

## City Commission Meeting Minutes

December 6, 2022

(APPROVED)

12/6/2022 - Minutes

### 1. INVOCATION

Rev JJ Pierce gave the invocation.

### 2. PLEDGE OF ALLEGIANCE

### 3. CALL TO ORDER

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

### 4. ROLL CALL

**Members Present:** Mayor Jack Hilligoss, Robin Gibson, Terrye Howell, Daniel Williams, Danny Krueger

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

### 5. COMMENTS AND PETITIONS

Juanita Zwaryczuk, resident, spoke against proposed changes to Comments and Petitions.

Bud Colburn, resident and member of the Code Enforcement Board, spoke of the need for hazardous waste disposal options in Lake Wales.

Ben Wiles, resident, shared concern about schools. There are not enough spaces in our schools for Lake Wales students. He is concerned about the quality of our existing school system.

Antonio Ancaya, resident, spoke on the need for economic development. We need more businesses in Lake Wales and encourage small businesses.

### 6. CITY CLERK

#### 6.I. Appointment To Fill A Vacancy On The Tree Advisory Board

[Begin Agenda Memo]

**SYNOPSIS:** Appointment to fill a vacancy on the Tree Advisory Board

**RECOMMENDATION** Staff recommends that the Mayor and Commission make the following appointments as deemed appropriate.

1. Appoint Susan Webb to the Tree Advisory Board to a new term to expire July 1, 2023

**BACKGROUND** On April 7th 2022 the City Commission approved the creation of the Tree Advisory

Board. The Mayor makes appointments to various citizen advisory and regulatory boards, commissions, committees, and authorities with the advice and consent of the City Commission (City Charter, Sec. 3.06).

**Tree Advisory Board** (City Code Sec. 2-201) – The board consists of five (5) voting member. A majority of the members must reside or own property within the City limits. 1 member shall be a current or retired professional arborist, landscape architect or landscape planner. One member shall be a current or retired real estate investor, developer or equivalent. Terms are 3 years but the first appointments must be staggered.

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 Vacancy

Current Members: Preston Troutman 8/2/2022 - 7/1/2025 1

Mandy Cilliers 8/2/2022 -7/1/2025 1

Robert Connors 8/2/2022 - 7/1/2024 P

David Price 8/2/2022 – 7/1/2024 P

The Tree Advisory Board recommended the appointment of Susan Webb.

Applying for Appointment: Susan Webb for a term that expires 7/1/2023 Ben Wiles for a term that expires 7/1/2023

**OPTIONS** Do not appoint those that have applied.

**FISCAL IMPACT** None. These are volunteer boards.

[End Agenda Memo]

Susan Webb shared about her background and interest in serving on the board.

Mayor Hilligoss appointed Susan Webb to serve on the Tree Advisory Board for a term that expires on July 1, 2023.

Deputy Mayor Gibson made a motion to approve the appointment. Commissioner Williams seconded the motion.

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Commissioner Howell "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

## 7. CONSENT AGENDA

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

by voice vote

Commissioner Williams "YES"

Commissioner Howell "YES"

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

### 7.I. Minutes - November 15 And November 30, 2022

### 7.II. Professional Engineering Services Agreement With Hoyle, Tanner And Associates, Inc.

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider approving an agreement with Hoyle, Tanner and Associates, Inc. for professional engineering services pertaining to the engineering construction of an aviation fuel farm at the Lake Wales Municipal Airport.

#### **RECOMMENDATION**

1. Authorize the mayor to execute an agreement with Hoyle, Tanner and Associates, Inc. in the amount of \$25,000.00 for professional engineering services for the construction phase of an aviation fuel farm at the Lake Wales Municipal Airport.

**BACKGROUND** At the regular commission meeting on February 15, 2022 the Commission approved Resolution 2022-02, accepting a transportation grant from the Florida Department of Transportation (FDOT) for the design, bid and construction of an aviation fuel farm at the Lake Wales Municipal Airport. The commission also authorized the mayor to execute an agreement with Hoyle, Tanner & Associates, Inc. for professional engineering services pertaining to the design and bid for the project.

Approval of this agreement with Hoyle, Tanner and Associates, Inc. will accomplish the engineering services for the construction phase of the project.

**OTHER OPTIONS** The City Commission has accepted funding from the Florida Department of Transportation (FDOT) for the design, bid and construction of this project.

**FISCAL IMPACT** This project is funded 100% by the Florida Department of Transportation.

[End Agenda Memo]

### 7.III. EPA Brownfields Grant

[Begin Agenda Memo]

**SYNOPSIS:** The purpose of this memorandum is to notify the City Commission of the submittal of an Environmental Protection Agency (EPA) Brownfields Grant in the amount of \$500,000.

**RECOMMENDATION** Authorize submittal of grant application to remain intact.

**BACKGROUND** A brownfield site is defined in CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) § 101(39) as real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of hazardous substances, pollutants, contaminants, controlled substances, petroleum or petroleum products, or is mine-scarred land.

Due to multiple potential brownfields sites located in the City of Lake Wales, staff is seeking funds to assess, clean, and redevelop these blighted areas. On September 8, 2021, City Commission approved Cardno (known also as Stantec) as the City's Brownfields Consultant. Cardno prepared the application on behalf of City for a charge of \$3,500. The City successfully submitted their application for consideration prior to the due date of November 22, 2022.

**FISCAL IMPACT** None – No matching funds are required for this grant.

**OTHER OPTIONS** Advise staff to rescind application.

[End Agenda Memo]

7.IV. Award Of Bid To Mid-Florida Diesel For Generator Repair, Preventative Maintenance, And Load Bank Testing

[Begin Agenda Memo]

**SYNOPSIS:** Award of bid to Mid-Florida Diesel for the generator maintenance annual contract.

**STAFF RECOMMENDATION** Staff recommends the City Commission take the following action:

1. Award the bid to Mid-Florida Diesel for the annual contract for repair, preventative maintenance and load bank testing of all the city's portable and stationary generators.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf in regards to this annual contract.

**BACKGROUND** City staff issued an Invitation to Bid (ITB) #22-514R for Generator Repair, preventative maintenance and load bank testing on October 10, 2022. Proposals were due on October 31, 2022, to which three interested parties submitted sealed bids. Items staff took into consideration, as main factors during the review process, were cost, response time, and parts mark-up. Of the three bids, Mid-Florida Diesel located in Bartow, Florida, is the lowest responsive bidder.

Staff is recommending the City Commission approve the award of bid to Mid-Florida Diesel for the generator maintenance annual contract. The contract will be effective from the date of commission approval with an expiration date of September 30, 2023, with the option to extend contract terms for two additional one-year periods. Additionally, staff recommends the City Commission authorized the City Manager to execute the contract.

**OPTIONS** None. Preventative maintenance is necessary for the varied sized generators that operate city facilities in the event of emergencies.

**FISCAL IMPACT** Monies for generator maintenance are budgeted in the FY '22-'23 operating budgets from the various departments for which these generators service (water, wastewater, fire, and police).

[End Agenda Memo]

7.V. Eagle Ridge Mall Area Force Main Cleaning

[Begin Agenda Memo]

**SYNOPSIS:** Staff is recommending the approval to expend funds for \$78,729.72 for the force main cleaning services provided by Professional Piping Services.

**STAFF RECOMMENDATION** Staff recommends the City Commission consider taking the following action:

1. Approve the expenditure of funds for \$78,729.72 for force main cleaning performed by Professional Piping Inc.

**BACKGROUND** The Eagle Ridge Mall Force Main, which includes Chalet Suzanne, Dinner Lake, Lake Ashton and Harding Avenue, requires cleaning due to the distance this line has to travel to reach the wastewater treatment plant and the low flow conditions that exist during non-peak hours. Sediment such as sand, plastics, grease and paper tend to settle to the bottom of the pipe due to the low velocities of the liquid pushing the sediment. As a result, the force main could clog, crippling the collections system for the Northern service area. The method proposed for the cleaning of these sections of force main is called the progressive poly pig procedure. Each time staff has gone out to bid for these services, the amount of responsive bidders has been less each year. A piggyback agreement that had already been bided out by Pinellas County is in force. In addition, Professional Piping Services (PPS) has performed this cleaning for the past several years. Staff has been satisfied with both the performance and the reports submitted, which are a required component of this contract. Staff is recommending the City Commission approve the expenditure of funds for \$78,729.72 to Professional Piping Inc. for the cleaning of the Eagle Ridge Mall area Force Main which include Chalet Suzanne, Dinner Lake, Lake Ashton and Harding Avenue.

**OTHER OPTION** None. Without this required annual cleaning, the force main would become plugged and become inoperable. This in turn would cut off the sewer service for the business and residential service area.

**FISCAL IMPACT** \$200,000.00 is budgeted in the Wastewater Division's FY '22-'23 M & R Lines and Mains Operating Budget for this purpose.

[End Agenda Memo]

7.VI. Award Of Bid For Lab Services To Pace Analytical Services, LLC And Advanced Environmental Laboratories.

[Begin Agenda Memo]

**SYNOPSIS:** Staff recommends commission approve the award of bid for the lab services annual contract to Pace Analytical Services, LLC and Advanced Environmental Laboratories.

**STAFF RECOMMENDATION** Staff recommends the City Commission consider taking the following action:

1. Approve the Award of Bid for Laboratory Services to Pace Analytical Services, LLC.
2. Approve the Award of Bid for Laboratory Services to Advanced Environmental Laboratories.
3. Authorize the City Manager to execute the appropriate documents, on the City's behalf in regards to

this service.

**BACKGROUND** The City of Lake Wales' Water and Wastewater Divisions are required by the Department of Environmental Protection and the Florida Department of Environmental Regulation to routinely monitor and sample the water and solid residuals throughout the various stages of their respective treatment processes. Additionally, as a new requirement, Staff has requested sample pricing for Surface Water testing to determine lake water quality. The samples are required to be submitted to a laboratory certified by the State of Florida for analysis and reporting purposes. This process ensures that proper treatment is taking place and that compliance parameters are being satisfied. The water and wastewater division has a schedule of samples due annually and a group of samples that are due on a three-year cycle. Staff posted a request for bid for laboratory services on October 18, 2022 with a bid open date of November 21, 2022. There were two responsive bidders. During the review of the bid submittals, Staff recognized that Pace Analytical offered a \$10,000 saving for water sampling, while Advanced Environmental Laboratories offered a \$12,000 savings for wastewater sampling. This resulted in staff electing to utilize both labs for sampling.

Staff is recommending the City Commission take the following action; approve the award of bid for lab services to Pace Analytical Services, LLC and Advanced Environmental Laboratories, and to authorize the City Manager to execute the appropriate documents associated with the award of these contracts.

**OPTIONS** None. This testing is a requirement per the Florida Department of Environmental Protection and Department of Environmental Regulation.

**FISCAL IMPACT** Both water and wastewater have need to use lab services. Both divisions have budgeted monies in its respective budgets to cover the cost of testing in the FY '22-'23 budget year.

[End Agenda Memo]

#### 7.VII. Dewberry Ongoing Modeling Support

[Begin Agenda memo]

**SYNOPSIS:** Staff is requesting approval to enter into an on-going modeling support task order agreement with Dewberry Engineers, Inc. for \$31,450.00.

**STAFF RECOMMENDATION** Staff recommends the City Commission consider taking the following action:

1. Approve entering into an on-going modeling support task order agreement with Dewberry Engineers, Inc. for \$31,450.00.
2. Authorize the City Manager to execute the appropriate documents associated with this task order.

**BACKGROUND** Water modeling is a technique used to digitally-simulate the water distribution system. It helps staff to understand a range of characteristics associated with the distribution network. This includes pressure management, quality of the supply, and the equation between demand and supply. The water model should tell how the location of a distribution system would affect its efficiency, fail-safeness, and operating life. The model evaluates how all the pipes, hoses, and tubes are connected with each other and the main reservoir determining the flow and retention at different inlets and outlets.

Because of the volume of development being submitted for review, the decision to require the developer to upgrade the utilities is always in question. Dewberry's on-going modeling support, will allow City staff to be able to make a more informed decision on what upgrades will be required as new development is being considered. Staff is recommending the City Commission approve the expenditure of funds for \$31,450.00 to Dewberry Engineers, Inc. for the performance of ongoing modeling. Staff also recommends the City Commission authorize the City Manager to execute the appropriate documents

associated with this task order. Dewberry's services will be used as new development comes in for review. This cost assumes five model reviews at approximately \$6,290.00 per review.

**OTHER OPTION** The City Commission could chose not to approve the ongoing modeling task order. Choosing not to approve the ongoing modeling task order will leave staff at a disadvantage when determining whether utility upgrades are necessary for new development.

**FISCAL IMPACT** Funds are budgeted in the Water Division's FY '22-'23 Professional Services-Engineering Operating Budget for this purpose.

[End Agenda Memo]

7.VIII. Special Event Permit - Christmas Cinema With Santa December 17, 2022

[Begin Agenda memo]

**SYNOPSIS** This is a request from the City of Lake Wales Recreation Department to host a Christmas Cinema with Santa event on December 17, 2022 to include closing Lakeshore Blvd from Orange Ave to Park Ave and Park Avenue from Lakeshore to 3rd Street.

**RECOMMENDATION** Staff recommends

1. That the City Commission approve the permit request to hold Christmas Cinema with Santa on Friday December 17, 2022 from 4pm -8pm.
2. That the City Commission approve the closing of Lakeshore Blvd from Orange Ave to Park Ave and Park Avenue from Lakeshore to 3rd Street from 3pm -8pm.

**BACKGROUND** City of Lake Wales Recreation has applied to host a Christmas Cinema Event on December 17, 2022. The event will include the opening of the Park Avenue Connector Trail. The event will involve closing Lakeshore Blvd from Orange Ave to Park Ave and Park Avenue from Lakeshore to 3rd Street from 3:00 p.m. – 8:00 p.m.

**OTHER OPTIONS** Do not approve the Special Event Permit.

**FISCAL IMPACT** None.

[End Agenda Memo]

7.IX. 2023 Lake Wales Mardi Gras Celebration, Parade And 5K Run. Special Event Permit Application, Temporary Street Closings

**SYNOPSIS:** Approval of the Special Event Permit Application for the Lake Wales Mardi Gras Celebration, Parade and 5K Run on Friday and Saturday, February 17-18, 2023.

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

- Approve the Special Event Permit application for the 2023 Lake Wales Mardi Gras Celebration to take place on Friday evening, February 17, 2023 from 5:00 p.m. until 11:00 p.m. and on Saturday, February 18, 2023 from 11:00 a.m. until 11:00 p.m. in Lake Wailes Park with set-up beginning 8:00 a.m. on Thursday February 16, 2023.
- Approve the serving of alcohol in Lake Wailes Park during the Mardi Gras Event.
- Approve the Mardi Gras 5K Run to be held on Friday evening, February 17, 2023 from 6:00 p.m. to

8:00 p.m. which will only be on Lake Wailes Trail.

- Approve the temporary street closings on Saturday, February 26, 2023 between the hours of 2:00 p.m. and 5:00 p.m. for the Mardi Gras parade. Lineup will be on First Street north of Park Avenue. Parade will start on Park Avenue and go to Scenic HWY then South to Stuart Avenue. Stuart Avenue to First Street, First Street to Central Avenue Central Avenue east to Lake Shore Blvd. then to Lake Wailes Park where parade will end. - Approve the temporary closing of North First Street at 11:30 a.m. on Saturday February 26nd for parade line-up.

**BACKGROUND** Joshua Curchy, President of the Lake Wales Mardi Gras, has submitted a Special Event Permit Application for the 2023 Lake Wales Mardi Gras Celebration, Parade and 5K Run to be held Friday, February 17, 2023 and Saturday, February 18, 2023 in Lake Wailes Park. This application includes a request to hold a 5K Run on Friday night from 6:00 p.m. to 8:00 p.m. and for the temporary closing of several streets in the downtown area for the parade.

The events of Mardi Gras such as the food, vendors, children's activities and alcohol will take place in Lake Wailes Park this year. The parade will go through downtown streets. Activities for the 2023 Lake Wales Mardi Gras are proposed as follows:

1. Friday evening, February 17, 2023, 5:00 p.m. to 11:00 p.m. - food and craft vendors, alcohol and musical entertainment will be in Lake Wailes Park. Set up would begin on Thursday, February 16, 2023 at 8:00 a.m.
2. Friday evening, February 17, 2023, 6:00 p.m. to 8:00 p.m. – 5K Run beginning at the Basketball Court in Lake Wailes Park. The route goes along Lake Wailes Trail
3. Saturday, February 18, 2023 - the activities will continue in Lake Wailes Park beginning at 11:00 a.m. with craft and food vendors. Kids' activities, musical entertainment and alcohol sales will take place in Lake Wailes Park. These activities will conclude at 11:00 p.m.
4. Saturday, February 18, 2023 - the Mardi Gras Parade will begin at 3:00 p.m. which will line up and start on First Street, North from Park Avenue and make its way through the downtown area concluding at Lake Wailes Park at approximately 5:00 p.m.

The parade route involves the following streets:

First Street to Park Avenue, Park Avenue to Scenic Highway, Scenic HWY to Stuart Avenue, Stuart Avenue to First Street, First Street to Central Avenue, Central Avenue east to Lake Shore Blvd. then to Lake Wailes Park where parade will end.

The Police Department, VOICE and the Streets Department will coordinate control of vehicular and pedestrian traffic for the parade. The Streets Department will handle all street closings. Trash barrels with bags will be placed along the parade route and in the areas of the pre-parade and after parade activities in Lake Wailes Park. Sanitary facilities, dumpsters, site set up, tent permits, certificates of liability insurance, FDOT road closing permits and the alcohol beverage permit from the Department of Alcohol Beverage & Tobacco will be the responsibility of the Lake Wales Mardi Gras Executive Committee. Off duty officers will be scheduled for the street crossings for the 5K Run and these costs will be paid by the Lake Wales Mardi Gras.

The 2023 event will end at 11:00 p.m. on both nights.

**OTHER OPTIONS** Do not approve the two day event, 5K Run or street closings.

**FISCAL IMPACT** In-Kind services from the City were budgeted in the FY2022/2023 budget in the amount of \$8,904. The Lake Wales Mardi Gras Committee is responsible for 25% or \$2226. Any off duty officers requested will be paid at 100% by the sponsor.



[End Agenda Memo]

8. OLD BUSINESS

- 8.1. Ordinance D2022-27 Future Land Use Amendment For 0.3 Acres Of Land North Of Belleview Drive, East Of Scenic Highway South, And West Of Santa Maria Road. 2nd Reading & Public Hearing – Notice Requirements Have Been Met.

[Begin Agenda Memo]

**SYNOPSIS:** The Peak Family requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on approximately 0.3 acres of land.

**RECOMMENDATION** Adoption at second reading, following a public hearing to reassign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on October 25, 2022:

Current Land Use: Polk County Residential Suburban (RS)

Proposed Land Use: LDR City Commission approved Ordinance D2022-27 after first reading at a regular meeting on November 15, 2022.

**BACKGROUND** The subject property is located north of Belleview Road, east of Scenic Highway South, and west of Santa Maria Road. The property is situated within a county subdivision legally known as First Unit of Ridge Manor. The parcel is east of Belle Lago Subdivision and McLaughlin Middle School, and adjacent to Lake Lorraine on its western boundary. The Peak Family petitioned annexation into the corporate city limits of Lake Wales on July 28, 2022 and was officially annexed on October 4, 2022. A land use designation of LDR is compatible and appropriate with the surrounding areas.

**CODE REFERENCES AND REVIEW CRITERIA** The City Commission assigns future Land Use 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** Assignment would enable the development of this property and the potential increase in property value.

[End Agenda memo]

Jennifer Nanek, City Clerk, read ORDINANCE D2022-27 by title only.

**ORDINANCE D2022-27 (Small-Scale CPA/Future Land Use Map Amendment for approximately 0.3 acres of land north of Belleview Drive, east of Scenic Highway South, and west of Santa Maria Road.)**

**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 0.3 ACRES OF LAND NORTH OF BELLEVIEW DRIVE, EAST OF SCENIC HIGHWAY SOUTH, AND WEST OF SANTA MARIA ROAD, FROM COUNTY DESIGNATION RESIDENTIAL SUBURBAN (RS) TO CITY OF LAKE WALES DESIGNATION LOW DENSITY RESIDENTIAL (LDR); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to adopt ORDINANCE D2022-27 after 2nd reading and public hearing. Commissioner Howell seconded the motion.

by roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 8.II. Ordinance D2022-28 Zoning Map Amendment For 0.3 Acres Of Land North Of Belleview Drive, East Of Scenic Highway South, And West Of Santa Maria Road. 2nd Reading & Public Hearing – Notice Requirements Have Been Met

[Begin Agenda Memo]

**SYNOPSIS:** The Peak Family requests approval of City Commission to amend the Zoning Map on approximately 0.3 acres of land.

**RECOMMENDATION** Adoption at second reading, following a public hearing to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on October 25, 2022:

Current Zoning: Polk County Residential Suburban (RS)

Proposed Zoning: R-1C

City Commission approved Ordinance D2022-28 after first reading at a regular meeting on November 15, 2022.

**BACKGROUND** The subject property is located north of Belleview Road, east of Scenic Highway South, and west of Santa Maria Road. The property is situated within a county subdivision legally known as First Unit of Ridge Manor. The parcel is east of Belle Lago Subdivision and McLaughlin Middle School, and adjacent to Lake Lorraine on its western boundary.

The Peak Family petitioned annexation into the corporate city limits of Lake Wales on July 28, 2022 and was officially annexed on October 4, 2022.

A land use designation of LDR is compatible and appropriate with the surrounding areas. The original plat had lots that were primarily 60 feet in width by 150 feet in depth, having an average lot size of 9,000 square feet. Lot widths within the subdivision vary, however, most of the lots in this existing neighborhood have combined lots making the majority of lot widths larger than 60 feet. In an analysis of living area for the existing homes, most homes met a 1,200 square foot living area. The City's zoning designation of R-1C Residential is most compatible with the existing conditions and would be appropriate.

**CODE REFERENCES AND REVIEW CRITERIA** The City Commission assigns Zoning designations by ordinances upon a recommendation from the Planning & Zoning Board.

**FISCAL IMPACT** Assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk read **ORDINANCE D2022-28** by title only.

**ORDINANCE D2022-28 (Zoning Map Amendment for approximately 0.3 acres of land north of Belleview Drive, east of Scenic Highway South, and west of Santa Maria Road.)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 0.3 ACRES OF LAND NORTH OF BELLEVIEW DRIVE, EAST OF SCENIC HIGHWAY SOUTH, AND WEST OF SANTA MARIA ROAD, FROM COUNTY DESIGNATION RESIDENTIAL SUBURBAN (RS) TO CITY OF LAKE WALES DESIGNATION R-1C; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to adopt **ORDINANCE D2022-28** after 2nd reading and public hearing. Commissioner Krueger seconded the motion.

by roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 8.III. Ordinance 2022-43 Annexation – 2nd Reading And Public Hearing 19.18 Acres Of Land North Of C F Kinney Road And West Of Scenic Highway North.

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-43 proposes the voluntary annexation of approximately 19.18 acres of land north of C F Kinney Road and west of Scenic Highway North, and contiguous to the incorporated City limits.

**RECOMMENDATION** Staff recommends adoption after second reading of Ordinance 2022-43 following a public hearing. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance. Ordinance 2022-43 was approved after first reading at a regular City Commission meeting on November 15, 2022.

**BACKGROUND** Trust No. 22020 22030, owner, petitioned annexation into the corporate city limits of Lake Wales on August 12, 2022. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its eastern boundary.

**OTHER OPTIONS** Decline to annex the property.

**FISCAL IMPACT** The annexation will add to the City's tax roll. The property is valued at a total of \$194,758 which would bring in additional property taxes.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read ORDINANCE 2022-43 by title only.

**ORDINANCE 2022-43 (Annexation – 19.18 acres of land north of C F Kinney Road and west of Scenic Highway North.) Parcel ID: 272910-000000-022020 & 272910-000000-022030**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 19.18 ACRES OF LAND, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE 2022-43** after 2nd reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 8.IV. Ordinance D2022-29 Future Land Use Amendment For 19.18 Acres Of Land North Of C F Kinney Road And West Of Scenic Highway North. 2nd Reading & Public Hearing – Notice Requirements Have Been Met

[Begin Agenda Memo]

**SYNOPSIS:** Shelton T. Rice, authorized agent for owner, requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on approximately 19.18 acres of land.

**RECOMMENDATION** Adoption at second reading, following a public hearing to reassign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on October 25, 2022:

Current Land Use: Polk County Agricultural/Rural Residential (A/RR)

Proposed Land Use: LDR City Commission approved ordinance D2022-29 after first reading at a regular meeting on November 15, 2022.

**BACKGROUND** The subject property is located north of C F Kinney Road and west of Scenic Highway North. The property is situated north of Dinner Lake Estates and west of Brookshire Subdivision, and is adjacent to the solar farm on the northern and western boundaries. The owners petitioned annexation into the corporate city limits of Lake Wales on August 12, 2022. The applicant wishes to present the annexation, land use and zoning amendments together.

There have been preliminary discussions regarding development of the property, however, no formal plans have been submitted to the City for review. Residential development on this property would need to come back before Planning Board for recommendation to City Commission for approval of the Preliminary Subdivision Plat.

A Zoning designation of R-1A and Land Use designation of LDR is appropriate and consistent with the existing designations surrounding the property.

**CODE REFERENCES AND REVIEW CRITERIA** The City Commission assigns future Land Use 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** Assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read ORDINANCE D2022-29 by title only.

**ORDINANCE D2022-29 (Small-Scale CPA/Future Land Use Map Amendment for approximately 19.18 acres of land north of C F Kinney Road and west of Scenic Highway North.)**

**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 19.18 ACRES OF LAND NORTH OF C F KINNEY ROAD AND WEST OF SCENIC HIGHWAY NORTH, FROM COUNTY DESIGNATION AGRICULTURE/RURAL RESIDENTIAL (A/RR) TO CITY OF LAKE WALES DESIGNATION LOW DENSITY RESIDENTIAL (LDR); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson said this does not lock us into anything. We have flexibility in the future.

Commissioner Krueger made a motion to adopt **ORDINANCE D2022-29** after 2nd reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 8.V. Ordinance D2022-30 Zoning Map Amendment For 19.18 Acres Of Land North Of C F Kinney Road And West Of Scenic Highway North. 2nd Reading & Public Hearing – Notice Requirements Have Been Met.

[Begin Agenda Memo]

**SYNOPSIS:** Shelton T. Rice, authorized agent for owner, requests approval of City Commission to amend the Zoning Map on approximately 19.18 acres of land.

**RECOMMENDATION** Adoption at second reading, following a public hearing to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on October 25, 2022:

Current Zoning: Polk County Agricultural/Rural Residential (A/RR)

Proposed Zoning: R-1A

City Commission approved Ordinance D2022-30 after first reading at a regular meeting on November 15, 2022.

**BACKGROUND** The subject property is located north of C F Kinney Road and west of Scenic Highway North. The property is situated north of Dinner Lake Estates and west of Brookshire Subdivision, and is adjacent to the solar farm on the northern and western boundaries. The owners petitioned annexation into the corporate city limits of Lake Wales on August 12, 2022. The applicant wishes to present the annexation, land use and zoning amendments together. There have been preliminary discussions regarding development of the property, however, no formal plans have been submitted to the City for review. Residential development on this property would need to come back before Planning Board for recommendation to City Commission for approval of the Preliminary Subdivision Plat. A Zoning designation of R-1A and Land Use designation of LDR is appropriate and consistent with the existing designations surrounding the property.

**CODE REFERENCES AND REVIEW CRITERIA** The City Commission assigns Zoning designations by ordinances upon a recommendation from the Planning & Zoning Board.

**FISCAL IMPACT** Assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-30** by title only.

**ORDINANCE D2022-30 (Zoning Map Amendment for approximately 19.18 acres of land north of C F Kinney Road and west of Scenic Highway North.)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 19.18 ACRES OF LAND NORTH OF C F KINNEY ROAD AND WEST OF SCENIC HIGHWAY NORTH, FROM COUNTY DESIGNATION AGRICULTURE/RURAL RESIDENTIAL (A/RR) TO CITY OF LAKE WALES DESIGNATION R-1A;**

## PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE D2022-30** after 2nd reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

## 9. NEW BUSINESS

### 9.I. RESOLUTION 2022-31, Public Transportation Grant Agreement G2505-Amendment #1

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider approving Resolution 2022-31, authorizing an agreement with the Florida Department of Transportation (FDOT) to provide additional funding for the design, bid and construction of an aviation fuel farm at the Lake Wales Municipal Airport.

#### RECOMMENDATION

1. Approve Resolution 2022-31, authorizing the execution of Public Transportation Grant Agreement G2505-amendment #1 by the Mayor with the Florida Department of Transportation (FDOT) for additional funding in the amount of \$280,171.00.

**BACKGROUND** At its regular meeting on February 15, 2022, the City Commission approved Resolution 2022-02, authorizing an agreement with the Florida Department of Transportation (FDOT) to provide funding for the design, bid and construction of an aviation fuel farm at the Lake Wales Municipal Airport in the amount of \$803,250.00. The project was bided in September 2022, additional funding of \$280,171.00 is needed for the construction phase of the project. Resolution 2022-31 will provide the additional funding of \$280,171.00.

**OTHER OPTIONS** This project is fully funded by the Florida Department of Transportation (FDOT).

**FISCAL IMPACT** The current FY 2022/23 Airport capital improvement budget has funding for this project. The additional funding of \$280,171.00 brings the total funding from the Federal Department of Transportation (FDOT) for the project to \$1,083,421.00.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read RESOLUTION 2022-31 by title only.

## RESOLUTION 2022-31

**A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A PUBLIC TRANSPORTATION GRANT AGREEMENT FOR ADDITIONAL FUNDING FOR ITEM-SEGMENT-PHASE-SEQUENCE NUMBER (FINANCIAL PROJECT NUMBER): 444675-1-94-01 (DESIGN, BID AND CONSTRUCT A FUEL FARM) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ALLOW THEIR PARTICIPATION IN AN AVIATION PROJECT AT THE LAKE WALES MUNICIPAL AIRPORT.**

Commissioner Krueger made a motion to adopt **RESOLUTION 2022-31** by title only. Commissioner Williams seconded the motion.

By Roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

### 9.II. RESOLUTION 2022-32 Amending The Housing Assistance Plan (HAP)

[Begin Agenda Memo]

**SYNOPSIS:** Resolution 2022-32 amends the Housing Assistance Plan to exceed the estimated construction cost by more than 15%.

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

1. Adopt Resolution 2022-32 amending the HAP to allow the expenditure of CDBG funds on housing rehabilitation construction activities that exceed the construction cost estimate by more than 15%.

**BACKGROUND** On July 12th the City of Lake Wales received an award letter for \$750,000 through the Small Cities Community Development Block Grant (CDBG) program.

On October 3rd the City ran a notice to bidders for the rehabilitation of five (5) homes, and demolition and replacement of one (1) home through the CDBG program. The City did not receive any bidders on this date.

On October 18th the City ran the 2nd notice to bidders for the rehabilitation of five (5) homes, and demolition and replacement of one (1) home through the CDBG program. There were three contractors that attended the meeting but only Charif Homes, LLC submitted a bid. Charif Homes submitted a bid that exceeds the cost estimate by more than 15%. The City received approval from the Department of Economic Opportunity to draft a resolution to amend the Housing Assistance Plan to accept a bid that exceeds the estimated cost of more than 15%.

LAKE WALES CONNECTED PLAN ACTION STEPS Action # Description 9 Partner with housing contractor to build infill housing in the Northwest Neighborhood.



**FISCAL IMPACT** City of Lake Wales was awarded \$750,000 to go toward housing rehabilitation through the Community Development Block Grant.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read RESOLUTION 2022-32 by title only.

**RESOLUTION 2022-32**

**RESOLUTION OF THE CITY COMMISSION OF LAKE WALES, FLORIDA, AMENDING THE HOUSING ASSISTANCE PLAN (HAP) TO AUTHORIZING THE USE OF CDBG FUNDS FOR HOUSING REHABILITATION CONSTRUCTION ACTIVITIES THAT EXCEED THE ESTIMATED CONSTRUCTION COST BY MORE THAN 15%; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

Commissioner Howell made a motion to adopt **RESOLUTION 2022-32** by title only. Commissioner Williams seconded the motion.

By Roll call vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 9.III. Award L. Cobb Construction, Inc. The Construction Contract For The Construction Of The Airport Fuel Farm Project At The Lake Wales Municipal Airport.

[Begin Agenda Memo]

**Synopsis:** The City Commission will consider awarding Cobb Site Development, Inc. the construction contract in the amount of \$1,027,120.71 for the construction of the Airport Fuel Farm Project at the Lake Wales Municipal Airport.

**Recommendation:** Staff recommends that the City Commission approve the following action:

1. Award L. Cobb Construction, Inc. the construction contract for the construction of the Airport Fuel Farm project at the Lake Wales Municipal Airport in the amount of \$1,027,120.71.

**Background:** On Tuesday, September 27, 2022 two sealed bids were received and recorded for the replacement of an Airport Fuel Farm Project at the Lake Wales Municipal Airport. After analyzing the information provided by the contractors, Hoyle, Tanner & Associates, Inc. determined that all bidders had supplied the information necessary to adequately evaluate the bids. Bids were as follows: L. Cobb Construction, Inc. \$1,027,120.71 Boromel Construction, Inc. \$1,187,922.00

**Fiscal Impact:** This project is 100% funded by the Florida Department of Transportation (FDOT)

**Other Options:** The Commission has already accepted the grant from the Florida Department of

Transportation for this project.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

Commissioner Krueger made a motion to approve this item. Commissioner Howell seconded the motion.

By Roll call vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

#### 10. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported that action has been filed by Gary Estes. It incorrectly named the Code Compliance Division and was improperly served. He will address this.

#### 11. CITY MANAGER

James Slaton, City Manager, reported that some of the street resurfacing will begin Wednesday.

Mr. Slaton said that Make it Magical is Friday the 9th, the Christmas Parade is Saturday at 6pm, and the Christmas Cinema event is the 17th from 4pm -8pm.

Mr. Slaton said we have been awarded a TPO grant for the Ridge Scenic HWY trail. This is \$1million project. Construction will happen in 2026. Deputy Mayor Gibson asked if this is coordinated with the Connected Plan. Mr. Slaton said yes.

FDOT is adjusting the signalization on HWY 60 between 1st Street and Buck Moore to help relieve traffic congestion.

Mr. Slaton said the Cleanup by Republic Services did not get finished Saturday but everything will be cleaned up this week.

##### 11.I. Commission Meeting Calendar

James Slaton, City Manager, said there are 2 CRA meetings coming up. The first one on Tuesday the 13th at 2pm then Tuesday the 20th at 5:00pm

#### 12. CITY COMMISSION COMMENTS

Commissioner Krueger gave an update on the BizLinc incubator. They are partnering with SouthState Bank and are looking to partner with schools. They have 6 businesses that they are working with.

Commissioner Krueger shared an idea about edible groves with public lands used for groves. This tries to tackle the problem of not enough food.

Commissioner Williams said he has seen the emails about growth. There is a plan coming to address this. This concern has been heard.

Commissioner Howell said the recent Legacy Housing opening was a success. People are happy to see the City doing this.

Commissioner Howell said that when streets are redone new turn lanes need to be painted.

Commissioner Howell said the area around the pier needs to be cleaned for fisherman.

Commissioner Howell asked if the issue regarding the missing person Debbie Williams has been resolved. James Slaton, City Manager, said yes. Commissioner Williams reported on the meetings he attended with the family and police and said the family requested the matter not be discussed in the Commission meeting.

Deputy Mayor Gibson said he would like to see the issue of hazardous waste disposal addressed.

Deputy Mayor Gibson asked about the lien process. Do buyers not know about liens on their property? Mr. Galloway reviewed the process and said when a proper search is done buyers will find those liens. Deputy Mayor Gibson said those fines need to continue to help with rehabilitation.

Commissioner Howell asked about effort to attract new business. Mr. Slaton reviewed plans to address this including a contract to help bring business to downtown and incentives for large businesses.

### 13. MAYOR COMMENTS

Mayor Hilligoss said he agreed with the need to address hazardous waste disposal.

Mayor Hilligoss said he visited the incubator on Lincoln Avenue. They've done a great job with the building.

Mayor Hilligoss said the Legacy Housing event Monday was wonderful.

Mayor Hilligoss congratulated the Lake Wales High School Football Team on their success and going to state.

### 14. ADJOURNMENT

The meeting was adjourned at 7:55 p.m.

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Mayor

ATTEST:

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City Clerk