van Sickle	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

On behalf of the City and the City Commission, Mayor Wheeler presented Mimi Hardman with an appreciation plaque, a bouquet of roses, and a dollar for her 34 years of dedicated voluntary service to the City from 1974 to 2008 as Executive Director of the Depot Museum and for preserving the past for future generations. Ms. Hardman commented that she has enjoyed every minute of it and will continue doing what she is doing.

#### **AGENDA ITEM 7. Request for Site Approval for Sale of Alcohol- 2COP License for an Outdoor Café pursuant to Ordinance 2008-30 - Arcade Coffee and Sandwich Shoppe**

Mr. Otte reported on Agenda Item 7. The full staff memo is incorporated into the minutes.

[begin agenda memo, prepared by Harold Gallup, Economic Development Director]

#### **RECOMMENDATION**

Staff recommends that the City Commission take the following action:

1. Approve the application for site approval for a 2 COP License that allows the sale of beer and wine pursuant to the requirements of the newly amended Chapter 5 of the Code of Ordinances of the City of Lake Wales and Ordinance 2008-30.
2. Authorize the Mayor to execute the requisite application forms for the Applicant.

#### **BACKGROUND**

On September 02, 2008, the City Commission approved requested changes to Chapter 5 of the Ordinances of the City of Lake Wales and further passed Ordinance 2008-30 to allow for the sale of alcohol under a revised set of criteria. The objective was to provide for the ability of the citizens to enjoy certain beverage services that were provided in other cities, but not in Lake Wales. The applicant is currently operating a business in the Main Street area of downtown Lake Wales. The current operating area has already been approved by action of the City Commission in 2007 and the area of the Outdoor Café has been clearly defined and is currently in use. This is not a bar, as it must meet the State Test of Food Service to qualify for the license requirement for alcohol sales with food. The Applicant has made investment into the downtown property and is getting ready to make additional investment into the business. The Applicant has all of the required insurances and licenses required for the business and uses requested herein. This request meets the objectives of the legislative changes made to the Code of the City of Lake Wales.

**CURRENT FISCAL IMPACT**

No cost to the City.

**FISCAL IMPACTS OF OTHER ALTERNATIVES**

None.

[end agenda memo]

Commissioner Manry made a motion to approve the application for site approval for a 2 COP License to allow the sale of beer and wine pursuant to the requirements of the newly amended Chapter 5 of the Code of Ordinances of the City of Lake Wales and Ordinance 2008-30, and to authorize the Mayor to execute the requisite application forms for the Applicant. The motion was seconded by Commissioner Van Sickle.

**ROLL CALL:**

Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

**AGENDA ITEM 8. Request to Reschedule November 4, 2008 City Commission Meeting because of November 4, 2008 Presidential Election Day**

Mr. Otte reported on Agenda Item 8. The full staff memo is incorporated into the minutes.

[begin agenda memo, prepared by Clara VanBlargan, City Clerk]

**RECOMMENDATION**

It is recommended that the City Commission reschedule its first regular meeting in November to Wednesday, November 5, 2008.

The City Commission's regular meetings are scheduled on the first and third Tuesday of each month at 6:00 p.m. In November, the first Tuesday falls on the 2008 Presidential Election date. To allow those citizens, who need to vote at that time that might not want to miss the City Commission meeting, the City Commission may wish to reschedule the meeting.

[end agenda memo]

It was the consensus of the City Commission to reschedule the first regular City Commission meeting in November to Wednesday, November 5, 2008.

Mr. Otte said that Agenda Item 9 was moved to the regular agenda because it requires the approval of a City resolution.

**AGENDA ITEM 9. Resolution 2008-20, Railroad Crossing Signal Program – South 9th Street**

Mr. Otte reported on Agenda Item 9. The full staff memo is incorporated into the minutes.

[begin agenda memo, prepared by Jerry Torrance, Assistant to the City Manager]

## **RECOMMENDATION**

Staff recommends that the City Commission approve the Railroad Crossing Signal Safety Program agreement between the City of Lake Wales, the State of Florida Department of Transportation, and Florida Midland Railroad.

## **BACKGROUND**

The State of Florida Department of Transportation is constructing, reconstructing, or otherwise changing a portion of the public road system, on South 9<sup>th</sup> Street, which shall call for the installation and maintenance of railroad grade crossings and traffic control devices for railroad grade crossings over or near the highway.

## **FISCAL IMPACT**

The City will be required to assume one-half of the annual maintenance cost of the railroad signal devices not to exceed \$1573 annually for the 9<sup>th</sup> Street crossing and any cost adjustment in subsequent years to meet any change in expenses. The City will be required to upgrade, and thereafter maintain the roadway railroad crossing advance signs and pavement markings in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). These funds will come out of the M&R Traffic Controls line item.

## **OTHER OPTIONS**

Do not enter into the agreement.

[end agenda memo]

Mr. Otte said that when this item was first presented to him he questioned whether this part of south 9<sup>th</sup> Street is in the City limits. He said he is not positive, but he does believe that the City adopted south 9<sup>th</sup> Street as a City street to the railroad crossing. In addition, the property on both sides of the railroad crossing are in the City limits. This particular crossing has no lighting or crossing arms. According to the proposal, the railroad would install the crossing arms and the lighting to make the intersection safer. The City has continued concerns with the railroad's ability to keep the grass cut because the grass continues to be high in that area. Mr. Otte said that on the basis of safety, he recommends approval of this item.

Commissioner Howell commented that the Commission is in favor of safety. She asked if the City could ask the railroad to furnish a lawnmower so City employees can mow the grass for them because it is obvious that they are not willing to keep up their property. Commissioner Howell said that there are people in this City who do not want to do their part but are expecting the City to do its part. Mr. Otte said that Code Enforcement cited the railroad at one time for not cutting the grass. He said he would have Police Chief Herbert Gillis instruct Code Enforcement to contact them again. Commissioner Howell said the railroad should be held responsible for its lack of maintenance in those areas.

Commissioner Rogers asked if the City had any liability in this issue because it seems as though the liability would be on the railroad. Mr. Otte said that he does not know. He said that the agreement says the railroad would be responsible for the maintenance and that the City would only be participating in the cost. Mr. Galloway said he did not think the City has any current liability. He said that if the City enters into this agreement it would be named as a co-defendant with the railroad. However, he can't say that there is no liability at this stage of the game since it is a City street. If someone were to have an accident there, the City would be named as a defendant as well as the railroad.

Commissioner Manry asked where the railroad goes. Mr. Otte said it travels from West Lake Wales to the Lowes Warehouse in Frostproof.

Commissioner Van Sickle said a couple of weeks ago he drove down S. 9<sup>th</sup> Street and noticed that the railroad tracks were not visible from the road because of the high grass. He said that is a perfect place for someone to be killed especially without crossing arms coming down.

Ms. Delmar read Resolution 2008-20.

**A RESOLUTION AUTHORIZING EXECUTION OF A RAILROAD REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF GRADE CROSSING TRAFFIC CONTROL DEVICES, AND FUTURE MAINTENANCE AND ADJUSTMENT OF SAID DEVICES; PROVIDING FOR THE EXPENDITURE OF FUNDS; AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT.**

Mayor Wheeler asked if the resolution calls for a separate action. Mr. Galloway said that the resolution is sufficient to adopt both the resolution and the agreement.

Commissioner Van Sickle made a motion to adopt Resolution 2008-20. The motion was seconded by Commissioner Manry.

ROLL CALL:

Commissioner Van Sickle	"YES"
Commissioner Manry	"YES"
Commissioner Rogers	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

**ADDENDUM**

**AGENDA ITEM 8A. Contract with Killebrew, Inc. – Lake Wales & Winter Haven Water Main Interconnect at Lake Ashton**

Mr. Otte reported on Agenda Item 8a. There was no memo provided by staff to be inserted into the minutes.

Mr. Otte said that Commissioner Van Sickle and City staff have been working to implement the agreement that has been executed with the City of Winter Haven for four water interconnects, the first one being in Lake Ashton. To resolve a number of questions concerning this, Commissioner Van Sickle has been working with the Lake Ashton CDD and City staff has been working with staff at the City of Winter Haven. The easements have been verified and staff is now ready to order the equipment, which will be installed by a contractor. Because it will take about four weeks for the equipment to come in, staff did not want to wait to bring this item to the Commission at its November 5 meeting. Mr. Otte said that staff received a quote this afternoon from Killebrew, Inc., who has a current contract with the City. The total installation will cost \$87,292.00, which will be paid for by the City and the City of Winter Haven. Each City will be responsible for paying half. The City budgeted \$50,000 for this project. He said that the City's Utilities Director believes that it might not be necessary to pay for items such as the fence work and the extent of the landscaping because it might not be needed. The cost savings should keep the City from going over budget.

Commissioner Van Sickle made a motion to approve the proposed budget for the interconnect between the City of Winter Haven and Lake Ashton. The motion was seconded by Commissioner Manry.

ROLL CALL:

Commissioner Van Sickle	"YES"
Commissioner Manry	"YES"



Commissioner Rogers	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

## **CONSENT AGENDA**

### **AGENDA ITEM 10. Amendment to Contract for Financial Services with Bunting, Tripp & Ingley**

Mr. Otte reported on Agenda Item 10. The full staff memo is incorporated into the minutes.

[begin agenda memo, prepared by Bridget Denihan, Interim Finance Director]

### **RECOMMENDATION**

City staff recommends that the City Commission authorize the City Manager to sign an amendment to the contract with Bunting, Tripp, and Ingley to include the additional services listed below.

### **BACKGROUND**

At the September 16, 2009 Commission Meeting, the Commission approved entering a contract with Bunting, Tripp & Ingley for Accounting Services for assistance in the preparation of issuing municipal revenue bonds. Staff recommends expanding the contract to include the following:

- Assist in preparation of the City's year-end audits of the Airport Authority, and General, Police, and Fire Pensions
- Assist in accounting and finance functions as needed.
- Review work of the City's finance department as needed.

The Finance Department is short a staff person at our busiest time of the year. We will need assistance preparing the documentation our auditors require, as well as reviewing the transactions of the 07/08 fiscal year and preparing for the 08/09 fiscal year.

### **OPTIONS**

Do not sign the amendment, which would result in an additional burden being placed on City staff.

### **FISCAL IMPACT**

The fiscal impact is difficult to determine, as it will depend on the amount of service requested by staff. City staff will be judicious in requesting services to keep costs to a minimum. The cost of services is already included in the contract.

[end agenda memo]

### **AGENDA ITEM 11. Purchase of Police Cars from City of Longwood**

Mr. Otte reported on Agenda Item 11. The full staff memo is incorporated into the minutes.

[begin agenda memo, prepared by Police Chief Herbert Gillis]

### **RECOMMENDATION**

Staff recommends that the City Commission approve the purchase of 9 used police vehicles from the City of Longwood for the amount of \$120,000.00.

## **BACKGROUND**

The Police Department is committed to the maintenance and improvement of its vehicle fleet. A careful and detailed analysis of our vehicle fleet has disclosed the need for continued improvements during the 2008/2009 Fiscal Year. The police vehicles currently operated by the Police Department are aging and require constant service, repair, and downtime. Currently, many police vehicles have in excess of 100,000 miles. Certainly, police vehicles should be reliable for the safety of the community and the law enforcement officers operating them.

The City of Longwood Police Department currently participates in a police vehicle program that enables them to remove police vehicles from service every year and replace them with new ones. The Longwood Police Department has offered to sell 9 of their used police vehicles, to the Lake Wales Police Department, at a lower than wholesale price. These used vehicles are fully equipped with emergency equipment. The used police vehicles are in superior condition and will enable the Police Department to reduce the high mileage inventory with reliable police vehicles while reducing the demands on Fleet Maintenance.

The City of Longwood has agreed to deliver the vehicles to the City of Lake Wales in November 2008 with payment due in full from the City of Lake Wales on December 31, 2008. The deferred payment will allow for the collection of adequate tax revenues.

## **OTHER OPTIONS**

The Commission may choose not to purchase used police vehicles from City of Longwood.

## **FISCAL IMPACT**

An expenditure of \$120,000 was included in the Fiscal Year 2008/2009 Operating Budget for the purchase of police vehicles. This amount consists of a \$45,000 allocation from the General Fund and a \$75,000 allocation from the Police Services Impact Fee Trust Account.

The October balance of the Police Services Impact Fee Trust Account is \$90,404.53.

Section 23-427, Code of Ordinances of the City of Lake Wales, provides the monies deposited into the Police Services Impact Fee Trust Account shall be used solely for the purpose of constructing or improving the City's police services. Specifically, monies are authorized for the acquisition of vehicles utilized in providing police service and the apparatus or equipment necessary to provide such service.

During the recent budget preparation process, staff discovered that police services impact fees were never used to purchase new police vehicles for use in patrol zones added due to annexation and development. Accordingly, the police vehicles purchased with funds from the Police Services Impact Fee Trust Account will be assigned to law enforcement officers assigned to patrol zones in and around the Eagle Ridge Mall and the Longleaf Business Park.

[end agenda memo]

Mr. Otte said that the subject of police take home cars was discussed during the recent budget sessions, and it is an item for negotiations in the Police Department union contract. He said that he would be calling a shade meeting to discuss take home vehicles along with other items that need to be discussed as part of the police union negotiations.

## **AGENDA ITEM 12. Grove Avenue Water Plant Aerator Refurbishment**

Mr. Otte reported on Agenda Item 11. The full staff memo is incorporated into the minutes.

[begin agenda memo, prepared by Sarah Kirkland, Utilities Project Supervisor]

## **RECOMMENDATION**

It is recommended that the City Commission take the following action:

1. Accept the proposal of \$17,750.00 by Crom Engineering and Construction Services, Inc. for the refurbishment of the Aerator on the Grove Avenue Water Plant.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf, in regards to the refurbishment of this major component of the City Water System.

## **BACKGROUND**

Crom Engineering and Construction Services, Inc. (CECS) constructed a 200,000-gallon pre-stressed concrete ground storage tank at the Grove Avenue Water Plant site. The aerators installed are a required component of the ground storage tank construction.

Operation of the aeration system requires good ventilation. The tank needs occasional cleaning as precipitated sulfur, iron sulfide, rust and algae collect. A valve controlled drain line to the ground surface makes flushing the storage tank, once or twice each year, easier. Besides reducing the sulfur content, aeration also helps remove some of the iron, if present in the water. Oxidation of the iron occurs, and with enough settling time (holding the water in the tank for two to three days), satisfactory odor-free and iron-free water can be obtained.

The repairs will consist of the following:

- a. Remove 18 aerator trays.
- b. Refurbishment with the process of sandblasting, gel coat, and any additional required repairs.
- c. Sandblast and coating of the aerator floor with two coats of portable water epoxy.
- d. Sandblast and gel coat fiberglass aerator curb.
- e. Reinstall aerator trays.

CECS is considered sole source in this situation in that they are the original manufacturer of the tank and that they are utilized as sub contractors by Utility Service Co. Inc., the City's Tank Management contractors, whenever concrete tanks are to be inspected and/or repaired.

## **OPTIONS**

None. Chapter 62-555.350 of the Florida Administrative Code dictates that all water storage tanks be thoroughly inspected every five years with subsequent corrective measures taken to place the tanks in good operating condition and ensure water quality. Additionally, postponing this repair would subject the City to possible write-ups and fines imposed by the state regulatory agency.

## **FISCAL IMPACT**

\$65,000 was placed in the FY '08-'09 Operating Budget for the Water Department M & R Storage Tanks.

[end agenda memo]

## **AGENDA ITEM 13. Water/Wastewater Laboratory Services**

Mr. Otte reported on Agenda Item 13. The full staff memo is incorporated into the minutes.

[begin agenda memo, prepared by Sarah Kirkland, Utilities Project Supervisor]

## RECOMMENDATION

It is recommended that the City Commission:

1. Allow the Utilities Department to piggyback Polk County's contract for laboratory services with Florida Analytical, Inc.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf in regards to this service.

## BACKGROUND

The City of Lake Wales' Water and Wastewater Divisions are required by the Environmental Protection Agency and the Florida Department of Environmental Regulation to routinely monitor and sample the water and solid residuals throughout the various stages of their respective treatment processes. The majority of these samples must be submitted to a laboratory certified by the State of Florida for analysis and reporting purposes to insure that proper treatment is taking place and that compliance parameters are being met.

Staff has opted to piggyback on the contract held by Polk County Utilities with Florida Analytical, Inc. The City has used Florida Analytical, Inc. in the past and has enjoyed a successful and satisfactory relationship with the laboratory.

## OPTIONS

Do not piggyback on the County's contract and go out to bid. This would postpone analysis, which are governed by stringent time frames and could possibly place the City out of compliance with the regulatory agencies.

## FISCAL IMPACT

\$5,000 and \$40,000 were placed in the FY '08-'09 Operating Budgets for Water and Wastewater Contract Services – Laboratory, respectively.

[end agenda memo]

Commissioner Van Sickle asked for Agenda Item 11 to be pulled for separate discussion. He said he still questions why the City is buying used police cars with high mileage. Once a police car reaches 100,000 miles most of its life is worn out. So, it would not be wise to spend \$11,000 for a car that has almost 60,000 miles on it because most of the warranty if not all of it is gone at that mileage, at which time you begin to face problems and maintenance issues. It would be better to buy newer vehicles. Due to the current market local Ford dealers are willing to offer good deals. Commissioner Van Sickle said he is not opposed to buying police vehicles because the Police Department is in need of them.

Mr. Otte said the City has been successful in buying used vehicles for the past four or five years. Mr. Torrance said he had not looked at the vehicle list. He said that purchasing 60,000-mile vehicles have not been the norm. However, he does agree that we need to look at this a little closer. Commissioner Van Sickle said most of the vehicles on the list are high mileage vehicles. Mr. Torrance said he agrees. He said that due to budget constraints, the City was not able to purchase police vehicles from the City of Longwood last year. Now, we have police vehicles with 130,000 to 150,000 miles on them, some of which are 1998 models.

Commissioner Van Sickle said whether this is approved or not, he would like to see the City negotiate with local Ford dealers because he believes they are willing to give the City a good deal. The City would also save money by getting local vehicle maintenance.

Mr. Galloway said the City could not negotiate directly with a Ford dealership. Staff would still have to follow the standard RFP process and request proposals. Mr. Torrance said that fortunately our local Ford dealer had a contract in place with Polk County that the City piggybacked on last year to purchase some utility vehicles. He said that he would check to see if that contract is still in place.

Commissioner Van Sickle said patrol cars need to be in the best shape. When purchasing high mileage vehicles you are taking almost 60% of the vehicle's life away before giving them to the police officers, and he has a problem with that. Commissioner Howell asked how many miles a patrol car would travel in one year. Mr. Torrance said it is not the mileage to be concerned with, it is how the vehicles are driven. When traveling at a high speed the impact is a little more vigorous on the vehicle.

Capt. Quinn explained that their 1998 vehicles are currently in spare use and are not really worth that much. He said that there comes a point when a police car can no longer be used on the road. The Police Department is now in dire need of police vehicles because the City did not purchase any last year. The spare use cars that are being used on the road need to be taken off the road because the police officers are taking a risk by driving them when responding to an emergency. Commissioner Howell said she was not debating whether to replace the cars because she understands that new vehicles are needed. She suggested negotiating with the local dealerships to get a good deal because there is no need in buying 2005 vehicles for \$11,000. Mr. Torrance said he agrees. He said he believes the problem that staff saw when compiling the vehicle list was the number of vehicles that needed to be replaced at one time.

Mayor Wheeler asked how many years a police vehicle with 58,000 miles would be useful to the City. Capt. Quinn said about two years and that a brand new vehicle would last about four years.

Commissioner Manry asked if staff has enough time to go through the RFP process. Mr. Torrance said he already checked around on some prices from various dealerships. He said the budget would not allow the City to purchase the number of new vehicles needed to replace the older ones. He said Weikert Ford offered outfitted Crown Vics to the City for about \$25,000 each. Commissioner Van Sickle asked if that price was from an existing contract or from just asking them. Mr. Torrance said the price was from an existing contract that he believes Weikert Ford still has with Polk County. Commissioner Van Sickle said that his concern comes from his contracting background he obtained when working for the federal government. The federal government uses GSA pricing that 96% of the time is higher than the price of other companies. He said that the use of existing contracts was established when the economy wasn't in the shape that it is in now. Mr. Torrance said that if it's the direction of the Commission he would send out an RFP.

Mr. Otte said this item could be delayed until the next meeting. Staff can provide the Commission with all the information that has been looked at already plus check with Weikert Ford to see if they can provide a lower price. Ms. Delmar said that the City has to go out to bid. Mr. Otte asked if Weikert Ford offers a price lower than the county's price could we accept that. Mr. Galloway said the City still has to go out to bid even if the dealer's price is lower. Commissioner Van Sickle said the City should always send out a request for proposals instead of riding on someone else's contract. Some dealers are desperate and are willing to give a good price. Ms. Delmar said that staff would need about 30 days to go through the proposal process. She said the earliest that this item could be brought back to the Commission is at the second meeting in November.

Commissioner Rogers asked if the Commission could select a couple of the lower mileage vehicles from the list and vote on them now. Mr. Torrance said yes. Commissioner Van Sickle said he does not have a problem with mileage if the vehicles are not going to be used as patrol cars. Our patrol officers would be better off getting new cars. Mr. Torrance said he could keep the lower mileage vehicles on the list and get some proposals and bring the item back to the Commission in November. Capt. Quinn said he would like to get as many cars as possible with the money that is budgeted to try and catch up from last year.

Mayor Wheeler asked how the City of Longwood would feel about this. Capt. Quinn said that the City has a good relationship with the City of Longwood, and that they are easy to work with. Commissioner Manry asked if there were other cities that do this besides the City of Longwood. Capt. Quinn said that he did not

know, but the City of Longwood could afford to do this. Instead of paying for maintenance at the City garage they buy new vehicles, which are sold before the warranty runs out. That way, they do not have to hire employees to repair the vehicles. Ms. Delmar said the City Manager there has been doing that since about 1991. Mr. Torrance said that fortunately the City of Longwood keeps us at the top of their list because we have been buying vehicles from them every year. Commissioner Van Sickle said if the City needs that many vehicles now then maybe the Commission should go ahead and approve this. But, he would really like to see the City go through the bid process for future purchases. Instead of replacing vehicles every two years, the City would only be replacing them every four years.

#### END CONSENT AGENDA

Commissioner Manry made a motion to postpone Agenda Item 11 until the second meeting in November and to approve Consent Agenda Items 10, 12 and 13. The motion was seconded by Commissioner Howell.

#### ROLL CALL:

Commissioner Manry	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Van Sickle	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

#### COMMUNICATIONS & PETITIONS

##### CITY COMMISSION TRACKING REPORT

Adult Day Care Facility: Mr. Otte reported that a meeting is coming up with the county regarding the adult day care facility, and that the survey work is almost complete. He said that the new Polk County Health Department is expected to be completed in the third quarter of 2009. The projection is that construction of the new adult day care center would start either late 2009 or early 2010. Economic Development Director Harold Gallup said the meeting with the county would be on October 31, 2008.

Stop Light at Mountain Lake Cut-off Road and Scenic Highway: Mr. Otte reported that recently work was done by FDOT at the intersection of Mt. Lake Cut-off Road and Scenic Highway that had to do with audible striping. Commissioner Manry asked if we were getting audible striping in lieu of a traffic light. Mr. Otte said that was not what was discussed with FDOT.

Interconnect with Winter Haven at Lake Ashton: Mr. Otte reported that staff is making progress.

Possible Resources for Development of a Park in Northern Area of the City: Mr. Otte reported that staff is still looking for park property.

Possible Grants to Operate a Swimming Pool: Mr. Otte reported that he and Jennifer Nanek are still exploring the possibility of a pool grant from Land & Water Conservation.

Repeater for the Water Tower: Mr. Otte reported that he received a phone call from the radio station representative that he tried to return twice.

Live Webcasts of Commission Meetings. Mr. Otte reported that staff had a meeting with a webcasting group. The start up cost would be \$22,000 and a monthly maintenance cost of \$1,000. He said that he did not think it would be a worthwhile expenditure. Staff has discussed the possibility of recording the meeting and providing a DVD to Bright House so they could replay it for their customers. Commissioner Manry asked if Comcast could also replay it. Mr. Otte said that one would think so. He said he asked Comcast about Lake Wales not being able to access the bulletin board on their website and was told by a Comcast representative that she was not aware of a bulletin board offering on their website.

Mayor Wheeler asked if the recording could be divided up into pieces and put on YouTube. James Slaton, IT Director, said that he has already been looking into that.

Commissioner Van Sickle said that he attended the webcasting demo and saw ways it could benefit the City. The webcasting group can hook into the City's system and send out their signal from Comcast's mixer. Comcast would first need to make sure their mixer is on the right settings because currently citizens are having trouble seeing a clear picture and/or hearing the sound. The software can save the City Clerk at least 30 hours of agenda preparation and minute time between Commission meetings. The system would automatically transcribe some of the meeting for her. It would also allow her or anyone to do a search on line of anything concerning the meeting. Ms. Delmar said that the software would have to generate a text of the meeting to be retained for the City's record. Mr. Slaton explained that the program has macros built into it to allow the City Clerk to point and click, which creates certain actions during the meeting. He said that although the program will automate some of the meeting, the City Clerk would still have to transcribe what people say because there is no voice recognition built into it.

Commissioner Howell asked Capt. Quinn if the Police Department has a voice recognition program. Capt. Quinn said they have a program called "Drag and Speak" that has to be trained to the officer's voice. The Police Department still has to pay someone to transcribe it.

#### PUBLIC COMMENTS

David Smith, Babson Park, asked if the City was going to do something to help keep the bus transit program. Mr. Otte said that was discussed at a previous City Commission meeting and the Commission instructed him to write a letter to the Winter Haven Area Transit, which he did. He said that the amount of money they are requesting increased from \$9,000 to about \$39,000. Mr. Otte said he had one meeting with them already to seek support from commercial interests that would benefit from the bus service like the Eagle Ridge Mall. The mall manager could not make that meeting, but we will be meeting again.

#### COMMISSION COMMENT

Commissioner Rogers said that he received something from the VFW saying that the memorial at the park is in bad shape. They are requesting that the City move it to City Hall and clean it up. He said he understands that the VFW is willing to help. Mr. Otte said he would add that to the next agenda, and have staff get information on different options on what it would cost to clean it up etc.

Commissioner Rogers said he would like to have a CRA meeting soon to decide whether we would like to see the Commission continue serving as the CRA Board or if we would like for it to be a separate board from the Commission. He said he would like for the meeting to be opened to public comment. Mr. Otte said he could schedule a CRA meeting to be held after the November 5 regular City Commission meeting.

Commissioner Howell expressed concerns about the service received from Comcast. She said she used to be able to record one channel while watching another channel at the same time. Now, she cannot do that through the new box without having to pay an additional \$13 a month. Commissioner Howell said Comcast did not tell anyone about these additional charges. She said that due to all the problems people are having with Comcast more people are switching to Direct TV as well as herself. Mr. Otte asked Commissioner Howell if she is requesting that a Comcast representative appear at the next City Commission meeting. Commissioner Howell said that she did not think it would help for them to come to the meeting.

Mr. Otte said that today he was told by a citizen that they picked up one of the boxes from Comcast so they could access Channel 9. After hooking up the box the reception was worse, the box affected some of the existing channels, and they still could not access Channel 9 on the new Channel 209.


Mayor Wheeler reminded everyone to remember the troops overseas. He asked everyone to adopt a soldier from the list that is available on the City's website and to send them something for Christmas. He said that the Veteran's Club at Lake Ashton started a campaign to do that. Commissioner Van Sickle said they have already shipped 130 boxes. Mayor Wheeler said the Veteran's Club at Lake Ashton could use some help in sending out those packages.

There being no further business the meeting was adjourned.



\_\_\_\_\_  
Mayor/Commissioner

ATTEST:

  
\_\_\_\_\_  
City Clerk