

The regular meeting of the Lake Wales City Commission was held on February 5, 2008 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Lee A. Wheeler, III.

INVOCATION

The invocation was given by Pastor Scott Markley from the First Baptist Church in Lake Wales.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Jack Van Sickle; Terrye Y. Howell; Jean K. Scott; Kathy Manry; Lee A. Wheeler, III, Mayor.

COMMISSIONERS ABSENT: None.

CITY REPRESENTATIVES PRESENT: Anthony G. Otte, City Manager; Albert C. Galloway, Jr., City Attorney; Judith Delmar, Asst. City Manager; Clara VanBlargan, City Clerk.

Agenda Item 4. APPROVAL OF MINUTES

Commissioner Howell made a motion to approve the minutes of the January 15, 2008 regular meeting, the January 26, 2008 ride-a-round workshop meeting, and the January 29, 2008 ride-a-round workshop meeting. The motion was seconded by Commissioner Scott.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Commissioner Manry	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

MAYOR

Agenda Item 5. RECOGNITION AWARD TO CLIFFORD TONJES FOR BEAUTIFICATION OF DOWNTOWN LAKE WALES

Mayor Wheeler presented Clifford Tonjes a plaque for his many years of service to the downtown area including Christmas lighting, starting the murals program, and planting flowers. Mr. Tonjes said he was pleased to receive the plaque on behalf of the many people who helped him and donated money, and he recognized a few who were present.

CITY MANAGER

Agenda Item 6. ORDINANCE 2008-02, FY07'08 BUDGET AMENDMENT #1 – 2ND READING & PUBLIC HEARING

Mr. Otte reported on Agenda Item 6. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

It was recommended that the City Commission approve Ordinance 2008-02 after second reading and public hearing.

BACKGROUND

Ordinance 2007-40 estimating revenues and appropriating funds for Fiscal Year 2006-07 was adopted by the City Commission on September 18, 2007. We are presenting for first reading an amendment of Ordinance 2007-40 to modify the estimates of revenues and appropriations budgeted in various funds. Exhibits A and B and supporting attachments provide the detail for the proposed amendment. This budget amendment is based on financial reports for the accounting period ending on 12/31/07. The following is a summary of changes included in the proposed amendment:

Revenues & Balances Fwd	Increase(Reduction)
General Fund	159,531
Special Revenue Funds	24,167
Debt Service Fund	0
Capital Projects Fund	0
Utility System Fund	0
Total Increase(Reduction) of Revenues & Balances Fwd	183,698
Appropriated Expenditures & Reserves	
General Fund	159,216
Special Revenue Funds	24,167
Debt Service Fund	0
Capital Projects Fund	63,352
Utility System Fund	8,620
Reserves	(71,657)
Total Increase(Reduction) of Appropriated Expenditures & Reserves	183,698

The proposed budget amendment increases the City's total budgeted expenditures by \$255,355 and reduces reserves by \$71,657, for a net increase in appropriated expenditures and reserves of \$183,698 (from \$67,360,476 to \$67,544,174).

A primary purpose of this amendment is to appropriate additional revenues to be received as a result of the revised fire services contract with Polk County. The contract revision increases the fee paid by the County from a budgeted \$97,000 for FY07'08 to \$240,569 (+143,569). This additional revenue allows the Fire Department to address a staffing deficiency related to the opening of Station #2 on Thompson Nursery Rd. by adding one firefighter per shift (a total of three firefighters).

Fire Department payroll and other expenditures adjusted by this amendment are:

Fire Department - increasing salaries and benefits to add 3 new firefighter positions	115,713
Fire Department - increasing operating supplies budget to purchase gear for new firefighters	8,550
Fire Department - adding scholarship for Unity in Community firefighter candidate	500
Fire Department - increasing cell phone allowances for command personnel	1,824
Fire Department - reducing telecommunications budget to eliminate cell phones	(1,824)
Police Department - increasing payroll for dispatcher salaries and benefits paid in October	53,831
Police Department - increasing payroll for purchase of 1 year in County retirement plan for dispatchers	14,000
Police Department - reducing budget for PCSO communications contract services to cover October dispatchers payroll and purchase into retirement plan	(67,831)
City Clerk – re-appropriating funds encumbered but not expended in FY06'07 for re-codification	16,100
Cemetery Division - reducing budget for equipment purchase	(1,493)
Recreation Facilities Division - reducing budget for equipment purchase	(4,797)
Parks Division - increasing budget for purchase of mowers	6,290
Cemetery Division - correcting an erroneous allocation from Support Services	4,038
Inter-fund Transfer - transferring funds to Transp Fund to fund sediment removal project not completed in FY06'07	14,315
Storm-water Division - appropriating funds transferred from General Fund for Lake Wailes sediment removal project not completed in FY06'07	14,315
Police Forfeiture Fund - increasing budget for MOTOMESH Wireless Video Camera System	9,852
Capital Projects Fund - transferring Police impact fees to Forfeiture Fund for MOTOMESH	9,852
Capital Projects Fund - appropriating Parks impact fees for acquisition of land adjacent to Austin Center/Mobley Park	53,500
Water Division - increasing equipment budget	1,000
Wastewater Division - reducing equipment budget (transferring appropriation to Water Div)	(1,000)
Wastewater Division - reducing appropriation for contract services	(2,195)
Wastewater Division - reallocating funds for capital outlay, SCADA system	2,195
Utilities Admin - reducing appropriation for professional engineering services	(780)
Utilities Admin - reallocating funds for capital outlay, locator tools	780
Utilities Customer Service - increasing overtime budget to fund after hours phone duty	8,620
Total Expenditure Amendment	255,355

Expenditures listed above will be offset by the following appropriation of funding sources:

FY06'07 encumbered funds not expended	16,100
Unappropriated Balances Forward	16,372
Increased fee for FY07'08 fire services to Polk County	143,569

Insurance proceeds received in FY07'08	15,962
Parks & Recreation Impact Fees	53,500
Police Impact Fees	9,852
Total Revenues/Balances Forward offsetting Amended Expenditures	255,355

OTHER OPTIONS

Most of the budget amendment is not optional. Much of the amendment incorporates items into the adopted budget that have been approved by the City Commission since October 1 or re-appropriates funds that were approved but not expended in FY06'07 because projects were incomplete at 9/30/07.

Appropriation of the additional revenue for the fire services contract with Polk County could be modified by the Commission (i.e, expenditures reduced, deferred, or eliminated); however, the addition of Station #2 on Thompson Nursery Rd. Ohas created staffing deficiencies in the fire department that are unacceptable from a safety standpoint. This additional contract revenue provides the resources necessary to fund three additional firefighters in FY07'08. The staffing deficiency will not be eliminated, but it will be greatly improved.

FISCAL IMPACT

See Exhibit A and Exhibit B attached to Ordinance 2008-02.

[end memo]

Ms. Delmar read Ordinance 2008-02 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2007-40 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2007-2008 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES, SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Manry made a motion to adopt Ordinance 2008-02 after second reading and public hearing. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Commissioner Scott	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 7. Ordinance 2008-04, LDR Glitch Amendment – 1st Reading & Public Hearing

Mr. Otte reported on Agenda Item 7. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

Approval of Ordinance 2008-04 on first reading following a public hearing.

A public hearing is required on first reading of an ordinance that changes the permitted uses in a zoning district. The notice requirements for a public hearing have been met.

BACKGROUND

A number of amendments are proposed to the *Zoning, Land Use and Development Regulations* (Chapter 23 of the Lake Wales Code of Ordinances) to fine tune the code which underwent a major revision in 2005. Most of the amendments are recommended by the Planning and Zoning Board, and some are recommended by staff as noted.

Following are explanations of the proposed amendments. Numbering corresponds to the section numbers in the ordinance.

SECTION 1: Planning and Zoning Board, alternate members

(Sec. 23-205.2.a. and c. Planning Board – composition of planning board and terms of members)

This amendment eliminates the requirement for alternate members on the planning board. The reason for the recommended change is that use of alternates is logistically difficult, and there has been no real need to call the alternates into play except for strict compliance with the ordinance. The Planning and Zoning Board did not have any appointed alternate members until two were appointed in 2007 with the appointment of a regular member. No issues had arisen because absenteeism is low and there is no quorum problem unless four out of the seven members are absent. In the last two years, there have been no meetings with three absences, and there has been perfect attendance at a third of the regular meetings. No meeting has been cancelled in the past five years because of a lack of quorum. The ordinance calls for the alternates to serve in place of any absent regular member. Compliance with this provision is difficult, since members might notify staff that they cannot attend in until very close to the meeting time, leaving no opportunity to bring an alternate up to speed on the agenda items.

(Recommended unanimously by the Planning and Zoning Board 12-20-07)

SECTION 2. Approval process for multiple principal buildings

(Sec. 23-224. Planned development project (PDP) subsection 224.1 *Applicability*)

This amendment eliminates the requirement for PDP approval for a development solely because multiple principal buildings are proposed. These types of developments will now be reviewed by the Planning & Zoning Board unless more than one out-parcel is proposed or waivers are requested that extend beyond the powers of that board. The requirement for PDP approval for multi-family developments with over 12 units remains and is reworded. A related amendment (Sec. 23-802) expands the definition of "out-parcel" to include leased parcels. Sec. 23-301.2.a. *General regulations for structures* is also revised to summarize the requirements for approval of developments with multiple principal buildings on a lot.

(Recommended unanimously by Planning and Zoning Board 12-20-07)

SECTION 3. PDP amendment process

(Sec. 23-224 Planned development project (PDP) approval process)

Requirements are proposed for amending planned development projects, based upon the magnitude of requested changes to the approved plan. Amendments to approved PDPs can range from very minor changes to complete revisions. Currently, there are no criteria for what types of changes must go through

the complete PDP review/approval process, and there is no review process for minor amendments. This new section of the PDP regulations will allow administrative approval of minor changes, planning board review of mid-range changes, and planning board recommendation/city commission approval of major changes. The administrative official and planning board are empowered to "bump" the amendment to the next level of review if there are issues that warrant it.

(Recommended unanimously by Planning and Zoning Board 12-20-07)

SECTION 4. Revocation of unused variances

(Sec. 23-244. Appeals and variances sub. 23.244.2. *Variance, e. Conditions and safeguards*)

The amendment prevents variances in developing subdivisions from expiring before the lot is sold and a house can be built. The amendment is prompted by the Brookshire development, which was granted a number of variances on rear-yard setbacks along the Scenic Highway because of a slope/drainage issue. The development is active, and with the amendment, the variances will not expire while it remains active.

(Recommended unanimously by Planning and Zoning Board 12-20-07)

SECTION 5. Regulations on multiple buildings on a lot

(Sec. 23-301.2 "General regulations for structures" subsec. a "Number of structures per lot")

This amendment essentially cross-references changes made to sec. 23-224 (Sec. 2 of this ordinance) regarding multiple buildings on a lot.

(Recommended by staff)

SECTION 6. Prohibition of structures in utility easements

(Sec. 23-301.2 "General regulations for structures")

Obstructions in utility easements are prohibited under sec. 21-5 of the Code of Ordinances. This amendment will add a specific prohibition to the land use portion of the code.

(Recommended by staff)

SECTION 7. Correction of cross-reference, Table 23-303C

(Table 23-303C "Right-of-Way Dedication Requirements")

An error in a cross-reference to definitions of street categories is corrected with this amendment.

(Recommended by staff)

SECTION 8. ADJUSTMENTS TO PARKING SPACE REQUIREMENTS

(Table 23-306B "Minimum Automobile Off-Street Parking Space Requirements")

Adjustments to the parking ratios are recommended to correct problems that have come to light.

- Add requirement for 1 space per 3 seats in *cultural facilities* with seats.
- Adjust requirements for *restaurants* to base on number of seats rather than square footage and add a minimum number of spaces for drive-up or take-out services.
- For *health services* require 3 spaces per "practitioner" as well as "doctor." Require the 3 spaces for "full-time equivalent" for offices where several practitioners share part-time space.
- Add "Lodgings with restaurant" under "Lodgings." This change is to correct a problem that arose with codification of this table; the proof copy of the codified table left a blank space that was not labeled.

(Recommended by staff)

SECTION 9. Minimum floor area for single-family on infill lot

(Table 23-422A "Dimensional and Area Standards – Residential Districts" footnote #2 for "Minimum Floor Area")

This amendment recommended by staff allows administrative approval of reduced floor area for new houses on infill lots if a smaller house is in keeping with the neighborhood. The amendment would allow the administrative official to approve a house as small as 80% of the required living floor area, the extent of the reduction to be based upon information on the size of existing houses in the neighborhood.

The amendment also adds "garage" to the area not included in the minimum floor area.

The dimensional change is prompted by inquiries from owners who have infill lots in older neighborhoods where a house meeting current square footage requirements would be out of character. Infill lots are vacant lots in established neighborhoods. They may be platted lots that have been vacant since the subdivision was approved or they may have had a house on them at one time. Many of these lots are undersized. Existing provisions allow administrative reductions in setbacks on infill lots if consistent with the neighborhood.

Please note that the floor area requirements were increased at the request of City Commission under the 2005 code revision as part of an effort to encourage higher quality developments. The table below shows current and former floor area requirements and the maximum reduction allowed under this amendment.

Zoning	Min. floor area required in sq. ft.		Floor area with max. reduction (80% of current requirement)
	Current	Former	
R-1A	1500	1200	1200
R-1B	1500	1000	1200
R-1C	1200	950	1000
R-1D (affordable)	1000	850	800
R-2	1000	1000	800
R-3	1000	950	800

(Staff recommendation)

Planning Director Margaret Swanson said that this ordinance was prompted by property owners who were wanting to build on in-fill lots but did not want to build the large-sized houses required for a new subdivision. This ordinance would give City staff the opportunity to gather information from the applicant about the size of houses in the neighborhood and reduce the requirement if necessary, preferably with an 80% cap, but they could go lower for neighborhoods with smaller houses if the Commission so wished. Mayor Wheeler asked if a request for 70% to 75% would be considered and Ms. Swanson said she would not have the ability to approve that. He asked if they could get a variance and Ms. Swanson said it would not qualify for a true variance. Commissioner Howell asked if one would have to get a variance if a shotgun house was going to be rebuilt and Ms. Swanson said that it would be allowed for rebuilding but not for new building on a vacant lot. She explained that, presently, a rebuilt home would still have the 900 sq. ft. requirement on any lot in a subdivision having mostly 900 sq. ft. homes even though the area had been rezoned for 1200 sq. ft. homes. But, a new home being built on a vacant lot in that area would have to be 1200 sq. ft. With this ordinance, staff would be able to look at the sq. footage of the existing houses in the area and reduce the square footage if a new 1,200 sq. ft. house would be too big for the existing lot size, or for the area.

SECTION 10. Correct footnote reference error

(Table 23-422A "Dimensional and Area Standards – Residential Districts")

This change eliminates a footnote reference that is incorrect.

(Recommended by staff)

SECTION 11. Exclusion of wetlands from minimum lot area

(Table 23-422A "Dimensional and Area Standards-Residential Districts")

This amendment, recommended by staff, will exclude wetlands and open water from the area counted toward the minimum lot size for residential development. Although this has not been an issue to date,

there is nothing in the ordinance to prohibit the creation of minimum sized lots that extend into wetlands or bodies of water. The amendment will not prohibit wetlands or water being part of a lot, provided the upland area of the lot meets the minimum area requirement.

The provision is intended to prevent new subdivisions from maximizing the number of lots by extending lots into wet areas. The provision would not apply to existing legally created lots.
(Staff recommendation)

SECTION 12. Small retail in LCI-Limited Commercial Industrial zoning district
(Table 23-421 Permitted and Special Exception Uses)

The amendment will allow small retail businesses, up to 1500 sq. ft. in area, to be allowed by special exception use permit in the LCI district. The change is in response to complaints from property owners that the uses allowed in the LCI district are too restrictive. Amendments in 2007 added several uses to those allowed in LCI, including cultural facilities, athletic and music schools, personal services, funeral homes, and medical offices.

The LCI-Limited Commercial Industrial zoning district was created with the 2005 revisions to the *Zoning, Land Use and Development Regulations* as part of the effort to avoid strip commercial development along the City's major roadways. The LCI designation, along with other non-commercial designations, is intended for lands located between commercial nodes, along highways. (Designated commercial nodes include the Eagle Ridge Mall area, the Commercial area at SR 60 and US 27, and SR 60 east of 11th St.)

The planning board recommends restricting the size of retail in LCI to ensure that high-traffic uses are not introduced to the district.
(Recommended unanimously by Planning and Zoning Board 12-20-07)

SECTION 13. Setbacks for carports – correction
(Table 23-522 "Accessory Structures Residential Properties," "Detached carports or garages")

The code requires that detached garages meet the setbacks for principal buildings (10' side, 20' rear) rather than the 5-foot setback allowed for sheds. Inadvertently, the same restriction was not applied to detached carports. This amendment corrects the discrepancy.
(Recommended by staff)

SECTION 14. Sandwich board signs, downtown and Lincoln Ave.
(Sec. 23-545.6. b. Sandwich board signs)

The amendment will remove the section allowing sandwich board signs in the downtown and on Lincoln Ave. There have been numerous issues with the provisions, with little compliance with requirements for the types or locations of these signs. In the downtown, there has been a proliferation of so-called "snipe" signs, small plastic signs with wire prongs, placed in the shrubbery or any feasible place. This has resulted in a haphazard, cluttered appearance, and numerous complaints have been filed. The consensus of the Main Street Board is that portable signs are not appropriate.

Snipe signs and sandwich boards have also spread outside of the designated areas. Enforcement efforts have met with complaints about the unfairness of allowing the signs in some areas but not in other areas close by. Enforcement of the regulations for placement and removal during non-business hours is virtually impossible.

Attracting attention to downtown businesses must be accomplished by other means than by allowing a hodge-podge of portable signs. The recently installed "Way-finding" signs are a major step in promoting the downtown. The proposed creation of a downtown historic business district will provide the opportunity for input on appropriate types of signs from the Historic District Regulatory Board.

Currently, businesses in the C-1 districts (downtown and Lincoln Ave.) are allowed to have wall signs, window signs, and "right-angle" signs (those that project over and perpendicular to the sidewalk). "Right-angle" signs are geared specifically for downtown type areas with pedestrian traffic. Buildings with multiple tenants are allowed to have a "business complex" sign stating the name of the building and listing tenants. Ground signs are allowed only under special circumstances.
(Recommended unanimously by Planning and Zoning Board, 12-20-07)

SECTION 15. Definitions
(Sec. 23-802. "Definitions")

The definition of "out-parcel" is modified to include leased buildings as well as lots that are sold separately.

OTHER OPTIONS

Modification to provisions can be made in response to public comment or City Commission's preferences.

FISCAL IMPACT

No direct fiscal impact is anticipated.

[end memo]

Ms. Delmar read Ordinance 2008-04 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS BY ELIMINATING THE REQUIREMENT FOR ALTERNATE MEMBERS ON THE PLANNING BOARD; ADDING A PROCESS FOR AMENDMENTS TO PLANNED DEVELOPMENT PROJECT PLANS; REVISING THE APPROVAL PROCESS FOR MULTIPLE BUILDINGS ON A LOT; REMOVING THE PROVISION FOR THE EXPIRATION OF VARIANCES IN ACTIVE SUBDIVISIONS; ADJUSTING PARKING SPACE REQUIREMENTS FOR VARIOUS LAND USES; ALLOWING ADMINISTRATIVE REDUCTION OF MINIMUM FLOOR AREA FOR HOUSES ON INFILL LOTS; PROHIBITING WETLAND AREAS TO BE COUNTED TOWARD MINIMUM LOT SIZE REQUIREMENT; ALLOWING SMALL RETAIL USES BY SPECIAL PERMIT IN THE LCI-LIMITED COMMERCIAL INDUSTRIAL DISTRICTS; ELIMINATING THE PROVISION ALLOWING SANDWICH BOARD SIGNS; AND MAKING MISCELLANEOUS CORRECTIONS, CLARIFICATIONS, AND ADJUSTMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

Cliff Tonjes, 1001 Campbell Avenue, downtown storeowner, agreed with the sign ordinance, and said that the amount of signs in the downtown area was way out of hand. He said when the sign ordinance was first established it stated that signs would be placed out only when the businesses were open. That had never been adhered to.

CLOSED PUBLIC HEARING

Commissioner Manry made a motion to approve Ordinance 2008-04 after first reading and public hearing. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"

Commissioner Scott	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 8. Ordinance 2008-05, School Concurrency – 1st Reading

Mr. Otte reported on Agenda Item 8. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

Approval of Ordinance 2008-05 upon first reading.

The Planning and Zoning Board held a public hearing on January 9, 2008 on state requirements for public school concurrency and voted to recommend amendments to both the Comprehensive Plan and *Zoning, Land Use and Development Regulations* to meet those requirements.

BACKGROUND

The 2005 amendments to state law (Chapter 163 Growth Management Act) require that school concurrency requirements be implemented beginning March 1, 2008. "Concurrency" is the assurance that developments are not approved unless school facilities are in place or will be in place when needed to serve the development.

Ordinance 2008-05 modifies the concurrency management and related provisions of the *Zoning, Land Use and Development Regulations* (Chapter 23 of the Code of Ordinances) to meet the state requirements. The Charter School Board has been kept informed about the City's actions to comply with the state requirements.

The school concurrency provisions in the ordinance are consistent with the recently approved Inter-local Agreement on public school facilities and the proposed Public School Facilities element of the Comprehensive Plan, approved on first reading on January 15 by the City Commission. Both of these documents were developed through joint meetings of planners from Polk County, the Polk County School Board, and cities within Polk County. Because of time constraints to implement the provisions simultaneously with all other Polk County jurisdictions, the specific amendments proposed to the zoning regulations could not be presented for planning board review. However, the board voted to recommend that the requirements for school concurrency as set forth in the proposed Comprehensive Plan amendment be incorporated into the zoning code.

The ordinance adds "public schools" to the list of facilities requiring a finding of concurrency prior to approval of development. The process for concurrency review, already in place in the zoning regulations, is modified to reflect the provisions of the Inter-local Agreement and the policies of the proposed Public School Facilities element.

Also addressed in the ordinance:

- Information required of applicants for residential development approvals
- Level of Service Standards for public schools
- Method of determining public school concurrency
- Provisions for mitigation in cases where school concurrency requirements are not met

The proposed ordinance meets the minimum requirements for school concurrency. There may be a need for fine tuning the ordinance in the coming months for a couple of reasons. School concurrency requirements are somewhat more complex than those for other facilities. Consistency with the regulations of other Polk County jurisdictions is complicated by the fact that each city has different processes for approval of developments. In addition, Lake Wales has a number of conversion charter schools and a proposed start-up charter school that are treated differently than main-stream schools in regard to the assignment of students to schools.

As the provisions are utilized, improvements in the review process may come to light. Additional provisions may be necessary for coordination with the Charter School Board. Comments from the state's Department of Community Affairs upon their review of the proposed Public School Facilities element may also necessitate some revision to the zoning regulations.

OTHER OPTIONS

Because of the March 1 deadline for school concurrency implementation and the need to have consistency with the Inter-local Agreement and the provisions of other Polk County jurisdictions, there is little leeway to alter the ordinance.

FISCAL IMPACT

School concurrency review will require additional staff time.

[end memo]

Ms. Delmar read Ordinance 2008-05 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE ZONING, LAND USE AND DEVELOPMENT REGULATIONS, CHAPTER 23 OF THE CODE OF ORDINANCES, ARTICLE VII. IMPACTS OF DEVELOPMENT ON PUBLIC FACILITIES; REQUIRING PUBLIC SCHOOL CONCURRENCY FOR RESIDENTIAL DEVELOPMENT APPROVALS; ESTABLISHING LEVEL OF SERVICE STANDARDS FOR PUBLIC SCHOOLS; PROVIDING FOR MITIGATION ALTERNATIVES WHERE ADOPTED LEVEL OF SERVICE STANDARDS CANNOT BE MET; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve Ordinance 2008-05 after first reading. The motion was seconded by Commissioner Scott.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Commissioner Manry	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

**Agenda Item 9. Ordinance 2008-06, Amending Chapter 6, General Employees' Pension Plan
– 1st Reading**

Mr. Otte reported on Agenda Item 9. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

It was recommended that the City Commission approve Ordinance 2008-06 on first reading.

BACKGROUND

The General Employees Pension Board is requesting two amendments to the Pension Plan. The first amendment is in response to the Florida Division of Retirement's request to clarify the actuarial methodology used for purchasing services when opting back into the plan. The second amendment, at the Pension Board's request, will allow DROP participants flexibility with regard to their DROP investment options.

Section 16-42(d)(2) – Actuarial Methodology Clarification

On December 19, 2006 the City Commission approved Ordinance 2006-50 providing former members who opted out in 1999 the opportunity to rejoin the plan. The Division of Retirement has requested clarification of the methodology used for purchasing services when opting back into the plan.

In order to satisfy the Division of Retirement's request, the following sentence needs to be inserted at the end of Section 16-42(d)(2): The member shall be required to pay the actuarial cost of the prior service for any service purchased utilizing the same methodology as described in subsection (c)(2) above.

The methodology described in subsection (c)(2) is the same method that was utilized in the 1999 opt-out election.

Section 16-46(j) – DROP (Deferred Retirement Option Plan) Election

The General Employees Pension Board's Trustees have requested that the General Employees DROP participants be permitted the same flexibility with regard to DROP investment options as provided under the City's police officers and firefighters pension plans.

Once an employee enters the DROP Plan the amount of the monthly pension which would otherwise be paid is maintained in a special DROP account in the name of the employee within the fund and is segregated from other trust assets on a bookkeeping basis. The employee may elect to receive interest based on the 91 T-Bill interest rate compounded quarterly; or may elect a share in the investment gains and losses for the quarter at the same rate of the return earned by the total trust fund. Currently, in the general employees' plan this election is irrevocable.

Police officers and firefighters DROP participants may elect to change his or her election on a quarterly basis during DROP participation. The election change must be in writing and must be made at least thirty (30) days prior to the beginning of a calendar quarter and shall be effective on the first day of the calendar quarter immediately following such notice of election.

Under the proposed amendment, general employee DROP participants may revise their election bi-annually. The election must be in writing at least thirty (30) days prior to the end of the December and June quarters.

OTHER OPTIONS

The Division of Retirement's request is mandatory. Four employees opted back into the plan.

Leave the DROP election as irrevocable. Allow the election to be made on a quarterly basis.

FISCAL IMPACT

The fiscal impact for the employees' opt in election for fiscal year 2007-08 is \$37,106 and is included in the adopted budget for 2007-08. The City's required contribution increased from \$193,029 to \$230,135. Note: Due to favorable actuarial experiences the City's required contribution for fiscal year 2008-09 will drop to \$195,820. (Per General Employees' Pension Plan's October 1, 2007 Annual Actuarial Report)

The permission to allow changes to the DROP earnings election will have no fiscal impact on the plan.

[end memo]

Ms. Delmar read Ordinance 2008-06 by title only.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES AMENDING THE CITY OF LAKE WALES GENERAL EMPLOYEES' PENSION PLAN AND TRUST; AMENDING SECTION 16-42(d)(2) TO CLARIFY THE ACTUARIAL METHODOLOGY USED FOR PURCHASING SERVICES WHEN OPTING BACK INTO THE PLAN; AMENDING SECTION 16-46(j) TO PERMIT DROP PARTICIPANTS TO PROSPECTIVELY CHANGE THEIR DROP INVESTMENT OPTION ON A BI-ANNUAL BASIS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Scott made a motion to approve Ordinance 2008-06 after first reading. The motion was seconded by Commissioner Howell.

ROLL CALL:

Commissioner Scott	"YES"
Commissioner Howell	"YES"
Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 10. Ordinance 2008-07, Modification of the Requirements for Membership on the Lake Wales Library Board – 1st Reading

Mr. Otte reported on Agenda Item 10. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

It was recommended that the City Commission approve after first reading Ordinance 2008-07 modifying the requirements for membership on the Lake Wales Library Board.

BACKGROUND

The Lake Wales Public Library and its board of directors (i.e., the Library Board) were created by Chapter

57-1488, Laws of Florida Special Acts of 1957, and ratified by city voters in a referendum held that year.

Since its inception, the Lake Wales Library Board has served as a policy-making board for the library. This board is unique in its function, serving in a supervisory capacity over the Library Director and the operation of the Lake Wales Public Library.

In 1996, the Lake Wales Public Library, through an interlocal agreement executed by the Lake Wales City Commission, became a member of the Polk County Library Cooperative. While maintaining autonomy as our municipal public library, membership in PCLC allows the Lake Wales Public Library Board to accept funds from the Polk County Board of County Commissioners to serve residents of unincorporated Polk County.

Section 2-26 of the City Code establishes general residency requirements for members of the various city boards and committees. Unless the ordinance creating a particular board provides otherwise, membership on city boards is limited to persons who are residents of the city, owners of property in the city, or persons who hold a business tax receipt issued by the city. Because the special act creating the Library Board did not stipulate the residency requirements of its members, the general provisions of section 2-26 have applied.

In recognition of its expanded service base as a member of the PCLC, the Lake Wales Library Board voted in January 2008 to allow residents of the unincorporated Greater Lake Wales area to apply for one seat on this board, thereby giving them representation. Either a city property owner or a resident of unincorporated Greater Lake Wales may apply to serve in this single board seat. The final approval of applicants will be the responsibility of the Lake Wales City Commission.

Due to the nature of its creation by Special Act of the Legislature and voter referendum, there is not an ordinance that can be modified to establish residency requirements for the board members. It is possible, however, to modify Section 2-26 to accommodate the Library Board's request to extend its membership to persons residing in the Greater Lake Wales area. Ordinance 2008-07 has been proposed for this purpose.

If approved by the Lake Wales City Commission, Ordinance 2008-07 will modify the qualifications for board membership on the Lake Wales Library Board. With this modification, there will be no more than one Library Board member from unincorporated Greater Lake Wales.

OTHER OPTIONS

Membership on the Lake Wales Library Board will remain open only to persons who are city residents, city property owners, or holders of a business tax receipt issued by the City.

FISCAL IMPACT

None

[end memo]

Mr. Otte asked Tina Peak, Library Director, to explain the term, "The Greater Lake Wales Area". Ms. Peak said the term would include anyone having a Lake Wales mailing address, even if they were not in the City limits of Lake Wales, including Country Oaks, South Lake Wales, the eastern area, Hillcrest Heights, and Highland Park. Ms. Delmar said they could add a definition to the ordinance. Ms. Peak was asked about Babson Park. She said they had not considered Babson Park because they are located halfway between Lake Wales and Frostproof. She added that she did not think the Library Board would object to including Babson Park, even though it did not have a Lake Wales mailing address, if the Commission wanted them included. Commissioner Howell suggested that the Greater Lake Wales Area should include anyone whose children go to Lake Wales schools or live in the City. Mayor Wheeler suggested it might be

awkward to go by school attendance because even people living in Lakeland could petition the School Board to have their children attend schools in Lake Wales. Ms. Peak suggested it could be listed as those communities that do not have their own public library. Ms. Delmar said that she and Ms. Peak would work together on the wording of the ordinance.

Ms. Delmar read Ordinance 2008-07 by title only.

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES, BY MODIFYING THE REQUIREMENT FOR MEMBERSHIP ON THE LAKE WALES LIBRARY BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Manry made a motion to approve Ordinance 2008-07 after first reading. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Commissioner Scott	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 11. Resolution 2008-01, Master Joint Participation Agreement 2008-A, Lake Wales Airport

Mr. Otte reported on Agenda Item 11. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

Staff recommended that the City Commission approve Resolution 2008-01 and enter into a Master Joint Participation Agreement with the Florida Department of Transportation (FDOT).

BACKGROUND

In May 2005 the City of Lake Wales entered into a Joint Participation Agreement, Resolution 2005-14 with the Florida Department of Transportation (FDOT) for funding of the following Lake Wales Airport projects: Signage & Tetrahedron (air traffic pattern indicator), Automated Weather Observing System (AWOS), Precision Approach Path Indicator (PAPI), Master Joint Participation agreement with Hoyle, Tanner & Associates, Inc. Task Order #1 (planning and design of an Airport Master Plan and Airport Plan Update) and Automobile Parking.

In 2006 Resolution 2006-11 replaced the existing Joint Participation Agreement, incorporated the above projects that had not been completed to date (AWOS and Automobile Parking) and includes additional funding for Automobile Parking (exhibit B) and funding for FAA airport improvements (FDOT's match for upcoming FAA projects / exhibit A).

In 2007 Resolution 2007-04 replaced the existing Joint Participation Agreement and incorporates the projects from Resolution 2007-04, and includes funding for the design phase of the Medium Intensity Runway Lights project (MIRL,s) and for FAA improvements (FDOT's match for upcoming FAA projects/exhibit B).

Resolution 2008-01 replaces the existing Joint Participation Agreement and incorporated the project that has not been completed to date (Automobile Parking) and includes funding for the Medium Intensity Runway Lights project (MIRL,s) construction phase and for FAA improvements (FDOT's match for upcoming FAA projects/exhibit B).

FISCAL IMPACT

The City's match for these projects is \$ 41,669.00

07/08 budget

MIRL's (Medium Intensity Runway Lights (construction phase)	\$ 9,769.00
Automobile Parking	\$31,500.00
FAA Improvement	\$ 200.00
FAA Improvement	\$ 200.00

Federal / State participation for the projects is as follows:

Medium Intensity Runway Lights:	FDOT \$ 9,710.00	FAA \$370,098.00
Automobile Parking:	FDOT \$ 126,000.00	FAA \$ -0-
FAA Improvement:	FDOT \$ 200.00	FAA \$ 1,800.00
FAA Improvement:	FDOT \$ 200.00	FAA \$ 1,800.00

OTHER OPTIONS

The City could elect not to accept the funding and not complete the projects.

[end memo]

Ms. Delmar read Resolution 2008-01 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A MASTER JOINT PARTICIPATION AGREEMENT (JPA), ITEM-SEGMENT-PHASE-SEQUENCE NUMBERS (FINANCIAL MANAGEMENT NUMBERS): 415341-1-94-08 (FAA Improvements); 415341-1-94-09 (FAA Improvements); 412241-1-94-01 (Automobile Parking); AND 415341-1-94-06 (Rehab Runway 6-24 Medium Intensity Runway Lights) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ALLOW THEIR PARTICIPATION IN MULTIPLE AVIATION PROJECTS AT THE LAKE WALES MUNICIPAL AIRPORT.

Commissioner Manry made a motion to adopt Resolution 2008-01, entering into a Master Joint Participation Agreement with the Florida Department of Transportation (FDOT). The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Commissioner Scott	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 12. Resolution 2008-02, Motorola Equipment Lease Purchase Agreement

Mr. Otte reported on Agenda Item 12. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

It was recommended the Mayor and City Commission approve Resolution 2008-02, amending Resolution 2007-19, executing Equipment Lease Purchase Agreement 22904 with the Motorola Corporation.

BACKGROUND

On October 8, 2007, the City Commission approved Resolution 2007-19, executing Equipment Lease Purchase Agreement 22904 with the Motorola Corporation for communications and information technology equipment for the Fire and Police Departments. Subsequently, the Fire Department received a Firefighters Assistance Grant to purchase portable radios originally included in the lease purchase. Accordingly, the portable radios were purchased using grant funds and additional equipment needs were funded using lease proceeds. Resolution 2008-02 amends the Equipment Lease Purchase Agreement accordingly.

OPTIONS

The Mayor and City Commission can approve or disapprove Resolution 2008-02.

FISCAL IMPACT

The cost of the Equipment Lease Purchase Agreement with the Motorola Corporation previously approved by the Mayor and City Commission (\$217,804) remains unchanged.

[end memo]

Ms. Delmar read Resolution 2008-02 by title only.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AMENDING RESOLUTION 2007-19, AUTHORIZING A LEASE OF COMMUNICATION EQUIPMENT, LIVESCAN EQUIPMENT AND RELATED EQUIPMENT THEREUNDER; AUTHORIZING THE EXECUTION OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO COMPLETE TRANSACTION COMPLETED HEREBY AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Scott made a motion to adopt Resolution 2008-02, amending Resolution 2007-19, executing Equipment Lease Purchase Agreement 22904 with the Motorola Corporation. The motion was seconded by Commissioner Howell.

ROLL CALL:

Commissioner Scott	"YES"
Commissioner Howell	"YES"
Commissioner Van Sickle	"YES"
Commissioner Manry	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 13. Hoyle, Tanner & Associates, Task Order 11, Unified Property Metes & Bounds Survey for Lake Wales Airport

Mr. Otte reported on Agenda Item 13. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

Staff recommended that the City Commission make and approve the following motion: "The City Commission approve and authorize the expenditure of Fourteen Thousand Six Hundred Thirty Dollars (\$14,630.00) for the creation of a Property Survey unifying the multiple parcels that comprise the City of Lake Wales Airport. This work will be done as Task Order #11 under the Master Consulting Agreement with Hoyle Tanner and Associates of August 2002".

BACKGROUND

There is an existing Master Consulting Agreement with Hoyle Tanner and Associates that was entered into in August 2002. This Agreement defines the general terms and conditions applicable to continuing contractual relationships between the parties for professional services related to the City of Lake Wales Airport.

The creation and reconfirmation of all physical boundaries of the City of Lake Wales Airport will provide the City with a document that contains all of the property on a single survey. This will be beneficial for all future activities regarding funding and development at the Airport. With future development on and adjacent to the Airport this type of survey becomes a very important base document for both engineering and legal work.

FISCAL IMPACT

The current operating budget for the Airport is not generating sufficient revenue to pay for this work at this time. Due to this insufficiency of revenue from the Airport Operation the General Fund Balance will need to subsidize the monies required to fund the project. The Transfer of these funds will occur with Budget Amendment # 2.

FUTURE FISCAL IMPACTS

Impacts on Revenue

Impacts on Expenditures

OTHER ALTERNATIVES

This is viewed as an essential task for current and future development of the Airport.

[end memo]

Commissioner Scott made a motion to approve and authorize the expenditure of Fourteen Thousand Six Hundred Thirty Dollars (\$14,630.00) for the creation of a Property Survey unifying the multiple parcels that comprise the City of Lake Wales Airport. This work will be done as Task Order #11 under the Master Consulting Agreement with Hoyle Tanner and Associates of August 2002." The motion was seconded by Commissioner Howell.

ROLL CALL:

Commissioner Scott	"YES"
Commissioner Howell	"YES"
Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 14. Consultant Agreement for Development of Fire Rescue Assessment Program

Mr. Otte reported on Agenda Item 14. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

Award the consulting contract for the study and development of a Fire Rescue Assessment Program to MuniFinancial.

BACKGROUND

Request for Proposal

RFP# 07-149 was published on October 25, 2007 requesting proposals for the development of a fire rescue assessment program. On November 16, 2007 staff received two proposals. A selection committee consisting of Fire Chief Jerry Brown, Assistance City Manager Judith Delmar, Finance Director Sylvia Edwards, Accounting Manager Bridget Denihan and Purchasing Agent Bonnie Hodge evaluated the proposals and after presentations by both firms, recommend awarding the contract to MuniFinancial. The evaluation factors used to rank the firms were management and staffing, successful project experience, approach to tasks to be performed, client references, cost and presentation quality.

A summary of the two proposals is presented in the following chart:

	Government Services Group, Inc.	MuniFinancial
<i>Firm's Location</i>	<i>Tallahassee</i>	<i>Orlando</i>
<i>Fee</i>	<i>\$55,000</i>	<i>\$48,350</i>
<i>Ranking Score (500 max)</i>	<i>405</i>	<i>433</i>
<i>On Site Visits</i>	<i>4</i>	<i>See below</i>
<i>Project meetings w/ staff</i>	<i>Included above</i>	<i>Unlimited</i>
<i>Community meetings</i>	<i>Included above</i>	<i>Unlimited</i>
<i>City Commission workshops</i>	<i>Included above</i>	<i>2 w/power point presentations</i>
<i>Public Hearings</i>	<i>Included above</i>	<i>3</i>
<i>Legal assistance included</i>	<i>No</i>	<i>Yes</i>
<i>Prepare required legal documents</i>	<i>No</i>	<i>Yes</i>

After selecting MuniFinancial staff renegotiated the proposed fee from \$48,350 to \$47,000.

The study may be terminated at any time upon thirty calendar days written notice to the consultant. In that event, the consultant shall cease work and shall deliver to the City all documents prepared or obtained by the consultant in connection with its services. Upon receipt of the aforesaid documents, the City shall pay the consultant for services provided to date.

Update

Adoption of Resolution 2007-22 on December 18, 2007 by the City Commission provided the assessment collection mechanism (uniform method) for the billing and collection of a non-ad valorem special assessment for the cost of providing fire services. This would apply to property within the incorporated area of the City as authorized by section 197.3632, Florida Statutes, as amended. This method will allow such special assessments to be collected annually commencing in November 2008 in the same manner as provided for ad valorem taxes.

After adoption of Resolution 2007-22, staff provided, by registered mail, the required notification to the Polk County Property Appraiser, the Polk County Tax Collector, and the Florida Department of Revenue that the City is contemplating developing a fire rescue assessment fee and that the City elects to use the "uniform method" for billing and collecting such a fee in the event that the City Commission adopts and approves a special assessment for the cost of providing fire services.

The Next Step

The consultant will provide prompt, fully researched and documented answers to the following questions:

- 1) Which expenditures of the Fire Division of the Public Safety Department can be assessed as a special non-ad valorem assessment against real property?
- 2) How should the City apportion the fire assessment to each type of property?

Once the assessment methodology and assessment rates are determined, the consultant will make a presentation of the proposed program to the City Commission. Varying rate and funding alternatives will be considered.

If one of the program's alternatives receives City Commission approval, the consultant will continue with the following tasks:

- Attend community meetings
- Prepare Ordinances that Pertain to the Fire Rescue Assessment Program
- Prepare Initial Assessment Resolution
- Develop first class notices for distribution to property owners
- Attend public hearings
- Prepare Final Assessment Resolution
- Assist the City certify the assessment roll to the Polk County Tax Collector

The estimated completion time, from commencement through assessment roll certification, is twenty-four (24) weeks.

Unlike ad valorem taxes based on the "taxable value" of real property, an assessment fee is based on land use type (i.e. residential, commercial etc.) and on the special benefits that will be received by each property. This revenue mechanism is intended to create a positive and dedicated revenue stream to assist in the long range funding of the City's Fire Service operations and capital needs.

The Polk County System

The non-ad valorem method is currently used by Polk County to fund their fire service operations. The features of the system as used by the County are as follows:

- Every property owner in the unincorporated area of the County is assessed a fee for fire service. This fee appears on the tax bill and the amount is included in the total amount that is due and to be paid to the county tax collector.

- Polk County does not assess the fee to property owners who do not currently pay property taxes, such as government properties, churches, and other tax exempt properties. (Some local governments that use this method of funding have chosen to assess a fee for tax exempt properties, i.e. City of Avon Park.)
- Any shortfall in the expected Fire assessment proceeds due to any reduction or exemption from payment of the Fire Assessments required by law or authorized by the local agency (county, city, special district, etc.) must be supplemented by any legally available funds of the authorizing agency. In our case, General Fund revenues would supplement any such shortfall.
- The fee schedule for the County's fire assessment fee is:

**POLK COUNTY
 FIRE ASSESSMENT RATES**

Type	Adopted	Unit
Residential		
Single Family	\$ 148.00	each
Multi Family	\$ 113.00	each
Mobile Home Park Spaces	\$ 64.00	each
Non-Residential		
Recreational Vehicle Space	\$ 0.266	per sq. ft.
Hotel/Motel	\$ 0.266	per sq. ft.
Transient	\$ 0.266	per sq. ft.
Institutional	\$ 0.515	per sq. ft.
Commercial	\$ 0.266	per sq. ft.
Restaurant	\$ 0.266	per sq. ft.
Industrial	\$ 0.090	per sq. ft.
Warehouse	\$ 0.011	per sq. ft.

While the County rates may be informative, no one can, at this time, "guesstimate" the rates that will be developed by the consultant or adopted by the City Commission.

Proposed Task Schedule

TASK	Tentative Schedule
Award Bid to Fire Assessment Consultant	February 5, 2008
Kick-off Meeting Staff & Consultant	February 8, 2008
Data Collection	February 10 – March 10
Pro forma Budget Development	March 11 – March 30
Pro forma Assessment Rates	April 1 – April 18
Assessment Rates Workshop Commissioners	Late April 2008
Assessment Rates Community Workshops	May, 2008
Workshop with Commissioners	Late May, 2008
Ordinance – 1 st Reading	June 17, 2008
Ordinance – Public Hearing and 2 nd Reading	July 1, 2008
Initial Assessment Resolution	July 1, 2008
First Class Notices to Property Owners/Rates & Public Hearing	July 8, 2008
Published Notice of Public Hearing	July 8, 2008

Public Hearing	August 5, 2008
Final Assessment Resolution	August 5, 2008
Final Assessment Rates	August 5, 2008
Certify Assessment Roll	August 29, 2008

OTHER OPTIONS

Continue to rely on ad valorem taxes and other economically and politically sensitive revenue streams.

FISCAL IMPACT

Consultant fee not-to-exceed \$47,000. Estimated cost for first class notices to property owners is \$8,750. Both of these costs may be included in the assessment rates and therefore repaid to the General Fund. Currently, only \$30,000 is budgeted for this study in 2007-2008 and therefore will require a budget amendment to appropriate additional monies from general fund balance.

[end memo]

Mr. Otte reported that the City had held two public forums on the Fire Assessment fee and at both forums residents wanted to know why that much money had to be spent on a study. Mr. Otte said that this type of extensive project required the gathering of detailed information and the cost of service for different uses. He explained that if this is not done properly, it might subject the City to a lawsuit that could have been avoided by doing it right from the start. He added that hiring a consultant would not commit the City to approve the fee. However, it would commit to the City to funding the study, of which \$30,000 had been budgeted. There would have to be a budget amendment for the balance.

Commissioner Scott asked if this was a necessary item that the State required. Mr. Otte said the State did not require it but, in his opinion, the City would need the consultant to insure that it was done properly. He said if the City was faced with a challenge, hiring the consultant would not guarantee that we would prevail on the challenge, but it would give us a high probability that we would prevail as the work would be done by highly experienced professionals.

Commissioner Howell asked if the City knew what revenue it would need because of Amendment 1, Property Tax Reform, being passed and if the study would need to be repeated again in the future if we voted not to go with the Fire Assessment Fee now. Mr. Otte said it was his understanding that the study would be needed only once, unless you wanted to tune it up as was done for impact fees. Ms. Delmar said it would have to be done every five years, though the initial information would not have to be done over, just an update. Mr. Otte explained that this would prepare the City to put this in place next year. He said he believed this was another tool for the Commission to go forward in very uncertain times. No one can predict the effect of the amendment and this would allow us to secure a revenue stream for at least fire services, as this is the only vehicle available for a separate fee.

Commissioner Van Sickle said he was definitely against tax increases, but with the study, which he said was money well spent, we would know exactly the cost to the individual, enabling the Commission to make some smart decisions.

Commissioner Scott said her concern was for the survival of the City because it needs the money to operate, though she realizes that this will be a hardship for some people. Commissioner Van Sickle commented that this study will determine what is needed, and possibly it will turn out to be a zero-based issue.

Commissioner Manry said that \$47,000 is a lot of money and asked if there were other things the City could challenge the consultants to find along with this so the City would increase the value of its money. Mr. Otte responded that he was sure they were experienced in this, and staff could ask them for suggestions on what it can do to cope with tax reform.

Commissioner Howell made a motion to award the consulting contract for the study and development of a Fire Rescue Assessment Program to MuniFinancial. The motion was seconded by Commissioner Scott.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Commissioner Manry	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 15. Reuse Phase III Main Construction Award of Bid to Killebrew, Inc., \$1,005,132.02

Mr. Otte reported on Agenda Item 15. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

1. Accept the bid of \$1,005,132.02 and award the contract to Killebrew, Inc. for construction services in regards to the Reuse Phase III Project.
2. Authorize the City Manager to execute the appropriate documents on the City's behalf, in regards to these Capital Improvements.

BACKGROUND

The Reuse Phase III Cooperative Funding Agreement between the City of Lake Wales and the Southwest Florida Water Management District (SWFWMD) has now been approved and signed by both parties. This agreement provides for the City's being reimbursed by the District 50% of the costs incurred during the construction of the beneficial reuse water mains associated with City's Reuse Project. Although competitive bidding is called for in the agreement, staff has decided that it would be more cost effective to utilize the construction services of Killebrew, Inc. by "piggybacking" on their contract with Polk County. This contractor has recently been awarded, through competitive bidding, the contract for construction services relating to the Southside Force Main Project which is now under construction. It was felt that monies could be saved by the absence of mobilization charges being that the contractor is already in Lake Wales. In addition, bidding the project out would cause a delay in the project by several months. This not desirable due to the time restraints put upon the City by stipulations in the City's Department of Environmental Protection (DEP) Wastewater Operating Permit, its Southwest Florida Water Management District (SWFWMD) Water Use Permit along with timelines set in the contract with Mayfair in regards to the selling of the Cooperative Fruit Property to that development. That contract states that the City has until September 30, 2008 to abandon the 75 acres currently being used as a wastewater effluent disposal spray field and turn the property over for development. In order to achieve this, reuse water has to be applied elsewhere in sufficient amounts to compensate for the .530 MGD permitted by DEP for the spray site along with the six monitoring wells on site being sealed. The abandonment process, done to DEP standards, takes approximately six months.

With the Whispering Ridge Subdivision, Mayfair Development, the City soccer fields, City owned groves along with adjacent privately owned groves listed as reuse sites, there will be enough immediate usage to more than offset the spray field after the reuse lines are put into service.

Staff has been in contact with pertinent SWFWMD personnel and they are in agreement that the utilization of the piggyback procurement method is, in this case, in the best interest of the City of Lake Wales and the District and have agreed to waive the competitive bidding stipulations in the Cooperative Funding Agreement.

OTHER OPTIONS

Go out to competitive bidding, delay the project by months, possibly miss set deadlines and add more cost to the project.

FISCAL IMPACT

\$1,428,000.00 was placed in the FY '07-08 Reuse Capital Improvements Budget for this purpose. These up front cost will be financed through an SRF loan. Should financing be delayed the existing Sun Trust Loan will be extended to insure the completion of the project in FY '07-08.

[end memo]

Mayor Wheeler asked if the saved funds, amounting to approximately \$400,000 plus, could be placed as a contingency for some future event or would we have to spend it within the budget year. Ms. Delmar replied that only half of that was City funds, so we would save roughly \$200,000 that could be used on another utilities project. Mr. Otte added that we have numerous projects the money could go towards. Commissioner Manry asked if Killibrew thought they would have to start the project by March 30 in order to meet the timeframe to completely abandon the Cooperative reuse spray field. She asked if that would be doable. Mr. Otte answered that, to his understanding, yes. Ms. Delmar commented that we are not actually using the 75 acres. Mr. Otte said that he is not sure that we ever have, to any great extent.

Commissioner Manry made a motion to accept the piggyback bid with Polk County for \$1,005,132.02, award the contract to Killebrew, Inc. for construction services in regards to the Reuse Phase III Project, and authorize the City Manager to execute the appropriate documents on the City's behalf in regards to these Capital Improvements. The motion was seconded by Commissioner Howell.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Mayor Wheeler	YES"

The motion carried 5-0.

Agenda Item 16. Approval of Award to Garden World of Holiday, Inc. for the Urban and Community Forestry Grant

Mr. Otte reported on Agenda Item 16. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

Staff recommended that the City Commission take the following action:

1. Authorize the City Manager to execute an agreement with Garden World of Holiday, Inc. for the provision, installation, and initial maintenance of 30 trees in the amount of Ten Thousand Two

Hundred Dollars (\$10,200) per the Urban and Community Forestry Grant awarded to the City in 2006.

2. Authorize use of \$5,300.00 from the Tree Replacement Fund to cover expenses meet the 50/50 match requirements of the grant.

BACKGROUND

The City was awarded an Urban and Community Forestry grant to plant 30 trees in the Lake Wailes Park to replace trees that were lost during the 2004 hurricanes. The total project was estimated at \$9,800.00 with the City receiving \$4,900.00 from the Department of Agriculture. Unfortunately, bids exceeded estimates. Two bids were received, the low bid being \$10,200.00 and the high bid \$17,967.00 (Luke Brothers Landscape Services).

The grant required a minimum of four species be planted and that the City is required to insure the health of these trees for a minimum of three years. The application included magnolias, live oaks, bald cypress, and Sabal palms.

Per Section 23-302.2(b)(2) the City Commission must approve any expenditure from the Tree Replacement Fund.

The Parks and Community Appearance Board has reviewed the planting plan and supports the execution of this request.

FISCAL IMPACT

The contract is for \$10,200.00 the City will be responsible for \$5,300.00. This amount is currently available in the Trees Replacement Fund.

OTHER OPTIONS

Not approve the award and default on the grant.

[end memo]

Mayor Wheeler asked if irrigation would be installed to insure the trees' survival. Kathy Bangley, Assistant Planning Director, responded that once the trees were grown they would not need irrigation as it was required that they be native hardy, so a 60-day growing period has been included in the price and the company will water them during that time. The grant does require the City to maintain the plants for three years. After the 60-day growing period, the City would have to water them and if a tree dies during the three-year period the City would have to replace it. Commissioner Scott asked if the City has a water truck and Ms. Bangley said we do.

Commissioner Manry made a motion to authorize the City Manager to execute an agreement with Garden World of Holiday, Inc. for the provision, installation, and initial maintenance of 30 trees in the amount of Ten Thousand Two Hundred Dollars (\$10,200) per the Urban and Community Forestry Grant awarded to the City in 2006, and authorize use of \$5,300.00 from the Tree Replacement Fund to cover expenses to meet the 50/50 match requirements of the grant. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Commissioner Scott	"YES"
Commissioner Howell	"YES"

Mayor Wheeler "YES"

The motion carried 5-0.

Agenda Item 17. Lots Previously Owned by the City Conveyed to the Green & Gold Foundation

Mr. Otte reported on Agenda Item 17. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

Staff recommended that if it is the intent of the City Commission to help facilitate the revitalization of the Northwest Area of the City that a 2-year extension be granted on the reverter clause to allow for the construction of infill housing on all three lots.

BACKGROUND

As you are aware, three lots were conveyed to the Green & Gold Foundation in February 2006 for the purpose of building infill housing. This transaction had a reverter clause included that would return ownership of the properties to the City if a certificate of occupancy was not issued within two years. The two-year anniversary of this agreement is February 7, 2008.

In October 2006, the Foundation conveyed the subject properties to a third party with the reverter clause following title of the property. The new owner, Ms. Gorges, has just this week submitted an application for a building permit. At this time, the application is incomplete.

Before issuing a building permit direction as to the reverter clause is requested.

[end memo]

Mr. Galloway said that if this is approved, the City needs to have Ms. Gorges' acknowledgement of the reverter clause as a condition of issuance of that permit so we don't run into this again in two years.

Commissioner Manry made a motion to grant a 2-year extension on the reverter clause to allow for the construction of infill housing on all three lots. The motion was seconded by Commissioner Van Sickle

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Commissioner Scott	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 18. Finalization of Streets to be Improved with CRA Bond

Mr. Otte reported on Agenda Item 18. The full staff memo is incorporated into the minutes.

Mr. Otte reported that Agenda Item 18 had been amended to include the addition of a piggy backing with Winter Haven's asphalt pricing contract with APAC Southeast, Inc.

[begin memo]

RECOMMENDATION

Staff recommended that the City Commission approve the revised list of streets to be resurfaced or sealed.

BACKGROUND

On January 26 & 29, the City Commission along with City staff toured the city to finalize the streets resurfacing project. Attached is the original list with revisions recommended by the City Commission during the January 26 and January 29, 2008 tour.

OTHER OPTIONS

FISCAL IMPACT

[end memo]

[begin added memo]

Staff recommended that the City Commission take the following action:

1. Approve the piggy backing of the City of Winter Haven's asphalt pricing contract with APAC Southeast, Inc.
2. Authorize the City Manager to execute the appropriate documents on the City's behalf.

BACKGROUND

The City recently secured the funding through the CRA bond for the resurfacing of various streets throughout the City. City staff initially worked with Lane Construction to do the street resurfacing, but they were eliminated from considerations. APAC has an existing contract with the City of Winter Haven for this type of work, and APAC was selected following a bid process by the City of Winter Haven. This contract with APAC locks in the pricing for the resurfacing work to be done at favorable rates. It is an annual contract based on square footage for resurfacing, milling of the surface, shoulder work and pavement striping.

If the Commission approves this contract, representatives from APAC will immediately begin the preparation of a detailed, street by street plan for the work to be done, including the cost for each street. This list will then be brought back to the Commission for approval to provide assurance that the work to be done will be within budget.

OPTIONS

Reject the APAC contract with the City of Winter Haven and prepare Bid documents for the bidding process.

FISCAL IMPACT

Accepting this contract has no fiscal impact since it does not commit the City to specific work. The authorization for specific work will be brought back to the City Commission for approval as noted above. It is anticipated that this approval will be requested within the next 30 days.

[end added memo]

Mr. Otte said that a field inspector from Gerry Hartman's firm, who specializes in asphalt and street work, a representative from APAC, and Jerry Torrance will look at the streets to determine the condition of the streets, what streets should be sealed, what type of sealant to use, etc. He added that he did not think sealant was included in the bid.

Commissioner Manry asked if the City had approached other contractors or were we assuming that Winter Haven's bid was the best. Mr. Torrance said that Lane Construction had been contacted, but we could not go with them because of their outstanding litigation from the trail. He said that the bid was based on street miles and they will go street by street with the cost of each, which will come back to the City Commission for approval.

Commissioner Manry said that the City saw some bad workmanship in past jobs and she wanted to make sure this was a good company. Mr. Otte said that he had been asked what type of asphalt we wanted to use, unused stones or recycled milling type stones. He said that this was something staff would have to research and decide.

Commissioner Howell asked if the streets would be ranked by which ones would be attended to first and so on. Mr. Otte said they would ask APAC for a proposed schedule of streets. Mr. Otte said that approval on this item would set APAC up as the city contractor, after which staff will ask them to prepare a proposal.

Commissioner Howell made a motion to approve the street list, and approve the contract with APAC. The motion was seconded by Commissioner Scott.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Scott	"YES"
Commissioner Van Sickle	"YES"
Commissioner Manry	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

Agenda Item 19. 1919 School Expenditure Report

Mr. Otte reported on Agenda Item 19. The full staff memo is incorporated into the minutes.

[begin memo]

City Commissioner, Jack Van Sickle, requested an expenditure report on the 1919 School/Performing Arts Auditorium.

Finance prepared the attached report. Staff will be available to answer questions at the commission meeting.

This report will be updated bi-annually in concurrence with the bi-annual grant reports.

[end memo]

Ms. Delmar reviewed the report titled "City of Lake Wales Hardman Complex/1919School Expenditures @ 12/31/07" that was provided to the City Commission in their agenda packet.

Commissioner Van Sickle compared the chart with his own findings and concluded by saying the City was on the hook for \$1, 500,000.00, which included the finishing of the second floor. Mr. Otte explained that

the City is under no State contractual requirement to finish the building, only that the money is utilized for that which it was issued. He added that we were probably on the hook with the residents to get it finished, but not with the State.

Mimi Hardman, Depot Museum Director, asked where Mr. Otte obtained his information because her findings were that we would be required to maintain the building. Mr. Otte said he had gotten his information from one of the officials in the Tallahassee Historic Preservation office who was in charge of the City's Grant and that this information was made very clear to him. Ms. Hardman said if the building was not being used, then the City was not in compliance. She said she would be sure to call them in the morning because she is the one who gets the grants for the City and that was not what was told to her. We can not let the building set there without being used. Mr. Otte said the question was does the acceptance of a grant require by grant regulations that you complete the building and the answer is no. The acceptance of the grant requires that you utilize the funds provided for the purpose the grant was awarded for. When you have spent the money for that purpose, then you are finished. You are required to maintain what was completed.

Ms. Hardman said they had another \$5,000 that is committed by Marshal Whidden for the design of the parking that was not included on the chart. Ms. Delmar said that the total in-kind services according to the grant application, was listed, although not itemized. Ms. Hardman said that the donations that were given, were given with the understanding that the building would be finished.

Gabriel Statom, consultant for the project, thanked Ms. Delmar and the finance staff for the fine work they did on the expenditure report for the 1919 school to help everyone understand where we are and where we are going. When the City contracted him to look into future fundraising, this was one of the first issues that needed to be addressed before he could ask the community for donations to complete the building. To keep the project moving in a timely manner, he said we needed to calculate how much it will cost to run all components of the building so we will have everything in place to continue with phase I. When the first level is completed and once sponsors step forward, they will start adding the theatrical components, and will begin working on the cost of the parking lot. He said he understood both sides of the issue between Mr. Otte and Ms. Hardman. The grant money is obtained for specific projects, with, he was sure, the hope that the building would eventually be completed as Ms. Hardman stated, and which the City also intends to do, starting with the first floor. Getting full use of the building is important for community morale; having events so people can see the vision for it. Then we can start seeking funds for the second level. There may be a timeframe for spending the grant money so we are moving forward to finish the first floor. He said that he has met with community leaders who will put together a fundraising campaign, a marketing plan including a video that will demonstrate the uses of the building (education, conferences, performance, film etc.) He had preliminary talks with the Arts Council who showed real interest in the project, and he feels that they will be the primary user of the building. The City could contract with them to run the facility. He would also like to schedule some events like a Gala so people can come in and see the building and its potential as the "Crown Jewel" of Lake Wales.

Mr. Statom asked Ed Locke, from Semco Construction, to come forward and provide an update. Mr. Locke said they were at 99% completion on the current phase of construction, lacking only the fire sprinkler system on the second floor. They have put that on hold until it is decided what is needed on that floor. He said there were a few broken windows that needed to be replaced and Mayor Wheeler asked if he couldn't put in glass that would not be so easily broken. He said they were working on that. The security system has been installed but is not yet fully functional. Mayor Wheeler asked if the estimate to finish the first floor was still accurate and Mr. Locke said it was, though he was expecting some savings. Commissioner Van Sickle asked about a wall that he heard was buckling and would need to be repaired, and how that would effect the cost. Mr. Locke said they were going to repair it this week at no extra cost, and he explained the damage and what was being done to fix it. Mayor Wheeler asked if the building would be good enough for Mr. Statom to be able to solicit fundraiser money and he said it would be.

Commissioner Manry asked how many seats they will have on the first floor and Mr. Statom replied 450 plus another 150 on the second floor. He said he was scheduling an appointment with the executive

director of a theatre approximately the same size to learn about the programming they are doing and see about the possibility of sharing performers. He said he talked with the Charter School Superintendent, and someone from McLaughlin Middle School, an arts magnet school, who is interested in the possibility of having an after-school performing arts conservatory. He has talked with the Imperial Symphony and Florida Dance Ballet who are also interested.

CONSENT AGENDA

Agenda Item 20. Early Voting Site Agreement with Polk County Supervisor of Elections @ Lake Wales Public Library: August 11, 2008 – August 23, 2008 & October 20, 2008 – November 1, 2008

Mr. Otte reported on Agenda Item 20. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

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

1. Approve the Early Voting Site Agreement as issued by the Polk County Supervisor of Elections office stating that the Lake Wales Public Library will be used as an Early Voting Site August 11 through August 23, 2008 for the Primary Elections and October 20 through November 1, 2008 for the General Elections.

BACKGROUND

In compliance with Florida Statute 101.657, the Supervisor of Elections has stated that the Lake Wales Public Library's Meeting Room will be utilized as a location for 2008 Early Voting.

The submitted agreement must be approved by the City Commission and signed by a designated official of the City of Lake Wales.

OTHER OPTIONS

None.

[end memo]

Agenda Item 21. Contract with Ray McNeal for Engineering Inspection Services

Mr. Otte reported on Agenda Item 21. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

Staff recommends that the City Commission:

1. Approve the contract with Ray McNeal for Engineering Inspection Services through September 30, 2008 at a rate of \$25.00 per hour.
2. Authorize the City Manager to execute the contract on the City's behalf.

BACKGROUND

Due to recent cancellation of the Engineering Inspector's contract, the Utilities and Street Departments finds themselves once again without a Utilities/Streets Inspector. The person in this position is responsible, for overseeing construction of roadways, water, wastewater and storm-water systems in new developments and commercial ventures to insure that all work is done to local, state and federal guidelines and specifications. Currently, the department is inspecting projects by utilizing whatever various Utilities personnel can spare the time. This results in staff, at times, leaving their normal duties unfinished in an appropriate time frame while making it difficult to maintain an efficient inspection schedule.

The Utilities Department is not in a position, at this time, to add a full time inspector in its FY '07-08 budget. By temporarily utilizing the services of a qualified, outside contractor the City can be assured of professional, focused inspections until at which time a more permanent arrangement can be made in the next budget year. Mr. McNeal has twenty years experience in all types of construction and staff is familiar with his work

OTHER OPTIONS

Due not enter into a contractual agreement with Mr. McNeal, continue inspections as they are being conducted currently and risk the construction of less than desirable roadway and utility systems in the City.

FISCAL IMPACT

\$31,264.00 has been placed in the FY '07-08 Utilities Administration Budget for this purpose.

[end memo]

Agenda Item 22. Contract with PBS&J for Engineering Highview Drive Drainage Improvements

Mr. Otte reported on Agenda Item 22. The full staff memo is incorporated into the minutes.

[begin memo]

RECOMMENDATION

It was recommended that the City Commission:

1. Accept the proposal of \$14,740.00 and award the contract to PBS & J for engineering services as provided in accordance with the Master Consulting Agreement #6-79 between Polk County and PBS & J approved on May 24, 2006 and authorized by the City of Lake Wales Commission at it's November 6, 2006 commission meeting.
2. Authorize the City Manager to execute the agreement on the City's behalf.

BACKGROUND

The City of Lake Wales has a storm-water management detention area located on portions of two lots in the subdivision on the south side of Highview Drive. The project area is located along or near the common lot lines between lots 16 & 17 of Block C of the Lakeview Manor Subdivision located in Section 1, Township 30 South, Range 27 East as recorded in the Polk County Official Records, Plat Book 40, Page 4.

The property owners have requested the City revise the drainage system by relocation of the storm-water management detention area into the Kiwanis Park property south of the existing subdivision. The subdivision was constructed at a time prior to the requirement for storm-water management permitting by the Southwest Florida Water Management District. The City has requested the Consultant provide engineering services to assist the City with appropriate modification to the storm-water management system in the subdivision and adjacent Kiwanis Park.

OPTIONS

Chose not to relocate drainage area and the affected homeowners will continue to have periodic flood problems.

FISCAL IMPACT

Funds available from the CRA Bond.

[end memo]

Agenda Item 23. CDBG Disaster Recovery Fire Wall Servers (for Fiber Optic Cable), Bid #08-154

Mr. Otte reported on Agenda Item 23. The full staff memo is incorporated into the minutes.

[begin memo]

Staff recommended that the Commission approve the purchase of two Firewall Servers from Innertag, Inc.

BACKGROUND

On November 6, 2007, the City Commission approved a contract with Harris-McBurney Company to install a Fiber Optic cable link between the Fire and Police facilities. Two Firewall Servers are required to complete the Fiber Optic cable project.

Staff prepared an invitation to bid for the purchase of the Firewall Servers and two companies responded to the bid request. The results of the bids are as follows:

- | | |
|-------------------------------------|--------------|
| 1. Innertag, Inc. | \$12,380.00 |
| 2. Secure Network Innovations, Inc. | \$111,358.28 |

Innertag, Inc submitted the lowest bid on an adequate product to complete this project.

OPTIONS

The City Commission may not approve the purchase of the upgraded Firewall Servers.

FISCAL IMPACT

This project is fully funded with a CDBG Disaster Recovery non-matching grant.

[end memo]

Agenda Item 24. Purchase of Two (2) 2008 Ford Expedition 4X4 Special Service Vehicles, \$60,580.00

Mr. Otte reported on Agenda Item 24. The full staff memo is incorporated into the minutes.

[begin memo]

It was recommended the City Commission approve the purchase of two (2) 2008 Ford Expedition Special Service Vehicles from Duval Ford for \$60,580.

BACKGROUND

The Lake Wales Police Department uses specially trained canines to apprehend criminal offenders, to perform search and rescue operations (SAR) and to interdict illegal drugs. Canine teams (law enforcement officer and canine) conduct preventative patrol along U.S. Highway 27 and State Road 60 each day. The recent incorporation of citrus groves combined with increasing commercial development along these regional transportation systems has demonstrated the canine teams require four wheel drive utility vehicles to access these properties.

Criminal offenders regularly flee from law enforcement officers into citrus groves and onto construction sites. In such cases, canine teams are deployed to trail and apprehend the offenders. Mud and sand located on these properties limit where canine teams are deployed.

Current canine vehicles (2004 Ford Crown Victoria Police Interceptors) cannot traverse mud and sand. Accordingly, canine teams must walk great distances through citrus groves and construction sites before they begin searching for offenders. Exhaustion and fatigue can render a canine team ineffective, greatly increasing the risk of injury to law enforcement officers.

To improve the capability of the Canine Unit, the Police Department proposes to purchase two (2) 2008 Ford Expedition 4X4 Special Service Vehicles.

OPTIONS

The City Commission may vote not to approve the purchase of two (2) 2008 Ford Expedition Special Service Vehicles from Duval Ford for \$60,580.

FISCAL IMPACTS

An expenditure of \$60,580 will be required to purchase two (2) 2008 Ford Expedition Special Service Vehicles from Duval Ford. Pricing for the two (2) 2008 Ford Expedition Special Service Vehicles was obtained through Florida Sheriff's Association Bid Award Announcement 06-14-0821.

The Police Department proposes to use funds deposited in the Police Services Impact Fee Trust Account to purchase the two (2) 2008 Ford Expedition Special Service Vehicles. Section 23-427, Code of Ordinances of the City of Lake Wales, provides the monies deposited into the Police Services Impact Fee Trust Account shall be used solely for the purpose of constructing or improving the City's police services. Specifically, monies are authorized for the acquisition of vehicles utilized in providing police service and the apparatus or equipment necessary to provide such service.

[end memo]

Agenda Item 25. Shoppes on the Ridge Phase 2 Final Plat

Mr. Otte reported that Consent Agenda Item 25 had been pulled from the agenda.

END CONSENT AGENDA

Commissioner Van Sickle asked that, because one of the bidders for the Recovery Fire Wall Servers was not being used, as their bid included a lot more than what was required, if we were sure we were getting what we wanted. Commissioner Howell asked if the low bidder would be tacking on those services that the high bidder included, and was this something that was really needed. Ms. Delmar said that the second bidder included things that we would not need and that they over-bid way beyond what was asked for. She explained our need to upgrade to fiber optics for security purposes and to keep our email server and network secure; and in order for our Police Department to utilize the FBI database. Mr. Otte said that James Slaton, the City's IS Department Director, is satisfied that this bid price will do the job expected.

Commissioner Manry made a motion to approve the Consent Agenda excluding Agenda Item 25. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Van Sickle	"YES"
Commissioner Scott	"YES"
Commissioner Howell	"YES"
Mayor Wheeler	"YES"

The motion carried 5-0.

COMMUNICATIONS AND PETITION

Agenda Item 26. CITY COMMISSION TRACKING REPORT

Adult Day Care: Mr. Otte said a letter had been sent requesting a meeting with the pastor of the church to see if an agreement can be reached. Commissioner Manry asked if they now have the money to operate it and Mr. Otte said the county has applied for a grant. Mr. Gallup, Economic Development Director, added that the grant had not been awarded, yet. Mr. Otte asked that we get a copy of the grant and review it.

Spook Hill Appearance: Mr. Otte reported that the Parks and Community Appearance Board was discussing a plan and there should be a report by the next meeting.

Stop Sign on Lake Shore: Mr. Otte reported that BPAC has postponed this item until their next meeting. He said that Police Chief Herbert Gillis recommended putting a "Yield to Pedestrian" sign on Lake Shore Blvd. instead. He added that according to the traffic modification map regulation, an action from the City Commission is not required for that particular sign. Mayor Wheeler asked if that was the same for the "Yield to Pedestrian" sign on the east side of Lake Shore Blvd. between the Cephia Street parking lot and Sunset Drive. Mr. Otte said yes. Commissioner Scott asked if the City owned enough property at that location to be able to put a sign up without it being in someone's yard. Mr. Otte said no. He added that he did not think the neighbors would object to it though.

Tree Replacement Project: There will be a report at the February 19 City Commission meeting.

Sidewalk on Sunset: It has been confirmed that there is sufficient right-of-way to install a sidewalk on Sunset from Lake Shore to Yarnell. The project will be added to the CRA bond list.

Flashing Light at Polk Avenue School: Funding is in the budget, but since it requires us to use the School Board contractor, expenditures will come to the City Commission for approval at its meeting on February 19.

Resurfacing on Burns Avenue: According to the County the project will begin in mid-February.

Police Department Generator: The replacement generator has been delivered and will be installed soon. Lt. Pat Quinn is working with the City Attorney on the lawsuit.

Stoplight at Mt. Lake Cut-off Road and Scenic Hwy.: FDOT has committed \$1.5 million for highway safety for the turn-lanes in this location. An additional \$1.5 million will be needed from the Transportation Planning Organization. The conceptual design will be completed no later than March and the property owners can be contacted about donating land for the turn-lanes.

Pothole at Mt. Lake Cut-off Rd and Scenic Hwy: The pothole has been repaired.

Lots West of Fleet Maintenance Garage: A church purchased the lots and they are not interested in selling. City staff will follow up.

Lake Alta Area: Public Services will schedule the Weekend Workers to cleanup the western part of that area.

PUBLIC COMMENT

Wes Rogers, 500 E. Bullard Avenue, disagreed with the grant amounts for Hardman Hall that the Commission spoke about earlier and asked why there was a discrepancy. Ms. Delmar reviewed the figures of grant awards to date. She added that the discrepancy between the City's figures and his was that he was using figures from early estimates based on what was thought to be the case at that time. She said there was no expenditure on the CRA bond project. He closed by thanking the City Manager for having the City's financial health as a higher priority than this project.

Jackie Williams, 205 Bel Ombre Circle, reported seeing a dead raccoon across from Park Avenue and she was concerned because they tend to carry rabies. Mr. Otte said that he would have someone remove the raccoon.

COMMISSION COMMENT

Commissioner Scott said that Park Avenue by the Presbyterian Church used to be a two-way street and it would be nice if it could be two-way street once again. Mr. Otte reported that City staff researched why that was changed to a one-way street and discovered that, though the street is sized for two-way traffic, it is not wide enough to accommodate parking as well. Therefore, it was made a one-way street to accommodate the church's request for parking beside their church. Commissioner Scott said that there might not be any need for parking along Park Avenue with their new construction. She asked if they were going to use the lot across the street from the church for parking. Margaret Swanson, Planning Director, said they have not brought in a plan for that parking lot, but it was her understanding that they would. Mayor Wheeler said that once they bring in the conceptual plan the Commission could revisit the issue.


Commissioner Howell said she would give a list to Jerry Torrance of streetlights she found that were not operating.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk

OFFICIAL BALLOT
CITY OF LAKE WALES
Polk County, Florida
April 1, 2008

CITY COMMISSION ELECTION

**FOR COMMISSIONER, SEAT 5
(VOTE FOR ONE)**

- Christopher C. Lutton
 - M. James "Jim" Reddick, Jr.
 - John Paul Rogers
 - Jean Kincaid Scott
-