

The regular meeting of the Lake Wales City Commission was held on August 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 Rev. Charles Cooper, Central Avenue Baptist Church.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Y. Howell; Jack Van Sickle; John Paul Rogers; Kathy Manry; Lee A. Wheeler, III, Mayor.

Commissioner Manry arrived at the meeting at approximately 6:10 p.m.

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 July 15, 2008 regular meeting and the July 29, 2008 special meeting. The motion was seconded by Commissioner Rogers.

ROLL CALL:

Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Van Sickle	"YES"
Mayor Wheeler	"YES"

The motion carried 4-0.

AGENDA ITEM 5. CERTIFICATE OF APPRECIATION: Helen Walters, Housing Authority Board

Mayor Wheeler presented a Certificate of Appreciation to Helen Walters thanking her for the dedicated volunteer service as a member of the Lake Wales Housing Authority from April 4, 2000 to July 1, 2008.

AGENDA ITEM 6. COMMENDATION: Detective Michael Yodonis

The full staff memo is incorporated into the minutes.

[begin commendation agenda memo by Asst. Police Chief Christopher Velasquez]

On June 16, 2008, you responded to assist the Patrol Section with a call involving a person that threatened to harm himself. Upon arrival, officers made contact with the person inside a residence. The individual refused to cooperate and barricaded himself inside the residence. This person made gestures as though he had a weapon, therefore a perimeter was established, and the SWAT team responded.

During a period of approximately 45 minutes, you established a rapport with the person and engaged him in positive dialog. Not only were you able to calm this person and prevent him from harming himself or others, you were able to convince him to surrender peaceably without the application of force.

Your skill as a law enforcement officer spoke for itself during this incident. You were able to control your emotions and safely secure an individual that was experiencing crisis in their life. I would like to personally thank you for setting an example and commend your actions in this case. I am proud of you and encourage you to continue going the extra mile in all you do for the citizens of Lake Wales.

Keep up the good work.

[end commendation agenda memo by Asst. Police Chief Christopher Velasquez]

Police Chief Herbert Gillis recognized Detective Michael Yodonis for going the extra mile in protecting the citizens of Lake Wales. Mayor Wheeler presented Detective Michael Yodonis with a Certificate of Appreciation.

AGENDA ITEM 7. COMMENDATION: Sergeant William Smith

The full staff memo is incorporated into the minutes.

[begin commendation agenda memo by Asst. Police Chief Christopher Velasquez]

In the early morning hours of June 23, 2008, you were conducting preventative patrol in Historic Downtown. As you passed the alley between Park and Stuart Avenues, you observed several suspicious persons. After radioing for assistance from other officers, you changed your approach and observed persons standing on the roof of the Park Avenue Soda Fountain and others on a ladder at the side of the building.

Although the persons attempted to flee when assisting officers arrived, your squad was able to immediately apprehend four of the five individuals and quickly identify the fifth person that avoided arrest. Additionally, you recovered gloves in the immediate area as well as the vehicle the persons had driven to the scene. Your thorough patrol tactics as well as your sound thinking that evening was directly responsible for the apprehension of these persons and possibly the prevention of more serious crimes.

I would like to personally thank you for setting an example and commend your actions in this case. I am proud of you and your squad and encourage you to continue this type of teamwork as it sets an example for all to follow.

Keep up the good work.

[end commendation agenda memo by Asst. Police Chief Christopher Velasquez]

Police Chief Herbert Gillis recognized Sergeant William Smith for his leadership as a police officer and for encouraging a team effort among his squad in preventing crimes. Mayor Wheeler presented Sergeant William Smith with a Certificate of Appreciation.

DISCUSSION: COMCAST CHANNEL 9

Mr. Otte said the City received notification that Comcast is considering the elimination of the Orlando TV station, Channel 9. He said that the Commission discussed this issue with Mark Lipford, Comcast Vice President and General Manager, at its meeting in August 2007. At that meeting, it was pointed out that the City of Lake Wales had relied on Channel 9 for accurate weather information for our area during the 2004 hurricanes and that Lake Wales citizens who work in Orlando rely on Channel 9 for Orlando weather information. Following that meeting, Comcast informed the City that they would keep Channel 9. Mr. Otte said that because we are facing this issue again, he asked Mr. Lipford and Shawn Bartelt, Vice President and General Manager of WFTV, Channel 9, to come tonight and explain why Comcast is considering eliminating Channel 9. He said that both Mr. Lipford and Ms. Bartelt are present.

Commissioner Howell said it is disturbing to hear that we might be losing Channel 9, and that she does not know who is to blame, Comcast or Channel 9. She said that Lake Wales is located within a 75-mile radius of Tampa and Orlando and that the Orlando channel provides the most coverage to our area.

Mr. Lipford explained that at the August 2007 meeting, he stood before the commission for two important reasons: to address the quality of service that citizens in Lake Wales were receiving and to address their concerns that Comcast was not providing enough products and services to the people in Central Florida. He said that Comcast has improved customer service, and they have been working with their engineering department to provide more channels. Mr. Lipford said he was equally as surprised as Lake Wales to hear that Channel 9 would be dropped. He said that for the record, as long as he is Vice President and General Manager of Comcast, Lake Wales would never lose Channel 9. However, to do that, some of the channels would have to be migrated from analog to digital. Mr. Lipford said that Comcast has been negotiating with Ms. Bartelt for the past six weeks on a transition plan that would allow WFTV to move from Channel 9 to Channel 210. This plan would allow subscribers in Lake Wales to watch, in addition to analog channels, 18 to 20 digital channels and 13 additional higher depth channels beginning October 1, 2008. He explained that moving to digital television would cause problems for 84% of Comcast subscribers who receive basic cable because they would not be able to get digital channels without a digital converter box. To solve the problem, Comcast has agreed to provide those customers with one digital converter box at no additional charge, a second digital converter box at \$1.99 a month for 12 months, and additional converter boxes at \$6.00 each.

Ms. Bartelt explained how Channel 9 was there for all the people in Central Florida during the 2004 hurricanes, providing first hand weather information. She said that when it comes to news and safety WFTV is there for the people. Ms. Bartelt explained that WFTV would no longer be in the traditional analog tier, which consists of 65 channels, because they are switching over to digital broadcasting. She said that those customers who receive basic cable would need a digital converter box to access Channel 9. Starting February 17, 2009, U.S. TV stations will discontinue use of analog signals and will broadcast only digital signals.

Mr. Lipford explained that Channels 2 through 65 would still be analog except for Channel 9, and three other channels can be migrated from analog to digital now. Other channels cannot be moved at this time due to contract provisions. He said that this transition would provide additional channels to Comcast customers. Commissioner Manry asked if this was a "dollars and cents" decision. Mr. Lipford explained that this is a "dollars and cents" decision that is negative for Comcast - they would be giving up the revenue of almost \$6 on one digital converter box for Lake Wales customers, so they can watch Channel 9. However, it is something the company thought it should do. He said that if Comcast does not continue adding extra programming it would be at a competitive disadvantage to Dish Network and Direct TV because they have more programming. In addition, by not doing so, it would be a bad economic decision for Comcast long-term.

Mayor Wheeler said that Comcast has a lot of customers, and it is trying to satisfy as many of those customers as possible with the program mix it presents. Mr. Lipford said that he would not want Lake Wales to lose any channels. That is why Comcast is offering the first digital converter box at no charge and a second digital converter box for \$1.99 a month for 12 months.

Commissioner Howell commented that she is happy to hear that Lake Wales would still be able to get the Orlando station. She only wished that she would be able to get Channel 9 from all her televisions without paying extra money. Mr. Lipford said that it is tough trying to satisfy all those people who want Channel 9, additional programming, high definition channels etc. Unfortunately, not everybody will be happy.

Mr. Otte asked when we would need the digital converter boxes. Mr. Lipford said that on October 1, 2008 Comcast would be launching the new channels and with Ms. Bartelt's permission, Comcast would be migrating those channels to digital broadcasting and without Ms. Bartelt's permission, they would no longer have the right to send the WFTV signal out to Lake Wales Comcast customers. Commissioner Howell asked Ms. Bartelt if WFTV would be willing to give Comcast an agreement to do that. Ms. Bartelt said that it would be a loss to WFTV and for all the people in Lake Wales because that ready access to

analog would not be there. However, to make this happen successfully and to make this work, there would have to be a great amount of investment on both their parts. Mr. Lipford would have to put a great amount of promotional information to let people know where Channel 9 is going. She said that she would rather have Channel 209. She said that for her the investment of Channel 9 airtime is worth a lot these days. The other part of the negotiation would depend on whether Comcast and Mr. Lipford would be willing to allow WFTV to be a part of HD, high definition. She said that because she is a great HD news broadcaster, she would like to be a part of the HD tier with the other stations. Ms. Bartelt said that in high definition more people in Lake Wales would be able to access their news. She said she would rather be a HD leader and not a loss leader.

Mr. Lipford said that he would have to check to see if Channel 209 was not reserved for someone else. He said that year 2010 is a long time away in terms of technology, and because he does not know what is going to happen, he would not be able to commit to Ms. Bartelt tonight that he would put her in high definition once this system goes entirely digital. Mr. Lipford said he told Ms. Bartelt that once that band width is freed up, the first thing he would do is put the out of market broadcasters on high definition. That would give him a distinctive advantage against Dish Network and Direct TV because they don't carry out of market broadcasters. Ms. Bartelt said that since she cannot say yes to Mr. Lipford, and he cannot say yes to her, if Mr. Lipford would give her a digital channel, which does not take up any space, in addition to Channel 9, then WFTV could run their weather radar and traffic on that channel, which might solve the problem. She said she and Mr. Lipford would need to work with their people to come to an agreement. Mr. Lipford said that if Ms. Bartelt would allow Comcast to move her channel, he would do a lot of advertising to let people know where Channel 9 went.

Commissioner Manry asked if the change would take place at the same time the digital converter boxes would be available. Mr. Lipford said yes and that boxes were available now to customers who have full-basic cable.

Mayor Wheeler commented that on behalf of all the very happy Channel 9 customers in the Lake Wales, he hopes that Ms. Bartelt and Mr. Lipford reach a successful negotiation that would provide a channel of ready access for Lake Wales customers.

Commissioner Van Sickle said that Bright House customers in Lake Wales could not get Channel 9. Mr. Otte asked Commissioner Van Sickle if we needed to have Bright House appear at the next Commission meeting to ask them why they do not air Channel 9. Commissioner Van Sickle said that would be a good idea, but Channel 9 is not the issue. He said he was concerned for the people who have Bright House that cannot see our Commission meetings.

Ms. Bartelt said for a clearer understanding, there is information posted on the WFTV website, wftv.com. She said she was glad that Comcast is willing to put WFTV in the digital tier if an agreement is reached.

AGENDA ITEM 8. Ordinance 2008-25, Amending Franchise Agreement for Provision of Solid Waste Services: Florida Refuse, Inc. – 2nd Reading & Public Hearing

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

[begin agenda memo]

RECOMMENDATION

1. Approve Ordinance 2008-25 amending and renewing Florida Refuse's solid waste collection and disposal services franchise agreement for a three-year renewal period after second reading.
2. Authorize Anthony G. Otte, City Manager, to execute the Franchise Agreement.

BACKGROUND

The solid waste franchise agreement in effect with Florida Refuse is due to expire September 30, 2008. The agreement provides for three (3) additional three-year term extensions. In accordance with Florida Refuse's franchise agreement with the City, they notified the City in writing of their intention to renew the agreement if they and the City mutually agree to such renewal and to any modification of the terms of the agreement. In accordance with the agreement, the City Commission granted a sixty-day period for the negotiation of mutually acceptable terms for extension of the agreement.

1. FLORIDA REFUSE RENEWAL PROPOSAL

The following renewal rates are proposed for one (1) time per week automated or semi-automated pick-up:

Service	Current Rate	Proposed Rate	*Annual Increase Beginning October 1, 2009
Residential	\$13.32	\$13.99	June's annual CPI or 2.5%, whichever is greater
Recycling	\$0.90	\$0.95	June's annual CPI or 2.5%, whichever is greater

THE PROPOSED RATES REPRESENT A 5% INCREASE. THE COST TO PROVIDE TWO TIMES PER WEEK SERVICE IS \$21.95 REPRESENTING A 64.8% INCREASE.

*Contractor may also petition for a fuel cost adjustment in addition to CPI adjustment. The current rates have been in place since January 2006 when diesel was \$2.23 per gallon. Based on today's average price of \$4.75 per gallon for diesel, fuel costs have increased 113%. Please see the attached example for calculating this adjustment.

The following terms and services are proposed:

Annual Adjustment - The rates shall be adjusted annually on each anniversary date beginning October 1, 2009 to reflect an increase based on June's annual CPI or two and one-half percent (2.5%), whichever is greater, without further need for Commission action.

Fuel Cost Adjustment - In addition, should the price of diesel fuel increase or decrease by an extraordinary rate of ten percent (10%) of the base rate of \$3.60 per gallon, the Contractor or the City may petition and shall be granted a pass through cost increase or decrease based on monthly gallons used and difference in price to be calculated and allocated per customer per month. Should the fuel cost not exceed the ten percent (10%) threshold, the rate would be adjusted via the CPI. Should the fuel cost have to be adjusted upward, that portion will be removed from the CPI calculation. Should the fuel cost fall below \$3.60 per gallon, the CPI calculation will be lowered for the fuel cost portion. Example: If a fuel cost adjustment is required and fuel cost represents ten percent (10%) of the Contractor's operating budget then the CPI will be reduced ten percent (10%) before the fuel cost adjustment is added or if the fuel cost falls below \$3.60 per gallon the CPI will be reduced the ten percent (10%). The same formula will apply to the commercial customers. The fuel will be calculated and allocated per cubic yard.

Two (2) Times per Week By Special Request - Florida Refuse will provide two (2) times per week collection of solid waste in the totes when requested for a rate of \$21.95 per resident per month. This service will be available sixty (60) days after the initial conversion from two (2) times per week hand pick up service to one (1) time per week automated or semi-automated tote service.

Totes - Florida Refuse will provide, maintain, and replace 95, 65, and 35-gallon totes as necessary for the residents. Additional totes will be provided when requested by residents at no additional charge. Florida Refuse will own the totes.

Frequency - Florida Refuse will provide an automated or semi-automated service as necessary to collect solid waste in the totes one (1) time per week.

Recycling Service and Containers - Florida Refuse will provide recycling containers as per the current agreement and collect recycle items one (1) time per week. Additional recycling containers will be provided upon request at no additional charge.

Roll-off Franchise Fee - Florida Refuse will pay a franchise fee of 12.5% to the City on roll-off collection services within the City as provided by Section 1-5 (Exclusive Rights) of the current agreement. Florida Refuse will continue to pay a franchise fee of 12.5% on commercial accounts as provided in the current agreement. Florida Refuse will continue billing and collecting commercial and roll-off customer accounts.

Two (2) Annual Clean-ups - Florida Refuse will provide two annual "clean-ups" each year, one in the Spring and one in the Fall, when all residential waste, without limit as to size, deposited on the curbside shall be collected, except for debris or waste products generated by land clearing, building construction or alteration, and waste or materials that may not be deposited at the Polk County Landfill.

Landfill Facility - The City of Lake Wales will decide which landfill facility to utilize for the City's solid waste disposal.

Unlimited Routine Yard Trimmings Collection - Florida Refuse will collect unlimited amount of routine yard trimmings. Professional tree service companies are responsible for disposing of the resident's debris.

Expand Collection Services - Recycling collection services for residential will be expanded to include office paper, magazines and telephone books.

Big Bin Caught You!! Promotion- Florida Refuse will provide this promotion at no additional charge. Once per year, signs will be randomly posted, "Big Bin Caught You Recycling," and \$20.00 gift cards will be given to residents in low participation areas. Five Hundred (\$500) Dollars worth of gift cards will be handed out. This program will encourage residents to talk amongst neighbors to get everyone involved in recycling.

Recycling Incentive - An annual rebate payment will be provided to the City for increasing recycling tonnage. The City may receive a rebate of \$25 per ton on the annual average tonnage increase year-over-year. For example if the City's average tonnage increased 10 tons in 2009 over 2008's tonnage, the City would receive a \$3,000 recycling rebate (10 tons x 12 months x \$25 per ton = \$3,000).

Commercial Recycling – Commercial Recycling will be offered to commercial businesses in Lake Wales effective October 1, 2008. The City's commercial customers will be offered a preferred discounted rate for the commercial recycling services. Each commercial customer's recycling needs are unique. As available, the recycling service will be tailored to meet each customer's needs.

Missed Collections – the agreement contains a penalty for changes in the routes, which is what missing a street or subdivision pick-up is called. This penalty is \$250 per violation.

2. COST COMPARISON TO OTHER FLORIDA REFUSE CUSTOMERS

See Attached. [This information is in PDF format and could not be inserted into the minutes]

OTHER OPTIONS

Reject Florida Refuse's proposal and direct staff to implement the competitive bid process for selection of a contractor for solid waste collection and disposal services.

Approve proposal contingent upon requested modifications.

[end agenda memo]

Ms. Delmar read Ordinance 2008-25 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE FRANCHISE GRANTED BY ORDINANCE 2002-21 ON OCTOBER 1, 2002 AS AMENDED BY ORDINANCE 2004-23 ON AUGUST 3, 2004 AND ORDINANCE 2006-01 ON FEBRUARY 7, 2006 FOR THE PROVISION OF SOLID WASTE COLLECTION, RECYCLING AND DISPOSAL SERVICES TO FLORIDA REFUSE, INCORPORATED, ITS LEGAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS; IMPOSING CERTAIN CONDITIONS RELATING THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

Rebecca Wynkoop-Seymour, 1301 Bryn-Mawr Avenue, said that two people have told her that the recycling materials picked up by Florida Refuse was not being recycled at the county landfill. Mayor Wheeler said that there is a recycling program there. Jean Wilson, Florida Refuse Marketing, explained that there is an active county contracted facility at that landfill called SP recycling. The public is welcome anytime to see what is going on. Any proceeds made from the recycling program go directly to the county.

CLOSED PUBLIC HEARING

Commissioner Howell asked if the contract with Florida Refuse had to be a three-year contract. She said that several cities on the ridge have been meeting and trying to come together as the ridge family. If we can all come together under one contract with Florida Refuse, then we would have a larger group demanding services at lower prices. Mr. Otte said that the City of Haines City just renewed a three-year contract with Florida Refuse that expires on January 4, 2011 and our contract will expire on September 30, 2011. He said that he asked Mark Talbott, Florida Refuse General Manager, if we could go out to bid with Haines City when their contract is up for renewal in 2011 and if we could start under that contract after September 30, 2011 and he said yes.

Commissioner Howell asked how she would get a second tote if she needed it. Ms. Wilson said the request would need to go through customer service at City Hall who in turn will email a list to Florida Refuse of all those requesting additional totes.

Mayor Wheeler thanked Florida Refuse for their recycling effort. He said that starting October 1, 2008, we will have commercial recycling in Lake Wales. He said that this is something he has been wanting since becoming a Commissioner six years ago. There is a recycling initiative in Lake Wales whereby the more we recycle, Florida Refuse will rebate back to the City a certain amount of money that he would love to see passed on to the customers.

Commissioner Howell made a motion to adopt Ordinance 2008-25, amending and renewing Florida Refuse's solid waste collection and disposal services franchise agreement for a three-year renewal period, after second reading and public hearing, and to authorize the City Manager to execute the Franchise Agreement. The motion was seconded by Commissioner Manry.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 9. Ordinance 2008-27, Limits on Concurrent Appointments to Boards – 1st Reading

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

[begin agenda memo]

RECOMMENDATION

Staff recommends approval of Ordinance 2008-27 on first reading.

BACKGROUND

The Lake Wales Code (sec. 2-26) currently restricts people who are serving on a regulatory board to serve on any other board. The proposed ordinance would allow a member of a regulatory board, such as the board of appeals, to also serve on an advisory board, such as the parks board.

Regulatory boards are those boards that enforce the City code; they include planning and zoning board, board of appeals, code enforcement, etc.

The purpose of the amendment is to allow people who wish to serve the City in more than one capacity to do so. In a small community such as Lake Wales, it is sometimes difficult to fill all positions on boards and committees. For instance, the parks board has been functioning with only four members, while the code calls for seven.

The provisions on concurrent appointments (sec. 2-26) was last amended in 2006 by Ordinance 2006-19. Prior to the 2006 amendment, the code allowed a person to serve concurrently on two boards (whether regulatory or non-regulatory) except for the pension board.

OTHER OPTIONS

1. Make no changes to the ordinance.
2. Allow concurrent appointments to more than one regulatory board. Staff does not recommend this option because it could lead to domination of regulatory boards by only a few people.

FISCAL IMPACT

None identified.

[end agenda memo]

Ms. Delmar read Ordinance 2008-27 by title only.

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES, TO ALLOW A PERSON SERVING ON A REGULATORY BOARD TO CONCURRENTLY SERVE ON A NON-REGULATORY BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Howell asked if the Housing Authority was a regulatory board. Mayor Wheeler said he did not think so. Mr. Otte said that when Rebecca Seymour was appointed by the Commission to serve on the Housing Authority, she was asked to resign from the Planning & Zoning Board, which is a regulatory board. Commissioner Howell said that she does not understand why Ms. Seymour had to resign from the Planning & Zoning Board if the Housing Authority is not a regulatory board. Mr. Galloway said the Housing Authority is probably a regulatory board to the extent that it has control over a budget etc. This would probably have to be addressed specifically in an ordinance. He said that at this time he does not know where that mandate came from. Ms. Seymour said that she received a copy of an opinion letter written by Mr. Galloway saying that she could not serve on both boards at the same time. Mr. Otte said staff would look into that.

Mr. Otte said that Commissioner Howell had called him today asking if the Commission could pass an ordinance limiting the amount of time a member could serve on a board. Ms. Delmar said that currently on some boards members could serve three three-year terms. If it is a regulatory board with an ongoing project, the City Manager could extend the term. Mr. Galloway said that the Commission recently passed an ordinance extending the term limit on pension boards due to the extensive amount of training that pension board members are required to take. Commissioner Howell said this means that some board members could serve 12 years. Ms. Delmar said that Library Board members could serve 15 years, as there are five-year terms with a limit of three consecutive terms that can be served. Commissioner Howell suggested changing each term to two years. Mr. Otte said that staff would provide information to the Commission showing how many years a member could serve on each board.

Commissioner Howell made a motion to approve Ordinance 2008-27 after first reading. The motion was seconded by Commissioner Manry.

ROLL CALL:

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

The motion carried 5-0.

**AGENDA ITEM 10. Ordinance 2008-28, Membership to Board of Appeals and Planning & Board
- 1st Reading**

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

[begin agenda memo]

RECOMMENDATION

Staff recommends approval of Ordinance 2008-28 on first reading.

BACKGROUND

The proposed amendment reduces the number of members on the board of appeals from seven to five and eliminates the requirement for alternate members. It also removes language limiting members from serving concurrently on other boards.

Sylvia Rogers, current chairman of the board of appeals, supports the changes in the requirements for the board.

The primary purpose of the amendment is to relieve problems in maintaining a full complement of members of the board of appeals and attaining a quorum at meetings. Currently, the code requires seven regular members and two alternates, a total of nine members for the board. Filling all positions is difficult in a small community, and attaining a quorum of the board of appeals has sometimes been difficult, especially in the summer months.

Prior to the 2005 amendments to the zoning regulations, there were only five members making up the board of appeals. Staff does not have any record of why the number was raised to seven, but it may have been to match the number of members on the planning board.

The ordinance also eliminates the requirement for alternate members. In February of this year, Ordinance 2008-04 eliminated the requirement for alternate members for the planning and zoning board, and staff

recommends the same for the board of appeals for the same reasons. There are problems with the use of alternate members, among them the fact that alternates have to be called in at the last minute if a regular board member has not given advanced notice of an absence. It is also very difficult to keep alternates up to date on board business, since they do not attend meetings regularly.

Finally, the ordinance eliminates the prohibition for members of the planning board and appeals board to serve on other boards.

Limits on concurrent membership on boards are under chapter 2 "Administration" section 26, "Boards, committees, commissions," and should be kept in one section of the code. An amendment proposed to sec. 2-26 under separate ordinance (Ord. 2008-27) would allow a member of a regulatory board, such as the board of appeals, to serve concurrently on a non-regulatory board, but would prohibit a person from serving concurrently on two regulatory boards.

OTHER OPTIONS

Make no changes to the ordinance.

FISCAL IMPACT

None identified.

[end agenda memo]

Ms. Delmar read Ordinance 2008-28 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, ARTICLE II. ADMINISTRATION AND PROCEDURES, DIVISION 1. ADMINISTERING OFFICIALS AND BOARDS, BY ELIMINATING THE PROVISION PROHIBITING BOARD OF APPEALS AND PLANNING BOARD MEMBERS FROM SERVING ON OTHER CITY BOARDS; REDUCING THE NUMBER OF MEMBERS ON THE BOARD OF APPEALS FROM SEVEN TO FIVE; ELIMINATING THE REQUIREMENT FOR ALTERNATE MEMBERS ON THE BOARD OF APPEALS; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Manry made a motion to approve Ordinance 2008-28 after first reading. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 11. Ordinance 2008-29, Core Improvement Area - Impact Fee Exemption – 1st Reading

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

[begin agenda memo]

RECOMMENDATION

Staff recommends approval on first reading of Ordinance 2008-29 ratifying an agreement between Polk County and the City of Lake Wales providing for exemption of the payment of impact fees in the "Core Improvement Area."

BACKGROUND

Construction, expansion, and alteration of structures within the "Core Improvement Area" are exempt from impact fees except those for sewer and water pursuant to City Commission action on June 19, 2007 and an agreement between Lake Wales and Polk County executed on November 20, 2007.

Although the agreement authorized the exemptions to be effective immediately, it requires the City to ratify the exemption through the adoption of an ordinance amending City code. Ordinance 2008-29 amends the pertinent sections of Chapter 23, *Zoning, Land Use and Development Regulation* accordingly.

The Core Improvement Area is shown on "Attachment A" to the ordinance. It lies generally south of Florida Ave. between Miami St. and the Scenic Highway. It extends southward to SR 60 from US Highway 27 and First St. and to Emerald Ave. east of First St.

Specifically, the ordinance provides for the following:

Section 1. Core Improvement Area overlay district definition

(Amends Sec. 23-401. District classifications, d. *Overlay districts*)

Adds "Core Improvement Area" to the list of overlay districts in the zoning regulations.

Section 2. Core Improvement Area Map

(Amends Sec. 23-402. Maps)

Adds a map of the "Core Improvement Area" to the zoning regulations. The map is adopted by reference and is shown on "Attachment A" of the ordinance.

Section 3. Exemption of impact fees in Core Improvement Area

(Amends Sec. 23-767. Exemptions)

Reorganizes subsections f, g, and h. to group provisions for exemptions in special areas of the city.
Notes regarding impact fee exemptions in special districts:

- The regulations already provide for certain impact fee exemptions in the Community Redevelopment Area and in National Register Historic Districts.
- The exemptions in the Core Improvement Area are added.
- All three areas for exemption are grouped under subsection f. "Special districts."
- The instructions for applying for the exemption are moved from subsection g to the beginning of the section.
- For the National Register exemption, the agency responsible for determining whether construction is "consistent with the goals of historic preservation" is changed from the historic preservation board to the historic district regulatory board.

OTHER OPTIONS

The ordinance is required under the terms of the agreement with Polk County.

FISCAL IMPACT

None. The exemption has already been approved through the interlocal agreement.

[end agenda memo]

Ms. Delmar read Ordinance 2008-29 by title only.

AN ORDINANCE AMENDING CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS, LAKE WALES CODE OF ORDINANCES, BY ESTABLISHING A CORE IMPROVEMENT AREA; ALLOWING AN EXEMPTION OF IMPACT FEES, WITH THE EXCEPTION OF WATER AND SEWER UTILITY IMPACT FEES, ON ALL CONSTRUCTION, ALTERATION OR EXPANSION OF ANY STRUCTURE WITHIN THE CORE IMPROVEMENT AREA; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Manry made a motion to adopt Ordinance 2008-29 after first reading. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 12. Lake Wales/Polk County Utilities Settlement Agreement

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

[begin agenda memo]

RECOMMENDATION

It is recommended that the City Commission:

1. Accept the proposed settlement agreement between the City of Lake Wales and Polk County Utilities
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf, in regards to this matter.

BACKGROUND

The City of Lake Wales has an existing agreement with Polk County regarding utility service areas. The agreement provides that the City may serve any customer in the County service area provided that the customer annexes into the City.

The City of Lake Wales and Polk County Utilities have had an ongoing problem with delineating the utilities service area in the northern section of the city near the Home Depot area. In addition, between the approximate time frame of March, 2006 and April, 2008, the City has been supplying water to County customers at the County's request through a system interconnect near the mall. During this time the County performed work on their system and the county customers temporarily served with City water are now back on the County water system.

The need for temporary service from the City prompted County staff to approach the City to discuss an agreement that would supersede the present agreement and fix specific boundaries for the utility service area for both parties. Features of the agreement include:

- The City gains a large service area from the County at no cost in an area that is targeted for development; City staff is working to pin down the exact acreage, but looking at the map and subtracting out what is already in the City, the new area may be about 4,000 acres. The area excludes current county utility customers, such as the Waverly area, Timberlane area, and the Lake Pierce Ranchettes. In addition, the service area being conveyed does not intrude into the area previously agreed to being in the City of Dundee service area;
- The County agrees to pay the City \$257,606.53 for the water used during the temporary period of use in addition to payments already made;
- The agreement provides for system interconnections with pressure sustaining valves;
- The City will receive utility assets from the County to include a water main and sewer force main that run from Thompson Nursery Road to Peddlers Pond; and a water main on Masterpiece Road.
- The County will continue to have water provided by the City to the County system to be charged at the lowest block rate;
- The payment of impact fees by either party, using the other party's water, is provided.
- Other miscellaneous provisions.

This agreement was initially discussed with City and County staff members. The final document was negotiated for the City by the City Engineer, Gerry Hartman.

OPTIONS

Chose not to accept the agreement, or give directions for the agreement to be changed.

FISCAL IMPACT

As a result of this agreement, the City would receive \$257,606.53 for past due billing charges and that portion of Polk County Utilities service area as delineated in the attached exhibit. The agreement calls for two new water interconnecting facilities that may be partially funded by the City. City staff is seeking a cost for these items and should have this information to announce at the meeting.

[end agenda memo]

Commissioner Van Sickle said that he was concerned that there is another 4,000 acres coming into the City because we have already stretched the services of our Police and Fire Departments, and we are keeping them on a tight budget this year. He said that that the City was supposed to have an interconnect with the City of Winter Haven for Lake Ashton by March 2008. Commissioner Van Sickle commented that he was embarrassed that the City did not meet the completion date because he had told Lake Ashton residents this date. He said that the City has not performed very well after taking over new areas. Commissioner Van Sickle asked if the City was sure it wanted to do this considering the shortage of personnel, the shortage of money, and the unknown costs for these interconnects. Mr. Otte said we absolutely and positively want to do this because nothing would change when this transaction takes place - because that area is not in the City limits. The police department would not be patrolling that area. However, it would affect the City if a property owner wanted to develop property in that area. The property owner would do one of three things: (1) come to the city and request service; (2) develop their own utilities; or (3) request services from the county if they do not like the City's requirements for providing those services. The county no longer wants to expand its utility system in that area, so they are offering that huge service area to the City. In the past four years, there has been a number of property purchases in that area, so we know that area will continue to grow. We have set our impact fees at a level that would

hopefully reimburse the City for the cost of expanding its utility system. Our City engineer is already working on a scope of work for some of the property in that area, which is in excess of 800 acres. That property owner is willing to donate property to the City for the location of a temporary package plant that would eventually be a full-blown sewer plant that would serve the north and east area. Mr. Otte said that this area is our manifest destiny.

Commissioner Van Sickle asked if the City knew that the county owed us a quarter of a million dollars. Mr. Otte explained that Polk County Utilities had a problem with providing water to their customers in that area. So, according to SWFWMD, the City had to provide water to existing customers and to customers that belong to someone else when having a service agreement with another utility. The City has an emergency arrangement with Polk County Utilities. The actual agreement probably expired when this transpired. But, after speaking with SWFWMD personnel, he was told that the City could not legally not provide the water. Then, when we began providing the water, there was a dispute over the bill. Polk County Utilities wanted to pay a bulk rate. Mr. Otte said that he told them that we do not have a bulk rate. He said that the negotiated rate is the lifeline rate.

Commissioner Van Sickle asked if the utility budget would look better if this passes. Mr. Otte said yes, immediately. Ms. Delmar said that we already have a receivable on a portion of the money. Mayor Wheeler asked if this would act to increase the available amount of dividend from the Utilities Fund to the General Fund. Mr. Otte said that would take a separate action. He said that we have been planning for over a year to do a study in the north and east area. Recently, the county has verbally agreed to reimburse the City for the cost of the study.

Commissioner Howell asked why the City billed the county instead of Waverly. Ms. Delmar said that the water was flowing into a master meter and not to individual houses.

Commissioner Manry asked why it was questionable whether the City would have to pay \$50,000 for these interconnects. Mr. Otte said that there is funding available in an escrow account for that purpose. He said that in an abundance of caution, he does not want to mislead anybody by saying it would not cost the City anything. Ms. Delmar said that the money in the escrow account is from impact fees paid by Home Depot to the county and not to the City. The county has the escrow account and it is on their books. There is an agreement regarding how those funds can be spent. She said that this dispute should have been settled long ago. Mr. Otte said that staff would track what occurred and bring back a report to the Commission.

Commissioner Van Sickle said that if we take over the service area the City is going to get around \$257,000 for water that we sold to people, and yet we are going to end up paying \$50,000 for the cost of interconnects. Mayor Wheeler asked if it would be correct to say that these escrow funds could only be used for these interconnects. Utilities Director Ray Creel said that was correct. Commissioner Manry asked if the escrow account could pay for other interconnects as well. Mr. Creel said yes, if there is money left over. He said that the City would inherit a water main and sewer force main that runs from Thompson Nursery Road to Peddlers Pond that would save the City \$150,000 on a bottleneck replacement that he had budgeted this year in that location. Mayor Wheeler said that now in addition to the \$257,000, we have \$150,000 saved. Mr. Creel said the savings would be a little more than that.

Commissioner Manry said that she felt uncomfortable with agreeing to what we had before us and that we should get more information on the situation between the county and the City in regards to the interconnects, the escrow account etc. She said she does feel comfortable in recommending the agreement that is before the Commissioners now.

Mr. Otte said that the agreed upon amount of \$257,000 has been booked as a receivable although we have not received the cash. He said we billed the county for the water and we expect to be paid.

Commissioner Van Sickle said that even if the Commission did not agree to this, the county would still owe the City \$257,000. Mr. Otte said that was correct. The \$257,000 was only a settlement. We re-billed

the county at the lowest block rate, we are inheriting the water lines and the service area territory. Mr. Creel added that the City could buy water from the county at that same rate if it ever needed it.

Commissioner Manry made a motion to accept the proposed settlement agreement between the City of Lake Wales and Polk County Utilities, and to authorize the Mayor to execute the appropriate documents in regards to this matter. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 13. Surplus Property Disposal

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

[begin agenda memo]

RECOMMENDATION

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

1. Authorize disposal of items identified in Schedule of Surplus Equipment 2008
2. Authorize staff to hold a public auction to dispose of surplus items.
3. Determine that any items not purchased at Public Auction be considered as having no commercial value and authorize the disposal of these items by sale as scrap or by disposal as deemed appropriate by the City Manager.

BACKGROUND

In accordance with Sec. 2-476 of the City Code, the City Commission may classify as surplus any of its property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function or purpose.

Authority for the disposal of surplus property for which the initial purchase price equals or exceeds \$750.00 shall be recorded in the official minutes of the City Commission. Such authority shall include approval of the method of disposal and the estimated value of the property. Authority for the disposal of surplus property for which the initial purchase price does not equal or exceed \$750.00 shall be granted to the City Manager.

Property, the value of which the City estimates to be under five thousand dollars may be disposed of in the most efficient and cost-effective means as determined by the City Commission. In this case, the most practical way to dispose of surplus items will be to hold an auction.

Equipment for which the initial purchase price equals or exceeds \$750.00 is listed on the schedule attached to this memo. This list will be made part of the official record.

FISCAL IMPACT

Proceeds from the public auction will be deposited into the general fund.

[end agenda memo]

[begin Schedule of Surplus Equipment 2008]

SCHEDULE OF SURPLUS EQUIPMENT 2008

ASSET#	UNIT#	VEHICLE DESCRIPTION	VIN#	PURCHASE PRICE
36-2-0327	721	1986 FORD RANGER	1FTBR10C6GUB2226	\$ 7,327.45
22-0-0273	C1	1996 DODGE INTREPID	2B3HD46F3TH216064	\$ 16,611.93
19-1-0400	555	1989 FORD F250	1FTEF25N8KNB63266	\$ 12,778.00
21-2-0241	241	1997 FORD CROWN VIC	2FALP71W2VX127268	\$ 21,089.00
21-2-0246	246	1997 FORD CROWN VIC	2FALP71W3VX127263	\$ 21,089.00
21-2-0243	243	1997 FORD CROWN VIC	2FALP71W1VX127262	\$ 21,098.00
21-2-0244	244	1997 FORD CROWN VIC	2FALP71W8VX127260	\$ 21,089.00
13-1-0276		1996 DODGE INTREPID	1B3HD46F9TF120223	\$ 16,611.93
72-1-0322		1993 DODGE DAKOTA	1B7FL26G9PS188498	FORFEITURE
49097		1992 CHEVROLET PICKUP	1GCFC24H5NE130192	\$ 14,224.00
49170	802	1992 FORD F-150	1FTEF15N6NNA41547	\$ 14,100.00
49061	780	1991 CHEVROLET S-10	1GCCS14Z8M8152086	\$ 7,327.45
49179	821	1992 CHEVROLET BLAZER	1GNDT13Z2N2141535	\$ 17,222.89
21-2-0400	228	1988 FORD VAN	1FDHS24M8JHA62434	EMS

[end Schedule of Surplus Equipment 2008]

Mr. Otte said there are two vehicles on this list that staff suggested holding out temporarily from the auction and offering them to social agencies that serve City residents like the Lake Wales Care Center and the Green & Gold Foundation. He said that because our current ordinance prohibits this action, he would like to bring back an ordinance for Commission consideration that would allow for vehicles that the City no longer needed but are still operable to be offered to agencies to be given to residents who qualify and live within the City limits.

Mayor Wheeler asked which vehicles would be temporarily held back from the auction, and if they run. Mr. Torrance said that the City has two 1997 slick-top police cruisers with no police markings that have high mileage and are no longer suited for police department use; however, they are still mechanically sound for normal operation. Commissioner Manry asked if there were other vehicles on the list that could be offered to those agencies as well. Mr. Torrance said there are only two vehicles on the list that he would recommend donating because the other vehicles need too much work. Ms. Delmar asked Mr. Torrance to define "slick-top." Mr. Torrance said "slick-top" means there are no lights on the roof.

Mr. Otte asked Mr. Torrance how much he thought the vehicles would go for at the auction. Mr. Torrance said that at the last auction the average was \$300 to \$400 and because these vehicles are in a little better shape the average might be \$500 to \$600. Mayor Wheeler asked if bidders would know the condition of the vehicles. Mr. Torrance said that no specific details would be provided. They would only put a big number on the vehicles and say whether they run or not.

Commissioner Van Sickle said it is a good idea to offer City vehicles to non-profit type organizations, but if we are giving vehicles for them to give to residents then two residents would get vehicles and everybody else would be standing around asking how they could get in on this and get a vehicle.

Commissioner Manry said that would be up to the social service agencies to set those perimeters. This is not a new program. Some people already donate vehicles to the Lake Wales Care Center.

Commissioner Manry made a motion to amend the list to hold back the two vehicles as recommended by staff and then at the direction of the City Commission, staff would come back to the Commission with an ordinance that would allow the City to donate vehicles that it no longer needs but are still operable to be offered to agencies to be given to City residents who qualify. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 14. Selection of Members to the East Polk Council of Governments

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

[begin agenda memo]

RECOMMENDATION

It is recommended that the City Commission select two Commissioners to serve as a regular and an alternate City representative to serve on the East Polk Council of Governments, and authorize the City Manager to select from among City staff members a regular and alternates to serve as non-voting members, and form a technical advisory committee to support the efforts of the Council of Governments.

BACKGROUND

This new group has met twice at Haines City City Hall and has as its general purpose to work for the mutual benefit of the cities located upon the "ridge" of Polk County, Florida. Member cities are as follows:

- Davenport
- Haines City
- Lake Hamilton
- Dundee
- Lake Wales
- Frostproof

Each member city shall have only one (1) vote regardless of size of the member city, and select one (1) non-elected staff member (who shall designate one or more alternates) as a non-voting member to form a technical advisory committee to support the mutually identified efforts of the Council of Governments.

OPTIONS

Do not appoint representatives as requested.

FISCAL IMPACT

None.

[end agenda memo]

The Commission selected Mayor Wheeler to serve as a regular member and Vice-Mayor Van Sickle to serve as an alternate member on the East Polk Council of Governments; and authorized the City Manager to select from among City staff members a regular and alternate to serve as non-voting members on the East Polk Council of Governments and form a technical advisory committee to support the efforts of the Council of Governments.

AGENDA ITEM 15. Mutual General Release between the City of Lake Wales and Oakley Transport, Inc.

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

[begin agenda memo]

RECOMMENDATION

It is recommended that the City Commission:

1. Approve the Mutual General Release between the City of Lake Wales and Oakley Transport, Inc.
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf, in regards to this matter.

BACKGROUND

On April 16, the City Commission approved a complex settlement agreement between the City and Oakley Transport, Inc. This agreement settled a dispute regarding the wastewater being provided by Oakley for treatment at the City's wastewater treatment facility, as called for in a previous agreement between the two parties.

The City's utility attorney, Jerry Buhr, negotiated the recent settlement agreement and has now submitted the attached Mutual General Release for City Commission approval. The Mutual General Release states that both parties have agreed to amicably resolve, settle, and compromise all disputes and differences as it relates to the General Release and the Utility Industrial Discharge Services Agreement and Settlement Agreement.

OPTIONS

None.

FISCAL IMPACT

None.

[end agenda memo]

Commissioner Manry made a motion to approve the Mutual General Release between the City of Lake Wales and Oakley Transport, Inc., and to authorize the Mayor to execute the appropriate documents, on the City's behalf, in regards to this matter. The motion was seconded by Commissioner Howell.

ROLL CALL:

Commissioner Manry	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"

Commissioner Van Sickle "YES"
Mayor Wheeler "YES"

The motion carried 5-0.

CONSENT AGENDA

AGENDA ITEM 16. Storm drain repair / Rehab at the intersection of Lincoln Avenue & East Street

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

[begin agenda memo]

RECOMMENDATION

Staff recommends that the City Commission take the following action:

1. Approve the use of the City's current 07/08 piggy back pricing contract with Killebrew Inc. / Polk County, in the amount of \$30,183.50 to rehab a portion of the existing line and storm inlets located at the intersection of East St. and Lincoln Ave.

BACKGROUND

In recent years staff has identified several problem areas within the city's storm drainage system and has been diligently trying to correct the problem areas. One area identified is the Intersection at Lincoln Ave and East St. This intersection has been prone to flooding for many years and causes flooding within the Lake Wales Trailer Park. This intersection has been reviewed by staff and consulting engineers as well as making changes recommended by FDOT. We have determined that the storm water inlets and piping are not large enough to handle the volume of water coming in from the streets. In order to correct a problem that has existed for some time now, staff recommends replacing the inlets and piping within the intersection to a design to handle the large volume of water.

OTHER OPTIONS

Do nothing and continue to deal with the flooding issues.

FISCAL IMPACT

Funding for this project is secured within the CRA Tax Increments Bond drainage improvement projects. This project is estimated to cost \$30,183.50.

[end agenda memo]

AGENDA ITEM 17. Crystal Avenue & Market Street Storm Improvements

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

[begin agenda memo]

RECOMMENDATION

It is recommended that the City Commission:

1. Accept the proposal of \$33,720.00 from Killebrew, Inc for the repair of the Crystal Avenue & Market Street Storm Improvements.

2. Authorize the City Manager to execute the appropriate documents, on the City's behalf, in regards to these much needed water system improvements

BACKGROUND

The City of Lake Wales has a city fleet garage housed at 125 E Crystal Avenue. During any major rain Event the garage takes on runoff storm water from Crystal Avenue due to the lack of storm catch basin structures in the vicinity. To alleviate this problem the city is proposing to install catch basins and underground piping around the area of the city fleet maintenance building.

OPTIONS

Chose not to accept this recommendation and have the City Garage continue to flood after any major rain event.

FISCAL IMPACT

\$166,529 remains in the CRA Drainage Improvements 07'-08' Budget.

[end agenda memo]

AGENDA ITEM 18. Eagle Ridge Mall Force Main Cleaning

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

[begin agenda memo]

RECOMMENDATION

It is recommended that the City Commission:

1. Approve the piggyback contract from Pinellas County for cleaning and restoration of 32,478 feet (plus or minus) linear feet of PVC force main at the cost of \$35,778.00 with the work being performed by Professional Piping Service, Inc.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf, in regards to the cleaning and restoration service.

BACKGROUND

The Eagle Ridge Mall force main requires annual cleaning due to the length and flow conditions. Sediment such as sand, plastics, and paper settle to the bottom of the pipe due to the low velocities of the liquid pushing the sediment. The method proposed for the cleaning of this section of force main is called the progressive poly pig procedure, hence the name pigging. Professional Piping Service (PPS) has performed this cleaning in the past with staff being very satisfied with their job performance. Staff would like to piggy back on PPS's current Pinellas County master purchase agreement, reference number 056-0242-B (DM), which contract period runs from 4/4/2006 to 4/3/2009.

FISCAL IMPACT

\$36,000 remains in the Wastewater Division's FY '07-08 M & R Lines and Mains Operating Budget for this purpose.

[end agenda memo]

AGENDA ITEM 19. Southside Force Main Change Order

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

[begin agenda memo]

RECOMMENDATION

Staff recommends that the City Commission:

1. Approve the change order for Killebrew, Inc in the amount of \$137,480.00 for the completion of the directional bore on Buckmoore Rd.
2. Authorize the City Manager to execute the appropriate documents on the City's behalf, in regards to these Capital Improvements.

BACKGROUND

Construction of the new force main began on Buck Moore Rd., traveled south across SR 60 to a point just east of Grove Ave. From there it ran along Grove Ave. to where it then ran south along 11th St. and connected to the existing force main running through the Whispering Ridge development. It then continued to run north on 9th St. to Grove Ave. turn westward and be extended to Miami St. to where it connected to a manifold piping system that directly flows into the wastewater treatment plant on the west side of US 27.

During the construction of this project, unforeseen changes in the subsurface conditions created a delay in the installation of the Southside Forcemain on Buckmoore Road. Rock was encountered during the directional drill that was not expected nor anticipated during design or construction. The changes required to complete this installation were open excavation of the directional bore at the point that rock was encountered (22-ft in depth) to remove the rock, and fuse the directional bore pipe to complete the directional drill. The open excavation required sheeting and road restoration, which resulted in the contractor giving the City a 5-year warranty to become effective from the date of completion of the project.

OTHER OPTIONS

None. The City had to have this new sewer main installation completed in order to fulfill its commitment to provide sanitary sewer service to commercial and residential endeavors that are currently in various stages of development.

FISCAL IMPACT

\$2,500,000.00 was placed in the FY '07-08 Sewer Capital Improvements Budget for this purpose. \$1,256,195.00 was the initial contract amount awarded to Killebrew, Inc for the construction of this project. This leaves a remaining balance of \$1,203,452.00 to cover the cost of this change order.

[end agenda memo]

END CONSENT AGENDA

Commissioner Van Sickle said that the pipe was cleaned out about a year ago, and now we have about 32,000 feet of pipe that apparently does not have the downward flow for pumping stations to push the sediment out to keep it clean. He asked who built the pipe and what could be done to resolve the issue versus spending \$35,000 every year to clean it. Mr. Creel said the pipe would have to be cleaned annually because not all of the sediment would be removed. However, it would allow more flow. Commissioner Van Sickle said that he believed the pipe was built incorrectly. Mr. Creel said he does not know because he only inherited the problem, but he is working to correct the problem.

Commissioner Manry made a motion to approve the Consent Agenda. The motion was seconded by Commission Howell.

ROLL CALL:

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

The motion carried 5-0.

COMMUNICATIONS & PETITIONS

CITY COMMISSION TRACKING REPORT

Adult Day Care Facility: Mr. Otte reported that there is no update on the adult day care facility at this time.

Police Department Generator: Mr. Galloway reported that the insurance agent is in the process of sending him about 100 photographs that were taken when the equipment was dismantled. Somebody with expertise concerning what those pictures reveal would have to look at them and give us some idea of whether the fault lies with the people who did the maintenance, or whether it was some other problem that may have caused the generator to fail.

Traffic Light at Mountain Lake Cut-off Road and Scenic Highway: Mr. Otte reported that FDOT said that right-of-way is needed to make the intersection improvement. The right-of-way needed is located in the northwest quadrant of the intersection, which is part of the grove that the Mountain Lake Corporation owns. About three-quarters of an acre is needed for the roadway and probably some additional property is needed for a retention pond. Mr. Otte said that he would follow up to see if any progress has been made.

Interconnect with Winter Haven at Lake Ashton: Mr. Otte reported that staff is still working on the interconnect with Winter Haven at Lake Ashton.

Development of a Park in the Northern Area: Mr. Otte reported that staff is searching for available property to develop a park in the northern area of the City.

Grants for Operating a Municipal Swimming Pool: Mr. Otte reported that there is no update on the grants for a Municipal Swimming Pool at this time.

City Property that could be Sold or Leased: Mr. Otte said that in a meeting in September, we could assemble a list of City property that could be either sold or leased and talk about it. He said that he would like to call a Finance Committee meeting to review a list of ideas for generating and enhancing our revenue stream with ideas such as the new soccer park. We are planning to have a grand opening at the soccer park in September and having our first game played there. We thought about the possibility of selling field naming rights in addition to advertising at the field, and for some amount of money, the complex could be named for a period of time.

A Repeater on the Water Tower: Mr. Otte reported that staff is working on trying to get a repeater on the water tower for WUSF.

Possible Ways to Conserve Fuel: Mr. Otte reported that a report was provided to the Commission on steps taken to conserve fuel, which is a focus area for staff.

Mayor Wheeler said that he was supposed to sign the second letter to be mailed to WUSF requesting permission to put a repeater on the City's water tower. Mr. Otte said that he would write the letter and take it to him to sign.

Commissioner Van Sickle asked about the status of the interconnect between Winter Haven and Lake Ashton. Mr. Creel said that he sent an email to Kim Hansel, the person in charge of the project at the City of Winter Haven, and is still awaiting a response. He said he has a copy of a letter that Ms. Hansel sent to Lake Ashton CDD asking permission for the easement etc. To date, there has been no response. Mr. Otte asked which CDD, the Lake Ashton CDD or the Winter Haven Lake Ashton West CDD. Mr. Creel said that he believed the letter was addressed to both of them. Commissioner Van Sickle suggested sending a letter to Attorney George Flint, Lake Ashton Account Manager, to get a faster response. He also offered his assistance in the matter.

PUBLIC COMMENT

Christopher Lutton, 437 S. 9th Street, complained that the City's water rates are too high. He said that the number of gallons per block rate for home use is the same for irrigation use. He said that the City's water rate schedule is forcing people to put in wells, so they can water their yards. Mr. Lutton said that for environmental reasons, people should not be putting in wells. He said that a quick way to solve that problem would be to sell reclaimed water to homeowners because the City's reclaimed water rate is only \$.35 per gallon. Mr. Lutton suggested a couple of areas the City could make reclaimed water available.

Mr. Otte asked Mr. Lutton if he was suggesting that the City Commission pass an ordinance barring homeowners from having private wells for irrigation. Mr. Lutton said no. Mr. Otte said that would be an option. The City could either bar wells or allow them because SWFWMD said that the City had to have an inverted block rate, which means the more water used, the more it would cost per gallon. Commissioner Manry asked if the rate was the same for irrigation use. Mr. Otte said yes except that we do not charge for sewer.

Commissioner Manry asked if the City ever asked its Utilities Attorney about the possibility of bringing reclaimed water to the north side of SR60. Mayor Wheeler said that would be a good idea. Mr. Otte said that he would look into that.

Rebecca Wynkoop-Seymour, 1210 Byrn-Mawr Avenue, complained about the parking problem on Carlton Avenue and 12th Street. She showed the Commissioners three pictures that she took of cars parked in prohibited areas. She said that she was also concerned for the new medical building being built on 13th Street because she was afraid there might not be adequate parking there. She said that the grass needed to be mowed at the railroad tracks on South 9th Street near the Catholic Church. When stopping for the train, she had to roll down her window and look because the grass was so high that she could not see down the track. Mr. Otte asked if South 9th Street was in the City limits. Ms. Delmar said just north of the track is in the City and south of the track is in the county. Mr. Otte said that staff would take care of that.

There being no further business the meeting was adjourned.

Mayor/Commissioner

ATTEST:

City Clerk