

The regular meeting of the Lake Wales City Commission was held on February 1, 2011 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.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Y. Howell; Michael S. Carter; Jonathan Thornhill; John Paul Rogers; 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.

MAYOR

Mayor Van Sickle presented a proclamation for the 150th Anniversary of Polk County to Melony Bell, new County Commissioner for District 2, who said she wanted Tallahassee to know that Polk County was alive and well and would let Polk County know the concerns of Lake Wales. Commissioner Bell invited everyone to attend Polk County Days on April 4-5th and to Polk County's 150th anniversary celebration on February 12th.

CONSENT AGENDA

Agenda Item 5. Approval of Minutes
January 11, 2011, Workshop Meeting
January 18, 2011, Regular Meeting

Agenda Item 6. Municipal Election Administration Agreement with Polk County Supervisor of Election

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The approval of the Election Administration Agreement will allow the Supervisor of Elections to provide for the administration of the City's 2011 Election at no cost to the City.

RECOMMENDATION

Staff recommends that the City Commission approve the Municipal Election Administration Agreement with the Polk County Supervisor of Elections for the administration of the City's Election to be held on Tuesday, April 5, 2011.

BACKGROUND

Pursuant to the commitment of Lori Edwards, Polk County Supervisor of Elections, to assist cities holding their elections on Municipal Election Day, it is necessary to authorize the Mayor to execute the "Municipal Election Administration Agreement" with the Polk County Supervisor of Elections for the administration of

the City Election on April 5, 2011. This agreement stipulates the administrative duties that will be performed by the Elections Office and by the City.

OTHER OPTIONS

Do not authorize the Municipal Election Administration Agreement and do not seek assistance from the County Elections Office.

FISCAL IMPACT

If the City Commission chooses not to authorize the execution of the Municipal Election Administration Agreement with the Supervisor of Elections, the City will be responsible for any cost involved for services that would otherwise be provided in the agreement at no charge to the City.

[End of agenda memo]

Agenda Item 7. 4th of July Fireworks

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Jennifer Nanek, Special Projects Manager]

SYNOPSIS

This is an acceptance of bid for the 4th of July Fireworks for \$10,000.

RECOMMENDATION

Staff recommends acceptance of the proposal from East Coast Pyrotechnics, Inc of \$10,000 to conduct the 4th of July fireworks on Monday July 4th at 9:15pm.

BACKGROUND

The City of Lake Wales included in the 10-11 Fiscal year budget \$10,000 for fireworks on the 4th of July. East Coast Pyrotechnics, Inc formerly known as Melrose South Pyrotechnics, has done our event for the past few years and has done a good job. The show will be approximately 15-20 minutes in length.

Two other companies also submitted bids. Zigmont Magic offers 3,000 shots, the most of the three bids, however they are predominantly smaller shells ranging from .5 to 3 inches. Bay Fireworks offers the smallest total number of shots at 1265 with more of them being larger shots at 5" and 6". East Coast Pyrotechnics is in the middle range in the number of shots, 1479, and the sizes offered ranging from 2"-6".

East Coast Pyrotechnics is recommended by staff as they have performed an excellent job in the past and because they provide a greater variety of fireworks of different sizes including a lot of large ones as opposed to a high number of smaller fireworks.

OTHER OPTIONS

Accept the proposal from one of the other companies

Do not accept the proposal.

FISCAL IMPACT

Cost of the fireworks is \$10,000 and this amount is included in the FY10'11 budget.

[End agenda memo]

END CONSENT AGENDA

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

By Voice Vote:

Commissioner Carter	"YES"
Commissioner Howell	"YES"
Commissioner Thornhill	"YES"
Commissioner Rogers	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

Agenda Item 8. Ordinance 2011-01, 2011 Charter Amendments – 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 City Commission will consider accepting, amending, or declining to accept the recommendations of the Charter Review Committee for revision of the City's Charter.

RECOMMENDATION

If the Commission wishes to place amendments of the City Charter on the April 2011 ballot for consideration by the voters, it is recommended that the City Commission adopt Ordinance 2011-01, either as proposed or with additional Commission revisions, after 2nd reading.

BACKGROUND

On January 19, 2010, the City Commission approved Resolution 2010-04 establishing a five-member Charter Review Committee. The committee was charged with the task of reviewing the Lake Wales Charter and making recommendations for possible changes that would be submitted to the electors if approved by the City Commission. The following members were appointed to the Committee and met once monthly between March and December:

- Robin Gibson, Chair
- Chevon Baccus
- Ed Bowlin
- Sylvia Rogers

- Allison Snyder

Committee recommendations were submitted to staff in December and discussed with the City Commission in a workshop held for that purpose on January 11, 2011.

Ordinance 2011-01 was prepared for the purpose of placing the Committee recommendations, as approved or modified by the City Commission, on the ballot for approval or disapproval by the voters on Tuesday, April 5, 2011.

Ordinance 2011-01 was presented for consideration at the Commission meeting on January 18, 2011. At that time Charter Review Committee recommendations relating to termination of the City Manager and compensation, election, and duties of the Mayor were deleted from the ordinance by 3-2 vote of the Commission.

The following amendments were approved by the Commission after 1st reading of Ordinance 2011-01. The original amendment number is shown in parentheses where applicable. Unless further modified by the Commissioners, the questions to be submitted to the voters will appear on the ballot as follows:

CHARTER AMENDMENT #1
SEC. 1.03

REQUIRING A SUPER MAJORITY VOTE TO REVISE OR REPEAL AN ETHICS ORDINANCE

If the city commission adopts an ordinance to impose higher standards of ethical conduct and disclosure requirements than those imposed by Florida Statutes, this amendment proposes that the ordinance can only be revised or repealed by a super majority vote of the commission. With a 5-member commission, this means that a minimum of 4 affirmative votes is required.

CHARTER AMENDMENT #2 (5)
SEC. 3.08(c)

REVISING PROCEDURE FOR FILLING OF VACANCIES ON THE COMMISSION

This amendment proposes that a vacancy on the commission will be filled by a majority vote of the remaining members. The interim commissioner will serve until the seat is filled in the normal course by the voters and the next elected commissioner takes office.

CHARTER AMENDMENT #3 (6)
SEC. 3.09(d)

REVISING NUMBER OF COMMISSIONER VOTES REQUIRED FOR APPROVING AN AGENDA ITEM

This amendment proposes that the affirmative vote of at least three commissioners is necessary to approve all matters requiring a vote of the commission. Currently, the affirmative vote of at least three commissioners is necessary to approve an ordinance or resolution; but approval of other matters requires only a majority vote of the commissioners present at the meeting.

CHARTER AMENDMENT #4 (7)
SEC. 3.10

DELETING PROCEDURES FOR INITIATIVE AND REFERENDUM

This amendment proposes that the procedures included in the charter for initiative and referendum elections be deleted because these procedures are superseded by Florida Statutes and are found in the City of Lake Wales Municipal Election Code.

**CHARTER AMENDMENT #5 (8)
SEC. 4.02**

REVISING PROCEDURES FOR REMOVAL OF CITY MANAGER

This amendment proposes a revision of procedures to remove a city manager by eliminating the requirement for a public hearing on the matter. Incorporated into procedures for city manager removal are statutory provisions for dealing with felony or misdemeanor charges related to duties of office.

**CHARTER AMENDMENT #6 (9)
SEC. 4.03**

REVISING METHOD FOR DESIGNATING AN ACTING CITY MANAGER

By resolution adopted by the city commission, a qualified city administrative officer will be designated to exercise the powers and perform the duties of the city manager during the city manager's temporary absence or disability.

**CHARTER AMENDMENT #7 (10)
SEC. 8.01(a)**

DELETING CHARTER REFERENCE TO DATE OF ELECTION

This amendment proposes to delete the method for setting an election date from the charter and requires that all city election dates be established in accordance with Chapter 8, Lake Wales Code of Ordinances (the "Lake Wales Municipal Election Code").

**CHARTER AMENDMENT #8 (11)
SEC. 8.03**

REVISING RESIDENCY QUALIFICATION FOR ELECTION TO COMMISSION SEAT FIVE

The candidate seeking election to commission seat five may reside anywhere within the city limits and will be elected by all the voters in the city at large. Candidates seeking election to commission seats one through four must reside in the geographical district represented by the commission seat but will still be elected by all the voters in the city at large. Adoption of this amendment is subject to approval by the voters of Charter Amendment #10.

**CHARTER AMENDMENT #9 (12)
SEC. 8.06(b)**

DELETING CONFLICT WITH FLORIDA LAW FOR CANVASS OF ELECTION RETURNS

This amendment deletes charter provisions that conflict with Florida Statute 101.048 governing the canvass of election returns and provides that city election returns will be canvassed in accordance with state law.

**CHARTER AMENDMENT #10 (13)
SEC. 8.10**

ESTABLISHING NUMBER OF COMMISSION DISTRICTS

This amendment proposes that there will be four geographical city commission districts containing population that is as equal as feasible. One commission seat will not represent a geographical district but will be an "at large" seat.

**CHARTER AMENDMENT #11 (14)
SEC. 9.07**

GRANTING AUTHORITY TO MAKE CLERICAL CHANGES TO CHARTER BY RESOLUTION

This amendment proposes that the city commission be granted authority to pass a resolution making non-substantive clerical changes to the charter in order to correct language that has become obsolete, inappropriate, or not conforming to commonly accepted usage.

OPTIONS

Accept, modify further or do not accept recommendations of the Charter Review Committee.

FISCAL IMPACT

None

[End agenda memo]

Ms. VanBlargan read Ordinance 2011-01 by title only.

AN ORDINANCE AMENDING THE LAKE WALES CHARTER IN ONE OR MORE OF THE FOLLOWING MANNERS: BY REQUIRING A SUPER MAJORITY VOTE OF THE COMMISSION TO REVISE OR REPEAL AN ETHICS POLICY ORDINANCE; BY REVISING THE COMPENSATION, ELECTION, FUNCTIONS AND POWERS OF THE MAYOR; BY REVISING THE PROCEDURE FOR FILLING A VACANCY ON THE COMMISSION; BY REVISING THE NUMBER OF VOTES REQUIRED FOR APPROVING MATTERS CONSIDERED BY THE COMMISSION; BY DELETING PROCEDURES FOR INITIATIVE AND REFERENDUM; BY REVISING PROCEDURES FOR REMOVAL OF A CITY MANAGER; BY REVISING METHOD FOR DESIGNATING AN ACTING CITY MANAGER; BY DELETING REFERENCE TO A DATE FOR HOLDING A MUNICIPAL ELECTION; BY REVISING RESIDENCY QUALIFICATION FOR ELECTION TO COMMISSION SEAT NUMBER FIVE; BY DELETING PROCEDURES IN CONFLICT WITH FLORIDA STATUTE 101.048 FOR CANVASS OF ELECTION RETURNS; BY ESTABLISHING THAT THERE SHALL BE FOUR GEOGRAPHICAL CITY COMMISSION DISTRICTS CONTAINING POPULATION THAT IS AS EQUAL AS FEASIBLE; BY AUTHORIZING NON-SUBSTANTIVE CLERICAL CHANGES TO THE CHARTER BY RESOLUTION OF THE COMMISSION FOR THE PURPOSE OF CORRECTING LANGUAGE THAT HAS BECOME OBSOLETE, INAPPROPRIATE OR NOT CONFORMING TO COMMONLY ACCEPTED USAGE; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN ELECTION IN

WHICH QUALIFIED ELECTORS OF THE CITY MAY VOTE FOR OR AGAINST THESE CHARTER AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Delmar reviewed Agenda Item 8. There were three deletions and one change carried over from the first reading.

OPENED PUBLIC HEARING

Robin Gibson, 954 Campbell Avenue and Chair of the Charter Review Committee, said he was concerned with the three deleted amendments regarding the mayor. The Charter Review Committee thought that Lake Wales' citizens should have the opportunity to evaluate and vote on them.

Mr. Gibson made a proposal to have Seat One or Two as the at-large seat instead of Seat 5, and to have that seat occupied by the Mayor. He explained why it would be 2013 before the process could be complete, which will be the time Seat One and Two will be up for reelection. He explained his reasons why Lake Wales needed strong, political leadership and said that providing a stronger mayor would remove that responsibility from the City Manager, who ends up filling the gap. He said a stronger mayor could also actively seek and appoint qualified, competent committee and board members with the approval of the Commission.

Commissioner Carter made the following points in opposition to Mr. Gibson's proposal:

- Commissioner Carter did not think the at-large seat was in the best interest of Lake Wales because there was the potential of having next door neighbors holding the positions of a Commissioner and the Mayor, which would mean there would not be equal representation. Mr. Gibson responded that it should be up to the electorate to decide that and if that was a concern to citizens, they would vote against it.
- Commissioner Carter said he did not think the Mayor alone should seek committee and board members, but rather the committees themselves who would search for members they would like to work with and then make their recommendation to the City Commission.
- Commissioner Carter did not think a mayor could perform all the functions Mr. Gibson stated, especially at what the City could pay. He believed that all Commissioners should reach out to the community and talk to the various organizations instead of just the Mayor as it would bring together a collective view.
- Commissioner Carter said they could not move on Mr. Gibson's proposal at the present meeting because they have not seen the document. Mr. Gibson said there was still enough time to have a first reading and second reading if necessary, but if the change was not substantive, like changing seat 1 or 2 with seat 5, he believed it could be done at the present meeting with an amendment of the ordinance.
- Commissioner Carter said that when the Charter Review Committee was formed there were clear ground rules that the Commission could accept or it could turn down their recommendations. He said now that the Commission does not see it the way the Committee does, the Committee is crying foul. Mr. Gibson said they were not crying foul, just asking the Commission to give the people a chance to decide.

Jack Neil, 435 East Central Avenue, said he liked the way things were right now and saw no need for change.

CLOSED PUBLIC HEARING

Commissioner Thornhill made the following comments:

- Commissioner Thornhill offered Seat One for the at-large seat.
- Commissioner Thornhill was in favor of putting the three deleted items back on the ballot so the citizens could decide. He commented that it is hard to get people to serve on committees because they think they will not be listened so after the Charter Review Committee spent an entire year doing what they

were asked to do, he thought the Commission should not reject it just because some of them do not agree with a recommendation. He agreed that the electorate should decide.

- Commissioner Thornhill said that the Raising of the Mayor's Salary, Section 3.04, should be connected to the passing of Section 3.05 and Section 3.06.
- Commissioner Thornhill said he was not sure about the term for the Mayor in Section 3.06 and proposed to make it a two-year term. Mr. Gibson said that no more than two commissioners should be running for election at the same time. Commissioner Thornhill said his concern was that, in a four-year term with a stronger mayor, it would take four years to change the way committees and boards were appointed. Mr. Gibson said that is why those appointments would have to be approved by the entire City Commission.
- Commissioner Thornhill said there had been a strong Mayor form of government before and it had shifted a couple times. Ms. Delmar clarified that it shifted once. The City adopted a City Manager form of government in 1955 or so with Howard Burns as the first city manager. Initially there were two geographical districts and three at-large districts. As the population increased with each census, the at-large districts were converted to geographical districts. From 1955 to 2000 there was, therefore, the potential for an at-large commissioner living next door to a district commissioner but the record does not reflect that there was ever an issue. She added that if we had four districts with the current population of around 13,000 there would be roughly 3,200 per district. With five districts that number would go down to roughly 2,600. There would be a possibility of having to split the north district with Lake Ashton into two districts because of the population growth in that area. She said they needed to keep in mind that four districts might possibly be better than five because four districts might make a more even distribution throughout the city.

Mayor Van Sickle made the following comments:

- He said he had been on the Commission when the Charter Review Committee was set up and it was with the understanding that they would evaluate the Charter and bring back to the Commission their recommendation.
- Mayor Van Sickle said he believed in the strong mayor form of government with the role of being the political leader of the city, to speak for the city, to go to the various groups and organizations in Lake Wales, and also to represent the City as the mayor on county boards such as the TPO and PTA. But even though he believed the mayor should be doing these things, he did not think the City of Lake Wales was large enough to support a full-time mayor and he did not think a mayor would take \$500 a month to do the equivalent of a full-time job. It was not something a working person could do unless he or she owned their own business. His concern was that if the electorate voted to have a stronger mayor position, the City would not have the money to pay for it. Mr. Gibson said that was the same problem with any civic responsibility. There will always be those who do not have the time to devote to the job but there will be those who can and will.
- Mayor Van Sickle said that Lakeland and Haines City, both larger than Lake Wales, elect their mayor from the commissioners, which tells him that the people see the mayor as a commissioner.
- Mayor Van Sickle said he was not opposed to an election on this topic.

Commissioner Howell made the following comments;

- Commissioner Howell said she thought Lake Wales was too small to support a strong mayor though she had no problem with the mayor being the cheerleader as long as the commissioners were cheering alongside. She did not believe the mayor should do everything, leaving the commissioners to sit and do nothing. She believed the Commissioners should be proactive and do even more, but with strong leadership. She thought that should be defined as such in the Charter.
- Commissioner Howell said she would like the citizens to be given a chance to vote for a mayor to be in the at-large seat.
- Commissioner Howell asked, referring to Section 4.02, if there could be a time for citizens to express their views, though not during the hearing. Ms. Delmar said what was stated was that there would be no **requirement** for public comment. If a sitting mayor wanted to open it up for public comment it could be done, but it did not **have to be** opened for public comments.

- Commissioner Howell said that if the citizens voted against section 8.01 deleting elections dates, it would cost the City money. Ms. Delmar explained that they were asking that only the date be removed from the Charter, not that they change the date. Changes to the election date are made by ordinance so it does not need to be in the Charter.

Commissioner Rogers made the following comments:

- Commissioner Rogers said he was for a strong mayor form of government. Ms. Delmar said this item did not propose a change from the city manager form of government to a strong mayor form of government. It proposed having a stronger mayor with additional duties but still with a city manager form of government.
- Commissioner Rogers said that he heard comments from various people that they would serve on a committee if asked but they would not volunteer to do so.
- Commissioner Rogers said the city manager served at the pleasure of the City Commission so there should not be long procedures to fire one.
- Commissioner Rogers said the Charter needs to be cleaned up so it does not conflict with the State Statute.

Mayor Van Sickle said there were a lot of different opinions on the changes from what was approved at the last commission meeting. He said they could vote with modifications to what was currently brought forward, with the mayor items deleted, or they could vote item by item again. City Attorney Chuck Galloway recommended voting on what was adopted on first reading with the change to amendment #8, which would substitute Seat One for Seat Five. If the Commission was happy with that, it could be approved on second reading. Then, if the Commission decides it wants to reconsider and bring back the mayoral question it could do so, though it would require renumbering after the fact.

Commissioner Thornhill made a motion to approve the Lake Wales Charter Amendments as approved by the City Commission at the first reading of ordinance 2011-1, with the change in charter amendment #8 section 8.03, changing seat five to seat one. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Carter	"NO"
Commissioner Rogers	"YES"
Mayor Van Sickle	"YES"

The motion carried 4-0.

Commissioner Thornhill made a motion for the approval of Charter Amendment #2 Section 3.04, Revising the Mayor's Salary; conditional on the passing of Charter Amendment #3, Section 3.05 and Charter Amendment #4 section 3.06 of the original presentation. The motion was seconded by Commissioner Rogers.

By Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Rogers	"YES"
Commissioner Carter	"NO"
Commissioner Howell	"YES"
Mayor Van Sickle	"NO"

The motion carried 3-2.

City Attorney Galloway said they had not addressed the recommendation for the 2-year mayor term instead of the 4-year term. Commissioner Thornhill, who made the recommendation, withdrew it.

Agenda Item 9. Ordinance 2011-02, Repeal of Ordinance 2007-11 and Dissolution of Mayfair Community Development District- 2nd Reading and Public Hearing

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

Ordinance 2011-02 will repeal Ordinance 2007-11 which created the Mayfair CDD. This action will effectively dissolve the CDD and is taken at the request of legal counsel for the CDD pursuant to actions taken by the DCA to declare the CDD inactive.

RECOMMENDATION

Staff recommends that the City Commission adopt Ordinance 2011-02 after second reading and public hearing.

BACKGROUND

The City Commission approved Ordinance 2011-02 after first reading on January 18, 2011.

The City Commission created the Mayfair Community Development District (CDD) through Ordinance 2007-11 on April 04, 2007. This was done in accordance with the then development scheduling of Mayfair Development. Since the contraction of the real estate market, the Mayfair CDD has been inactive and has not met any of the requirements of the State of Florida. The action is now being brought at the request of the State of Florida to officially designate the Mayfair CDD as "Dissolved".

Pursuant to Section 189.4044(4), Florida Statutes, the same entity that created a special district which has been declared inactive must dissolve that special district by repealing its enabling law. Ordinance 2011-02 is proposed for this purpose and its adoption by the City Commission will repeal Ordinance 2007-11 and effectively dissolve the Mayfair CDD. Ordinance 2011-02 is proposed pursuant to the actions of the Department of Community Affairs in administering Chapter 189 of the Florida Statutes and at the direct request of the legal counsel for the Mayfair Community Development District.

CURRENT FISCAL IMPACT

None

FISCAL IMPACTS OF OTHER ALTERNATIVES

None

[End agenda memo]

Ms. VanBlargan read Ordinance 2011-02 by Title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, REPEALING ORDINANCE 2007-11 WHICH SERVED TO CREATE THE MAYFAIR COMMUNITY DEVELOPMENT DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE

OPENED PUBLIC HEARING

There were no comments.

Commissioner Thornhill made a motion to adopt Ordinance 2011-02 repealing Ordinance 2007-11 after second reading and public hearing. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Carter	"YES"
Commissioner Rogers	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

Agenda Item 10. Resolution 2011-01, Department of Transportation Resolution and Utility Work Agreement for the SR 60 Median Improvements

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sarah Kirkland, Utilities Projects Manager]

SYNOPSIS

Staff requests that the commission consider approval of Resolution and Utility Work Agreement from the Florida Department of Transportation for FIP ID #423279-1-52-01 for the SR 60 Median Improvements.

STAFF RECOMMENDATION

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

1. Approve Resolution 2011-01 accepting the utility work agreement for the SR 60 Median Improvements.
2. Authorize the Mayor to execute the appropriate documents on the City's behalf.

BACKGROUND

The Department of Transportation (DOT) is proposing to make median improvements to SR 60 beginning at 11th Street continuing east to Capps Road. As a result of this construction, city staff will be faced with the task of relocating meters, meter boxes, back flows and lowering a manhole at Thirteenth Street further to the rear of the right-of-way. Because the City has to relocate its facilities within the DOT right-of-way, DOT requires a Utility Work Schedule to be completed. This work schedule sets forth all the work to be completed by the entity who owns the facilities. Because the City has such facilities within the limits of the project, this resolution and utility work agreement is a DOT requirement.

OTHER OPTION

None

FISCAL IMPACT

\$87,415.00 remains in the M & R Water Lines 2010-11 Operating Budget for the relocation of the meters, meter boxes, and backflows. These items will be relocated as part of the normal day to day operations.

\$39,178 remains in the M & R Systems Miscellaneous 2010-11 Operating Budget for the lowering of the manhole at 13th Street. This item will be lowered as part of the day to day operation.

Both accounts are funded through Operating Revenue.

[End agenda memo]

Ms. VanBlargan read Resolution 2011-01 by title only.

RESOLUTION 2011-01, UTILITY AGREEMENT

Ms. Kirkland reviewed Agenda Item 10.

Commissioner Rogers and Commissioner Carter said the City had no choice but to move it as it was mandated. Ms. Kirkland explained that it would not take the whole amount to relocate the meters. It would only take a couple hundred dollars.

Commissioner Thornhill made a motion to approve Resolution 2011-01. The motion was seconded by Commissioner Rogers.

By Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Rogers	"YES"
Commissioner Carter	"YES"
Commissioner Howell	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

Agenda Item 11. Resolution 2011-02, Department of Transportation Resolution and Utility Work Agreement for the Mountain Lake Cut-off Road and SR 17 Intersection Improvements

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sarah Kirkland, Utilities Projects Manager]

SYNOPSIS

Staff requests that the commission consider approving the signing of the Resolution and Utility Work Agreement from the Florida Department of Transportation for FIP ID #425137-1-52-01 located at the Mountain Lake Cut-off Road and SR 17 Intersection.

STAFF RECOMMENDATION

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

1. Approve Resolution 2011-02 Accepting the Utility Work Agreement for the Mountain Lake Cut-off Road and Scenic Highway Intersection Improvements.
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

BACKGROUND

The Department of Transportation (DOT) is proposing to install a traffic signal and widen the road at the Mountain Lake Cut-Off Road and Scenic Highway intersection. As a result of this construction, city staff will be faced with the task of relocating its water main further to the rear of the right-of-way. Because the City has to relocate the water main within the DOT right-of-way, DOT requires a Utility Work Schedule to be completed. This work schedule sets forth all the work to be completed by the entity who owns the facilities. Because the City has such facilities, this resolution and utility work agreement is a DOT requirement.

OTHER OPTION

None.

FISCAL IMPACT

\$150,000.00 has been placed in the 5 YR CIP years 2011-2012 for the relocation of the water main. This project is to be funded by Operating Revenues.

[End agenda memo]

Ms. VanBlargan read Resolution 2011-02 by title only.

RESOLUTION 2011-02, UTILITY AGREEMENT

Ms. Kirkland reviewed Agenda Item 11.

Mayor Van Sickle said he thought it was supposed to start this year and Ms. Kirkland said the engineering would start this year but the actual work would be in next year's budget.

Commissioner Thornhill made a motion to approve Resolution 2011-02. The motion was seconded by Commissioner Rogers.

By Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Rogers	"YES"
Commissioner Carter	"YES"
Commissioner Howell	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

Agenda Item 12. Award Contract for Annual Sidewalk Repair & Replacement

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Teresa Allen, Public Services Administrator]

SYNOPSIS

The City Commission will consider awarding Grove Construction the contract for annual sidewalk repair and replacement.

RECOMMENDATION

Staff recommends that the City Commission approve the following action:

1. Award the contract for annual sidewalk repair and replacement to Grove Construction and authorize the City Manager to execute the contract.

BACKGROUND

On December 20, 2010 staff advertised a request for sealed bids for Annual Sidewalk and Curbing Repair and Replacement with sealed bids due on Tuesday, January 18, 2011.

Bids were received from Tagarelli Construction, Llama Construction, Kon-Struct Builders, Grove Construction, NSB Construction and LAS Contracting.

The companies were evaluated on the following basis:

- Low bid
- Qualifications to perform work outlined in the scope of work
- Maintenance of a permanent place of business
- Adequacy of labor, plant and equipment to do the work properly and expeditiously
- Suitability of financial status to meet the obligations incident to the work
- Level of successful contractual and technical experience in similar work
- Qualifications of the subcontractors
- What proportional amount of the work does the bidder intend to perform with his own organization as compared to the portion he intends to subcontract?

Tagarelli Construction, Kon-Struct Builders and LAS Construction bids were disqualified due to failure to submit the correct bid proposal sheet. The original bid proposal sheet included 10 (ten) items. An addendum was issued changing the bid proposal sheet from ten (10) items to fourteen (14) items. It is the responsibility of the bidder to ensure that they have received any addendums issued by the City's purchasing agent.

Results of the rankings are as follows:

First: Grove Construction
Second: Llama Construction
Third: NSB Construction

FISCAL IMPACT

The current fiscal year budget for sidewalks is \$50,000.00.

OTHER OPTIONS

Do not award an annual contract and go out to bid each time we need to have sidewalks repaired or replaced.

[End agenda memo]

Mayor Van Sickle's concerns were as follows:

- The contractor was evaluated on his low bid and yet the letter stated that there were eight items on which they would be evaluated. He said he did not see that those eight things were evaluated. Ms. Allen said the Purchasing Agent did evaluate them on the eight things.
- There were six original bidding companies but three of them had been disqualified because their bids were not complete. He asked why the bid was sent out before everything was listed. Ms.

Allen said they started out with ten items and then fourteen with the addendum, which was posted by the Purchasing Agent. It stated in the bid package that the bidder was responsible for making sure all addendums were received. She added that emails about the addendums had been sent to the bidders who registered on the website. The three that turned theirs in without the addendums were disqualified. The Mayor said he did not see where the evaluation was documented, which was not the way we should be doing these contracts.

- Mayor Van Sickle said acronyms were used that he did not understand and he was not sure they would have been clear to the vendors.
- Mayor Van Sickle also said that there was nothing in the document that let the Commission know what the total cost would be. This was a task-order type job and once approved, staff could spend the approved amount over and over without having to come back to the Commission. Ms. Allen pointed out where the document indicated that only \$50,000 was in the budget. Mayor Van Sickle said he had a hard time understanding this agenda item and that concerned him.

Commissioner Carter said that the bid put out by Ms. Pendergrass for Amscot had been very detailed, articulate and complete. He said it did not appear that the City had a standard bid process or standard way to package the information for the Commissioners to evaluate. He suggested having a workshop to address this because it appeared to be a bit hit-and-miss at times. He said that it might help if they were all presented in the same way each time so Commissioners could get used to the pattern.

Ms. Delmar said the ranking for the sidewalk was low-bid based. The other items were not criteria for ranking but basically checklist items. The construction type contracts, particularly the annual ones, have to meet the requirements but they are not ranked by them. Contracts dealing with services follow the format that Ms. Pendergrass used in the Amscot contract.

Mayor Van Sickle asked where in the contract they were told that the fourteen items would be evaluated for cost. Ms. Delmar asked Ms. Allen if the contractors had a copy of the tabulation sheet to fill out and Ms. Allen said they did.

The Mayor asked why they were having pictures taken of the sidewalks. Public Works Director Tom Moran said that whenever you do work, especially on sidewalks, pictures are taken for the City's protection, the contractor's protection and the homeowner's protection.

Commissioner Carter, referring to a sidewalk on north Lake Shore Blvd., said the workmanship was terrible and it would continue being an ongoing nightmare until money was found to replace it. He asked what city employee was watching this and what steps would be taken to assure it not happening again. Ms. Allen said that it was not a sidewalk issue but a draining issue. Water and sand runs down onto the sidewalk because there is no place else for it to go. The sidewalk was put in according to FDOT and ADA standards and was properly inspected by the city. The sidewalk could not have been installed differently. Commissioner Carter asked how it would be fixed and Ms. Delmar said sod would have to be put there. Commissioner Carter said it was not acceptable to him because it would be a constant problem whether it was called a sidewalk problem or drainage problem. Ms. Allen said the Public Works Director was aware of the drainage problem and was working on it.

Commissioner Howell asked if the cost for fixing the drainage problem would come out of the \$50,000 and she was told it would not, but would come out of the storm drainage budget. Ms. Delmar said there is only money in the M & R budget for minor repairs so if this turns out to be a large project, there would have to be either a budget amendment, taking it out of fund balance, or they would have to plan on doing it next year.

Commissioner Rogers reported that he asked the City Clerk to ask the City Attorney if staff had properly advertised according to state statute and Mr. Galloway said they had. Mr. Galloway said it was not a statutory question about notice. There was original notice given and the bid document gave the option of getting notice by email. If they did not choose that option they were told they would have to access the website to be sure there was not an addendum before they submitted their package. Therefore, it was

their responsibility to look on the website to be sure they fulfilled the requirement before submitting their bid package.

Mayor Van Sickle said the city put in and repaired a lot of sidewalks in the last year or so and yet we still have sidewalks that need repairing. He asked if we were looking at a \$50,000 a year problem. Ms. Delmar responded that we had at least that much because for decades no money was put into them. The Mayor said that spending the money on sidewalks was keeping them from doing what really needed to be done, M & R.

Commissioner Thornhill suggested that everything be put in their packet in the future including the tabulation sheets. There was a discussion on how the wording could have been improved.

Commissioner Thornhill asked if the homeowner could be causing some of the drainage problems by over sprinkling and if that was so, could they be made to help solve the problem. Ms. Delmar said staff would have to put in some sod and once that was done, they would be able to tell where the drainage was coming from. If it is coming from homeowner yards they would have to help get the problem solved.

Commissioner Thornhill made a motion to award the contract for annual sidewalk repair and replacement to Grove Construction and authorize the City Manager to execute the contract. The motion was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Carter	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

Agenda Item 13. Purchase of Canopy Wireless System from WTEC, Inc. for \$21,680.00

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by James Slaton, IS Director]

SYNOPSIS

Purchase of equipment and installation of a Point-To-Multipoint wireless communications network to facilitate a data backhaul for the FlexNet system expansion.

RECOMMENDATION

Staff recommends that the Commission approve the purchase of a Canopy Point-to-Multipoint wireless communications network from WTEC, Inc.

BACKGROUND

This wireless network link is a critical component of the FlexNet meter read system expansion approved by the Commission on January 11, 2011 for the Utilities Department. If purchased, the Point-to-Multipoint wireless network would establish a data link between the South Lake Wales Water Tower site, the Market Street Water Tower site and the City data center currently located at the Lake Wales Police Department. All water meter data collected at the new FlexNet Tower site would be transmitted to the Utility Billing database over this wireless network link.

Staff recommends this particular wireless solution based upon the durability and security of the system. Two Canopy Point-to-Point data links have been in use by the City for the past two years with one hundred percent reliability. There would be no recurring costs after implementation of this system as would be the case if we were to lease an Internet circuit from an Internet Service Provider for connectivity between the sites.

This particular wireless network solution is scalable, allowing for future expansion of the City's computer network infrastructure, and would eliminate recurring monthly costs for Internet Connectivity at any remote site with the addition of one Subscriber Module at each location. With placement of the Multi-Point cluster on the Market Street Water Tower, the City will immediately bring the Fleet Maintenance Facility onto the wireless network as well as provide the data backhaul to the FlexNet TGB located at the South Lake Wales Water Tower. With approval of this system IT staff would propose to purchase Subscriber Modules for the Cemetery and Wastewater Treatment Plant sites in our five-year capital improvement plan to eliminate those recurring monthly Internet costs as well.

WTEC, Inc. is the sole authorized Motorola government sales representative in Polk County and has installed all of the previous wireless communications equipment for the City of Lake Wales along with the other Municipalities in Polk County.

OPTIONS

Other options for the data backhaul include installing a single purpose Point-to-Point data link for \$17,900.00 which is not scalable and would not allow for the addition of any other sites to the system or leasing a T-1 line for approximately \$500.00 per month, which is also a single purpose solution.

FISCAL IMPACT

The cost of the Canopy Point-to-Multipoint system with installation is \$21,680.00. \$116,000.00 was approved in the Water Department's 2010/2011 Capital Improvement Plan budget for the FlexNet upgrade which includes the wireless data backhaul.

The General Fund will realize a savings of \$540.00 annually because the Fleet Maintenance Telecommunications expense will decrease by \$540.00 annually as a result of the DSL circuit termination.

[End agenda memo]

Mr. Slaton reviewed Agenda Item 13.

Mayor Van Sickle said he recalled them approving recently a large purchase for FlexNet and Mr. Slaton said the purchase was for a TGB which is a service to go out to the water tower. We have to get the data back to our billing server. Ms. Delmar said this was basically the next component for that project.

Commissioner Carter asked for a correction because there was not a Commission meeting on January 11th.

Commissioner Carter also said that there had been no mention at the time for an additional need for the point-to-multipoint equipment and he wanted to know how much more it would cost to complete the system. Mr. Slaton said \$116,000 was budgeted and \$92,000 of that was for the TGB. The rest would go for the data backhaul, electric work there, and a concrete base for the TGB enclosure. He explained that the TGB is the technical component such as the software and server and other things needed to make it all work. Commissioner Carter said it seemed like the Commission was getting it in bits and pieces and asked that in the future they get it all at one time in one package so they could get in their minds on what it will all cost. Mr. Slaton said there were several different vendors doing different technology. Commissioner Carter asked how much the total package would cost and Mr. Slaton said \$116,000. Ms. Kirkland said that at the previous Commission

meeting they did not have all the pricing for the Motorola component but staff wanted to go ahead and get what was needed from HD before the prices went up.

Commissioner Carter asked if the purchase of the Subscriber Modules for the Cemetery and Wastewater Treatment Plant sites were included in the \$116,000 budget. Mr. Slaton said the main infrastructure component was. He said he was trying to kill as many birds with one stone as he could. Once the equipment is there, down the road we can purchase the subscriber modules to bring other facilities on line. He explained that at the north water tower they had a point-to-point for single use and rather than do that again he wanted to put something in place so they could build-out in the future. The sites they bring on line can cancel their ISP costs, bringing them on line, which will eliminate the recurring cost annually or monthly. Ms. Delmar said it would not necessarily happen this fiscal year but they were simply laying the groundwork. Mr. Slaton said they could put fleet maintenance on line now, canceling their DSL, and then adding others when money is budgeted.

Commissioner Thornhill made a motion to approve the purchase of a Canopy Point-to-Multipoint wireless communications network from WTEC, Inc for \$21,690. The motion was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Carter	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

Agenda Item 14. Appointments – Lake Wales Housing Authority Board; Library Board; Parks & Community Appearance Advisory Board

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The appointments will fill vacancies due to resignations, expirations of terms, newly established boards, etc.

RECOMMENDATION

It is recommended that the City Commission make the appointments as deemed appropriate.

BACKGROUND

Vacancies exist on various Boards, Commissions, and Committees due to resignations, expirations of terms, newly established boards, etc. The City Commission is asked to make the appointment as deemed appropriate.

FISCAL IMPACT

None. These are volunteer citizen boards.

OTHER OPTIONS

Do not appoint the applicants named above and seek other applicants; however, it may be difficult for the board to obtain a quorum until vacancies are filled.

Housing Authority – Members are appointed by the Mayor and confirmed by the City Commission. The Housing Authority consists of five (5) members. Members must reside in the City, own property in the City, or hold a valid occupational license issued by the City. One (1) member must be a resident of the housing project who is current in rent payment or a person of low income who is receiving a rent subsidy through a program administered by the Authority. No member may be an officer or employee of the City. (4-year term)

Member appointed must be a resident of the housing project who is current in rent payment or a person of low income who is receiving a rent subsidy through a program administered by the Authority. Mr. Al Kirkland, Lake Wales Housing Authority Executive Director, has verified that each applicant meets the low income requirement.

There is no interview process requirement for applicants applying for appointment to this board.

One vacancy: term expires 07/01/14

Applying for appointment: Lisa L. Montgomery, resident
Sadie Anderson, non-resident
Helen L. Walters, resident
Octavia D. Johnson, resident

A vacancy is due to the passing of Karen Futch Schaefer. Sadie Anderson and Helen Walters have previously served on the Board.

Mayor Van Sickle nominated Octavia D. Johnson, resident, for the Housing Authority Board.

Commissioner Howell asked why Sadie Anderson was not considered as she had been on the board for many years and had been involved with the Sunrise apartment project so there would be no need to catch someone up. Mayor Van Sickle said Helen Walters had also served on the Board and that he did consider all the candidates but he thought Ms. Johnson was a better fit for the community.

Commissioner Rogers made a motion to appoint Octavia D. Johnson to serve as a member on the Housing Authority Board for a term expiring 7/01/14. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

Commissioner Rogers	"YES"
Commissioner Thornhill	"YES"
Commissioner Carter	"YES"
Commissioner Howell	"NO"
Mayor Van Sickle	"YES"

The motion carried 5-0.

Library Board – Members are appointed by the City Commission. The Board consists of five (5) members. Four members must reside in the City, own property in the City or hold a valid occupational license issued by the City. One member shall be a resident of the unincorporated Greater Lake Wales area having a Lake Wales address or a resident of the City of Lake Wales if the Lake Wales Public Library is a member of the Polk County Cooperative and receives operating funds from Polk County

Board of County Commissioners (Ordinance 2008-07; 02/19/08). (5-year term)

There is no interview process requirement for applicants applying for appointment to this board.

One vacancy: term expires 07/01/11

Applying for appointment: Jack P. Brandon, resident

A vacancy is due to the passing of Thomas E. Baynes.

Commissioner Carter made a motion to appoint Jack P. Brandon to serve as a member on the Library Board with a term ending 7/01/11. The motion was seconded by Commissioner Rogers.

By Voice Vote:

Commissioner Carter	"YES"
Commissioner Rogers	"YES"
Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

Parks and Community Appearance Advisory Board - Members are appointed by the Mayor and confirmed by the City Commission. The Board consists of seven (7) members. A majority of the members shall reside or own property within the city limits. The Director of Planning or designee and Public Services Director or designee shall serve as ex-officio members. Members are appointed for terms of three (3) years, except that the initial terms of the members shall be staggered so as to provide two (2) vacancies at the end of each year. The board shall elect a chairman at its first meeting after the first day of July in each year. (3-year term)

There is no interview process required for applicants applying for appointment to this board.

One vacancy: term expires 07/01/11

Applying for appointment: Thomas Aron Gamons, resident

A vacancy is due to the resignation of Elwood J. Dupuis.

Commissioner Rogers made a motion to appoint Thomas Aron Gamons to the Parks and Community Appearance Advisory Board for a term to expire 7/01/11. The motion was seconded by Commissioner Carter.

By Voice Vote:

Commissioner Rogers	"YES"
Commissioner Carter	"YES"
Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Mayor Van Sickle	"YES"

The motion carried 5-0.

FISCAL IMPACT

None. These are volunteer citizen boards.

OTHER OPTIONS

Do not appoint the applicants named above and seek other applicants; however, it may be difficult for the board to obtain a quorum until vacancies are filled.

[End agenda memo]

CITY MANAGER'S REPORT

CITY COMMISSION TRACKING REPORT

Ms. Delmar said there were no changes to the Tracking Report that was submitted with the agenda.

Ms. Delmar said she received a letter from Florida Refuse indicating that they were interested in negotiating a new contract with the City of Lake Wales.

Finance Director Dorothy Pendergrass explained the process as follows:

- According to their contract, Florida Refuse had until the end of January to submit a letter if they wished to renew the contract.
- The City has 60 days for "good faith" negotiations.

Ms. Pendergrass asked for clear directions on how the Commission wished the negotiations to be handled. She said that she and the City Manager had talked earlier and had decided to request from the Commissioners written documentation of items they would like to see in the contract including additional items they would like to see added and items that have been discussed at Commission meetings over the past several months. She asked that they be submitted to the City Manager. She said she would not want to go into good faith negotiations only to find out there was an area not covered because they were unaware of it. She said she would handle the negotiations for the City with Florida Refuse representatives unless the Commission preferred appointing a negotiating committee. If they would like one person to do the negotiations she would bring back a draft for the Commission to review and make changes.

Ms. Delmar recommended that Ms. Pendergrass be the one to negotiate through the 60-day period because she would be a strong negotiator, especially if she had a list of things the Commission wanted changed. At the end of the 60-day period there would be a workshop where the changes would be discussed by the Commission. If the Commission wants to go forward with a new contract, an ordinance will be submitted. If not, at that point they will go out to bid. She said the Florida Refuse Contract expires September 30th so they need to get something in place.

Ms. Pendergrass said that she had been the point-of-contact with Florida Refuse for two years as Finance Director and handled the complaints. She said there were areas in the contract that could be improved, which included competitive pricing, customer service, the response time of complaints, and how complaints will be resolved. She said she would also want to discuss fixing things like the curbs their trucks damage and discuss the penalty section that they do not always comply with.

Mayor Van Sickle reported that the Florida Refuse trucks left large dark spots caused from about a gallon of hydraulic fluid dropped by each driveway in one of the more affluent neighborhoods in Lake Ashton. Florida Refuse supposedly cleaned up the mess but it was not done very well. He said he prefers competitive competition because Florida Refuse has had the contract with the City for a long period of time and competition sometimes sharpens the pencil. City Attorney Chuck Galloway said that presently the contract provides for a 60 day window in which the City is required to negotiate in good faith about the existing contract. That contractual obligation has to be met first. The Commissioners need to tell Dorothy

what they want in the contract and if she is able to negotiate to a point where three to five Commissioners are happy with the terms, there will be a contract with them.

Commissioner Carter asked for a clarification of a "negotiation in good faith". He agreed with the Mayor that he wanted it to go to bid because he did not believe we would get a good package otherwise. It may look like a good package until we find out another company could have given a better one. He said he did not know how the City could negotiate in good faith when several of the Commissioners want it to go to bid. He asked if it was normal in these type contracts to require good faith negotiations. Mr. Galloway said when Florida Refuse negotiated that clause it was approved by the predecessor commission, and therefore is a contractual obligation that the present Commission is bound by. The City at least has to comply with the terms within the 60-day window. In order for Ms. Pendergrass to negotiate effectively, the Commissioners need to tell her what they want to see in the contract, problems like the Mayor just added. Commissioner Carter said he understood that, but he wants it understood that he wants it to go out to bid to see what else is offered out there. Florida Refuse may have the best deal in the world but we would not know that unless we hear from the other companies.

Ms. Delmar said that staff would negotiate in good faith. If, when it is brought to the Commission, they think it is not good enough, they will make a decision. But Ms. Pendergrass will try to resolve all the Commissioner's issues with the Florida Refuse representatives. If she is not successful then it can go out to bid. Commissioner Carter said they could document everything they want in the contract but at the end of the day, some of the Commissioners may still want it to go to bid. Mayor Van Sickle said that hopefully our negotiation will get what they want.

Commissioner Howell asked if they could make the contract for only one year. She said she understood that it has to be done this way now because of the contract but at the end of the year we could change. Ms. Delmar said they could put whatever they want in the contract.

Commissioner Rogers said what Ms. Pendergrass was asking for was:

- The Commissioners are to review the contract, and write down anything they do not like,
- They are to give their list to the City Manager
- The City Manager will give the lists to Ms. Pendergrass so she can negotiate the points.
- If Ms. Pendergrass is unable to bring the points to a satisfactory conclusion we can then go out for bid.

Ms. Pendergrass wanted them to be very clear that it was important that the Commission not give the appearance that it would not want to extend or renew the contract and that when she enters into the good faith negotiations, she will have to clearly ask for everything the Commission wants because the items she brings before them in the negotiation will be the same items that will be put into a bid document. She will ask for exactly what the Commission says it wants and if we can't get it from Florida Refuse we can go out to bid.

Commissioner Howell asked if they would get a copy of the contract to review and she was told they all would. Commissioner Carter asked if they would get an email so they know when Ms. Delmar will need the information. Ms. Delmar said she will need the information as soon as possible because the 60-day period starts with the beginning of the negotiations. They were looking at possibly having the special workshop at the end of April to get the consensus of the Commission. To go through the bid and evaluation process will take a good 60 days so we are on a time crunch.

Mayor Van Sickle asked that they not put any specification into the contract that would tie it to one contractor; for example the natural gas trucks that only Florida Refuse use.

Commissioner Thornhill said that the City of Lake Wales always negotiates in good faith as well as takes bids in good faith and everything else it does.

Ms. Pendergrass asked that the Commissioners refer to her any vendor who contacts them. She said that vendors who have contacted her in the past were told that the only way she would respond to them would be by email so it would be a public document. She added that the communication usually stopped at that point. All negotiations should be handled between the city representative, her, and the vendor, so there will be no confusion or counter directions given from different sources. She added that she will ask for exactly what the Commission wants.

Mayor Van Sickle asked for an explanation of an item in the tracking report where it states that rebidding was taking place for the tennis courts. Ms. Delmar said she had a conversation with Bob Bates who told her how to do it right, so they were evaluating his suggestion. She said Ms. Hodge and Ms. Allen went to the courts to inspect them and they had a mini-conference with the many tennis players who were there. It was determined that filling in the cracks and painting the courts would be the best solution to the problem. Mayor Van Sickle said there were a lot more tennis players than he thought and he had gotten emails from some of them. Commissioner Carter said the Lake Wales High School team practices there also.

COMMUNICATIONS AND PETITIONS

There were no comments.

CITY COMMISSION COMMENT

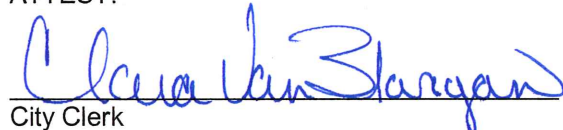
There were no comments.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk