

City Commission Meeting Minutes
February 6, 2018
(APPROVED)

2/6/2018 - Minutes

1. INVOCATION

Dr. Jim Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Commission Members Present: Eugene Fultz - Mayor, Curtis Gibson, Flora "Tonya" Stewart, Terrye Howell, Robin Gibson - Deputy Mayor

Staff Present: Kenneth Fields, City Manager; Albert C. Galloway, Jr., City Attorney; Jennifer Nanek, City Clerk

4. CALL TO ORDER

The Mayor called the meeting to order at approximately 6:00 p.m. after the invocation and pledge of allegiance.

5. PROCLAMATIONS AND AWARDS

5.I. PRESENTATION - Certificate Of Completion To Mayor Fultz For IEMO IV Leadership Program
Mayor Fultz has completed the Institute for Elected Municipal Officials (IEMO) IV program. Deputy Mayor Robin Gibson presented the certificate to Mayor Fultz.

6. PRESENTATION/REPORT

7. COMMUNICATIONS AND PETITIONS

8. CONSENT AGENDA

Commissioner Howell made a motion to approve the Consent Agenda. Commissioner Stewart seconded the motion.

Voice Vote:

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5 -0

8.I. Minutes - December 19, 2017

Environmental Protection for the maintenance of the oxidation ditch.

BACKGROUND

An oxidation ditch is a modified activated sludge biological treatment process that uses long solids retention times (SRTs) to remove biodegradable organics. The typical oxidation ditch is equipped with aeration rotors or brushes that provide aeration and circulation. The wastewater moves through the ditch at 1 to 2ft/s. The ditch may be designed for continuous or intermittent operation. Because of this feature, this process may be adaptable to the fluctuations in flows and loadings associated with recreation area wastewater production. It becomes necessary from time to time to remove accumulated sand and grit from oxidation ditch to ensure the proper and efficient operation of the equipment. The Florida Department of Environmental Protection has various grant opportunities used to assist municipalities. The commission at its December 5, 2017 city commission meeting approved for staff to submit an application to request this funding. The Florida Department of Environmental Protection has returned an agreement for signature by city staff.

Staff recommends the commission consider taking the following action, authorize the Mayor to sign all agreements for this grant-funding request for \$14,050.00.

OTHER OPTION

Choose not to approve entering into an agreement with the Florida Department of Environmental Protection to provide 50% of the funding for oxidation ditch maintenance, resulting in the full amount for maintenance to be funded using operating revenues.

FISCAL IMPACT

\$28,100.00 would be the city's total cost of maintenance if the 50% funding agreement is not approved. If the 50% funding agreement is approved the City's cost share would be \$14,050.00.

[End Agenda Memo]

8.IV. RESOLUTION 2018-01 - Airport Ground And Facilities Lease

[Begin Agenda Memo]

SYNOPSIS:

Uses of Lake Wales Airport property currently leased to Phoenix Air, Inc., have effectively resulted in subleases which are prohibited by the subject Ground and Facilities Lease. The Tenant, Phoenix Air, Inc., has worked with the City's Airport Manager to obtain approval of these subleases. The Lease provides that such approval shall not be unreasonably withheld by the City.

RECOMMENDATION: Approval of Resolution 2018-01.

BACKGROUND:

Phoenix Air, Inc., utilizes the services of numerous providers of services related to skydiving activities. These providers are not employees of Phoenix Air, Inc. The uses of various portions of the leasehold premises by these service providers effectively results in subleases which technically violate the prohibition against subleasing. The service providers are identified by category in the proposed Resolution. The purpose of the proposed Resolution is to enhance the working relationship between the City and the Tenant and to bring the airport skydiving operation into compliance with the terms of the Lease.

the City

Commission, of certain modifications to the contract as contained in the proposed Ordinance 2018-02. The specific modifications contained in the proposed contract extension are as follows:

- The contract term is extended for one three-year period with an additional three year renewal period allowed until September 30, 2024.
- Waste designated as hazardous or infectious by the U.S. Environmental Protection Agency or any State agency is defined as "Excluded Waste".
- If the contract is canceled, the City cannot take possession of the Contractor's equipment for the balance of the contract or a period of three months.
- The Contractor may request a rate adjustment from the City if the value of recyclables declines by more than twenty percent (20%).
- If a residential property is not receiving utility service because it is vacant or is in "vacation" status, it shall be billed at a "vacation rate" of twenty five percent (25%) of the regular monthly billing rate for solid waste services.
- Solid waste rates shall be adjusted annually based on changes in the Consumer Price Index – All Urban Consumers (Water, Sewer and Trash Collection Services) U.S. Average. The minimum increase shall be 2.5% annually; however, in no event shall the total increase exceed 3%.
- Collection of recyclable materials shall be made using automated pickup of new 65- gallon totes instead of manually loaded 18-gallon bins. Cardboard shall be placed in the new totes.
- There will be a charge for new additional solid waste collection totes above one per household of sixty dollars (\$60.00) plus a delivery fee of forty dollars (\$40.00). There will be no charge for existing additional totes.
- The fuel cost adjustment base is adjusted to current fuel prices.
- Since a local telephone number has been provided as required in the existing contract, the requirement to maintain a local office is eliminated.
- The Contractor is no longer required to supply the City with a roster of employees providing service. The City has never requested such a roster.
- If the Contractor disagrees with a decision of the City Manager with respect to the assessment of liquidated damages, it may appeal such decision to the City Commission.
- The proposed monthly rate per household for solid waste and recycling services is competitive with rates being charged other municipalities within Polk County.
- The contract extension period will allow the Contractor to recover the cost of upgrading the recyclable collection method by the use of wheeled totes, which will make it easier for households to place recyclables by the curb.

The addition of a "Vacation Rate" will provide for the pickup of yard waste and other items that are placed in front of currently unoccupied residences and vacant lots which are currently not required to be picked up.

OTHER OPTIONS

The City can re-compete the contract for solid waste and recyclable collection services. The current Contractor has maintained an extremely low level of complaints during the current contract period and has been extremely responsive to City requests for additional services to meet unusual circumstances. Re-competing the contract would require extensive staff time and resources with no guarantee that this will result in lower rates, better service or a lack of disruption caused by a change in vendor. The proposed rates are comparable to those of other Polk County municipalities.

FISCAL IMPACT

Inclusion of "vacation" status residential properties billed at twenty five percent (25%) of the regular monthly solid waste billing rate for solid waste services is estimated to provide a net increase in City funding of \$4,980.00 annually.

[End Agenda Memo]

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion Approved 5 -0.

10.II. State Revolving Fund Loan Agreement For Lift Station 16 Area Sewer Replacement Phase 3

[Begin Agenda Memo]

SYNOPSIS:

State Revolving Fund Loan agreement for signature by the Mayor

STAFF RECOMMENDATION

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

1. Authorize the signing of the State Revolving Fund loan contract agreement documents by the Mayor in the amount \$1,714,052 (base loan \$1,680,443 and estimated capitalized interest of \$33,609).

BACKGROUND

The state revolving loan fund provides loans for local government utility projects. The City's Lift station 16 Area Sewer Replacement Phase 3 sewer line rehabilitation is an eligible project. The City had the opportunity to apply for a low interest loan through the Florida Department of Environmental Protection State Revolving Fund. This is the final phase of construction for this project. The construction area will include Carver Dr, A, B, and C Streets from Dr. J.A. Wiltshire to Harding Avenue. Staff recommends the Commission take the following action; authorize the Mayor to sign the State Revolving Loan agreement provided by the Florida Department of Environmental Protection.

OTHER OPTIONS

The Commission could choose not to approve the signing of the agreement and direct Staff to go out on the open market for financing which would result in a higher interest rate than what is being offered by the Florida Department of Environmental Protection.

FISCAL IMPACT

Estimated debt service for \$1,714,052 (base loan \$1,680,443 and estimated capitalized interest of \$33,609) would be \$85,822 annually over a twenty-year repayment period.

[End Agenda Memo]

Sarah Kirkland, Utilities Director, reviewed the item.

Commissioner Howell made a motion to approve the State Revolving Fund Loan agreement. Commissioner Stewart seconded the motion.

Voice Vote:

Motion Approved 5 -0.

10.IV. Sensus Iperl Meter Replacement Settlement

[Begin Agenda Memo]

SYNOPSIS:

The Sensus Iperl meter battery was failing; causing the meters to go dead, as a result an agreement with Sensus was met for the replacement of these meters.

STAFF RECOMMENDATION

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

1. Approve for the Mayor to sign the settlement agreement with Sensus.

BACKGROUND

The City of Lake Wales uses Sensus meters to record the amount of water houses and businesses use. When a meter is installed, water is ran through the meter to activate and start the meter reading process. When these meters stop reading, the procedure is to enter a work order to have that meter changed out. Staff started to notice that an unusual amount of new meters was being changed out after they had only been in the system for a short period. After about 30 instances, Staff contacted Sensus and requested a meter representative to come out to access the problem. While under investigation, many more meters had stopped working and were changed out, due to dead batteries. Sensus personnel was able to determine which plant manufactured the meters and narrowed down to a specific batch the defective meters came from.

In an attempt to alleviate the frustration staff was experiencing with the meters dying and the time and expense to replace these meters, Sensus agreed to replace all potential defective meters, as per the meter warranty. In addition, to the warrantied meters for replacement, an additional amount of meters will be sent to the city to account for the time and expense the Staff bore to install the original meters.

Staff recommends the commission consider taking the following action, authorize the Mayor to sign the settlement agreement between the City of Lake Wales and Sensus for the replacement shipment of 800 meters.

OTHER OPTION

The Commission could chose not to approve the agreement. If the agreement is not approved it would delay the shipment of replacement meters.

[End Agenda Memo]

Sarah Kirkland, Utilities Director, reviewed this item.

Commissioner Howell made a motion to approve the settlement agreement with Sensus. Commissioner Stewart seconded the motion.

Voice Vote:

Commissioner Howell "YES"

Commissioner Stewart "YES"

The following rules apply to all members of the Canvassing Board:

No member can serve if he or she is a candidate with opposition in the election being canvassed or is actively participating in the campaign or the candidacy of any candidate who has opposition in the election being canvassed. Actively participating means undertaking an intentional effort to demonstrate or generate public support for a candidate beyond merely making a campaign contribution. Refer to DE 8-10; 09-07. If a lack of a quorum is created on the Canvassing Board due to this rule or any other unavoidable cause, the City Commission may appoint the city manager, city attorney, or resident/s to serve in the absence of that commission member/s to serve on the Canvassing Board to avoid a possible lack of quorum (Sec. 8-26, Lake Wales Code of Ordinances). The City Clerk will prepare an agenda item for the first meeting in March for the City Commission to appoint additional people to serve on the Canvassing Board.

Per Florida Statute, Canvassing Board members are required to attend the following meetings.

Pre-election Logic and Accuracy Testing of Tabulating Equipment (L&A)

Tuesday, March 27, 2018; 4:00 p.m.

Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880 (behind the Auburndale Speedway).

-At least one member of the Canvassing Board must attend the L&A Testing.

Election Night Canvassing of Ballots

Tuesday, April 3, 2018, time to be scheduled by SOE (5:00 p.m. or later)

Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880

-A quorum must be present and must remain until all ballots are tabulated.

Certification of Election

City of Lake Wales Municipal Administration Building

Thursday, April 5, 2018; 5:00 p.m.

-A Quorum must be present.

Post-Election Manual Audit

Date & Time to be determined – April 9, 2018 through April 12, 2018

Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880

-A quorum must be present.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed the above information.

Deputy Mayor Robin Gibson asked if the Candidate Oath was modified. Mr. Fields confirmed that the Oath was changed by Ordinance.

12. CITY MANAGER

12.I. City Attorney Performance Evaluation

[Begin Agenda Memo]

SYNOPSIS:

Commissioners will discuss the performance evaluation of the City Attorney.

Performance evaluation forms were completed by the City Commissioners and returned to staff as requested. Evaluation forms completed by the Commissioners are available for review in the Human Resources Department. This process provides for a yearly review of the City Attorney's performance and summarizes the entire Commission's experience with the Attorney during the

would like to see the City Manager and have a relationship with him.

Commissioner Curtis Gibson said that they need to know more about City Department heads. He asked to sit in on interviews with candidates for Airport Manager. He said we need experts on some of the hiring of key personnel such as aviation experts for the Airport Manager. He asked the other commissioners their thoughts on this. Mayor Fultz said that we need to stay in our lane and let the City Manager stay in his lane. He said that there will be aviation experts in on the interviews with the Airport Manager candidates.

Deputy Mayor Robin Gibson said that he was part of a movement to recall a City Commissioner for doing this many years ago and served as lawyer for other commissioners under recall from other cities. He knows how this area works. The Commission was involved with the hiring and firing of the City Clerk which got messy. The Commission is over the City Attorney. The City Manager is over hiring and firing. That's how it works. He said we evaluate the City Manager based on results.

Commissioner Howell presumes that during the budget that Mr. Fields is not doing the calculations. She evaluates the finance director through her evaluation of the City Manager. She said that she doesn't think she needs to be in on department head interviews as she could not keep an appropriate expression on her face.

Commissioner Stewart said she would be concerned about the Sunshine Law if more than one Commissioner was in an interview room. She doesn't have the time to do this. Hiring is Mr. Fields' job and if there is a problem we go to him.

Commissioner Curtis Gibson asked Mr. Galloway his opinion about going to the interviews for Airport Manager. Albert Galloway, Jr., City Attorney, said that his presence would have a chilling effect and cause confusion as to who is in charge. While it may not directly violate the charter it would violate the spirit of the charter. He would counsel against it.

Mayor Fultz said he agreed with earlier statements that we evaluate the City Manager based on performance.

Mr. Fields commended the City's staff and many of the reviews he gets are based on the staff's good work department heads and down the line.

He said that the Airport Authority did request to have input on the hiring of the Airport Manager. He agreed to let the review resumes and offer comments but not participate in interviews. He said that the commission could do likewise but being in on the interviews would distort the situation for the new candidate.

Mayor Fultz said we have three items to look at either together or separately the extension of Mr. Fields' contract by one year, a 2% increase, and bonus. Commissioner Curtis Gibson asked Mr. Fields when his contract was up. Mr. Fields said August 5th possibly of 2018 but was unsure. He asked for a few minutes recess to double check.

Mayor Fultz recessed the meeting at 7:42 p.m.

Mayor Fultz reconvened the meeting at 7:45 p.m.

Mr. Fields reported that his current contract ends August 5, 2019. Deputy Mayor Robin Gibson confirmed that this 1 year extension would go until August 2020. Mr. Fields said he is making a commitment that he is willing to stay until that time. He said the commission has the option to terminate the contract at anytime though he must give 30 days notice. Deputy Mayor Robin Gibson asked what the termination provisions were. Mr. Fields said about 20 weeks severance pay or about \$50,000.

Motion Approved 4-1.

12.III. Tracking Report

Kenneth Fields, City Manager, reported that the Seminole Hotel was closed that morning by Code Enforcement action.

There is a CRA Advisory Board meeting scheduled later this month for them to review the draft CRA plan. After that a separate CRA meeting will be scheduled for their review.

Mr. Fields said that he would like to extend the policy of providing compensation for cell phone use to the City Commission similar to what is provided to employees. He said that \$5 is given to those who use their phones occasionally and \$17 to those who use their phones more frequently. If the Commission agrees he will extend that policy to the members of the Commission.

Mayor Fultz made the motion to authorize allowances to the members of the City Commission for cell phone use for city business. Curtis Gibson seconded the motion.

Voice Vote:

Mayor Fultz "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Commissioner Stewart "YES"

Deputy Mayor Robin Gibson "YES"

Motion Approved 5-0.

Deputy Mayor Robin Gibson asked that the issue of the City Clerk be brought back to the Commission with research on what other cities do. Mr. Fields said he would.

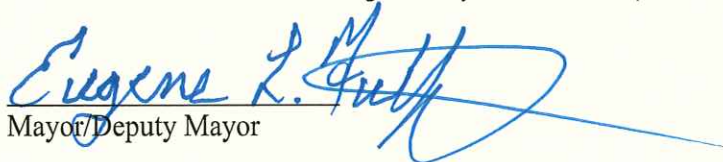
12.IV. Social Media Tracking Report

12.V. Commission Meeting Schedule

12.VI. Other Meetings & Events Calendar

13. ADJOURNMENT

The Commission meeting was adjourned at 8:02 p.m.


Mayor/Deputy Mayor