

City Commission Meeting Minutes

December 7, 2021

(APPROVED)

12/7/2021 - Minutes

1. INVOCATION

Dr. Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

Mayor Eugene 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: Mayor Eugene Fultz, Terrye Howell, Daniel Williams, Jack Hilligoss, Deputy Mayor Robin Gibson, Jack Hilligoss

Commission Members Absent:

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

5. PROCLAMATIONS AND AWARDS

5.1. PROCLAMATION - General James S. "Hammer" Hartsell

Mayor Fultz presented a Proclamation to General Hartsell

6. COMMENTS AND PETITIONS

Robert Connors, Business owner, said he is the new owner of the LAKEWALESNEWS.NET and said communication is important in our community. It is a part of our identity. The average residency in Lake Wales is 10 years. We have to teach new residents about our City. They will publish diverse voices with a balanced perspective. Lake Wales is moving forward and making progress. Mr. Connors shared some of their goals short and long term including a print edition. Mayor Fultz commended Mr. Connors on the good job he is doing.

Henry Kebabjin, Business Owner, referenced the Seminole Hotel agreement. There are back taxes and other costs that he should not be responsible for. These costs, approximately \$17,000, were not discussed and will cut into his \$50,000 he is getting.

Dorothy Scott Wilson, resident, thanked City Staff for assisting a friend with a grant application for a business. She reported on plans for a Legacy Breakfast and program on Dr. Martin Luther King, Jr. Day.

Danny Kreuger, resident, reported on upcoming events in Lake Ashton.

Ginny Castle, KT Sunshine Foundation, described the history of the organization. They promote safe driving, provide scholarships, they help families with funeral expenses, and support to veterans. On January 7-8 they will host a BBQ competition and festival at Lake Wailes Park. Mayor Fultz expressed support for the organization and event.

Becky Wynkoop, resident, expressed concern about growth in the Lake of the Hills area. She cautioned the city against approving requested variances. She asked that Lake of the Hills residents be consulted about some of this development.

7. CONSENT AGENDA

Deputy Mayor Gibson made a motion to approve the Consent Agenda. Commissioner Howell seconded the motion.

By voice Vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Hilligoss "YES"

Mayor Fultz "YES"

Motion passed 5-0.

7.I. Minutes - Agenda Work Session October 13, 2021, Commission Meeting October 19, 2021

7.II. Agreement - Hoyle Tanner: Water Use Permit Water Supply And Permitting Strategy

[Begin Agenda Memo]

SYNOPSIS:

Southwest Florida Water Management District (SWFWMD) relating to the Water Use Permit review and Land Use Transitions

RECOMMENDATION

It is recommended that the Commission take the following action:

1. Approve Engineering services with Hoyle Tanner & Associates, Inc. for \$27,000.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

The City owns and operates a public, municipal drinking water system serving approximately 29,600 people providing roughly 3 MGD (million gallons per day) including the City and Park Water Company.

The current water source is groundwater from the Upper Floridan aquifer, which is treated by aeration and chlorination at several water treatment facilities. The City's ability to withdraw groundwater from the current source, the Upper Floridan Aquifer, is limited by the City's Water Use Permit (WUP). Besides the withdrawal limits, the WUP contains 24 special conditions requiring, among other things, a regulatory permit review in early 2022 that could result in changes to the limits and other aspects of the WUP. To prepare for this upcoming review, Task Order #2 and Task Order #3 provided a review of these special conditions and the City's compliance as well as the development of a preliminary water supply and permitting strategy for the upcoming review and required reports. Task Order #4 deals with Hoyle Tanner's specific interaction with SWFWMD and the approach that to be taken in preparation for the WUP permit review.

Staff recommends the Commission take the following action, approve entering into a contract with Hoyle Tanner to act on the City's behalf when dealing with the Southwest Florida Water Management District. The specific interaction will be relating to the Water Use Permit review and Land Use Transitions affecting the permitted water use capacity, and authorize the City Manager to execute the appropriate documents, on the City's behalf for \$27,000.00.

OTHER OPTIONS

None. The 2022 WUP Review is a requirement placed in the permit by the Southwest Florida Water Management District. The 2022 review represents the mid-way point for the current 20-yr operating permit.

FISCAL IMPACT

The 2020-21 Utilities M & R budget line item for permitting.

[End Agenda memo]

7.III. Agreement With The YMCA Of West Central Florida (YMCA)

[Begin agenda memo]

SYNOPSIS:

Staff is requesting Commission approval for temporary staffing and management arrangement for administration of the Gymnasium.

RECOMMENDATION

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

1. Approve the Memorandum of Understanding (MOU).
2. Authorize the City Manager to execute the agreement on behalf of the City.

BACKGROUND

The current fiscal year budget reflexes two full time staff to staff and manage the gymnasium. Recently both employees resigned from their positions causing restrains on other City staff to maintain the hours of operation for the gymnasium.

The YMCA has agreed to temporarily help with staffing and managing the Gymnasium until such time that a definitive Management Agreement can be executed. This MOU will terminate on February 1, 2022 or on the date of the execution of the definitive Management Agreement if prior to February 1, 2022.

OTHER OPTIONS

The City Commission may choose not to enter into this agreement and direct staff to assume the responsibility of our own staffing and management services.

FISCAL IMPACT

The monthly fee for this MOU is \$6,750. This rate is comparable to the amount currently budgeted for City Staff.

[End Agenda memo]

7.IV. Asset Valuation Consulting Services

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider entering into an agreement with HCA Asset Management LLC for a comprehensive Capital Asset Inventory and Insurance appraisal for the capital assets owned and reported by the City.

STAFF RECOMMENDATION:

1. Approve an agreement between the City of Lake Wales and HCA Asset Management LLC.
2. Authorize the City Manager to execute the agreement.

BACKGROUND:

The attached agreement is for a comprehensive Capital Asset Inventory, Financial Reconciliation and Asset Verification study for the capital assets owned and reported by the City. The results of the engagement will provide reliable, supportable detail and valuation for the City's assets, as well as an Insurance Appraisal Service to provide current replacement cost estimated for all subject / insured assets under the City's control. The project will be completed within seventy-five days from the execution of the agreement.

FISCAL IMPACT:

The following fees shall be paid to HCA Asset Management LLC: \$ 26,000 for Baseline Fixed Asset Inventory/Reconciliation \$ 5,000 Insurance Appraisal (buildings/structures) \$ 2,000 Policy and Procedure (development assistance)

[End Agenda memo]

7.V. Agreement With ETC Institute To Conduct A Community Survey

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider entering into an agreement with ETC Institute for Community Surveying services.

RECOMMENDATION

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

1. Approve the piggyback agreement with ETC Institute
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf
3. Approve a purchase in the amount of \$22,000

BACKGROUND

The City plans to conduct a citywide Community Conditions Survey in order to assess the current level of service being provided. Previously, the City successfully engaged with ETC Institute to facilitate the Northwest Neighborhood Community Conditions Survey and again as a subconsultant to the Parks & Recreation Master Plan team. ETC Institute will be tasked with:

- Design of the survey & preparation of the sampling plan
- Administration of the survey
- Analysis and issuance of a final report
- Cross-tabulation of the data
- Virtually presenting the findings
- Producing a public facing interactive data dashboard

The survey will target 400 responses with the ability to cross-tabulate the results. ETC will virtually present the findings to the City Commission, provide a detailed final report, and produce an interactive data dashboard that will allow the community to explore the data and drill-down into the results on-demand. The dashboard will include trend analysis, GIS mapping of results, benchmark analysis, priority analysis, and cross-tabular data.

OTHER OPTIONS

The City Commission may direct staff to not move forward with ETC Institute and pursue other community surveying options.

FISCAL IMPACT

ETC will be compensated a fixed fee of \$22,000. The FY'22 budget appropriated \$22,000 within the City Manager's Office for this project.

[End Agenda Memo]

7.VI. Law Enforcement Vehicle Purchases

[Begin Agenda Memo]

SYNOPSIS:

Staff is requesting Commission approval to lease purchase one (1) additional police vehicle from

Ford Credit's Municipal Lease Plan

RECOMMENDATION

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

1. Approve the sixty (60) month lease-purchase of one (1) additional fully equipped 2021 Ford Police Interceptor vehicle from Bartow Ford based upon Florida Sheriff's Association Fleet competitive bid pricing.
2. Authorize the City Manager to execute the necessary documents on behalf of the City
3. Authorize a budget amendment for \$4,659.61.

BACKGROUND

On November 30, 2021, a distracted driver crashed into the rear of a police department vehicle, damaging it beyond repair. Although the City will pursue reimbursement from the at fault driver's insurance, the department must replace this vehicle as soon as possible. In October, the City Commission approved the lease/purchase of seven (7) police vehicles from Bartow Ford. Bartow Ford has agreed to add the cost of a replacement vehicle into the existing lease agreement.

- The fully equipped 2021 Ford Interceptor police vehicle can be lease-purchased using the Florida Sheriff's Association competitive bid pricing. The capital cost of this vehicle, if purchased outright, would be \$42,849.00.
- Ford Credit Municipal Finance's proposal has an APR of 4.4% over the sixty (60) month term with a one (\$1.00) dollar residual buyout per vehicle at the end of the lease.
- Under the Ford Credit Municipal Finance Agreement, the additional vehicle will increase the annual lease payment from \$66,362.99 to \$75,682.22 and the overall lease cost from \$331,814.95 to \$378,431.10 at the end of 60 months.

OTHER OPTIONS

- 1) Purchase the additional police vehicle outright at a cost of \$42,849.0

FISCAL IMPACT

The FY21/22 lease obligation of \$37,841.11 (6 months) provided by Ford Credit is based upon a lease-purchase option for public safety vehicles.

If the City Commission approves the vehicle lease agreement, the City is committed to a yearly lease payment of \$75,682.22 for the sixty (60) month lease. If revenues are insufficient in future years, the City has the option to return the vehicles under the non-appropriation of funds clause. If it becomes necessary to exercise this option the Police Department would suffer the loss of the vehicles.

[End Agenda Memo]

7.VII. Special Event Permit Application - KT's Sunshine Foundation Annual Event January 7-8, 2022

[Begin Agenda Memo]

SYNOPSIS:

Approval of this request will allow the KT's Sunshine Foundation to hold the KT's Sunshine Foundation Annual event in Lake Wailes Park on Friday, January 7 and Saturday, January 8, 2022, allow a designated area for alcohol sales, and allow the set up to begin on Thursday, January 6, 2022

SUBJECT:

KT's Sunshine Foundation Application to sponsor KT's Sunshine Foundation Annual Event January 7 – January 8, 2022 Special Event Permit Application Foundation Annual event in Lake Wailes Park on Friday, January 7 and Saturday, January 8, 2022, allow a designated area for alcohol sales, and allow the set up to begin on Thursday, January 6, 2022.

RECOMMENDATION

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

1. Approve the Special Event Permit Application from KT's Sunshine Foundation to hold an "KT's Sunshine Foundation Annual event" which includes a BBQ Competition in Lake Wailes Park January 7 and 8, 2022 with set up beginning on Thursday, January 6, 2022
2. Approve the hours as follows:
 - Thursday, January 6, 2022 - Begin set up at 12:00 p.m.
 - Friday, January 7, 2022 – The event will be open to the public at 4:00 p.m. and end at 10:00 p.m.
 - Saturday, January 8, 2022 - The hours will be 10:00 a.m.–10:00p.m.
 - Sunday January 9th and Monday January 10th - Clean up and removal of tents and booths will take place
3. Approve the request from the KT's Sunshine Foundation to have alcohol sales and consumption in a designated area in the Park on both Friday and Saturday.
4. Approve the request for RV's to set up in the areas approved and designated by City staff beginning on Thursday night.

BACKGROUND

The KT's Sunshine Foundation submitted a Special Event Permit Application to hold its "KT's Sunshine Foundation Annual event" a BBQ competition, music festival and winter festival in Lake Wailes Park.

The event has been approved by staff with the following stipulations:

- The RV's will be parked in the designated area only.
- The designated parking area for the public must be clearly identified on site.
- No vehicles shall be parked within 15 feet of the trunk of any trees within the park. No vehicles shall drive or park on the bike path or cross the bike path
- The KT's Sunshine Foundation is responsible for ensuring that the vendors and artists bringing in RV's adhere to the conditions for parking.

- Sanitary facilities and dumpsters are the responsibility of the sponsor. A separate dumpster will be required for disposal of ash by the vendors.
- Tent permits are required in advance by the sponsor and can be obtained from the City's Planning Department so that inspections can be completed by the Fire Marshall during set up times.
- The alcohol permit application must be completed by the sponsor and submitted to the Planning Department for review and approval before submitting to the Department of Alcohol Beverage & Tobacco. Once the final permit is obtained, a copy must be provided to the City no later than January 3, 2022.
- The required Certificate of Liability Insurance with an alcohol insurance rider has been received by the City.
- In-Kind Services will be provided by the City's Field Operations Divisions for clean up services on Saturday and Sunday and costs associated with these services will be paid by the sponsor at 100%. Off- duty officers from the Lake Wales Police Department will be hired by the sponsor for security purposes.

OTHER OPTIONS

Do not approve the event

FISCAL IMPACT

This BBQ event is not part of the 2021-2022 budget. Costs will be reimbursed 100% by the sponsor. Off-duty officers from the Lake Wales Police Department will be hired for security and will be paid by the sponsor.

[End Agenda Memo]

8. OLD BUSINESS

8.1. ORDINANCE 2021-14 Chapter 14 Code Of Ordinances Amendment Mobile Car Wash/Auto Detail Business Regulations 2nd Reading - PUBLIC HEARING

[Begin Agenda Memo]

SYNOPSIS: Ordinance 2021-14 proposes an amendment to Chapter 14 – Licenses and Business Regulations, Lake Wales Code of Ordinances. This amendment is necessary to address specific concerns of the community, and to better-regulate mobile auto detailing businesses in Lake Wales.

RECOMMENDATION

Staff recommends approval at second reading of Ordinance 2021-14, following a public hearing.

BACKGROUND

Both the Code Compliance Division and the Police Department have recognized an increased volume of calls and complaints regarding disruptive mobile car washing practices in the City. In order to reduce certain impacts of this service type on neighborhoods and businesses, the intent of Article VIII Mobile Car Wash/Auto Detail Businesses is to provide specific guidance on lawfully conducting a mobile detailing business within the City.

On June 15, 2021, this request was brought before the City Commission for consideration. Based on feedback provided at the meeting from mobile car wash vendors, the request was tabled. Since that time, staff has held several meetings with mobile car wash vendors. The purpose of these meetings was to obtain feedback and review subsequent drafts of the revised ordinance. The attached ordinance represents the 7th draft of the proposed regulations.

The new ordinance, which has been reduced in scope from 13 to 9 sections, now addresses only the following items:

- Licensing
- Listing of Unlawful activities
- Vehicle Registration
- Documentation Requirements
- Signage
- Time Limits
- Location Restrictions
- Enforcement and Penalties

Items removed from the previous draft of the ordinance include the following:

- License Fee
- Display of License & Business Information
- Decal Requirement for Vendors
- Property Owner Authorization
- Impoundment Provisions

Additionally, the revised ordinance increases the amount of time that a mobile vendor may be on a site from 3 to 4 hours, modifies the hours of operation to be consistent with the City's Noise Ordinance provisions, and clarifies the enforcement provisions by listing specific penalties for each offense.

Based on the feedback from mobile car wash vendors, the revised ordinance addresses their concerns, while still accomplishing the goal of protecting the public interest by providing safeguards to protect residents.

On November 16, 2021, the City Commission approved Ordinance 2021-14 on first reading.

OTHER OPTIONS

Decline to amend Chapter 14.

FISCAL IMPACT

None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-14** by title only.

ORDINANCE 2021-14

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 14, AMENDING ARTICLE VIII. MOBILE CAR WASH/AUTO DETAIL BUSINESSES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2021-14** after 2nd reading and public hearing. Deputy Mayor Gibson seconded the motion.

By roll call Vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Hilligoss "YES"

Mayor Fultz "YES"

Motion passed 5-0.

- 8.II. Future Land Use & Zoning For 9.937 Acres Of Land Southwest Of Belleview Drive, And West Of 11th Street

[Begin Agenda Memo]

SYNOPSIS: Belleview Drive LLC, owner, requests approval of City Commission to amend the Zoning Map, and the Future Land Use Map of the Comprehensive Plan to the above-mentioned parcel totaling approximately 10 acres of land.

RECOMMENDATION

Adoption at second reading, following a public hearing, to re-assign the following land use and zoning designations, as recommended by the Planning and Zoning Board at a regular meeting on October 26, 2021:

Current Land Use: County Residential Suburban/Southeast SAP Current Zoning: County RSX

Proposed Land Use: LDR Proposed Zoning: R-1B

This was approved by City Commission at first reading on November 16, 2021.

BACKGROUND

The subject property is located at the northeast corner of Grove Road #3 and GR Road/9th Street South, just west of 11th Street. The property owner petitioned annexation into the corporate city limits of Lake Wales on August 26, 2021 and was officially annexed on October 5, 2021. The next step in the process is to assign Land Use and Zoning.

This parcel will become part of a larger residential development.

A Future Land Use Designation of LDR – Low Density Residential at 5 units per gross acre, and a Zoning designation of R-1B is compatible with the surrounding area and will complement the built environment.

CODE REFERENCES AND REVIEW CRITERIA

The City Commission assigns future Land Use and zoning designations by ordinances upon a recommendation from the Planning & Zoning Board. The adopted ordinance is transmitted to the state's Department of Economic Opportunity (DEO) for review. The DEO reviews the designations as appropriate with reference to the City's Comprehensive Plan.

FISCAL IMPACT

Re-assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

- 8.II.i. ORDINANCE D2021-18 - CPA/Future Land Use Map Amendment For Approximately 10 Acres Of Land Southwest Of Belleview Drive And West Of 11th Street - 2nd Reading And Public Hearing

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-18** by title only

ORDINANCE D2021-18

(CPA/Future Land Use Map Amendment for approximately 10 acres of land southwest of Belleview Drive and west of 11th Street)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON APPROXIMATELY 10 ACRES OF LAND LOCATED SOUTHWEST OF BELLEVIEW DRIVE AND WEST OF 11TH STREET, FROM COUNTY DESIGNATION RESIDENTIAL SUBURBAN/SOUTHEAST SAP, TO CITY OF LAKE WALES DESIGNATION LDR LOW-DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE D2021-18** after 2nd reading and public hearing. Deputy Mayor Gibson seconded the motion.

By roll call Vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Hilligoss "YES"

Mayor Fultz "YES"

Motion passed 5-0.

- 8.II.II. ORDINANCE D2021-19 Zoning Map Amendment For Approximately 10 Acres Of Land Southwest Of Belleview Drive And West Of 11th Street - 2nd Reading And Public Hearing

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-19** by title only.

ORDINANCE D2021-19

(Zoning Map Amendment for approximately 10 acres of land southwest of Belleview Drive and west of 11th Street)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE LAND USE DESIGNATIONS ON APPROXIMATELY 10 ACRES OF LAND LOCATED SOUTHWEST OF BELLEVIEW DRIVE AND WEST OF 11TH STREET, FROM COUNTY DESIGNATION RESIDENTIAL SUBURBAN/SOUTHEAST SAP, TO CITY OF LAKE WALES DESIGNATION R-1B RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE D2021-19** after 2nd reading and public hearing. Deputy Mayor Gibson seconded the motion.

By roll call Vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Hilligoss "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9. NEW BUSINESS

- 9.I. RESOLUTION 2021-26 Concerning Settlement Of The Seminole Hotel Foreclosure Litigation

[Begin Agenda memo]

Synopsis: Resolution 2021-26 has been prepared seeking approval of the Mediated Settlement Agreement reached between the City of Lake Wales as Plaintiff and Harout "Henry" Kebabjian, the current owner of the Seminole Hotel, as Defendant.

Recommendation: That the City Commission approve the adoption of Resolution 2021-26 approving the Mediated Settlement Agreement.

Background: The Seminole Hotel has been the subject of ongoing Code Enforcement activity which began in late 2017. Foreclosure of the City's Code Enforcement Liens was authorized by the Code Enforcement Board. Despite the City's enforcement actions, Mr. Kebabjian bought the property and requested the City to forgive the Liens. The City declined to do so. The foreclosure has proceeded for many months and has been vigorously defended. Court ordered Mediation was held on Friday, November 12, 2021, and a settlement was reached. The settlement, if approved, will conclude the litigation and allow the City to take title to the property.

Fiscal impact: The City will pay the sum of \$50,000.00 in full and final settlement. Additional costs are \$325.00 for documentary stamps on the Deed; recording fee for the Deed of \$23.75; and \$582.50 for the Owner's Policy of Title Insurance.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2021-26** by title only.

RESOLUTION 2021-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA; APPROVING A MEDIATED SETTLEMENT AGREEMENT CONCERNING THE FORECLOSURE OF THE PROPERTY COMMONLY KNOWN AS THE SEMINOLE HOTEL; AUTHORIZING THE PAYMENT OF FUNDS IN FULL AND FINAL SETTLEMENT OF THE LITIGATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Albert Galloway, Jr., City Attorney, reviewed this item and recommended the Commission approve this.

Commissioner Williams asked about the the costs Mr. Kebabjin mentioned. Mr. Galloway explained that those are back taxes and other costs that the City is not responsible for. The agreement is legally enforceable.

Commissioner Howell made a motion to adopt **RESOLUTION 2021-26**. Commissioner Williams seconded the motion.

By roll call Vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Hilligoss "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.II. Resolution 2021-27 - Land Donation, Perpetual Easement

[Begin Agenda Memo]

SYNOPSIS:

Land Donation, Perpetual Easement and Resolution 2021-27 for the installation of drainage infrastructure to alleviate flooding at the entrance of Lake Wales History Museum

RECOMMENDATION

It is recommended that the Commission take the following action:

1. Adopt Resolution 2021-27
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

BACKGROUND

Early in 2021, City staff reached out to several Florida Department of Transportation (FDOT) representatives to discuss the problem of water puddling at the entrance to the Museum. City staff provided maps of current infrastructure in the area at FDOT's request, to see if existing infrastructure could be used to fix the flooding problem. SR 17 is a State Road, and it was quickly determined that there was not enough right-of-way for FDOT to come in and just install additional piping. After several meetings to discuss possible resolutions to the flooding problem, FDOT came back with two alternatives. Both were going to require the installation of additional infrastructure with no right-of-way. FDOT researched and discovered that the City owned a piece of property that could be utilized, through the use of an easement, to help facilitate the installation of additional piping and larger catch basins to capture and dispose of the water from high rain events. FDOT would be covering the cost of construction in exchange for the City proving the easement for pipe installation.

Staff recommends the Commission take the following action, approve and authorize the Mayor to execute the appropriate documents, on the City's behalf.

OTHER OPTIONS

Chose not to approve the attached documents and continue to have the flooding issue at the entrance of the Museum for lack of appropriate right-of-way to install the infrastructure needed.

FISCAL IMPACT

No fiscal impact to the City. The easement is to help facilitate the installation of drainage infrastructure to alleviate the water puddling at the entrance to the Lake Wales History Museum.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2021-27** by title only.

RESOLUTION 2021-27

Commissioner Howell made a motion to adopt **RESOLUTION 2021-27**. Commissioner Hilligoss seconded the motion.

By Roll call Vote:

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.III. Resolution 2021-28, Financial Advisory Service Agreement With Ford & Associates, Inc.

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider approving Resolution 2021-28, Financial Advisory Service Agreement with Ford & Associates, Inc.

STAFF RECOMMENDATION:

1. Approve Resolution 2021-28, authorizing an agreement between the City of Lake Wales and Ford & Associates, Inc. for financial advisory services.
2. Authorize the City Manager to execute the agreement.

BACKGROUND:

The attached financial advisory agreement is for a five (5) year term with the option to renew for two (2) additional one-year periods, unless canceled in writing by either party upon sixty (60) days written notice to the other party.

Ford & Associates, Inc. shall provide, upon request of the Client, services related debt issuance evaluations, review of financial information relating to debt repayment, changes in the debt market, new law compliance requirements, negotiation of debt issuance, and provide assistance in responding to questions from bidders, underwriters or potential investors.

FISCAL IMPACT:

The following fees shall be paid to the Municipal Advisor for professional activities involving the structuring and sale of long-term, fixed-rate debt offered at competitive sale, negotiated sale, through bank loans, or through direct placement:

\$ 1.50/\$1,000 for proceeds up to \$50,000,000

\$ 0.75/\$1,000 for proceeds over \$50,000,000

These fees are due and payable only upon the completion of a transaction.

Fees for publicly offered transactions offered at competitive or negotiated sale are subject to a minimum fee of \$25,000 plus reasonable expenses for the initial transaction and a minimum of \$30,000 plus reasonable expenses for subsequent transactions. Fees for bank loans or direct placements are subject to a minimum fee of \$25,000 per issue plus reasonable expenses. All such above fees apply to any transaction-related services or activities performed by Municipal Advisor within 120 days of

closing of the related transaction. Any services or activities related to a transaction that is performed more than 120 days prior to closing shall be billed at the hourly rates shown in Section 6.E.

In the event that the City chooses not to complete a financing, the Municipal Advisor shall be compensated for the services or activities provided by the Municipal Advisor based on hourly fees in accordance with the schedule contained in 6. E.

Separate additional fees shall apply for issues of extraordinary complexity, including, but not limited to, charter school financing, variable-rate debt, derivative instruments, and public-private partnerships. Such additional fees must be specified and agreed to in writing by both the City and Municipal Advisor prior to the provision of such services.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2021-28** by title only.

RESOLUTION 2021-28

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY AN AGREEMENT BETWEEN THE CITY OF LAKE WALES AND FORD & ASSOCIATES, INC. FOR FINANCIAL ADVISORY SERVICES.

Dorothy Abbott, Finance Director, reviewed this item.

Deputy Mayor Gibson asked to confirm that these companies would not be biased. Ms. Abbott confirmed this.

Deputy Mayor Gibson made a motion to adopt **RESOLUTION 2021-28**. Commissioner Howell seconded the motion.

By Roll call Vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, said that he will move forward with the Seminole Hotel agreement by getting a check to the attorney. The City cannot accept the deed without a clear title.

11. CITY MANAGER

James Slaton, City Manager, reported on Make it Magical this Friday night. LakeNight Cinema is Saturday after the parade.

Mr. Slaton reported that Duke Energy has completed replacing streetlights with LED fixtures. They will now

see where more lighting is needed. There are areas that are really dark.

11.I. Tracking Report

Mr. Slaton reported that we had two bid openings recently, one for the Park Avenue Trail and for the roof on the Austin Center.

11.II. Commission Meeting Calendar

There will be a growth and management workshop on Friday at 3:00 p.m.

12. CITY COMMISSION COMMENTS

Commissioner Hillgoss reported on attending the Chamber luncheon and the Police giveaway event at Dunkin Donuts today.

Commissioner Williams thanked City staff for assisting Dorothy Wilson's friend's need.

Commissioner Williams asked if the Lake of the Hills issues will be discussed Friday. Mr. Slaton said they will try to get information together.

Deputy Mayor Gibson said the City will have to be on its toes as a lot of construction is going on. Our bids need careful review by staff.

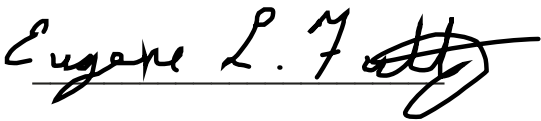
Deputy Mayor Gibson said he is looking forward to the discussion on growth Friday.

13. MAYOR COMMENTS

Mayor Fultz said the discussion Friday will be good. We want to be sure the growth benefits the City. He encouraged staff to keep their eyes on the ball. We need to be ready for what comes our way.

14. ADJOURNMENT

The meeting was adjourned at 7:05 p.m.



Mayor

ATTEST:

City Clerk