

**City Commission Meeting Minutes**  
**January 21, 2020**  
**(APPROVED)**

1/21/2020 - Minutes

1. INVOCATION

Dr. Jim Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

4. ROLL CALL

**Commission Members Present:** Eugene Fultz - Mayor, Curtis Gibson, Terrye Howell, Al Goldstein,

Robin Gibson arrived late.

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

5. PROCLAMATIONS AND AWARDS

5.I. Proclamation - Lake Wales School Choice Week

Mayor Fultz presented a proclamation to Donna Dunson and Dr. Jesse Jackson of the Lake Wales Charter Schools establishing January 26 - February 1 as School Choice Week.

5.II. Proclamations - Coach TaVaris Johnson And The Lake Wales Highlanders Football Team

Mayor Fultz presented proclamations recognizing Coach Tavaris Johnson and the Lake Wales High School Football team.

6. COMMUNICATIONS AND PETITIONS

Borden Dean, resident, he serves on the Lake Ashton CDC board. He referenced a recently received letter concerning irrigations and meters in Lake Ashton. He objected to being asked to pay for something installed when it was the city's fault. This is wrong to charge the residents.

Leon Till, resident, said he agreed with Mr. Dean and he shared his concerns.

Jack VanSickle, resident, said he was on the commission when the decision was made to hire a trained person for \$2.50 per household to inspect meters. He did not get a letter. He asked if the person was in Lake Ashton doing inspections as they haven't seen the person. If the inspections were being done why is there a problem now?

Kenneth Fields, City Manager, said that a clarifying letter with a diagram was sent out to residents. He explained some of the issues out at Lake Ashton. He and a member of the utilities staff will be at Monday morning coffee to answer any questions and discuss the issue. The time to come into compliance has been extended 60 days. Commissioner Goldstein said that these individuals have concerns about where the money went and what happened with these inspections. Commissioner Howell asked if these meters are read. Mr. Fields said they are read electronically or in person. Mr. Fields explained what some of the issues were and that this is designed to protect our water supply.

Catherine Price, resident, said she got a letter as well. She said she had Baynard inspect her irrigation system and found nothing wrong. Mr. Fields said another inspection could be done.

Mike Carter, resident, reported the leak at the Kirkland Gym was resolved and commended staff. Commissioner Howell said that the issue wasn't as bad as reported and that the reporting of issues at the gym has been improved. She was glad this was brought to her attention. Mr. Fields reported that a bullet was found in the roof of the gym that may have caused the leak.

Chris Lutton, resident, encouraged the Commission to watch the budget and to be careful of spending. He asked for them to ask questions on the forthcoming YMCA purchase. He asked about maybe new lights around the lake. We need to get a good value on all the money we spend.

Sara Jones, resident and President and the Lincoln Ave CDC, asked about her request to be on the agenda. She said she submitted a request in writing as required in the ordinance. These issues need to be addressed and discussed. She understands that the City Manager would prefer a workshop which may be a good idea for discussion. However no action can be taken at a workshop. Mayor Fultz said this topic is better for a workshop as the meeting would go on late. Commissioner Goldstein said he supports having a workshop as it allows for more discussion. Commissioner Howell said she wanted this issue to be on tonight's agenda. Mr. Fields said no formal action to request this to be an agenda item was made.

Commissioner Howell made a motion that a workshop be scheduled soon. Commissioner Curtis Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Deputy Mayor Robin Gibson recommended that if in scheduling the workshop there is a choice between the State Attorney and the Sheriffs office to go with the Sheriff's Office. Their input would be the most relevant to the body camera issue.

Terry Christian, non-resident, said he has been interested in the B Street lots since 2012 and shared copies of emails exchanged with City Staff. Commissioner Howell asked Mr. Fields to look into this. Mr. Fields said that the Mason's were interested in the property but that did not workout. Mr. Fields invited Mr. Christian to submit a proposal as part of the RFP process. Mr. Christian reviewed past email exchanges concerning the matter. Mayor Fultz asked what he was suggesting should happen next. Mr. Christian said he would like to purchase the property. Mr. Fields said there are several people interested in that lot so thats why the CRA is going out for an RFP to see what comes in and the CRA will decide. Commissioner Goldstein said that he is open to input as to what the community wants he doesn't want to tell them what they need. Albert Galloway, Jr., City Attorney, reviewed the steps taken related to the property.

Virgil Ullom, non-resident, spoke against Pride Week and alcohol use.

## 7. CONSENT AGENDA

Commissioner Howell made a motion to approve the consent agenda. Commissioner Goldstein seconded

the motion.

by voice vote:

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

7.I. Purchase Authorization-Asphalt Paving Systems (APS), Inc.

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider authorizing staff to expend funds for a street resurfacing project.

**RECOMMENDATION**

1. Authorize the expenditure of \$250,690.90.

**BACKGROUND**

The City's Public Services department is requesting Commission approval to expend funds for a street resurfacing project. In accordance with Sec. 2-417(d)(3) of the City's Code of Ordinances, all purchases in excess of Category 1 (\$20,000.00) require City Commission Approval.

In January 2019 the City Commission approved the piggyback agreement with Asphalt Paving Systems (APS), Inc. to resurface streets based on the 6-year pavement management program for streets within the City's road network. The agreement included a renewal clause of 3-additional one year periods.

This is year two of the 6-year pavement management program and the streets proposed for FY20 resurfacing are attached to this memorandum.

**OTHER OPTIONS**

The City Commission may direct staff to solicit sealed proposals for pavement in lieu of utilizing the agreement with Asphalt Paving Systems, Inc.

**FISCAL IMPACT**

The project cost is \$250,690.90. \$250,000.00 is currently budgeted in the adopted FY20 CIP for street resurfacing. The amount of \$690.90 will be taken from the City's transportation fund operating budget.

[End Agenda Memo]

Commissioner Howell asked how the streets are identified. James Slaton, Deputy City Manager, explained that a street assessment was done last year and created a paving index for each road. This helped determine the 6 year plan to fix streets.

## 7.II. Interlocal Agreement - Polk County Library Cooperative Bookmobile

### **SYNOPSIS:**

Approval of the Polk County Library Cooperative Bookmobile Interlocal Agreement Renewal assigns responsibility of the operation of this outreach service to the Lake Wales Public Library, and includes all compensation required to the City of Lake Wales for this program.

### **STAFF RECOMMENDATION**

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

1. Approve the Polk County Library Cooperative Bookmobile Interlocal Agreement Renewal
2. Authorize the Mayor to execute the Agreement on the City's behalf

### **BACKGROUND**

The Polk County Library Cooperative (PCLC) is a group of seventeen public and special libraries and government entities that joined together in 1997 to provide library services to all persons residing in Polk County, including residents of the unincorporated areas and incorporated communities not served by a local municipal public library.

Recognizing that there are no public libraries in unincorporated Polk County, PCLC is committed to outreach services for this population. The two outreach services PCLC currently provides are Books by Mail and a Bookmobile. Both are currently operated by the Lake Wales Public Library, through separate Interlocal Agreements.

In August 2014 the Lake Wales City Commission approved the initial Bookmobile Interlocal Agreement with PCLC. The service resumed operation throughout Polk County in the spring of 2015.

This renewal has been changed to reflect a continuous agreement, without an expiration date, until such a time that either party wishes to end the agreement. 100% of the operational cost for the Bookmobile is provided to the City of Lake Wales by the Polk County Library Cooperative.

This Interlocal agreement was approved by the Polk County Library Cooperative's Governing Board on January 8, 2020. Pending approval by this body a fully executed document will be in place.

Staff recommends approval.

### **OPTIONS**

None

[End Agenda Memo]

## 7.III. Agreement For 2035 Lake Wales Comprehensive Plan Update Consulting Services With S&ME, Inc.

[Begin Agenda Memo]

### **SYNOPSIS**

The Planning Division is in need of consulting services for the update of the City of Lake Wales 2035 Comprehensive Plan.

### **RECOMMENDATION**

Staff recommends the Approval of the Agreement for Services with S&ME to update the City of Lake Wales 2035 Comprehensive Plan.

Authorization for the City Manager to execute the Services Agreement.

## **BACKGROUND**

The Comprehensive Plan, last updated in 2012, will guide decisions affecting the physical development and redevelopment within the City's planning area.

In response to RFP No. 20-466 Consulting Services to Update 2035 Comprehensive Plan, the City received three responses. S&ME was evaluated by the selection committee and was found to be the best choice for the services the City is seeking.

## **FISCAL IMPACT**

The FY 19-20 Budget includes \$80,000.00 for Contract Services of this nature. The agreement sets a do-not-exceed fee of \$90,194.

A budget amendment will be necessary in order to reconcile over-budget expenditures for this line.

## **OTHER OPTIONS**

None. This Comp Plan Update is required by State Statute.

[End Agenda Memo]

Commissioner Howell asked who the selection committee was. Kathy Bangley, Assistant City Manager, reviewed the committee and selection process.

Deputy Mayor Robin Gibson said that S&ME has experience with Lake Wales which is cost effective. He said these updates and the Dover Kohl plan should work together and be consistent. Ms. Bangley said the update will follow state requirements but agreed. Mr. Fields said S&ME revised the CRA plan so they are the best to help with this.

## **8. OLD BUSINESS**

### **8.1. Ordinance 2020-04 – 2nd Reading Chapter 5 – Alcoholic Beverages**

[Begin Agenda Memo]

## **SYNOPSIS**

Ordinance 2020-04 amends Chapter 5 Alcoholic Beverages to repeal language, cross reference definitions with State Statutes and add artisanal production establishments.

## **RECOMMENDATION**

Staff recommends the adoption of Ordinance 2020-04 on second reading and public hearing. Public notice requirements have been met.

## **BACKGROUND**

Staff is recommending the repeal of language that could be interpreted as non-business friendly in the beginning of the Chapter. This action does not lessen the intent of the ordinance from a regulatory or enforcement standpoint.

Additionally, a cross reference to state statute definitions is being proposed to enhance that section of the code. Artisanal production is being added to the section regarding distance requirements so that we do not discourage new business opportunities in the City.

#### **FISCAL IMPACT**

There is no direct fiscal impact from this amendment.

#### **OTHER OPTIONS**

Not make the recommended changes.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-04** by title only.

#### **ORDINANCE 2020-04**

**(Chapter 5 – Alcoholic Beverages)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING CHAPTER 5 ALCOHOLIC BEVERAGES TO REPEAL SECTION 5-1; PROVIDE CROSS REFERENCE TO DEFINITIONS IN FLORIDA STATUTE; ADD ARTISANAL PRODUCTION ESTABLISHMENTS AS EXEMPT FROM DISTANCE RULE; AND PROVIDE FOR RENUMBERING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE:**

Kathy Bangley, Assistant City Manager, reviewed this item.

#### **OPENED PUBLIC HEARING**

Greg Massey, resident, said this will not allow an establishment to open in the Northwest area. All areas of the City should benefit. Ms. Bangley explained that this would allow artisanal establishments to open in the Northwest area. This will not allow a bar in the northwest area or anywhere. This is a different chapter of the Ordinance. Commissioner Howell asked what Mr. Massey is looking to do. Ms. Bangley said he wants to open a bar on Lincoln Avenue but that is a different section of the ordinance which is the Land use code. Mr. Fields said the Land Use ordinance can be changed if the Commission and the residents of the area want. He would like input on this as things have changed in the years since. Greg Massey reviewed the history of these changes and said the Northwest area does want these changes. Mayor Fultz asked Mr. Fields if we could ask the new group, the Lincoln Ave CDC, to gather input on this topic. Sara Jones, resident and President of the Lincoln Ave CDC, said her group will work on this. Commissioner Howell asked if a vote is needed to put this on a future agenda. Mr. Fields said they will review any input provided and bring it back for discussion.

Deputy Mayor Robin Gibson asked what artisanal meant. Ms. Bangley said that can include cottage industries such as making jewelry, soap, a brewery, a winery or anything made the old-fashioned way.

Commissioner Goldstein asked about state rules regarding alcohol. Ms. Bangley said that our laws don't subvert the state liquor laws. This just conveys where we want liquor in our community.

#### **CLOSED PUBLIC HEARING**

Commissioner Howell made a motion to adopt ORDINANCE 2020-04 after second reading and public hearing. Deputy Mayor Robin Gibson seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## 9. NEW BUSINESS

### 9.I. Resolution 2020-02 - Sale And Purchase Agreement For The Lake Wales YMCA Property

[Begins Agenda Memo]

#### **SYNOPSIS**

The City Commission will consider adopting Resolution 2020-02, approving a Sale and Purchase agreement for the acquisition of the Lake Wales Family YMCA property.

#### **RECOMMENDATION**

It is recommended that the City Commission take the following action(s):

1. Adopt Resolution 2020-02.

#### **BACKGROUND**

The City Commission has expressed interest in purchasing the Lake Wales Family YMCA property. City staff has performed the necessary due diligence related to the purchase and has prepared a Sale and Purchase agreement for City Commission consideration.

The due diligence performed related to this purchase included: (1) two state certified real estate appraisals, (2) a facility condition assessment, (3) a phase 1 environmental assessment, and (4) a boundary and topographical survey.

Two state certified appraisals were obtained for the property with an average appraised value conclusion of \$2,277,500. The detailed appraisals are attached to this memorandum. Cliggitt Valuation, Inc. provided a market value conclusion of \$1,800,000 and Winningham and Pospichal, Inc. provided a market value conclusion of \$2,755,000. The purchase price negotiated with the Young Men's Christian Association of Lake Wales, Inc. is \$565,000.

A licensed general contractor performed a facility condition assessment in March 2018. The detailed report is attached to this memorandum, but the overall facility was found to be in generally good condition. Several maintenance and repair items have been deferred, however, and need to be addressed if the City Commission elects to purchase the property. Funding for the building rehabilitation was included in the Series 2019 revenue note approved by the City Commission in December 2019.

An Environmental Professional with Kimley-Horn and Associates performed a phase 1 Environmental Site Assessment on the subject property in November 2019. Overall, the site was not found to be significantly impacted by environmental risks. The primary findings in the assessment report relate to the facility's proximity to a larger contaminated area, created by stormwater runoff and nearby agricultural activity. The Environmental Professional has rendered the opinion

that any Business Environmental Risks associated with the property have been adequately addressed. The detailed Environmental Site Assessment is attached to this memorandum.

## **OTHER OPTIONS**

The City Commission may elect to defer approval of this Sale and Purchase agreement and direct staff to renegotiate the purchase price.

## **FISCAL IMPACT**

The fiscal impact is a one-time expenditure of \$565,000. \$636,000 is approved in the FY20 CIP budget for this purpose.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-02** by title only.

## **RESOLUTION 2020-02**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AUTHORIZING ENTERING INTO A SALE AND PURCHASE AGREEMENT WITH THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF LAKE WALES, INC., FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 1001 BURNS AVENUE, LAKE WALES, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

James Slaton, Deputy City Manager, reviewed this item.

Deputy Mayor Robin Gibson expressed concern about the date listed in the contract when the sale must be completed. Mr. Slaton said the date was changed since the last meeting. Albert Galloway, Jr., City Attorney, said the key point is that all the due diligence of the required steps have been completed.

Deputy Mayor Robin Gibson made a motion to adopt **RESOLUTION 2020-02**. Commissioner Howell seconded the motion.

by Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.II. Resolution 2020-03: Lease Agreement With YMCA Of Lake Wales, Inc.

[Begin Agenda Memo]

## **SYNOPSIS:**

The City Commission will consider adopting Resolution 2020-03, approving a Lease Agreement



with the YMCA of West Central Florida, Inc.

## **RECOMMENDATION**

It is recommended that the City Commission take the following action(s):

1. Adopt Resolution 2020-03.

## **BACKGROUND**

Staff proposes to lease the recently acquired YMCA property to the YMCA of West Central Florida, Inc. for the YMCA's continued operation in Lake Wales. Through this lease, the YMCA will provide certain services to city residents in accordance with the approved Operating Agreement.

The initial term of the lease is for a three-year period. Upon expiration of the initial term, the YMCA will have the option to renew the lease, perpetually, for twelve-month terms upon written mutual agreement of both parties. The rent collected from the lease will be \$1 annually.

All operating costs related to the facility will be the responsibility of the YMCA of West Central Florida, Inc. The maintenance and repair of the facility will also be the responsibility of the YMCA up to \$5000 per occurrence or up to \$30,000 per year. Maintenance and repair items exceeding these thresholds will be the responsibility of the City.

The City Commission approved a revenue note (Series 2019) in December 2019 that will provide funding for the initial rehabilitation of the facility. \$291,500 is available for capital improvements and reimbursements for funds advanced during the due diligence phase of the initial acquisition of the property. City staff will work with YMCA staff to identify and prioritize the initial capital improvement needs of the facility.

Subject to the mutual agreement of both parties, the City shall have the ability to use specific portions of the facility for City programs or services. Specifically, an opportunity exists for the City to capitalize on the YMCA's athletic fields, as the City's current public fields are over-subscribed.

## **OTHER OPTIONS**

The City Commission may elect to defer approval of this Lease Agreement and direct staff to renegotiate the key business terms.

## **FISCAL IMPACT**

The fiscal impact of the agreement for FY'20 is revenue generation of \$1. The cost of significant maintenance and repair items is unknown at this time, however \$291,500 is available for capital improvements to the facility.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-03** by title only.

## **RESOLUTION 2020-03**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AUTHORIZING ENTERING INTO A LEASE AGREEMENT WITH THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF WEST CENTRAL FLORIDA, INC. FOR THE LETTING OF REAL PROPERTY LOCATED AT 1001 BURNS AVENUE, LAKE WALES, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

Albert Galloway, Jr., City Attorney, explained that we are buying the YMCA from the YMCA of Lake Wales but this lease agreement is with the YMCA of West Central Florida, Inc. out of Lakeland. That entity has been running the programs for awhile now.

James Slaton, Deputy City Manager, reviewed this item.

Deputy Mayor Robin Gibson identified a typo on page 7 subsection b. A sentence is incomplete. Mr. Galloway said that it explains about certain expenses. Deputy Mayor Robin Gibson expressed concern about the paragraph about indemnity that might obligate us. Albert Galloway Jr., City Attorney, explained that this applies to City Services not ones provided by the YMCA. Deputy Mayor Robin Gibson said it sounds like we are holding the tenant harmless for everything. It sounds all inclusive. Mr. Galloway said only events operated by the City not the tenant. Commissioner Goldstein said this could be open to interpretation later. Deputy Mayor Robin Gibson agreed and gave examples of cases he has been involved in. He said that this should be made clear. Mr. Fields said this only applies to City sponsored events. Deputy Mayor Robin Gibson said he wants more assurance. There need to be clear distinctions between the two entities. Commissioner Goldstein said this may need to be a bit more clear. Commissioner Howell agreed saying we should fix this. Mayor Fultz recommended that Deputy Mayor Robin Gibson work with the City Attorney on this. Deputy Mayor Robin Gibson agreed.

There was consensus to table this item and the next one until the language is fixed.

Deputy Mayor Robin Gibson expressed concerns about the cost of maintenance. Maintenance issues were discussed.

Deputy Mayor Robin Gibson asked about insurance for the YMCA bus. Kirk Eich, YMCA, reviewed the insurance they have on the bus and said it can be adjusted if requested. Mr. Eich said if this item is delayed the other 2 can't go through either. Mayor Fultz agreed. Mr. Galloway said we have a 60 day provision in the sale agreement that we can use until the other items are approved.

Deputy Mayor Robin Gibson made a motion to table RESOLUTION 2020-03 and RESOLUTION 2020-04 until issues can be resolved. Commissioner Howell seconded the motion.

by Voice Vote:

ALL: "AYE"

Motion passed 5-0.

9.III. Resolution 2020-04 - Operating Agreement With The YMCA Of West Central Florida, Inc.

[Begin Agenda Memo]

**SYNOPSIS**

The City Commission will consider adopting Resolution 2020-04, approving an Operating Agreement with the YMCA of West Central Florida, Inc. for the provision of recreational facilities and programs.

**RECOMMENDATION**

It is recommended that the City Commission take the following action(s):

1. Adopt Resolution 2020-04.

**BACKGROUND**

The City Commission has expressed interest in a partnership with the YMCA of West Central

Florida, Inc. to enhance public recreational opportunities.

This proposed Operating Agreement will provide the following benefits to the public:

- Reduction of YMCA membership rates by 50% for city residents - The City of Lake Wales will provide a membership rate subsidy of 50% to all in-city residents who are, or become, members of the YMCA. Based on the number of current in-city memberships, the total annual subsidy for the first year of the agreement is \$84,000. The number of in-city memberships will be reviewed annually and the subsidy amount will be adjusted accordingly. The Operating Agreement includes an annual subsidy cap at \$125,000.
- Continued public access to the YMCA's swimming pool - Under the terms of the agreement, the City will continue to pay to the YMCA the sum of \$36,000 annually for public use of the swimming pool. The YMCA agrees to provide the public year-round access to its swimming pool during the following schedule:

Saturday - 10:00 a.m. to 4:00 p.m.

Sunday - 12:00 p.m. to 4:00 p.m.

Tuesday - 11:00 a.m. to 1:00 p.m. and 4:00 p.m. to 7:00 p.m.

Thursday - 11:00 a.m. to 1:00 p.m. and 4:00 p.m. to 7:00 p.m.

- Access to YMCA classes and programs by non-member city residents – The YMCA of West Central Florida, Inc. agrees to offer classes and additional programs to non-member city residents at the discounted YMCA member rates.

Funding for this operating agreement is appropriated in the City's FY'20 operating budget. Included in the budget appropriation is an additional \$25,000 for optional one-time program subsidies, such as a citywide learn to swim program for minors or for 100% membership subsidies.

#### **OTHER OPTIONS**

The City Commission may elect to defer approval of this Operating Agreement and direct staff to renegotiate the key business terms.

#### **FISCAL IMPACT**

The fiscal impact of the agreement for FY'20 is \$120,000 (\$84,000 + \$36,000). \$147,000 is appropriated in the FY'20 operating budget for this purpose (\$120,000 operating agreement + \$27,000 optional subsidies). Future fiscal impacts of the agreement will never exceed \$161,000 in accordance with the terms of the agreement.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **Resolution 2020-04** by title only.

This item is tabled along with item 9.2.

#### 9.IV. Draft City Manager & City Attorney Evaluation Forms

[Begin Agenda Memo]

**SYNOPSIS:** The Commission will discuss the Draft Evaluation Forms

**RECOMMENDATION:**

The Commission can choose to use the form selected by the majority of the Commissioners.

The Commission has asked to discuss issuing a Request for Proposals for Attorney Services. This can be done in conjunction with this item or after the City Manager and City Attorney evaluations are discussed during the 1st meeting in February.

### **BACKGROUND**

The first meeting in February is when the evaluations for the City Manager and City Attorney are scheduled. The Commission has asked to possibly choose a different evaluation form.

### **FISCAL IMPACT**

NONE

### **OTHER OPTIONS**

Continue to use the current form.

[End Agenda Memo]

Sandra Davis, Human Resources Director, reviewed this item.

Ms. Davis said the one from the City of Covington for City Manager was the one everyone liked. Deputy Mayor Robin Gibson liked the Lakeland one for City Attorney. Commissioner Terrye Howell recommended a change to the form. She wanted one of the questions split up for rating.

Mayor Fultz recommended delaying the decision about going out for an RFP for City Attorney services until the evaluation is complete. There was agreement to this suggestion.

Commissioner Curtis Gibson said the delay is fine but he will stand firm about making the recommendation. He said he wanted to clarify that he is not recommending firing the attorney. He said he invites Mr. Galloway to submit a proposal as well. He wants to see what is out there.

Deputy Mayor Robin Gibson asked when the evaluations are due. Ms. Davis said she will get packets to the Commissioners with instructions in a day or two.

#### **10. CITY ATTORNEY**

Albert Galloway, Jr, City Attorney, said he was asked to report any pending or threatened litigation or assessments. He was not aware of any pending litigation regarding Mr. Massey until that meeting.

#### **11. CITY MANAGER**

Kenneth Fields, City Manager, said that he put into the Commissioners boxes information concerning Mr. Massey's case and the property on Wiltshire for the Commissioners to review.

Mr. Fields gave an update on the Polk Regional Water Cooperative and said there will be things coming forward for Commission action regarding the effort to find an alternative water supply.

Mr. Fields reported that the Charter Schools have approached him again about the purchase of the 1919 Hardman School building. The property belongs to the CRA. There is some due diligence that must be done. He hopes a reasonable arrangement must be worked out. He will get back to the Commission about this.

11.I. Tracking Report

11.II. Social Media Tracking Report

11.III. Commission Meeting Calendar

11.IV. Other Meetings And Events

12. CITY COMMISSION COMMENTS

Commissioner Goldstein encouraged unity and that we need to work together. He said we aren't ignoring anyone. At the upcoming workshop he wants input from everyone.

Commissioner Curtis Gibson recommended the Commission members get a City issued phone. This will allow more transparency and public records easier to be accessed. Mayor Fultz said he doesn't want another phone. Jennifer Nanek, City Clerk, said that staff is looking into a service to archive text messages. Commissioner Howell said she doesn't want one but she is fine if other Commissioners want one. Deputy Mayor Robin Gibson said he does not want another phone.

Deputy Mayor Robin Gibson report that the dog park is a good service to our citizens. It is nice and kept clean. Albert Galloway, Jr, City Attorney, said his son raised the money for that dog park as part of his Eagle Scout project.

13. MAYOR COMMENTS

Mayor Fultz thanked everyone for coming and participating.

14. ADJOURNMENT

The meeting was adjourned at 8:32 p.m.

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Mayor/Deputy Mayor

ATTEST:

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City Clerk