

The regular meeting of the Lake Wales City Commission was held on March 16, 2010 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor L. Jack Van Sickle.

INVOCATION

The invocation was given by Dr. Jim Moyer, Warner University

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Y. Howell; Lee A. Wheeler, III; John Paul Rogers; Jonathan Thornhill; Mayor L. Jack Van Sickle

COMMISSIONERS ABSENT: None.

CITY REPRESENTATIVES PRESENT: Judith H. Delmar, City Manager; Albert C. Galloway, Jr., City Attorney; Clara VanBlargan, City Clerk; Jacquie Hawkins, Deputy City Clerk.

Auditor's Report

Agenda Item 5. Transmittal of the Comprehensive Annual Financial Report, For Fiscal Year Ended September 20, 2009

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Dorothy Pendergrass, Finance Director]

SYNOPSIS

The City's independent auditors, Purvis, Gray and Company, will present the Comprehensive Annual Financial Report for fiscal year ended September 30, 2009 for acceptance by the City Commission.

STAFF RECOMMENDATION

Accept the City's Comprehensive Annual Financial Report for fiscal year ended September 30, 2009 and independent auditors' report as presented.

Purvis, Gray and Company representative: Joseph J. Welch, C.P.A.

BACKGROUND

In the independent auditors' report for the fiscal year ending September 30, 2009, the auditors stated that, in their opinion, the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City as of September 30, 2009, and the respective changes in financial position, and where applicable, cash flows thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

This is the fifth subsequent year that the City has received an unqualified opinion. This is the second year that the City has prepared a comprehensive annual financial report (CAFR). A CAFR is a financial report that contains, at a minimum, three sections: 1) introductory, 2) financial, and 3) statistical, and whose financial section provides information on each individual fund and component unit.

Financial Highlights

- The assets of the City exceeded its liabilities at the close of the most recent fiscal year by \$40,924,941 (*net assets*). Of this amount, \$3,067,335 (*unrestricted net assets*) may be used to meet the government's ongoing obligations to citizens and creditors. CAFR – page 17.
- The City's total net assets increased by \$1,852,886. The governmental activities decreased by approximately \$1.59 million (6.89%), while the business-type activities increased approximately \$3.45 million (21.61%). CAFR - page 19.
- As of the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$9,278,552; a decrease of \$2,999,673 in comparison with the prior year. Approximately 21.07% is *available for spending* at the government's discretion (*designated and unreserved fund balance*). CAFR – page 20.
- At the end of the current fiscal year, unreserved/undesignated fund balance for the general fund was \$1,468,618 or 14.11% of total general fund expenditures. CAFR – page 20 and 22.
- During the fiscal year, the City entered into a note payable, Refunding Revenue Note, Series 2009, for \$1,870,300 for the refunding of a Motorola Lease for \$138,600 and the refunding of the Series 1997 Bonds for \$1,731,700. With the issuance of the 2009 Refunding Note, the City reduced its total debt service payment of the next five years by \$54,107, and obtained an economic gain of \$49,794 CAFR – page 48 and 54.

[End of agenda memo]

Joe Welch, C.P.A. from Purvis Gray and Company, LLP, gave a brief report on the Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2009, which included the following:

- The audit went well and stayed on schedule due to the cooperation of the new Finance Director, Dorothy Pendergrass, and her staff.
- The City had a good year and added to fund balance, which is getting close to where it needs to be.
- The water and sewer funds had a good year. Revenues were down, but staff is looking into that.
- There were no current year findings found.
- The City saved about \$10,000 because the audit had been condensed, and the drafting of the Financial Statement was done in-house.
- The Pension Fund made 24% on its investment return.
- There were no weaknesses in the checks and balances.

Commissioner Rogers commended the City Manager, Finance Director, and staff for a job well done.

CONSENT AGENDA

Agenda Item 6. Approval of Minutes: March 2, 2010, Regular Meeting

Agenda Item 7. Lake Belle Pumping Station Project

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sarah Kirkland, Utilities Project Administrator]

SYNOPSIS

Staff requests commission approval of the Memorandum of Understanding between the City of Lake Wales and Polk County as it relates to the Lake Belle Outfall Improvements to aid the Peninsular Drive area.

STAFF RECOMMENDATION

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

1. Approve the signing of the Memorandum of Understanding and the expenditure of funds of 25% up to a maximum of \$250,000 budgeted for this project upon request by Polk County Natural Resources.

BACKGROUND

Lake Belle is a land-locked lake on the Lake Wales Ridge located about 1.4 miles southeast of the intersection of State Road 60 and US 27. This project is to consist of the installation of a pump station and associated conveyance system to control the water level of Lake Belle by conveying flood waters during extreme storm events to the Peace Creek Drainage Canal system. Both the City and County thought this project necessary to reduce the possible occurrence and duration of flooding along Peninsular Drive.

The Polk County Natural Resources Division began coordinating with City staff after the hurricanes of 2004, and proposed to install a pumping station to reduce the impacts of flood waters on residents around Lake Belle. Polk County then submitted an application to the Southwest Florida Water Management District for Cooperative Funding (SWFWMD). SWFWMD agreed to fund 50% of the project with a 50% fund match. The 50% fund match was to be shared between the City and Polk County. Polk County took the lead and became responsible for designing, bidding and construction. The project began moving forward starting the summer of 2005 when emergency pumping operations were performed to alleviate flooding around Lake Belle. As the project was being developed, the City allocated \$250,000 toward completion of the project. The County went out to bid for a contractor with a bid open date of July 15, 2009. The bid was subsequently awarded to Agner Construction.

Polk County contracted with Agner Construction and began to construct a high-level gravity outfall from Lake Belle, with ultimate discharge to the Peace Creek Drainage Canal on the west side of US 27. Lake Belle will outfall into Tractor Lake which will in turn discharge under US 27 into the system conveying water to the Peace Creek Drainage Canal.

Polk County is at a point where it will begin submitting pay requests for the engineering and construction completed to date on this project. Staff is requesting commission approval to enter into a Memorandum of Understanding with Polk County. The memorandum sets forth the City's responsibility as it relates to the expenditures for this project. Staff is also seeking commission approval to begin drawing down funds budgeted for this project when pay requests are submitted by Polk County.

OTHER OPTION

None. This project was funded 50% by the Southwest Florida Water Management District. The other 50% was to be locally matched by both the City (25%) and Polk County (25%).

FISCAL IMPACT

\$250,000 has been carried forward since the 2007-2008 budget year in anticipation of starting this project. These funds have been placed in the 2009-2010 budget under the Wastewater Operations Grants & Aids line item.

[End of Agenda Memo]

Agenda Item 8. Lift Station Pump Replacement

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sarah B. Kirkland, Utilities Project Administrator]]

SYNOPSIS

Staff requests commission approval to purchase replacement pumps for lift stations 2, 5, 7, 9, 12, 13, 17, 28, and 35 from two local suppliers.

STAFF RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve the purchase of replacement pumps for 9 lift stations in the City's collection system. Four stations will receive pumps from Barneys Pumps in the amount of \$43,810. Five stations will receive pumps from Florida Bearings in the amount of \$31,706.84 for a total cost of \$75,516.84.

BACKGROUND

The City owns, operates, and maintains thirty-nine lift stations and 9 power sewers. The majority of the older lift stations are in the central part of the City around Lake Wailes. In recent years the city has generally grown to the north and south along the US Highway 27 corridor and the east along the S.R. 60 corridor. Hence the newer lift stations are generally located along these routes. Out of the thirty-nine lift stations located in the city, there are nine lift stations that receive and re-pump flow from other lift stations to the city's waste water treatment plant.

In 2008 city staff contracted with Boyle Engineering (AECOM) to perform an evaluation of the city's older lift stations. Based on the information from this evaluation, it was determined that the listed stations were in need of pump replacement. With this in mind, the Utilities staff is continuing its program to rehabilitate all older lift stations in need of pump repair. Due to the fact some of the lift stations listed above are re-pump stations, staff wants to be proactive and minimize the potential for extended down time in the event the pumps fail to operate, when needed. Attached is a listing of all remaining pumps to be replaced for your reference. Although there are not enough funds in the current year's budget to replace all the necessary pumps, the pumps to be replaced this budget year are circled.

OTHER OPTION

Chose not to purchase replacement pumps at this time and run the risk of the station being out of service for an extended amount of time for repairs in an emergency. The purchase of these pumps is necessary to ensure the above lift stations continue to function at the appropriate levels.

FISCAL IMPACT

\$75,663 has been placed in the 2009-2010 Wastewater Capital Improvements Budget for this purchase. This line item is funded from CRA bond proceeds and operating revenue.

[End agenda memo]

Agenda Item 9. Lease Agreement Extension for Polk Workforce Development Board, Inc. d/b/a Polk Works at the James P. Austin, Jr. Community Center

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The extension of the lease agreement will allow Polk Works to continue the Young Leaders program at the James P. Austin, Jr. Community Center until June 30, 2011.

RECOMMENDATION

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

1. Approve an extension of the lease agreement with Polk Workforce Development Board, Inc. d/b/a Polk Works to operate the Young Leaders program at the James P. Austin, Jr. Community Center for a term expiring June 30, 2011.
2. Authorize the City Manager to execute the agreement.

BACKGROUND

Removing obstacles to employment will take a community effort, with representatives from many sectors including churches, government, businesses, education, and job training agencies. The Young Leaders program provides academic support and employment training to adults between the ages 16 and 21 who reside in Polk County. The program is free to those who qualify and assists youth in gaining the necessary academic and workplace skills needed to become successful as they move into adulthood.

The tenant agrees to use the property for the sole purpose of operating the employment and training program for adults and children. It will operate Monday through Friday. Designated office space shall be utilized from 8:00 a.m. until 5:00 p.m. There is no usage fee required of this tenant. There may be additional fees charged at the regular inside-city rate for any special events sponsored by Polk Works that take place at the center outside of the regular operating hours.

The City Commission approved the first lease with Polk Works on June 25, 2007 for a term to expire on June 30, 2009. Renewal of the lease was overlooked by staff and by the tenant. For funding purposes, Polk Works has requested that the term of the lease reflect their fiscal year, July 1 to June 30.

The City's Human Resources Director has reviewed and approved the lease requirements for insurance coverage.

FISCAL IMPACT

There is no cost to the City if this lease is approved.

OTHER OPTIONS

Deny approval of the lease agreement; however, by not approving the agreement, this organization will need to find another facility to run this program.

[End of agenda memo]

Agenda Item 10. Lake Wales Art Show at Lake Wailes Park, March 27 & 28 – Special Event Permit & Request for Overnight RV's

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Katie Kinloch, Administrative Assistant]

SYNOPSIS

Approval of this request will allow the Lake Wales Art Show to be held in Lake Wailes Park March 27 and 28, 2010 and allow artists to set up RV's for camping in a specified area in Lake Wailes Park during the event.

RECOMMENDATION

It is recommended that the City Commission approve the Special Event Permit Application for the 39th Annual Lake Wales Art Show to be held March 27 and 28, 2010 in Lake Wailes Park between the hours of 10:00 a.m. and 5:00 p.m. This application also includes a request to allow five RV's for camping in Lake Wailes Park during the event. Approval is recommended subject to the following conditions:

- The RV's will arrive no earlier than 8 a.m. Friday, March 26th and must depart no later than 7 p.m. on Sunday, March 28th.
- The RV's will be parked in the open area south of the southern entrance to the "Festival Area" of Lake Wailes Park and north of the Central Ave. intersection with Lakeshore Drive, shown as "public parking" on the attachment.
- No parking of vehicles will be allowed off pavement except in the camping area as noted, in the temporary parking areas north and south of the "horseshoe," and in the area along the horseshoe drive between the basketball courts and the retention area.
- No vehicles shall be parked or drive within 15 feet of the trunk of any trees within the park. Event personnel will install tape or temporary fencing to protect the trees.
- No vehicles shall drive or park on the bike path or cross the bike path
- Vendors and artists approved to set up inside the "horseshoe drive" across from the basketball courts, shall maintain a 15-foot distance from tree trunks. Vehicles shall be parked on the pavement only.

BACKGROUND

Ms. Kelley Wade, representative of the Lake Wales Arts Council, Inc. submitted a special event permit application for the 39th Annual Lake Wales Art Show to be held March 27th and 28th, 2010 in Lake Wailes Park between the hours of 10:00 a.m. and 5:00 p.m. The application also included a request to allow five RV's for camping in Lake Wailes Park overnight during the event. Some of the participants would like to stay on site for security reasons and protection of their property. No electric or water service will be provided to the RVs.

Per sec. 18-82 q. of the Lake Wales Code, camping is prohibited in a City park unless specifically authorized by special permit. Camping took place at prior Art Shows with the permission of the City Manager. Conditions are recommended this year to better protect City resources. Ms. Wade met with Margaret Swanson, Planning Director, to determine the best area for the RV's and to work out provisions to protect trees during the event. Ms. Wade has agreed to the conditions as recommended. The code prohibits parking in undesignated parking areas without written approval. (See sec. 18-82. I and j.)

OTHER OPTIONS

Do not approve the event or the request for camping RV's at this event.

FISCAL IMPACT

There is \$2,005 budgeted for in-kind services for the Lake Wales Art Show event for FY09/10.

[End agenda memo]

Agenda Item 11. Response to Google Fiber for Communities RFI (Request for Information)

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Jennifer Nanek, Grants Administrator]

SYNOPSIS

This application is a response to Google's Fiber for Communities RFI to select rural communities to test ultra high speed broadband networks. Internet speeds will be 100 times faster than what households have access to today.

RECOMMENDATION

Staff recommends approval of this application to Google to be selected as a test city for the new ultra high speed Broadband network. No match is required. Application deadline is March 26, 2010.

BACKGROUND

Google is selecting a few rural communities to test its ultra high speed network to see how communities can benefit from access to these high speeds. The City of Lake Wales could benefit from this as high speed internet availability can attract new businesses to its various commercial areas such as the Longleaf Business Park as well as the downtown. This advancement could also benefit current businesses as well as our schools and other organizations.

OTHER OPTIONS

Do not approve the application

FISCAL IMPACT

No match required. Once installed, Google will offer Internet Service at a competitive price to the user.

[End agenda memo]

Agenda Item 12. Adult Day Care Distribution Easement to Progress Energy

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Albert C. Galloway Jr., City Attorney]

1On October 20, 2009, the City Commission confirmed and ratified the Adult Day Care Ground Lease Agreement with Polk County which provides for additional lands which were needed for the development of the Adult Day Care Center on Central Avenue. The City continues to hold title to that portion which was leased to Polk County.

In order to facilitate completion of the project, Florida Power Corporation d/b/a Progress Energy Florida, Inc., requires that the City grant a Distribution Easement so that power may be supplied to the site.

Approval of the Distribution Easement is consistent with the Commission's prior approvals related to the Adult Day Care project and the grant of easement is necessary for completion of the project.

It is requested that the City Commission, by Motion, authorize the Mayor to execute the requested Distribution Easement, a copy of which is available for review in the Office of the City Clerk.

There are no alternatives to this action which will facilitate completion of the Adult Day Care project.

[End agenda memo]

Agenda Item 13. Purchase of a Motorola MOTOMESH Wireless Video Camera System

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by James Slaton, Information Technology Director]

SYNOPSIS

This expansion will provide additional public video cameras in the Historic Downtown and the Lincoln Avenue areas.

RECOMMENDATION

It is recommended the City Commission approve the purchase of 3 MOTOMESH wireless video cameras from Wireless Technology Equipment Company, Incorporated (WTEC) for \$26,100. WTEC is the sole authorized government sales representative for the Motorola Corporation in Polk County.

BACKGROUND

The CRA Board of Commissioners approved the reallocation of \$52,000 for the expansion of the MOTOMESH video system at the February 10, 2010 CRA Board meeting.

Video cameras are used by the Police Department to deter and mitigate crime in areas where commercial and economic revitalization efforts are underway. Public video cameras are used to remove the opportunity for crime and record incident video to identify offenders.

The City of Lake Wales currently has 4 public video cameras in operation: 1 portable camera and 2 additional cameras scheduled for installation in the near future.

With the video camera system, law enforcement officers may perform preventative patrol using the video camera system. In neighborhoods where flagrant street drug markets are present, the video camera system will displace drug dealers and their customers by following their movements, capturing license plate numbers and recording criminal offenses. When responding to or at an emergency call for service, officers can view real-time video in police vehicles using existing mobile data computers.

OTHER OPTIONS

The City Commission may vote not to approve the purchase of additional Motorola MOTOMESH Wireless Video Cameras.

FISCAL IMPACT

An expenditure of \$26,000.10 will be required to purchase the MOTOMESH wireless cameras from Wireless Technology Equipment Company, Inc. A total of \$52,000 was reallocated in the Fiscal Year 2009/2010 CRA operating budget amendment to purchase MOTOMESH components. Pricing for the MOTOMESH wireless video system was obtained through a contract executed between the School Board of Broward County and the Motorola Corporation.

This expenditure is for the purchase of equipment only. The remainder of the funds will be used for electrical services, pole installations, and network monitoring equipment upgrades.

[End agenda memo]

END CONSENT AGENDA

Mayor Van Sickle commented on Agenda Item 8, Lift Station Pump Replacement. He said a lot of work was done over the past few years at the lift stations and a lot of money had been spent. He asked if there were many more lift station pumps that needed to be replaced. Ms. Kirkland said no. Staff replaced pumps as they were needed and these were the last ones to be replaced.

Commissioner Howell asked how long a lift-station generally lasted and Ms. Kirkland said about ten years.

Commissioner Howell made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Rogers.

By Voice Vote:

Commissioner Howell	"Yes"
Commissioner Rogers	"Yes"
Commissioner Wheeler	"Yes"
Commissioner Thornhill	"Yes"
Mayor Van Sickle	"Yes"

The motion carried 5-0.

OLD BUSINESS

Agenda Item 14. Ordinance 2010-02, Repealing Charge for Fire Protection Service – 2nd Reading & Public Hearing

Ms. Delmar reviewed Agenda Item 14. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Judith H. Delmar, City Manager]

SYNOPSIS

The Commission will consider adopting an ordinance to repeal the monthly water fee currently charged for fire sprinkler systems.

RECOMMENDATION

It is recommended that the City Commission adopt Ordinance 2010-02 after second reading and public hearing.

BACKGROUND

At the Commission workshop on January 12, there was lengthy discussion about the fee charged by the City for fire protection service. This is an "availability of service" charge based on the size of the fire line connected to the building's fire sprinkler system. The fee depends on the size of the line and can run from \$5 per month to \$120 per month for inside city customers.

The fee is highly unpopular among businesses because, unless the location actually experiences a fire, there is never any water used. Business owners have complained that they are required to install a system that they may never need, and then they are required to pay a monthly fee for having installed the system. The general complaint is that they are being penalized for complying with the law.

From the standpoint of the fire chief, the unpopular fee serves as a disincentive for installing a fire prevention system, and any fee that is viewed as a "penalty" for complying with fire code requirements is really not in the best interest of the public. If a structure has adequate fire sprinklers installed and that structure has a fire, fewer public resources –i.e., water supply, manpower, equipment costs, etc.– are expended in fighting the fire. For many reasons, it is in the public interest to encourage fire protection systems in all structures, but especially in commercial structures.

Accordingly, Ordinance 2010-02 is proposed to repeal the fee for fire protection services.

On March 2, this ordinance was presented for second reading and public hearing after which it was adopted by the City Commission. Due to the failure by the newspaper to publish the notice that was submitted for publication, it is necessary to re-present this Ordinance for second reading and public hearing.

OTHER OPTIONS

Do not adopt Ordinance 2010-02, and the fee for fire protection services will remain in place.

FISCAL IMPACT

Revenue from the fee for fire protection services totaled \$28,478 in FY08'09. Repealing the fee would eliminate this source of revenue.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-02 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 21, UTILITIES, TO REPEAL THE CHARGE FOR FIRE PROTECTIONSERVICE; PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Thornhill made a motion to adopt Ordinance 2010-02 after second reading and public hearing. The motion was seconded by Commissioner Howell.

Roll Call Vote:

Commissioner Thornhill

"Yes"
2010-129

Commissioner Howell	"Yes"
Commissioner Wheeler	"Yes"
Commissioner Rogers	"Yes"
Mayor Van Sickle	"Yes"

The motion carried 5-0.

Agenda Item 15. Ordinance 2010-03, FY09'10 Budget Amendment #2 – 2nd Reading & Public Hearing

Ms. Delmar reviewed Agenda Item 15. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Judith H. Delmar, City Manager]

SYNOPSIS

Commissioners will consider the second amendment of the FY09'10 Budget adopted on September 15, 2009.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2010-03 after second reading and public hearing.

BACKGROUND

Ordinance 2009-21 estimating revenues and appropriating funds for Fiscal Year 2009-10 was adopted by the City Commission September 15, 2009 and amended on November 24. We are presenting for second reading a second amendment of Ordinance 2009-30 to modify the estimates of revenues and appropriations budgeted in various funds. Exhibits A and B and supporting attachments provide the detail for the proposed amendment. This budget amendment is based on unaudited financial reports for the accounting period ending on 9/30/09. The following is a summary of changes included in the proposed amendment:

Revenues & Balances Fwd	Increase(Reduction)
General Fund	0
Special Revenue Funds	735,891
Debt Service Fund	0
Capital Projects Fund	0
Airport Fund	0
Utility System Fund	450,000
Total Increase(Reduction) of Revenues & Balances Fwd	1,185,891
Appropriated Expenditures & Reserves	
General Fund	73,700
Special Revenue Funds	1,123,844
Debt Service Fund	0
Capital Projects Fund	0

Airport Fund	193
Utility System Fund	462,272
Reserves	(474,118)
Total Increase(Reduction) of Appropriated Expenditures & Reserves	1,185,891

The proposed budget amendment increases the City's total budgeted expenditures by \$1,660,009 and decreases reserves by \$474,118, for a net increase in appropriated expenditures and reserves of \$1,185,891(from \$43,259,138 to \$44,445,029).

This amendment is necessary to incorporate into the budget several items approved by the City Commission since October 1 as follows:

- Approval of the 1% lump sum cost of living "bonus" granted to employees:

General Fund	58,354
Special Revenue Funds	12,308
Utility Fund	10,816
Total	81,478

- Allocation of remaining CRA bond proceeds:

Completion of Elevated Storage Tank	200,000
Engineering for Sewer Improvements "C" St and vicinity	250,000
Total	450,000

- Allocation of remaining CRA revenues:

Expansion of MOTOMESH System	52,000
Downtown Drainage Improvements - alley between Central & Stuart	200,000
Downtown Parking Improvements	80,000
Total	332,000

In addition, amendments are necessary that include:

- Appropriation of \$30,000 in additional Library revenue for the Books-by-Mail program and \$23,524 in additional revenue allocated by the Polk County Board of County Commissioners for the Polk County Library Cooperative
- Reallocation of \$200,000 from engineering of a ground storage tank for the reuse system to acquisition of land for location of a ground storage tank for the reuse system

- Law enforcement cost increases that include \$6,025 allocated as the City's cost for the Polk Regional Juvenile Assessment Center and \$6,550 to replace a police canine that was retired because of age-related health issues
- Reallocation of copier lease budgets necessitated by the new copier lease contract that reduced cost in some departments and increased cost in other departments for a net reduction of \$369
- Reallocation of funds designated for capital outlay to the operating category as a result of the police vehicle lease program approved by the City Commission instead of the outright purchase of vehicles

On March 2, this ordinance was presented for second reading and public hearing after which it was adopted by the City Commission. Due to the failure by the newspaper to publish the notice that was submitted for publication, it is necessary to re-present this Ordinance for second reading and public hearing.

OTHER OPTIONS

With the exception of the reallocation of CRA resources, this is primarily a housekeeping ordinance to conform the budget to items approved by the City Commission. Reallocation of CRA resources were approved by the CRA board at their meeting on February 16, 2009.

FISCAL IMPACT

See Exhibit A and Exhibit B attached to Ordinance 2009-30.

[End of agenda memo]

Ms. VanBlargan read Ordinance 2010-03 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2009-21 AS AMENDED BY ORDINANCE 2009-30 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2009-2010 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Rogers made a motion to adopt Ordinance 2010-03 after second reading and public hearing. The motion was seconded by Commissioner Thornhill.

Roll Call Vote:

Commissioner Rogers	"Yes"
Commissioner Thornhill	"Yes"
Commissioner Wheeler	"Yes"
Commissioner Howell	"Yes"
Mayor Van Sickle	"Yes"

The motion carried 5-0.

Agenda Item 16. Ordinance 2010-04, Additional Amendments to Cemetery Ordinance – 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Judith H. Delmar, City Manager]

SYNOPSIS

The Commission will consider adopting an ordinance to eliminate the notice requirement for additional violations of the same cemetery rule or regulation and to repeal the provision in the cemetery ordinance allowing a confederate flag to be placed on the grave of a Civil War veteran.

RECOMMENDATION

It is recommended that the City Commission consider Ordinance 2010-04 after second reading and public hearing.

BACKGROUND

On December 15, 2009 the City Commission approved Ordinance 2009-32 revising cemetery rules and regulations. When a violation of a cemetery rule occurs, section 2-645 of the ordinance requires that staff "flag" the grave site to provide notice of the violation and to allow 30 days for correction of the violation before it is corrected by staff.

This system has worked well so far, but leaves open the possibility of a repeat violation immediately after staff has made a correction, thus triggering another 30 day notice requirement. Proposed Ordinance 2010-04 removes the notice requirement for second and subsequent violations of the same rule or regulation.

Section 2-644 of Ordinance 2009-32 includes a provision that permits a Confederate flag be placed as a decoration upon the grave of a Civil War veteran on Confederate Memorial Day. It has been determined that there are no Civil War veterans buried in either of the Lake Wales cemeteries, thus making this provision unnecessary. Commissioner Howell and several members of the community have expressed the strong opinion that this provision should be eliminated.

Proposed Ordinance 2010-04 includes the repeal of this provision and was approved with a 3-2 vote at the March 2 meeting. Opposition to repeal of the provision relates to the fact that it provides the City with a way to control the display of the Confederate Flag, i.e.; it may be displayed only on the grave of a confederate veteran of the Civil War and only on Confederate Memorial Day, April 26.

OTHER OPTIONS

Do not adopt Ordinance 2010-04, or amend one section and not the other.

FISCAL IMPACT

None.

[End of agenda memo]

Ms. VanBlargan read Ordinance 2010-04 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 2, ADMINISTRATION, TO REPEAL PROVISION ALLOWING CONFEDERATE FLAG ON GRAVE OF CIVIL WAR VETERAN; TO ELIMINATE NOTICE REQUIREMENT FOR ADDITIONAL VIOLATIONS OF SAME CEMETERY RULE OR REGULATION; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Van Sickle said that he thought the ordinance had been modified at the last City Commission meeting to exclude some of the verbiage. Ms. Delmar said that the ordinance before them reflects the terminology as approved by a 3-2 vote on first reading; i.e. it repeals the confederate flag terminology and repeals the need for a second notice for repeat offences.

For clarification, Ms. Delmar asked the City Clerk to read the following motions from the first reading of the ordinance on March 2, 2010 as stated in the minutes:

Commissioner Howell made a motion to eliminate the Confederacy terminology in Ordinance 2010-04. The motion was seconded by Commissioner Wheeler; 3-2 vote.

Commissioner Wheeler made a motion to approve Ordinance 2010-04 approving the remaining part of the ordinance. The motion was seconded by Commissioner Howell; 3-2 vote.

OPENED PUBLIC HEARING

None.

CLOSED PUBLIC HEARING

Mayor Van Sickle said that though the Commission was voting to repeal the provision in the ordinance about allowing the flag, it did not change the state or federal law that governs when a Confederate flag can be flown. The City cannot change state or federal laws. He said the ordinance was cleaned up so it reads better, but it does not keep someone from flying the Confederate flag, as it follows the same requirement as the American flag.

Commissioner Howell made a motion to adopt Ordinance 2010-04 after second reading and public hearing. The motion was seconded by Commissioner Wheeler.

Roll Call Vote:

Commissioner Howell	"Yes"
Commissioner Wheeler	"Yes"
Commissioner Thornhill	"Yes"
Commissioner Rogers	"No"
Mayor Van Sickle	"Yes"

The motion carried 4-1

Agenda Item 17. Resolution 2010-07, High Speed Rail Stop

Ms. Delmar reviewed Agenda Item 17. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Jennifer Nanek, Grants Administrator]

SYNOPSIS

Resolution 2010-07 supporting an east Polk County rail stop for the High Speed Rail at new University of South Florida Polytechnic campus.

RECOMMENDATION

It is recommended that the City Commission approve Resolution 2010-07, which endorses an east Polk County rail stop for the High Speed Rail at the new University of South Florida Polytechnic campus.

BACKGROUND

On January 28, 2010 the Florida Department of Transportation (FDOT) received a federal grant in the amount of \$1.25 billion for the construction of a high-speed rail network in Florida. There has since been a discussion over where a possible rail stop in Polk County might be located. On February 23, 2010 the Polk Transportation Planning Organization board voted to recommend the East Polk County site to the Department of Transportation. This site has also been endorsed via resolution by the Cities of Winter Haven, Auburndale, Haines City, Lake Hamilton and several others in East Polk County.

OTHER OPTIONS

Do not approve the Resolution.

FISCAL IMPACT

None.

[End agenda memo]

Ms. VanBlargan read Resolution 2010-07 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, SUPPORTING AN EASTERN LOCATION FOR THE PROPOSED POLK COUNTY STOP ON THE HIGH-SPEED RAIL LINE CONNECTING ORLANDO AND TAMPA.

Mayor Van Sickle said the resolution was in support of the County. He said that the County TPO recommended a high speed rail-stop at the new University of South Florida Polytechnic campus, the only stop planned for Polk County. There will be a stop in Tampa, and several in Orlando, one of them in the International Drive area, and one at the airport, with the purpose of moving tourist traffic at speeds in excess of 150 mph. The County is in the process of setting up public transportation, such as with buses, etc. to ferry people to and from those stops throughout the County. He added that this does not mean the proposed Polk County stop will be the final location because the County does not have that authority. The TPO Board recommended that site to the FDOT, who will do a study to make sure it is an appropriate location for the stop, and then make the final decision within the next six months. Plans have been made to start building the system within the year.

Commissioner Howell made a motion to adopt Resolution 2010-07. The motion was seconded by Commissioner Wheeler.

Roll Call Vote:

Commissioner Howell	"Yes"
Commissioner Wheeler	"Yes"
Commissioner Thornhill	"Yes"
Commissioner Rogers	"Yes"

Mayor Van Sickle

"Yes"

The motion carried 5-0.

NEW BUSINESS

Agenda Item 18. Ordinance 2010-05, Annexation of Right-of-way for Hunt Brothers Road and Tangelo Street – 1st Reading

Ms. Bangley reviewed Agenda Item 18. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Kathy Bangley, Assistant Director of Planning and Development]

SYNOPSIS

The annexation of the subject rights-of-way will bring into the incorporated city limits portions of both Hunt Brothers Road and Tangelo Street that were transferred for operation and maintenance by mutual agreement from the County in 2004.

RECOMMENDATION

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

Accept on first reading ordinance 2010-05 providing for the annexation of approximately 2,411 feet of right-of-way on Hunt Brothers Road and Tangelo Street.

BACKGROUND

In June 2004 the City entered into an agreement with Polk County for the transfer of public roads. This agreement gave the city responsibility for the operation and maintenance of 1,056 feet of Hunt Brothers Road and 1,355 feet of Tangelo Street. (Both distances are measured from State Road 60 southward.) Although the city took over maintenance, the streets remained in unincorporated territory.

There has been confusion regarding law enforcement along both of these roads. The properties abutting the subject rights-of-way are in the corporate city limits. The Police Chief has requested that annexation be pursued so there is a clear demarcation between City and County jurisdictions.

OTHER OPTION

City Commission could choose not to annex the rights-of-way.

FISCAL IMPACT

None. The city assumed financial responsibility for operation and maintenance in 2004.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-05 by title only.

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 2,411 FEET OF MAINTAINED RIGHT-OF-WAY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURSDICTION OVER THE LAND ANNEXED; PROVIDING FOR TAXATION OF THE TERRITORY ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED TO PUBLIC COMMENTS

There were no comments made by the public.

CLOSED TO PUBLIC COMMENTS

Commissioner Thornhill asked Ms. Bangley if this was the location where we are having trouble with the trucks and she said it was, specifically Tangelo Street. Staff did some research and found the maintenance agreement for Hunts Brothers Road and included that in the annexation.

Commissioner Thornhill made a motion to approve Ordinance 2010-05 after first reading. The motion was seconded by Commissioner Rogers.

Roll Call Vote:

Commissioner Thornhill	"Yes"
Commissioner Rogers	"Yes"
Commissioner Wheeler	"Yes"
Commissioner Howell	"Yes"
Mayor Van Sickle	"Yes"

The motion carried 5-0

CITY MANAGER'S REPORT

CITY COMMISSION TRACKING REPORT

Ms. Delmar reported that there was only one change made to the tracking report and that was regarding the improvements at the intersection of Mountain Lake Cut-off Road and Scenic Highway. Mr. Moran said he'd had a pre-design meeting with FDOT earlier that morning. Nothing was resolved as the project was still in the planning stage with a proposed project start date of March 2012. FDOT plans to widen Scenic Highway, making it a three-lane road on each side of the intersection, a right turn, a left turn, and a through lane. They also plan to make a similar three-lane road on Mountain Lake Cuff-Off Road coming in from US 27. He added that everyone at the meeting had agreed that the intersection was horrible and traffic was a nightmare, but putting a stop light there is not in the immediate plan, but possibly could be four or five years down the road. Commissioner Wheeler asked if that was a FDOT decision and Mr. Moran said he did not know who made the decision. Mayor Van Sickle said that FDOT made the decision after completing a study that concluded it was not warranted. FDOT said they wanted to see if the turn-lanes solved the congestion problem and added that if it did not, the City could ask them to look at it again.

Mr. Moran said that last Friday he had a meeting with Progress Energy and the Mountain Lake Corporation to review what is going on. Commissioner Wheeler asked why FDOT was waiting until March 2012 to begin construction. Mr. Moran said he could not speak for the FDOT but that start date was just a projection. He added that they were not going to bid for a contract until December 2011. Commissioner Wheeler asked why that was so, and Mr. Moran said he did not know.

Commissioner Wheeler commented that every passing day is another day with a possibility of an accident like the one that claimed a high school student's life. He said he thought that was reason enough to step on a few people's toes, though he said he did not think Mr. Moran could do that. Mayor Van Sickle said he could and would as a member of the TPO.

COMMUNICATIONS AND PETITIONS

David Smith, Babson Park, asked if a turn-lane and passing-lane could be added at the intersection of Florida Avenue and Scenic highway. This has been asked for in the past. He explained that it was difficult for school buses to make a left turn there. Ms. Delmar said she was not sure if that was a state road but that they would add it to the tracking report and report their findings at the next meeting.

Jean Scott, 306 Townsend Avenue, encouraged the public to fill out and mail in their 2010 Census form. She said it was their duty to do so, that it would take ten minutes or less of their time, and it would mean more money for our schools.

Wes Rogers, 500 E. Bullard Avenue, said that the Lake Wales News was inaccurate in reporting the essence of the initial Charter Review Committee meeting when it implied that the main purpose of the Committee was to look into the recent firing of the past City Manager. Mr. Rogers said he reviewed the first draft copy of the meeting minutes from March 12. Only one sentence in the whole document had any reference to the subject of the firing of the City Manager, and then only to the extent that it might be clarified. He believed that Ms. Delmar's credentials had been denigrated by a remark regarding her assuming the position of the City Manager, for there was no mention of the fact that she worked for the City for 24 years, 15 of which had been as the Assistant City Manager. He said the firing and replacement of the City Manager had been a bone of contention with the Lake Wales News since it occurred. Writing about it was, of course, the publisher's prerogative, but only as long as his comments were confined to the editorial page. He accused the Lake Wales News of continuing to fuel the flames for a small group of individuals, and he hoped this would change when the newspaper realized the damage it was doing to the City.

Richard Sylvia, 2063 Bel Ombre Circle, gave the Commission a brief update on his progress with the problem he had with his swimming pool that was partially built in the easement. He said he collected the required signatures from all his neighbors except one, and that though he left countless messages he had not had a response. He asked if he had enough signatures.

Mayor Van Sickle said he understood the City Attorney's position and believed he was looking out for the City, but that the Commission has the authority to convey that easement. He said Mr. Sylvia tried to get the required signatures and got all but one. He said that, right now, Mr. Sylvia would not be able to sell his house or do any other business with it and thought the Commission should correct the problem.

Commissioner Wheeler stated that Mr. Sylvia suffered long enough and did everything he could, so the Commission should take unilateral action and grant the easement.

Commissioners Howell, Thornhill and Rogers concurred.

City Attorney Chuck Galloway said he would prepare an ordinance for consideration by the Commission. He asked Mr. Sylvia to give him the original documents, which he did.

Commissioner Wheeler asked if it would be appropriate for the Commission to make a motion to direct the City Attorney to prepare the ordinance, and he was told a consensus would be sufficient.

Mayor Van Sickle told Mr. Sylvia that the draft of the ordinance would be prepared for the Commission for review and a vote. Mr. Sylvia thanked the Commission.

Katie Kinloch, Administrative Assistant for the City Manager's Office, said there would be a Census person set up in the lobby of the Administration Building starting Friday through April to help residents fill out the Census form and to ask questions.

William Moure, B Street Community Center, added that a Census person would also be located at the B Street Community Center during the same time-frame.

Ruth Dampier, 1154 S. Lake Shore Blvd., said that it had been discussed at an earlier Commission meeting that the City's advertisements would be divided 50/50 between the Lake Wales News and the

News Chief. She wanted to know if that had been done. Ms. Delmar said she thinks that the City is advertising more in the Lake Wales News, which had been the consensus of the Commission. Commissioner Wheeler added that this was because the Lake Wales News had a wider circulation in the community. Ms. Dampier asked if that included publishing Commission meetings. Ms. Delmar explained it did for the most part. Ms. Dampier reported that the Commission meetings had not been in the Lake Wales News for some time, especially in the Wednesday editions.

Commissioner Thornhill read a statement from one of the agenda items which said that the Lake Wales News had failed to publish the notice so the City therefore had to re-present the ordinance for second reading and public hearing. He asked if that was the City's fault and Ms. Delmar said no. She said there were actually two ordinances that had to be re-presented for second reading and public hearing, the Budget Amendment and the Fire Sprinkler Ordinance, but that it was an unfortunate, technical error on the part of the Lake Wales News. They had set everything up and thought it had run but it had not. The City had experienced problems with getting the Affidavit of Publications from the Lake Wales News in a timely manner to show proof that an ad actually ran and to pay the invoice, but that issue has now been resolved.

CITY COMMISSION COMMENTS

Commissioner Wheeler said that he had wanted something done at the intersection of Mountain Lake Cut-off Road and Scenic Highway for years and he guessed that "better late than never" could be applied here, though he was frustrated with the timing. He said he understood that government can work very slowly, but added that anything the Commission could do to speed up the process would be appreciated by him as well as by the public. Ms. Delmar said that this item was put on the tracking report on December 18, 2007. Commissioner Wheeler said that meant we had been trying for three years and it sounds as though it would be five years before seeing any results. He said FDOT really needed some prodding.

Commissioner Wheeler commented on the Charter Review Committee. He said he had a chance to look at the initial listing of items for discussion, some of which he believed were over-the-top and some pretty good. He said he did not think they needed to focus on single issues. When he had proposed the review of the Charter he contemplated a comprehensive review of the whole document. He asked that the Committee keep that in mind. He encouraged the public to continue coming to the meetings to voice their suggestions. He said the committee came up with a lot of ideas after only meeting twice.

Ms. Delmar added that the meeting agendas for the Charter Review Committee would be posted on the City's website and hopefully the Lake Wales News would publish it. She announced that the next meeting would be on April 5th in the lunchroom to allow for public input. The Charter Review Committee identified a number of issues for discussion, but they were seeking public input for additional issues to review. She said they would get to an advocacy stage later-on, but right now they were gathering the issues. Along with the agenda, a copy of the Lake Wales Charter, compared side-by-side with a charter recommended by the National Civic League, which is the basis of many charters including parts of ours, will be posted on the City's website.

Mayor Van Sickle said he went to the last Charter Review Committee meeting and that he thought Mr. Gibson [Robin Gibson, chairman] did a fantastic job in laying out the intent of the organization. One of the key things he tried to stress was that there would be times for public input, but there would be other times when the conversation needed to be between the board members. Breaking in on the conversation at those times would not be helpful. He said that even in the City Commission meetings they get bogged down with energetic folks.

Commissioner Rogers had no further comment.

Commissioner Howell said she received a call from someone informing her that a lady living on Sessoms Avenue had been told by someone from the City that she [Commissioner Howell] had given them permission to put a "No Parking" sign in her yard. The lady said that was the only place she could drop off

her handicapped son because she has no driveway. Commissioner Howell said she did not even know there was a "No Parking" sign there and she had not given her permission.

Mr. Moran said there is a four-way stop sign and "No Parking" signs on Sessoms Avenue. It is a violation of Florida Statute and the City's ordinance if you park there. There is nothing stopping the lady from letting her handicapped son off there, but she cannot park there. He said he sent the lady a letter telling her that. Ms. Delmar said the entire City Commission voted to put the four-way stop sign there, not just Commissioner Howell. So the person who said that was misinformed. She said employees would be educated to that effect, if in fact it was a city employee who said that. Ms. Delmar said she would like the lady to tell who it was so that appropriate action could be taken.

Linda Kimbrough, Kimbrough and Associates, said she was the one who told Commissioner Howell that. The lady who lives in the house on Sessoms Avenue came to her office and blamed her and Commissioner Howell for getting the "No Parking" sign put up in her yard. Ms. Kimbrough said she told the lady she did not even know they were going to put a sign in her yard. Ms. Delmar said they would have to get information from the lady and look into this because the City did not issue any kind of directive to put signs in anybody's yard, though they could put a sign in the right-of-way. She apologized that Ms. Kimbrough and Commissioner Howell were blamed. She said they would find out how this all happened.

There being no further business, the meeting was adjourned.


Mayor/Commissioner

ATTEST:


City Clerk