

The regular meeting of the Lake Wales City Commission was held on October 7, 2008 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. Mayor Lee A. Wheeler, III, called the meeting to order.

INVOCATION

The invocation was given by Rev. Palmer Wood, Church of the Good Shepherd.

PLEDGE OF ALLEGIANCE

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

COMMISSIONERS ABSENT: None.

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

Agenda Item 4. APPROVAL OF MINUTES

Commissioner Manry made a motion to approve the minutes of the September 3, 2008 special meeting, the September 16, 2008 regular meeting, and the September 25, 2008 special meeting. 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 5. CIVILIAN BRAVERY AWARD: Facilities Manager Don Porter
COMMENDATIONS: Officer Andrew Brown
Officer Mary Jerome
PROCLAMATION: Florida City Government Week
CIVILIAN BRAVERY AWARD: Facilities Manager Don Porter**

CIVILIAN BRAVERY AWARD: Facilities Manager Don Porter

[begin memo prepared by Police Chief Herbert Gillis]

On September 8, 2008, a robbery by sudden snatching occurred in the parking lot of the Lake Wales Public Library. During the robbery, the victim struggled with the offender and was pushed to the asphalt and her purse stolen. Don Porter, facilities manager for the City of Lake Wales, witnessed the robbery and without hesitation ran to the aid of the victim. The offender fled and Mr. Porter chased after him. During the pursuit the offender fell to the ground and Mr. Porter recovered the stolen purse.

For his actions during the robbery, Don Porter will be presented with the Award for Civilian Bravery at the October 7, 2008 meeting of the Lake Wales City Commission.

[end memo]

Police Chief Herbert Gillis presented Facilities Manager Don Porter with a Civilian Bravery Award for his heroic actions during a robbery which resulted in the recovery of a woman's purse that was snatched by the robber.

COMMENDATION: Officer Andrew Brown

[begin memo prepared by Police Chief Herbert Gillis]

On September 15, 2008, just after 5 AM, you responded to an armed robbery at the Hampton Inn and Suites. The offender ran from a traffic stop into a heavily wooded area near the Denny's Restaurant. As responding officers established a perimeter the offender crossed U.S. Highway 27 and ran into another heavily wooded area. When the perimeter was adjusted, the offender crossed the roadway again and ran toward the Tire Kingdom where you were positioned. You ran after the offender ordering him to stop, then used your dart-firing stun gun to prevent him from escaping because he would not comply with your orders. As a result, no members of the community or your fellow law enforcement officers were injured.

Your alertness, bravery and tenacity are commended.

[end memo]

Police Chief Herbert Gillis recognized Officer Andrew Brown for his heroic actions during a robbery that led to the capture of the robber.

COMMENDATION: Officer Mary Jerome

[begin memo prepared by Police Chief Herbert Gillis]

On September 15, 2008, just after 5 AM, you were driving to the Police Department Headquarters to start your workday when Telecommunications sent an alert that an armed robbery just occurred at the Hampton Inn and Suites. You saw a vehicle exiting the Hampton Inn and Suites at a high rate of speed. You stopped the vehicle at the Denny's Restaurant. Without warning, the offender ran from the vehicle. You ran after the offender until he disappeared in a heavily wooded area. You worked with responding officers to establish a perimeter to contain the offender. Soon after, the offender was arrested.

During an interrogation, the offender, who is on probation, admitted to alcohol and methamphetamine abuse prior to the robbery. Accordingly, this offender represents a clear potential for violence, but because of your swift actions no members of the community or law enforcement officers were injured.

Your alertness, bravery and tenacity are commended.

[end memo]

Police Chief Herbert Gillis recognized Officer Mary Jerome for her heroic actions during a robbery that led to the capture of the robber.

PROCLAMATION: Florida City Government Week, October 19-25, 2008

Mayor Wheeler read a proclamation proclaiming October 19 – 25, 2008 as "Florida City Government Week."

AGENDA ITEM 6. Ordinance 2008-31, Correction – Ordinance 2008-11, Historic District Regulatory Board - 2nd Reading & Public Hearing

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

[begin agenda memo, prepared by Margaret Swanson, Planning & Development Director]

RECOMMENDATION

Staff recommends approval, following a public hearing, of Ordinance 2008-31, correcting Ordinance 2008-11 - Historic District Regulatory Board.

Public notice requirements have been met.

BACKGROUND

A first reading of the ordinance was approved by the City Commission at the September 16, 2008 meeting.

The ordinance makes corrections to Ordinance 2008-11, approved by City Commission on May 20, 2008 to establish a Historic District Regulatory Board and related regulations. Unfortunately, the wrong version of the ordinance was included in the Commission's packet and subsequently signed by the Mayor. As a result, the approved ordinance did not reflect changes requested by the Commission following workshops on the draft ordinance or additional provisions proposed by staff to streamline the review process.

The corrections pertain to Sections 4 and 5 of the ordinance:

- Murals – The corrected ordinance eliminates the requirement for review of murals and other works of art by the Historic District Regulatory Board. This change was requested by the Commission in workshops on the draft. (See Section 4 of the ordinance.)
- Fees – The fee for application to the Board is corrected from a flat fee to a sliding scale. The fee was originally proposed at \$200 with \$75 for public notice. Commissioners felt that the fee was too high for small projects and asked staff to reassess it. A sliding scale was devised requiring a \$25 fee for work with an estimated value of \$2500 or less, and 1% of the estimated value for work over \$2500, with a cap of \$200. No review fee will be charged for signs. (See Section 5 of the ordinance.)
- Review process – The requirement for review by the Development Review Committee is eliminated in order to streamline the review process. This change was staff-initiated. (See Section 4 of the ordinance.)
- Other streamlining changes – The requirement for review of incidental signs (such as small directional signs in parking areas) is eliminated with the corrections.
- Clarifications – Several other changes were made in the wording of the workshop draft in order to improve clarity of the regulations.

FISCAL IMPACT

The sliding scale for fees reduces the revenue that will be collected by the City.

[end agenda memo]

Mr. Otte read Ordinance 2008-31 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2008-11 TO CORRECT SCRIVENER'S ERRORS IN SECTIONS 4 AND 5 OF SAID ORDINANCE AS PREVIOUSLY ADOPTED; 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 adopt Ordinance 2008-31 after second reading and public hearing. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 7. Ordinance 2008-36, FY-07'08 Budget Amendment #3 – 2nd Reading & Public Hearing

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

[begin agenda memo, prepared by Judith H. Delmar, Asst. City Manager]

RECOMMENDATION

It is recommended that the City Commission adopt Ordinance 2008-36 after second reading and public hearing.

BACKGROUND

Ordinance 2007-40 estimating revenues and appropriating funds for Fiscal Year 2007-08 was adopted by the City Commission on September 18, 2007 and amended by Ordinance 2008-02 in January 2008 and Ordinance 2008-16 in May 2008. We are presenting for second reading and public hearing, a third 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 7/31/08. The following is a summary of changes to the budgets previously adopted for each fund. A number in parentheses indicates that the budget has been reduced, while a number without parentheses indicates that the budget has been increased.

Revenues & Balances Fwd	Increase(Reduction)
General Fund	1,308,030

Special Revenue Funds	257,886
Debt Service Fund	115,826
Capital Projects Fund	43,151
Airport Fund	0
Utility System Fund	0
Total Increase(Reduction) of Revenues & Balances Fwd	1,724,893
Appropriated Expenditures & Reserves	
General Fund	382,977
Special Revenue Funds	806,442
Debt Service Fund	0
Capital Projects Fund	254,905
Airport Fund	0
Utility System Fund	0
Reserves	280,569
Total Increase(Reduction) of Appropriated Expenditures & Reserves	1,724,893

The proposed budget amendment increases the City's total budgeted expenditures by \$1,444,324 and increases reserves at 9/30/08 by \$280,569 for a net increase in appropriated expenditures and reserves of \$1,724,893 (from \$72,349,791 to \$74,074,684). In addition, the amendment conforms budgeted balances forward to balances forward reported in the audited financial statements for year ending 9/30/2007.

A detailed chart showing all of the changes in expenditure budgets for each fund with revenue offsets, if any, is provided on the pages immediately following this memo. Briefly, however, the proposed budget amendment is necessary for several reasons:

- 1) To appropriate \$51,470 in donations for spring and summer camps and July 4th fireworks
- 2) To appropriate \$4,905 in grant funds and \$5,295 in tree removal fees collected from developers to fund tree replacement in the Lake Wailes park area
- 3) To appropriate \$254,905 in police and fire impact fees for transfer from the Capital Projects Fund to the General Fund to pay for the purchase of a fire truck (\$235,402) and weapons for the Police SWAT team (\$19,503)
- 4) To incorporate into the budget the transfer \$1,033,414 in fund balance from the CRA to the General Fund and designation of a pool/tax anticipation account in the General Fund as approved by the City Commission

- 5) To authorize transfer of \$44,688 in budgeted surplus revenues over expenditures from the General Fund to the Transportation Fund to pay for the SWFWMD Watershed Management Study as per contract with that agency (\$44,688)
- 6) To authorize transfer of \$9,000 in budgeted surplus revenues over expenditures from the General Fund to the Transportation Fund to pay for construction of a fence along the Grove Ave. right-of-way at Wales Landing as per agreement with Wales Landing for their dedication of right-of-way for the extension of Grove Ave to 11th St
- 7) To authorize the expenditure of \$12,714 for an insurance appraisal of city-owned property to be paid by monies refunded by our previous health insurance provider after all outstanding claims were paid
- 8) To transfer appropriations from line items where surpluses are projected to line items where shortfalls are projected (these are typically transfers between a department's payroll, operating or capital budgets, for example, or between departments within a fund); a total of \$63,701 in appropriations are transferred in this amendment, resulting in no change to the bottom line

OTHER OPTIONS

None. This is a required housekeeping amendment to incorporate previously unbudgeted donations, grants, and expenditures approved by the City Commission after October 1.

FISCAL IMPACT

See Exhibit A and Exhibit B attached to Ordinance 2008-36.

[end agenda memo]

Mr. Otte read Ordinance 2008-36 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2007-40 AS AMENDED BY ORDINANCES 2008-02 AND 2008-16 TO FURTHER MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2007-2008 FISCAL YEAR AND TO FURTHER 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 2008-36 after second reading and public hearing. The motion was seconded by Commissioner Howell.

ROLL CALL:

Commissioner Manry

"YES"

2008-614

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

The motion carried 5-0.

AGENDA ITEM 8. Ordinance 2008-37, Repealing Section 2-88 of the Lake Wales Municipal Code, Executive Director (Depot Museum) and Inserting that the Depot Advisory Commission Advises the City Commission

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

[begin agenda memo, prepared by Anthony G. Otte, City Manager]

RECOMMENDATION

Approval.

BACKGROUND

The action requested seeks to remove a conflict that has now been created with the new contract with the Historic Lake Wales Society.

On September 19 the City Commission approved a contract between the City and the Historic Lake Wales Society for the operation of the Depot Museum. This contract eliminated the need for city employees to operate the museum and serve as museum staff. In the past the City budget contained one or more city positions for this purpose. The current year budget does not have those positions as the operation is now handled through the contract with the Historic Lake Wales Society. The current City budget does contain a grant to the Society to provide funding for that purpose.

The roster of City employee positions no longer contains depot museum employees. However, there is an existing ordinance that establishes the position of depot executive director, appointed by the city manager and working under the direction of the city manager. With the execution of the Historic Lake Wales Society contract, this ordinance and the position it creates are a moot point. As a ministerial duty, that ordinance needs to be repealed.

The ordinance also notes that the Depot Commission will advise the Executive Director of the Depot Museum. As other City advisory boards advise the City Commission, staff has also made that change.

OPTIONS

Do not repeal the ordinance, which would continue a conflict between a City position and the Historic Lake Wales Society's operation of the museum.

FISCAL IMPACT

None.

[end agenda memo]

Mr. Otte suggested that since the Historic Lake Wales Society is managing the operation of the museum they should appoint Mimi Hardman to serve as the Executive Director of the museum. Ms. Hardman would continue in that title, but the appointment would be made by the Historic Lake Wales Society rather than by the City Manager. Mr. Otte said that he discussed this with Ms. Hardman today.

Mr. Otte read Ordinance 2008-37 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES BY ELIMINATING THE POSITION OF DEPOT EXECUTIVE DIRECTOR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Howell asked if this was a legal thing to do. City Attorney Chuck Galloway answered that the City could let the Historic Lake Wales Society operate the Depot Museum on behalf of the City and the public.

Commissioner Rogers asked if the contract had been signed yet. City Clerk Clara VanBlargan said that she is still waiting for the Historic Lake Wales Society to sign and return the contract to the City. Mr. Otte said that the contract needed to be signed before second reading of this ordinance.

Commissioner Howell made a motion to approve Ordinance 2008-37 after first reading. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 9. Contract with Boys & Girls Club

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

[begin agenda memo, prepared by Anthony G. Otte, City Manager]

RECOMMENDATION

Approval of the agreement.

BACKGROUND

Last fiscal year the City had two part-time positions working at the Kirkland Gymnasium. Those positions were eliminated from the budget for the current fiscal year with the expectation that an arrangement could be made with the Boys and Girls Club to work at the gym.

City staff approached the Lake Wales branch of the Boys and Girls Club and asked if they would be interested in an agreement in which their staff would operate the Kirkland Gymnasium. The attached

contract has been negotiated with Walt Hall of the Boys and Girls Club and has been prepared by the City Attorney. The contract has not, at the time of the preparation of this agenda item, been reviewed by legal counsel for the Boys and Girls Club. The Club may have some changes in the agreement before the meeting, or it could possibly be pulled from the agenda and re-scheduled if there are substantial changes requested.

The agreement provides for the following services:

1. The staff of the Boys and Girls Club will operate the gym during the year from Monday through Friday, from noon to 8 p.m., with the following exceptions:
 - a. From 3 p.m. to 5 p.m. the Boys and Girls Club will have exclusive use of the facility;
 - b. The Boys and Girls Club will not open the gym on nationally recognized legal holidays, but will open it on school holidays that are not national holidays; and
 - c. There is some limited flexibility in the days of operation requested by the Boys and Girls Club to allow for emergencies such as sick time for their staff.
2. The Boys and Girls Club will "endeavor to keep the weight room open during the hours it is responsible for operation" and may refrain from opening it if there is a safety concern.
3. The City shall pay the Boys and Girls Club \$10,000 for this service for the first year.
4. The Boys and Girls Club shall provide monthly reports on their operation of the gym.
5. The Boys and Girls Club will name the City as additional insured on its insurance policies, which cover their operation. The City will continue to carry property and casualty insurance on the facility.
6. The City is responsible for gym building repairs, cleaning, and extermination.
7. The term of the agreement is for one year, with automatic renewals unless cancelled no later than 60 prior to the end of any term.

City staff first approached the Boys and Girls Club with a no fee agreement. Club representatives said that for the hours being requested it would not be possible, as the Lake Wales branch of the Boys and Girls Club is struggling financially. The fee of \$10,000 was suggested by Boys and Girls Club staff as being adequate for them to provide the service.

If approved by both parties, the start-up date of the Boys and Girls Club operation of the gym as noted above would be Monday, October 20.

City staff is also seeking authorization to continue to utilize part-time employees to keep the gym open as follows:

1. Monday thru Friday, 2 p.m. to 8 p.m., temporarily until (and assuming) the Boys and Girls Club Agreement will be approved; and
2. Saturday, noon – 5 p.m.
3. Sunday, noon - 5 p.m.

(Note: the weekend hours may be extended during school summer vacation, from 10 hours to 14 hours per weekend.)

If the Boys and Girls Club agreement is approved by both parties, part-time employees would no longer be used Monday thru Friday.

Analysis

City staff believes that this agreement represents a cost-effective alternative for keeping the gym open for five days per week. The exclusive use from 3 p.m. to 5 p.m. is not viewed as a problem, as the youth served are our own Lake Wales youth. The schedule will have to be further "tweaked" to allow for practices and games for the Lake Wales Police Athletic League's Junior Magic basketball league.

In addition, City staff has temporarily retained the employees in the part-time positions that operated the gym in the past to keep the gym open on the weekends. Staff is exploring two options for continuing the operation of the gym on weekends and may bring this item to the Commission under separate cover.

City staff is also exploring a new operational model for the weight room. It is logistically difficult to monitor weight room activities with one staff member in the building. City staff may also bring a recommendation on weight room operation to the City Commission under separate cover.

City staff believes that one of the ways we achieve the "strong sense of community" foundation of the City's Strategic Plan is through seeking community partnerships. The City Commission has approved such partnerships in specific agreements with the Green and Gold Foundation for the operation of the B St Center, the Chamber of Commerce for management of the Main Street Program, and the Historic Lake Wales Society for the operation of the Depot Museum. These agreements provide services in a more cost-effective manner. They also bring in new skills, approaches, and perspectives that greatly enhance the quality of the service. In addition, the agreements serve notice that the City of Lake Wales is inclusive, participatory, and open to explore different ways of doing things.

OPTIONS

There are other options available for the operation of the gym, including the retaining of the part-time employees, or cutting back on the hours of operation. The initial discussion with the Boys and Girls Club involved keeping the facility open during the week following the Club's use, which ends at 5 p.m.. The Recreation Advisory Board has previously expressed that the Kirkland Gymnasium is a wonderful community asset whose use needs to be maximized.

FISCAL IMPACT

The additional hard cash cost of the agreement is \$10,000. For this amount the gym stays open an estimated 2,016 hours per year. To provide those open gym hours with our part-time staff (which would be more cost-effective than hiring full-time staff) would cost an estimated \$ 21,163.09 (assuming 8 national holidays).

The cost of using part-time staff for weekends is approximately \$5,311.97.

Funding for the \$10,000 called for in the Boys and Girls Club proposed agreement, and the \$5,000 plus cost of using part-time staff on the weekends, has recently become available as follows:

- The change of personnel in the position of Customer Service Manager has saved approximately \$3,000; and
- The continued vacancy in the position of Finance Director (\$85,000 plus benefits), but taking into account the temporary salary increase for the interim finance director and the payment for the Bunting, Tripp & Ingley contract (estimated at \$25,000 total) would provide \$12,000 assuming that a new Finance Director is not likely to start work in the next 90 days.

If approved, the use of these funds would be brought forward in the January budget revision.

[end agenda memo]

[begin contract]

Albert Kirkland, Sr., Gymnasium Management Agreement

This Management Agreement (Agreement) made and entered into this _____ day of October, 2008, by and between the Citrus Center Boys and Girls Clubs, Inc., a Florida not-for-profit corporation, having its principal place of business at 2400 Havendale Blvd., Winter Haven, Florida, hereinafter referred to as the Manager, and the City of Lake Wales, a Florida municipal corporation, hereinafter referred to as the Owner.

1. **PURPOSE:**
The purpose of this Agreement is to provide a private/public partnership for the administration of the Albert Kirkland, Sr., Gymnasium (Gymnasium), 409 North Third Street, Lake Wales, Florida, for the benefit of the public.
2. **TERM:**
That for and in consideration of the covenants and agreements set forth herein, the receipt and sufficiency of which are hereby acknowledged, the Owner and the Manager agree that the management services of the Manager shall commence upon approval and execution of this Agreement for a term of one (1) year. This Agreement shall automatically renew for up to ten (10) additional one-year terms unless terminated by the parties. Either party shall reserve the right to terminate this Agreement by giving the other party a sixty (60) day written notice prior to the end of any term.
3. **USE:**
(a) The Manager agrees to manage and administer the property as a Gymnasium. The hours of operation of the Gymnasium for which the Manager shall be responsible is as follows:

12:00 noon to :00 p.m. Monday through Friday.
The Manager shall have exclusive use of the facility
from 3:00 p.m. to 5:00 p.m. for its Club members.

The Manager shall not be responsible for any operations
of the Gymnasium on Saturday, Sunday, or legally
recognized national holidays. The Manager will operate the
Gymnasium on public school holidays.

Manager acknowledges that the Owner may cause

the Gymnasium to be open during hours other than those maintained by the Manager pursuant to the terms of this Agreement.

Manager will endeavor to keep the weight room open during the hours it is responsible for operation. The Manager may refrain from opening the weight room if, in its discretion, a safety concern should cause the weight room to be closed.

(b) All parties agree to comply with the provisions of Title VI and VII of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973. Specifically, in carrying out the intent of this Lease Agreement, neither party shall discriminate in any way as to race, creed, or color, nor in any other respect in carrying out the terms of this Lease Agreement which would violate the aforesaid acts.

(c) The Manager acknowledges that due to the nature of the services to be provided hereunder, its records concerning the operation of the Gymnasium are public records and are specifically subject to the provisions of Chapter 119, Florida Statutes.

4. ORDINANCES AND STATUTES:

The Manager shall comply with all applicable statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which may hereafter be in force, pertaining to the premises, occasioned by or affecting the use thereof by the Manager.

5. RENT:

No monthly rent shall be paid by the Manager to the Owner for use of the Gymnasium.

6. SOVEREIGN IMMUNITY:

The Manager, in accordance with Section 768.28, Florida Statutes, agrees to be fully responsible for its negligent acts or omissions or intentional tortious acts which result in claims or suits against the owner, and agrees, only to the extent of its immunity to be liable for any damages proximately caused by said acts or omissions. Nothing herein is intended to serve as a waiver of sovereign immunity by the Owner. Nothing herein shall be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract. The Manager agrees that it is an independent contractor of the Owner and not an agent or employee.

7. GRANT FUNDS AND MONITORING:

The Manager understands that the facility is financed by Grant funds allocated in the Owner's yearly budget and further understands that any such grant(s) may only be made on a yearly basis and that this Agreement does not constitute a covenant to budget for yearly grants in the event that funds are unavailable. The Grant for the initial term of this Agreement is in the amount of \$10,000.00.

8. PROJECT MONITORING/REPORTS:

Project Monitoring Reports. The Manager shall provide the Owner with quarterly reports that briefly describe its overall operation of the Gymnasium facility. Reports shall include, but are not limited to, a brief description of each program offered and its attendance figures.

9. EXTERMINATION:
The Owner is responsible for necessary extermination services for the facility.

10. REPAIRS:
(a) The Owner is responsible for all major repairs.

(b) The Manager agrees to promptly report to the Owner any damages or needed repairs.

11. MAINTENANCE:
(a) The Owner acknowledges that it will maintain the premises in the condition they are in at the inception of this Agreement, and agrees to maintain said premises in the same condition, excepting only reasonable wear and tear arising from the use thereof under this Agreement.

(b) The Manager shall not make internal or external renovations, alterations, additions, or install any fixtures or equipment without the written consent of the Owner. All permanent fixtures are to remain with the building.

12. INSURANCE:
(a) The Owner shall maintain Comprehensive General Liability coverage as is maintained by Owner for its other properties.

(b) The Manager shall cause the Owner to be named as an additional insured on its existing insurance policies.

13. UTILITIES:
The Owner will be responsible for all utilities of the Gymnasium, including telephone, water, sewer, electricity, and security systems.

14. DAMAGE BY FIRE OR OTHER CASUALTY:
(a) If the property is damaged by fire or other casualty to such an extent that it is rendered unusable in whole or in part, the Owner shall have the option to cancel the lease, or repair the property to substantially its former condition.

(b) The Owner shall give notice of its election to the Manager within thirty (30) days after the occurrence of such damage, and if the Owner shall elect to repair the property, the Owner shall include in the notice a good faith estimate of the date upon which such repairs shall be completed.

15. NOTICE:
All notices which are required or permitted under this Agreement shall be given to the parties by certified mail, return receipt requested, hand delivery, or express courier, and shall be effective upon receipt. Notices shall be sent to the parties at the addresses set forth below or such other address as provided to the parties by written notice delivered in accordance with this section.

Notice to Manager:

Citrus Center Boys and Girls Clubs, Inc.
2400 Havendale Blvd.
Winter Haven, FL 33883

Attn: Walt Hall

Notice to Owner:

City of Lake Wales
City Manager
PO Box 1320
201 Central Ave., W.
Lake Wales, FL 33859-1320

With a copy to:

Albert C. Galloway, Jr., City Attorney
Albert C. Galloway, Jr., P.A.
202 E. Stuart Ave.
PO Box 3339
Lake Wales, FL 33859-3339

16. **BANKRUPTCY:**
If the Manager shall become insolvent or if bankruptcy proceedings shall begin by or against the Manager, before the end of the Agreement term, the Owner is hereby irrevocably authorized at its option, to forthwith cancel this Agreement, as for default.
17. **DEFAULT:**
It is expressly understood between the Owner and the Manager that at any time in the event the Manager is declared in default of any provision(s) contained herein that the Owner shall be entitled, at its option, to terminate the parties interest hereunder, whether during the initial Agreement term or during any extension thereof.
18. **WAIVER:**
No failure of Owner to enforce any term hereof shall be deemed to be a waiver.
19. **ASSIGNMENT:**
Neither party hereto shall attempt to assign any part of this Agreement nor any responsibility or liability provided in this Agreement to a third party without the mutual written consent of both parties.
20. **ENTIRE AGREEMENT:**
This Agreement constitutes the entire agreement between the parties and may be modified only by an addendum to this Agreement or by a new Agreement in writing signed by the Owner and the Manager.
21. **AUTHORITY:**
The parties hereto acknowledge and affirm that all steps required to provide authority for entry into this Agreement have been accomplished and the individuals who execute this Agreement are duly authorized to bind the respective parties.

In witness whereof, the parties have hereunto set their hands and seals this _____ day of October, 2008.

ATTEST:

CITY OF LAKE WALES

2008-622

CITY COMMISSION

City Clerk

By: _____
Lee A. Wheeler, III, Mayor

Signed Sealed and delivered in
the presence of:

CITRUS CENTER BOYS AND GIRLS CLUBS, INC.

(Witness)

By: _____
Walter D. Hall, Sr., Its Manager

(Witness)

[end contract]

Mr. Otte said that if the operation of the weight room becomes difficult for the Boys and Girls Club it would fall back on City staff to find a way to keep it open.

Commissioner Van Sickle said he likes the idea of the Boys and Girls Club operating the Gym. But, it is somewhat convoluted because we now have a proposal to hire City employees to run the gym on the weekends. He asked if the City Manager would be overseeing this or would it be an additional duty as assigned. Mr. Otte answered that Capt. Quinn will continue to run the gym on the weekends. He said that when Lieutenant Hayes was pulled out of that position about two or three months ago, Capt. Quinn took over. Commissioner Van Sickle said that the City just used CRA funds to pay for additional police officers because of the need to have more police officers patrolling the streets. Now, these patrol officers are being assigned additional duties that would prevent them from patrolling the streets. He commented he is a firm believer that safety is a priority over other things. It is not the responsibility of the Police Department to run the gym. Mr. Otte said that if it is the Commission's direction to remove the responsibility from the Police Department, he would be happy to do that. He said that he is not opposed to looking organizationally to see if the responsibility can be placed in some other department. Commissioner Van Sickle said that if this is a recreation duty then why not give the responsibility to the Recreation Department. Commissioner Howell responded that the City does not have a Recreation Department. Commissioner Van Sickle said the responsibility could then be put back under the Human Resources Department. He said that if someone does not show up to open the gym then police officers would be responsible for opening it. This will take them away from what they should be doing. This is not a police type function. Commissioner Van Sickle said that recently an officer was called out to open the gym and missed a call to action because his police radio did not work that well inside the gym. He said that this is putting recreation ahead of safety. This function does not need to be in the Police Department, unless there is a recreational department within the Police Department. Mr. Otte said that he would be happy to review the organization and put the function in another department. Commissioner Rogers said that the police officers needed to be removed from the gym altogether because that is not their job. Mr. Otte said that he is not suggesting that the Police Department be involved.

Walt Hall, Boys and Girls Club, explained that they are hoping to keep the hours of operation at the gym flexible and to keep the gym operational during the summer at no extra charge to the City. The Club will operate the gym in the summer Monday through Friday from 8:30 a.m. to 11:30 a.m. The gym would also be open until 5:30 p.m. for the general public. He said he wanted everyone to understand that \$10,000 would not fully cover the expense in keeping the gym open. The Club will be spending more than what is being asked from the City. Mr. Hall said that he is not sure how they will do it but they will figure out a way. He said that the Club is not generally open on the weekends because they do not have the money to staff it. Commissioner Rogers asked if it is necessary to open the gym on the weekends. Mr. Otte said that the gym has been open on the weekends for years, and it is well used. So, the City should work hard to do everything it can to keep the gym open on the weekends.

Commissioner Van Sickle asked if it would be possible to move the funds that the City is planning to use to hire temporary or part-time people to the Boys and Girls Club, so they could staff the gym completely. Mr. Otte said only if the Club is willing to take on that responsibility because currently they are not financially able to staff the gym on the weekends.

Mayor Wheeler asked if VOICE Volunteers could operate the gym on the weekends. Mr. Otte said no because the responsibility would be too much for them. That is why City employees would have to do it.

Mr. Hall said that he is willing to consider the Boys and Girls Club operating the gym on the weekends with the \$5,000 that the City is proposing to spend for part-time staff to keep it open on the weekends. He said that they are not able to do it for free. The expense of operating the Club on the weekends would have to be covered. He said that a better solution would be to keep a key at the Police Department for someone to pick up if someone does not show up to open the gym. Mr. Hall said this all needs to be discussed before reaching an agreement. Commissioner Van Sickle said he does not want the Police Department to be involved.

Mr. Otte recommended that the City Commission authorize the City Manager to execute a contract with the Boys and Girls Club for them to fully operate the gym, and if they are unable to operate the gym on the weekends to approve City staff operating it on the weekends. He said this way, staff can move forward with the contract. Commissioner Van Sickle made a motion to accept the recommendation made by the City Manager. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

Mr. Otte thanked Mr. Hall for working with the City. He said the Boys and Girls Club does a great job.

Mr. Hall thanked Mimi Hardman and Economic Development Director Harold Gallup for making it possible for the Boys and Girls Club to operate in Lake Wales so that they can be there for the kids. Mr. Otte added that Ms. Hardman brought the Boys and Girls Club to Lake Wales with the grants for the building. Then once the City received the grants Mr. Gallup was put in charge of the project.

AGENDA ITEM 10. Pioneer Days Special Event: Temporary Street Closings

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

[begin agenda memo, prepared by Katie Kinloch, City Manager's Administrative Assistant]

RECOMMENDATION

Staff recommends the closing of Seminole Ave. from Scenic Hwy. to First Street; First Street from Seminole Ave. to Central Ave.; Central Ave. from First Street to Lake Shore Blvd.; Lake Shore Blvd. from Central Ave. to Wales Blvd. and 5th Street from Lake Shore Blvd. to Crystal Lake Park for the Lake Wales Pioneer Days Antique Car Parade on October 25, 2008 from 11:40 a.m. to 1:30 p.m.

BACKGROUND

Mimi Hardman, President of the Historic Lake Wales Society, submitted a special event application for the Annual Pioneer Days celebration held from October 24, 2008 through October 26, 2008. They will have a car parade on Saturday, October 25 with a need of temporary closure of streets associated with the parade route.

OTHER OPTIONS

Do not approve the road closure.

FISCAL IMPACT

In-Kind services were approved for this special event in the FY-08'09 budget: \$1,760 for Police Department services; \$2,160 for Streets Department services; and \$3,734 for Parks Division services.

[end agenda memo]

Mr. Galloway pointed out the sponsor listed on the Special Event Application should say the Historic Lake Wales Society and not the City of Lake Wales, the Lake Wales Depot Museum, and the Historic Lake Wales Society. This way, the City of Lake Wales is not assuming financial responsibility for this event since it is not the sponsor. Mr. Otte asked Human Resources Director Sandra Davis if the City sponsored this event in the past. Ms. Davis said yes because the City was operating the Depot Museum. Mr. Galloway said that if the City is accepting financial responsibility then there is no need to include the Agreement to Assume Financial Responsibility for Injury or Damage form in the application.

Mayor Wheeler said that the Commission would only need to approve the road closings and the special event application.

Commissioner Manry made a motion to approve the street closings for the Lake Wales Pioneer Days Antique Car Parade on October 25, 2008 from 11:40 a.m. to 1:30 p.m. and to approve the Special Event Application. 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 11. Home Coming Parade Special Event: Temporary Street Closings

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

[begin agenda memo, prepared by Katie Kinloch, City Manager's Administrative Assistant]

RECOMMENDATION

Staff recommends the closing of First Street from SR60 to Central Ave.; Central Ave. from First Street to Lake Shore Blvd.; Lake Shore Blvd. from Central Ave. to Legion field on October 23, 2008 from 4:00 p.m. to 6:00 p.m. for the Lake Wales High School Homecoming Parade.

BACKGROUND

Danielle Shick from Lake Wales High School submitted a Special Event Application requesting the temporary closing of city streets for their annual Homecoming Parade, which will start at Polk Elementary School and end at Legion Field.

OTHER OPTIONS

Do not approve the road closure.

FISCAL IMPACT

Police Department In-Kind services was budgeted for this special event in the amount of \$1,760.

[end agenda memo]

Commissioner Manry made a motion to approve the street closings for the Lake Wales Homecoming Parade from 4:00 p.m. to 6:00 p.m. on October 23, 2008. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

AGENDA ITEM 12. **Modification of the Official Traffic Map: Establish a School Zone on Central Avenue From Third Street to Fourth Street from 8:30 a.m. until 4:15 p.m. on School Days**

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

[begin agenda memo, prepared by Captain Patrick Quinn]

RECOMMENDATION

Staff recommends that the Mayor and the City Commission modify the official traffic map in the following manner:

1. Establish a school zone on Central Avenue from Third Street to Fourth Street from the hours of 8:30 am until 4:15 p.m. on school days.

BACKGROUND

At the beginning of this school year, the Bok Academy opened in temporary facilities at the First Baptist Church and the Presbyterian Church. The educational facilities occupy buildings on the north and South side of Central Avenue. This division of facilities requires school children to cross Central Avenue at various times during the day when school is in session. The children crossing the street put them in direct

conflict with traffic on Central Avenue. In an effort to maximize safety for the school children a school zone is recommended in the area of Central Avenue between Third Street and Forth Street.

The proposed school zone is requested to reduce vehicular speeds to 15 M.P.H. during the posted school zone times, and to place the required signage and traffic way markings necessary to designate the area as a school zone.

The location contained in this proposal is within the Corporate Limits of the City of Lake Wales. Section 316.006 (2) (a) Florida Statutes, provides that "Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads." Attorney General Robert Butterworth confirmed this provision in Advisory Legal Opinion 2001-06 issued on February 12, 2001. As such the City Commission is empowered by Charter to make changes as necessary to the Official Traffic Map of the City.

Staff Recommends approval.

OTHER OPTIONS

The Commission may choose not to make any changes to the Official Traffic Map.

FISCAL IMPACT

If approved, various expenditures to purchase signage, and paint roadway markings would be incurred. Funds are included in the Streets Division operating budget for this purpose. The anticipated cost for this change is not to exceed \$500.00.

[end agenda memo]

Mayor Wheeler said that he has never seen any school crossing guards during school hours in that location. He asked if the Charter Schools were responsible for providing them or was it the responsibility of Polk County.

Police Chief Herbert Gillis said that the Polk County Sheriff's Office is responsible for providing the school crossing guards for that location. He said that after discussing the need for school crossing guards on Burns Avenue with the county last week he was told that the county only provides crossing guards for Elementary Schools. He said he would confirm that.

Mr. Galloway suggested adding to the approval that upon the actual move of Bok Academy to South of Lake Wales that this would go away so the Commission would not have to go through this process again. Mr. Otte said that Bok Academy is hoping to move sometime in November if their remodeling project does not delay them.

Commissioner Manry made a motion to modify the official traffic map with the modifications as discussed by staff. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion failed 5-0.

AGENDA ITEM 13. Appointments: Recreation Commission

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

[begin agenda memo, prepared by Clara VanBlargan, City Clerk]

RECOMMENDATION

It is recommended that the City Commission make the appointments as it deems appropriate.

BACKGROUND

Vacancies exist on various Boards, Commissions, and Committees due to resignations, expirations of terms, newly established boards, etc. The City Commission is asked to make the appointments as it is deems appropriate.

Recreation Commission – Members are appointed by the Mayor and confirmed by the City Commission. The Recreation Commission consists of seven (7) members and five (5) alternates. At least five (5) regular members and three (3) alternate members must reside within the City limits of Lake Wales (3-year term).

Three (3) regular vacancies:	terms expire 10/01/11
Two (2) alternate vacancies:	terms expire 10/01/10
Applying for appointment:	Todd Ullum, resident
Applying for Re-appointment:	Keri Hunt, resident Robert L. Dioguardi, resident

Regular vacancies are due to the expiring terms of Elizabeth McCollough, Keri Hunt, and Robert Dioguardi.

FISCAL IMPACT

None. These are volunteer citizen boards.

OTHER OPTIONS

Do not appoint the applicants named above and seek other applicants; however, it may be difficult for some boards to obtain a quorum.

[end agenda memo]

Mayor Wheeler re-appointed Keri Hunt and Robert L. Dioguardi to serve as members on the Recreation Commission for a term to expire on 10/01/11, and appointed Todd Ullum to serve as a member on the Recreation Commission for a term to expire on 10/01/11. Commissioner Manry made a motion to approve the appointment made by the Mayor. 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 failed 5-0.

AGENDA ITEM 14. Discussion of Financial Statements for August 31, 2008, Fiscal Year to Date

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

[begin agenda memo, prepared by Judith H. Delmar, Assist. City Manager]

The unaudited financial statements for the City of Lake Wales for the Period Ending August 31, 2008 are presented to the City Commission for review. At the end of August the City was 91.7% into the fiscal year. Twenty-four of twenty-six payrolls (92.3%) were expensed through August 31. Budget comparisons are based on the FY07'08 budget as amended by Ordinances 2008-02, 2008-16 and 2008-36.

SUMMARY

The following chart gives a brief summary of revenue and expenditure performance as of August 31, 2008:

Fund	Revenues & Sources		Expenditures & Other Uses	
	Percent of Budget	Comparison to Target	Percent of Budget	Comparison to Target
General Fund *	96.0%	+4.3%	91.4%	-0.3%
Special Revenue Funds	79.3%	-12.4%	44.1%	-47.6%
Debt Service Fund	90.3%	-1.4%	97.3%	+5.6%
Capital Projects Fund	67.4%	-24.3%	85.1%	-6.6%
Airport Fund	60.7%	-31.0%	59.2%	-32.5%
Utility System Fund	39.9%	-51.8%	38.4%	-53.3%

The General Fund received 99.1% of budgeted ad valorem tax revenues through August 31 with \$28,432 received since July 31. Through the end of August, the City received 88.1% of budgeted franchise fees, 85.5% of utility taxes, 98.5% of communications services taxes, 93.4% of state-shared revenues, and 92.3% of sales tax revenues. General Fund expenditures were at 91.4% or -0.3% below the target level (-\$33,300).

Overall revenues in the Special Revenue Funds were at 79.3% of budget. The Library Fund received 98.6% of its budgeted revenues, and the Transportation Fund received 87.7% of gas tax revenues. Library Fund expenditures were at 85.3% of budget and Transportation Fund expenditures were at 44.2%. The CDBG grant fund recorded 108.1% of budgeted expenditures including some remaining expenditures related to the CDBG Disaster Recovery Grant budgeted in FY06'07 but not expended before 9/30/07; these expenditures will be included in the final budget amendment. There was minimal activity in the other Special Revenue Funds through the end of August.

Debt Service Fund expenditures are higher than budget (+5.6%) as a result of the fact that \$852,975 in principal and interest payments for the Series 97 Bond and the SunTrust 2003 note were paid on October 1 and \$197,258 in interest for these two loans was paid on April 1. The October 1 payments were made from the bond sinking fund accounts that were funded during FY06'07 and represent 55.2% of the total expenditures budgeted for the Debt Service Fund in FY07'08. An additional \$30,291 principal payment for the Suntrust 99 CIP Bond was budgeted and funded in FY06'07 but was not actually paid until October 2007.

The Capital Projects Fund reflects receipt of 67.4% of budgeted revenue and 85.1% of budgeted expenditures. Most of the expense incurred in this fund through August 31 is related to construction of the Soccer/Multi-purpose field (\$312,193) and the expenditure of police, fire and recreation impact fees (\$400,950).

Airport Fund revenues were at 60.7% of budget and expenditures were at 59.2%. Most of the revenues budgeted in this fund for FY07'08 are grant-related and fund major capital projects. \$2,146,086 (61.3% of budget) in grant funds were received through August 31.

The Utility Fund received 98.0% of budgeted revenues through August 31 This number includes impact fees, the Oakley settlement, and miscellaneous revenues as well as charges for services. Revenues from water charges were at 95.1% of the amended budget (+\$109,600), and revenues from sewer charges were at 93.0% (+\$39,255). Overall revenues and other financing sources in the Utilities Fund were at 39.9%. Loan proceeds related to the wastewater treatment plant expansion and southside force main projects are recorded as actual expense is incurred. Expenditures in the operating departments were at 83.1% or 8.6% (\$367,890) below target level. Total Utilities Fund expenditures and other uses were at 38.4% of budget.

The City's overall cash position at the end of August 2008 improved in comparison to the cash position at the end of August 2007 (+\$1,600,967). In order to make a valid comparison, however, adjustments must be made to both years as follows:

	8/31/07	8/31/08	Difference
Total Cash & Investments	5,356,544	6,957,511	+ 1,600,967
Due to Other Governments	(99,995)	(134,314)	
Insurance Proceeds & Other Airport Cash	(789,262)	(536,803)	
Deferred Revenues*	(571,512)	(494,619)	
Sale of Coop Fruit Prop (Net of Expenditures)	(1,091,488)	(1,091,488)	
Cash & Investments Net of Adjustments	2,804,287	4,700,287	+ 1,896,000

**reflected in cash but restricted to a specific future expenditure (grant project, tree replacement fund, etc)

After excluding cash that has been collected on behalf of other governments, unexpended Airport insurance proceeds, deferred revenues and sale of the Cooperative Fruit Property, the City's overall cash position at the end of August 2008 reflects an increase of \$1,896,000 over the end of August 2007. In relation to the cash position at July 31, 2008 (\$5,424,132), the August position shows a decline of \$723,845.

The City's accounts payable at 8/31 increased by \$628,051 from \$520,558 at 8/31/07 to \$1,148,809 at 8/31/08. Accounts receivable at 8/31 declined by \$227,713 from \$1,506,627 at 8/31/07 to \$1,278,914 at 8/31/08.

Preliminary financial statements for Year Ending 9/30/08 will be presented to the City Commission at the first meeting in November.

[end agenda memo]

There were no comments made by the Commission.

ADDENDUM

Mr. Otte reported on Addendum Agenda Items 14a and 14b. The full staff memos are incorporated into the minutes.

AGENDA ITEM 14a. Improvement for Parking Requirements for PCC using APAC Southeast Inc.

[begin agenda memo, prepared by Economic Development Director Harold Gallup]

RECOMMENDATION

Staff recommends that the City Commission authorize the City Manager to execute a contract amendment to the current APAC-Resurfacing and Repair of Various Streets Contract in Lake Wales, approved by the City Commission on February 05, 2007, in an amount not to exceed One Hundred Thirty Eight Thousand Six Hundred Ninety Two Dollars and 89/00 for a portion of the PCC Parking Project.

BACKGROUND

The City by previous acts has transferred the "Old City Hall" to the Polk Community College for the purpose of creating a Lake Wales Campus for the College. This portion of the project is an element that the City Commission in its transfer had committed to undertake for the development of the Lake Wales Campus. The Campus is set to open on January 01, 2009 for classes.

City staff had planned on using APAC, the firm currently under city contract for the city street re-surfacing work, to construct the college and police parking lots. The unit prices contained in the re-surfacing contract are used to determine the amount for this scope of work.

There will be two other elements of the Project for work tasks that are not included in the current APAC contract with the City, and these two items must be sought from another contractor. The two items not included in the existing APAC contract are Landscaping and Drainage Basin Expansion. The landscaping item will provide xeriscaping plants around the new parking areas, and the drainage basin work involves the expansion of the existing water retention area in Lake Wailes Park at the foot of Tillman Ave, across (east of) Lakeshore. City staff will attempt to utilize the City's existing Construction Manger contract with Semco to have Semco get three quotes for this work and be responsible for those portions of the project.

CURRENT FISCAL IMPACT

The funding for this Project is in the 5 Year Capital Improvements Program 2008/09—2012/2013. The cost for this portion of the Project is within the budgeted funding level.

[end agenda memo]

AGENDA ITEM 14b. Improvement for Parking Requirements for PCC using SEMCO Construction, Inc.

[begin agenda memo, prepared by Economic Development Director Harold Gallup]

RECOMMENDATION

Staff recommends that the City Commission authorize the City Manager to execute the appropriate documents to modify the current Construction Management Agreement between the City of Lake Wales and Semco Construction and as previously approved by the City Commission as a piggyback contract to the Polk County Contract #06-033. The amendment is for an amount not to exceed One Hundred Seven Thousand Seven Hundred Eighty Five Dollars and 70/00 (\$107,785.70) for a portion of the PCC Parking Project that covers the SWFWMD Drainage work as it relates to the construction Project. The Staff has included a Ten Percent (10%) contingency value in the Estimate.

BACKGROUND

The City by previous acts had transferred the "Old City Hall" to the Polk Community College for the purpose of creating a Lake Wales Campus for the College. This portion of the project is an element that the City Commission in its transfer had committed to undertake for the development of the Lake Wales Campus. The Campus is set to open on January 01, 2009 for classes.

There will be two other elements of the Project that include Landscaping and Drainage Basin Expansion. These will be before the City Commission within the several weeks.

CURRENT FISCAL IMPACT

The funding for this Project is in the 5 Year Capital Improvements Program 2008/09—2012 / 2013. The cost for this portion of the Project is within the budgeted funding level. The Project is under Budget Estimate and expects to continue to effect cost savings through the final elements of the Project.

FISCAL IMPACTS OF OTHER ALTERNATIVES

There are no alternatives to the Current Fiscal Impact.

[end agenda memo]

Commissioner Van Sickle asked what APAC's proposal was to do the drainage work for the project. Economic Development Director Harold Gallup said that the APAC numbers broken out would come to about \$97,000 with a contingency. He said that staff feels very confident that whatever minor discrepancy on the pricing would be resolved to the benefit of the City. Even with a contingency plan the overall budget for the project is under budget and under projection. So, the price should be about 55 cents on the dollar for the overall project. Commissioner Van Sickle said that he was curious because the Semco proposal does not include the cost for permitting, fill dirt, and a few other things. So, the price could cost more than that.

Commissioner Van Sickle said that in APAC's proposal it includes a \$9,410 charge for mobilization. He said that APAC is already in town doing work so the City should not be paying that. Mr. Gallup said that has already been addressed. Staff was only trying to maintain a timeline. The numbers will get better by the end of the construction period.

Commissioner Van Sickle said he is a firm believer that the City should get back to bidding. Mr. Gallup said that staff is taking advantage of some pricing that is approximately a year old because at today's prices the number would be higher in a number of categories.

Mayor Wheeler asked how much the City originally budgeted for this project. Mr. Otte said that the cost started off at about \$1.2 million, which involved moving utility lines. Mayor Wheeler asked how much was included in the recently approved budget for the project. Mr. Otte said \$750,000. He said that this project would cost about \$350,000 or less. Mayor Wheeler said that would result in about a \$400,000 savings. Mr. Otte said that is correct. Mayor Wheeler asked if the City had any plans for using that money. Mr. Otte said that we would need to see where we end up because we have a 5-yr. Capital Improvement Plan to choose from. Mayor Wheeler said that the Police Department could use some of that money for new

police cars. Mr. Otte said that CRA money could not be used to purchase police cars. But, it could be used for any community redevelopment project.

Mr. Otte said that for this project the City would be purchasing the concrete. Mr. Torrance said that City would only be purchasing concrete for the sidewalk projects.

Mr. Otte said the Commission would need to be vote on the contracts separately.

Commissioner Manry made a motion to authorize the City Manager to execute a contract amendment to the current APAC-Resurfacing and Repair of Various Streets Contract in Lake Wales, which was approved by the City Commission on February 5, 2007, in an amount not to exceed \$138,692.89 for a portion of the PCC Parking Project. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

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

The motion carried 5-0.

Commissioner Manry made a motion to authorize the City Manager to execute the appropriate documents to modify the current Construction Management Agreement between the City of Lake Wales and Semco Construction as previously approved by the City Commission as a piggyback contract to Polk County Contract #06-033 in the amount not to exceed \$107,785.70 for a portion of the PCC Parking Project that covers the SWFWMD Drainage work as it relates to the construction Project. The motion was seconded by Commissioner Van Sickle.

ROLL CALL:

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

The motion carried 5-0.

CONSENT AGENDA

AGENDA ITEM 15. Mapping Services with Rapid Surveying, Inc.

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

[begin agenda memo, prepared by Sarah Kirkland, Utilities Project Supervisor]

RECOMMENDATION

It is recommended that the City Commission:

1. Approve Rapid Surveying, Inc, for the updating of the utility service area maps to be charged at an hourly rate, not to exceed a total cost of \$24,000.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf, in regards to this much-needed project.

BACKGROUND

The City's utilities department is in much need of updating their service area maps. These maps provide valuable information for city staff and development prospects, when information is needed to determine what utilities are in a specific area. Quotes were requested, with two companies responding. Of the two received, Rapid Surveying, Inc quoted the lowest price at a per hour charge.

Rapid Survey will provide the City of Lake Wales with mapping services for the purpose of updating the sewer, water and reuse utility database maps. Information to be added will be provided from the utilities department from construction drawings, redlined as-builts, existing utility maps, and any other records found necessary to be added to ensure a complete picture as to what encompasses these various utility distribution and collection transmission systems.

OPTIONS

Chose not to consolidate and update the utilities data base map and continue to retrieve information manually with a few days prior notice.

FISCAL IMPACT

\$27,604.00 was placed in the Utilities Administration 07/08 operating budget for contract services for the completion of this project. Due to the lack of response for quotes, this project will not be completed until the 08/09 fiscal year.

[end agenda memo]

AGENDA ITEM 16. Sludge Transporting & Disposal

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

[begin agenda memo, prepared by Sarah Kirkland, Utilities Project Supervisor]

RECOMMENDATION

It is recommended that the City Commission:

1. Approve the piggyback contract for the hauling, treatment and land application of domestic wastewater residuals between Appalachian Material Services and the City of Lake Wales at a cost of \$56.00 per ton.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf in regards to this service.

BACKGROUND

The Florida Department of Environmental Protection (FDEP) and the Environmental Protection Agency (EPA) require a system of accountability for proper disposal of all wastewater sludge by the generating wastewater treatment facility. The sludge produced at the Sam P. Robinson Reclaimed Water Treatment Plant as an end product is dried to a consistency of approximately 14 percent solids.

Continuous monitoring of the City's Wastewater Treatment Plant sludge is required. An annual sludge report must be submitted to EPA and FDEP. The City must maintain a record of all sludge produced, treated and applied to the approved disposal land site. The City is responsible for how much sludge is applied to the site, how the sludge is applied to the site, chemical analysis of the sludge on the site, location and size of the sludge application areas and the water levels at the time of application. This level of accountability makes it absolutely necessary for the City to have a qualified hauler transporting and disposing of the sludge. Staff chooses to piggyback off of the City of Tarpon Springs awarded contract in an effort to obtain the most cost effective pricing.

FISCAL IMPACT

\$125,000 is placed in the 08-09 wastewater-operating budget for this expense. The 08-09 budget is based on the amount of hauls used during the FY07-08 budget year. This equates to 2 hauls per week at \$1200 per haul for a total of \$124,800.00.

OTHER OPTIONS

None at this time.

[end agenda memo]

AGENDA ITEM 17. Bulk Purchase of Polymer-Fort Bend Services, Inc.

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

[begin agenda memo, prepared by Sarah Kirkland, Utilities Project Supervisor]

RECOMMENDATION

It is recommended that the City Commission:

1. Approve the piggyback contract with Fort Bend Services, Inc and Bay County Utilities for the bulk purchase of polymer to aid in the treatment operations of the City's wastewater treatment plant.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf, in regards to this service.

BACKGROUND

The use of polymers optimizes the treatment process; thus yielding better quality sludge that could not be obtained otherwise. Concerns about Giardia cysts, asbestos fibers, etc., can be greatly reduced through the proper selection and application of a polymer. The proper selection and use of a polymer will often significantly reduce the overall treatment costs of producing public access reuse. Sometimes these savings are hidden through less obvious concerns, such as sludge disposal costs, labor costs, or reduced backwash costs. The use of a polymer, in lieu of an inorganic coagulant such as alum, significantly reduces the amount of sludge that is generated in the treatment process. The cost of disposing sludge in landfills has steadily increased. Consequently, it is a significant economic benefit when polymer is employed. The proper selection and use of a polymer often results in extended filter runs, reduced backwash times, and lower energy costs, resulting in significant savings as well. The proper selection and application of a polymer can simplify operations by improving overall performance of the treatment process; thus reducing the probability of treatment plant upsets.

Fort Bend Services, Inc has agreed to allow the City of Lake Wales to "piggyback" off of its annual contract with Bay County Utilities for the bulk purchase of polymer.

FISCAL IMPACT

\$130,000.00 have been placed in the Wastewater 08'-09' operating budget for the processing and required treatment at the wastewater plant.

OTHER OPTIONS

None at this time. This chemical is necessary in the wastewater treatment process.

[end agenda memo]

AGENDA ITEM 18. Bulk Purchase of Sodium Hypochlorite

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

[begin agenda memo, prepared by Sarah Kirkland, Utilities Project Supervisor]

RECOMMENDATION

It is recommended that the City Commission:

1. Approve the piggyback contract with Odyssey Manufacturing Company and the City of Mulberry for the bulk purchase of sodium hypochlorite to aid in the treatment operations of the City's water and wastewater treatment plants.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf, in regards to this service.

BACKGROUND

Sodium hypochlorite (NaOCl) is a compound that can be effectively used for water purification. It is used on a large scale for surface purification, bleaching, odor removal and water disinfection. Sodium hypochlorite as a disinfectant has the following advantages: It can easily be stored and transported when it is provided on-site. Dosage is simple. Transport and storage of sodium hypochlorite is safe. Sodium hypochlorite is as effective as chlorine gas for disinfection. Sodium hypochlorite is essential in the treatment of both water and wastewater processing, killing pathogens that could prove to be harmful to humans.

Over the past 20 years, disinfection technology and chemical treatment for wastewater has been consistent with the use of Chlorine as the standard chemical to safely and effectively treat wastewater media. The delivery of the chlorine to the flow stream ranges from gaseous, liquid chemical, or carrier chemical agents. Today, through the development and realization towards improving safety and reducing risk, Sodium Hypochlorite (NaOCl) has commonly been used in various applications where disinfection or sterilization of water is needed. NaOCl is becoming more and more popular based on its inherent chemical characteristics of being a safer, less costly, lower risk chemical, and still effective means to treat wastewater media.

FISCAL IMPACT

\$130,000.00 has been placed in the Wastewater 08'-09' operating budget for the processing and required treatment of the wastewater plant. \$47,800.00 have been placed in the Water 08'-09' operating budget for the processing and required treatment of the water plant.

OTHER OPTIONS

None. This chemical is both needed in the Water and Wastewater Operations.

[end agenda memo]

AGENDA ITEM 19. Verizon Wireless Personal Communications Site Lease Agreement – 1st Amendment

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

[begin agenda memo, prepared by Sarah Kirkland, Utilities Project Supervisor]

RECOMMENDATION

It is recommended that the City Commission:

1. Accept the Amendment to the Verizon Wireless Personal Communications Site Lease Agreement.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

In May of 2002 the City of Lake Wales entered into a site lease agreement with the Verizon Wireless Personal Communications LP, allowing the corporation to construct and install cellular antennae and a control building on the Market Street Water Plant tower and tank yard.

Verizon Wireless now wishes to amend the original agreement to expand their on site facilities with a subsequent \$300.00 per month increase in their lease payment to compensate the City for the additional area needed. Verizon Wireless now proposes to install a fuel source for the emergency power at the site and is in need of more area to accommodate the additional equipment.

The new construction will create the need for a 4ft. X 10ft.concrete pad to be added to Verizon's currently leased area to allow for the placement of a propane cylinder to act as their generator fuel source. Verizon Wireless adjusting the lease payments will compensate this increase in lease area to the City by \$300.00 per month, which will bring the total current monthly installment to \$2,485.00.

The Water Division staff has pre-determined that the proposed construction and subsequent placement of the structure will not interfere or hamper any of its daily operational activities. In addition, the placement of this new propane tank does not violate any FDEP regulations as verified with the licensed utilities operations staff.

OPTIONS

Do not accept the proposed amendment and disallow the Verizon upgrades.

FISCAL IMPACT

By accepting the amendment, yearly revenues will be increased, initially, by \$3,600.00 with an additional increase of 3% annually.

[end agenda memo]

AGENDA ITEM 20. Emergency Generator Installation Re-Wire at Burns Avenue Water Plant

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

[begin agenda memo, prepared by Sarah Kirkland, Utilities Project Supervisor]

RECOMMENDATION

It is recommended that the City Commission accept the proposal of \$17,959.00 and approve the generator installation re-wire for the emergency generator at the Burns Avenue Water Plant by CE Power.

BACKGROUND

Currently the Burns Ave. Water Plant emergency power system consists of a 175 KW generator associated electrical components interfacing with primary power and diesel fuel system. The system was part of the plant's original construction, which occurred during 1981 through 1983 and was designed to provide emergency power to one well and one high service pump during periods of primary power outages. This results in the plant's pumping capacity being reduced to approximately 30% during various crisis situations.

It is assumed that the logic of this was dependant upon the emergency generators at the City's two other plants being operational and having the ability to serve their designated areas of the city. This logic, however, has hence been found to be flawed as a result of experiencing abnormal conditions over the years, particularly the disastrous events of the 2004 hurricane season.

This inadequate pumping capacity problem is compounded by the increased demand upon the plant due to growth in our northern and eastern areas. Some developments are constructed at ground elevations of such height that either prohibit or restrict emergency water service being provided by the remaining, interconnected treatment facilities.

At the March 4, 2008 meeting, the City Commission approved the contract for PBS&J to provide the engineering to upgrade the plant's emergency power system to provide 100% pumping capacity for not only current conditions, but to allow for the plant's potential expansion. PBS&J have performed this function and an adequately sized generator was placed on order in April with a ship date for 23 weeks out. This upgrade will require that the new generator be wired into the plant. Four cost proposals were requested with two of those companies stating they did not have the capacity to perform the job. A third company gave a quote of \$38,322.00. CE Power gave a lower quote at a cost of \$17,959.00.

OPTIONS

None. The existing emergency generator does not provide reliable current pumping capacities, and does not allow for responsible growth. This could create potential situations where water service is inadequate to provide proper domestic use and/or fire protection during power outages. The Department of Environment Protection regulations stipulate that water treatment facilities must have an emergency back up power supply to allow for 24-hour operation capability under primary power loss conditions.

FISCAL IMPACT

\$225,000.00 was placed in the FY'07-08 Water Division Capital Budget with expenditures as follows \$101,315.00 for the purchase of the larger generator, \$24,200.00 for the engineering, leaving \$99,485.00, for the completion of this project.

[end agenda memo]

AGENDA ITEM 21. Florida KD Enterprises, Inc. Contract Renewal for Maintenance of Softball Fields 1&2; Annual Compensation of \$11,500.00

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

[begin agenda memo, prepared by Teresa Allen, Public Services Director]

RECOMMENDATION

Staff recommends that the City Commission approve the contract renewal with Florida KD Enterprises, Inc. for maintenance of softball fields #1 & #2 at the Northwest Complex at an annual compensation of \$11,500.00.

BACKGROUND

The original contract for maintenance for softball fields #1 and #2 at the Northwest Complex was entered into on April 6, 2006 and expired on April 30, 2007. The contract could be renewed for four (4) additional twelve (12) month periods, up to a maximum of sixty (60) months upon mutual agreement by both parties. On November 7, 2007 the contract was extended to September 30, 2007 (Amendment No. 1) which put the contract renewal on the same time basis as the City's fiscal year.

To address audit concerns, language was added to the Agreement requiring compliance with the City's purchasing ordinance if the contractor is purchasing equipment or any item that will be paid for by the City

either by reimbursement to the Contractor or by direct payment to a vendor. Reference to this requirement will become standard language in all contracts of this type.

Due to revenue reductions caused by the tax reform act, Amendment No. 2 reduced the annual compensation for the maintenance of softball fields #1 and #2 at the Northwest Complex from \$12,300.00 to \$11,500.00.

OTHER OPTIONS

Do not approve the contract renewal

FISCAL IMPACT

The adopted FY 08'09 budget includes \$11,500.00 to fund this contract for 12 months, i.e., October 2008 through September 2008.

[end agenda memo]

AGENDA ITEM 22. Purchase of a 2006 Ford Crown Victoria Police Interceptor

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

[begin agenda memo, prepared by Patrick Quinn, Operations Commander]

RECOMMENDATION

It is recommended the City Commission re-approve the purchase of a 2006 Ford Crown Victoria Police Interceptor from the City of Longwood in the amount of \$14,850.

BACKGROUND

On May 6, 2008 the Commission approved the purchase of a 2006 Ford Crown Victoria Police Interceptor from the City of Longwood, using Police Services Impact Fees. At the time of the approval it was stated that the vehicle was to be assigned to an officer that was stationed at the Eagle Ridge Mall to service the immediate area of the Eagle Ridge Mall commercial activity center.

Due to increasing investigative caseloads, the officer that was stationed at the Eagle Ridge commercial activity center has been reallocated to the Patrol Section and a position from the Patrol Section has been reallocated to the Criminal Investigations Section to cope with increasing major crimes such as robbery. As a result of this reorganization, there is no longer an officer stationed exclusively in the Eagle Ridge Mall commercial activity center.

The officer that was previously assigned exclusively to the Eagle Ridge Mall Commercial Center has been assigned to the patrol zone that includes the new growth on the Northern area of the City. When the Eagle Ridge Mall and subsequent commercial and residential areas were constructed, Patrol Zone 4 was created exclusively for the area. No Police Services Impact Fees were expended to purchase the necessary equipment to cover the zone such as police vehicles, officer equipment or other authorized expenditures.

The Police Department proposes to use funds deposited in the Police Services Impact Fee Trust Account to purchase a 2006 Ford Crown Victoria Police Interceptor from the City of Longwood. That vehicle will be assigned to one of the officers assigned to patrol Zone 4, which is the growing commercial and residential area surrounding the Eagle Ridge Mall.

Section 23-427, Code of Ordinances of the City of Lake Wales, provides 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 of equipment necessary to provide such service.

City staff is bringing this item back to the City Commission for re-approval due to the change in the officer's assignment.

OPTIONS

The City Commission may disapprove the purchase of a 2006 Ford Crown Victoria Police Interceptor.

FISCAL IMPACTS

The current reconciled balance of the Police Services Impact Fee Trust Account is \$72,893.66. Expenditure in the amount of \$14,850 would be transferred from that account to facilitate the purchase of the aforementioned vehicle.

[end agenda memo]

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

ROLL CALL:

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

The motion carried 5-0.

COMMUNICATIONS & PETITIONS

CITY COMMISSION TRACKING REPORT

Adult Day Care Facility: Mr. Otte reported that everyone is thrilled about the groundbreaking ceremony for the new Polk County Health Department facility that is located on W. Central Avenue behind the IHOP Restaurant. Staff is anticipating that the county will demolish the existing health department once the new facility is opened to the public, and that the property would become the site for the Adult Day Care Facility. Economic Development Director Harold Gallup said that he has been meeting with Mr. Carter from the county, who said that the demolition would be done by the county, and that they are looking at a survey now for doing some site evaluation work. Mr. Gallup said that the project is quickly moving forward. He said that anything can happen with funding, but at this particular point this is a "green light" project that will be moving forward in 2009.

Stop Light at Mountain Lake Cut-off Road and Scenic Highway. Mr. Otte reported that at the next City Commission meeting there would be an update on the stop light at Mountain Lake Cut-off Road and Scenic Highway.

Possible Resources for Development of a Park in Northern Area of the City. Mr. Otte reported that he has a meeting coming up with a representative from USDA. The City meets the very basic criteria for grants for City facilities from USDA. He said that he and Jennifer Nanek are working on this.

Possible Grants to Operate a Swimming Pool. Mr. Otte reported that he and Jennifer Nanek are exploring the possibility of a pool grant from Land & Water Conservation.

Repeater for the Water Tower. Mr. Otte reported that staff would follow up and provide a report at the next City Commission meeting. He said that the Radio station has verified receipt of the City's letter.

Live Webcasts of Commission Meetings. Mr. Otte reported that staff is still checking on this and will provide a report at the next City Commission meeting. City Clerk Clara VanBlargan announced that Thursday, October 16, at 10:00 a.m. a webcasting group would be doing a demo in the Chamber to explain how the system works. She invited everyone who is interested to attend.

PUBLIC COMMENTS

Jack Neal, 435 E. Central Avenue, expressed how he was concerned for the safety of the children who attend Bok Academy when crossing Central Avenue.

Rip Walser, 504 Edgewater Drive, thanked the City for removing the Magnolia tree that was on the corner of Central Avenue and Lake Shore Blvd. He said the tree made it hard for people to observe the traffic at that corner. He thanked the City for paving the roads in the City and for the new drainage ditch on Margaret Drive. Mr. Walser said he was concerned about the 1,144 feet of asphalt that was put around little Lake Wales. He said he does not recall it ever being approved by the City Commission, and that he would like to know who approved it and how much it cost. Mr. Otte said that it was part of a sidewalk project that was recommended by the Bicycle/Pedestrian Advisory Commission (BPAC). Mr. Torrance said there is \$164,850 budgeted in the CRA budget for sidewalks. He said that instead of putting a standard 5-ft. sidewalk there, they put an 8-ft. wide asphalt sidewalk path there for bicycle riders. The City spent \$7,200 on asphalt for that project versus the \$11,590 that would have been spent on concrete. The savings would allow the City to do an additional sidewalk.

Commissioner Van Sickle asked if any of the millings was used as a base for the project. Mr. Torrance said yes. Commissioner Van Sickle said that there are a lot of alleyways that need millings. Mr. Torrance said that the City has a mountain of millings that is being stored at the old Sunrise property. He told of several locations in the City where some of the millings have already been used.

Mr. Walser said that the City should have given the \$130,000 that was used to finish the Lake Wales Trail to the Boys and Girls Club to help them out.

Sharon Becker, 403 E. Central Avenue, said that BPAC had requested that sidewalk to be done about two years ago. She thanked Mr. Torrance for hooking the sidewalk to the parking lot on North Wales Drive to the trail so that people can park there.

Mayor Wheeler said that he walked on the trail this past weekend, and he was amazed at the number of people on it.

Darlene Acree, citizen, encouraged the Commission to support the bus system in Lake Wales. She said that she grew up in Lake Wales and lost her eyesight from a car accident at age 17, which made her realize the importance of transportation. She said that it is important for her to be a productive member of her community, and that she is currently seeking employment. Ms. Acree said she strongly urges the City to continue the bus system in Lake Wales. The bus system is important for her as well as others who are trying to get transportation to and from their jobs. Instead of considering getting rid of the buses, we should be encouraging others to ride the buses to help with the increasing fuel costs. Mr. Otte said that there are two bus routes that come into Lake Wales: a county paid bus route that goes from downtown Frostproof through downtown Lake Wales to the northern areas, and a bus route that goes to Eagle Ridge Mall and then to Winter Haven. He said that the transit system is asking for a \$9,000 to \$10,000 donation from the City to help save the route that goes to the mall and then to Winter Haven. Mr. Otte said that he has scheduled a meeting with interested persons including a representative of the mall, Rob Quam, and others to see if there could be a broader base of support instead of the transit system just looking to the City for the funding. He said that he has already had a meeting with a transit representative and Gill Bankston, who is the manager of Eagle Ridge Mall and the mall in Lakeland. Mr. Bankston had told him that he believed that his company might be able participate at some level to go toward the donation.

Mayor Wheeler said that while he was at the Eagle Ridge Mall last week he noticed a large purple bus there that he was told was part of the Citrus Connection.

Rebecca Ling, Lighthouse for the Blind, said that the Citrus Connection contracts their busses to the WHAT system. So, if the bus at the mall did not have a WHAT logo on it, a Citrus Connection bus could have been used as a substitute bus if one of the WHAT buses was not working that day.

Mayor Wheeler said that he did not believe the bus routes and schedules are very well publicized. He said that the City might be able to put the information on its website. Ms. Ling said that the bus system does have a website and that it would be great if it could be linked to the City's website.

Commissioner Howell said that a couple of weeks ago someone had asked her to find out if the City could help save the WHAT bus system. This person said that she had heard that the bus system would be shut down. Commissioner Howell said that there are quite a few people that ride the WHAT buses and that more people would probably ride if they knew the schedules. Ms. Ling said the WHAT Board would be voting Thursday on whether the route to Lake Wales, Haines City, and Bartow would be shut down. Hopefully, that would not happen. Mayor Wheeler asked Mr. Otte if he could send a letter of support to that Board urging them not to scale back anything. Mr. Otte said he would. Mayor Wheeler said that earlier in the meeting it was discussed that there might be additional CRA monies that might be freed up from the PCC parking lot project. He said that he does not know if CRA funds could be used toward the bus system, but if \$9,000 could be found it would be good if the City could help them out. Commissioner Howell said we also need to encourage people in Lake Wales to ride the buses. Ms. Ling said that if they do not get any funding for the Polk Transit Authority for the County-wide system the whole WHAT system could go away. She said that it is her understanding that they need funds from the outlying cities that are currently not paying into the system, but are receiving services. Mayor Wheeler said that the City would see what it can do.

COMMISSION COMMENT

Commissioner Rogers requested a workshop on the CRA Board after Ms. Delmar comes back from her vacation. He said that several people have approached him about making the CRA Board a separate entity from the City Commission.

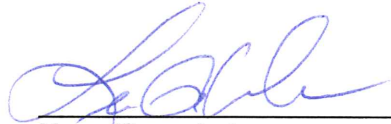
Commissioner Howell complained about Comcast. She said that she was upset this past weekend because she was unable to get certain channels without a box. Mr. Otte said that Administrative Assistant Katie Kinloch called our Comcast representative, Mark Lipford, who gave the City a copy of the mailer that they sent to their customers some time ago. Mr. Lipford said in a memo to the City that Orlando Channel 6 is now on Channel 215, Orlando Channel 9 is now on Channel 209, TV Guide has been moved to Channel 83, and that all three of those channels have been moved to their digital starter lineup. Mr. Lipford also said that 87% of Lake Wales residents are full-basic customers and are eligible for a free digital box to see these channels and a second digital box at \$1.99 per month for 12 months. Mr. Otte said someone had told him that Comcast had run out of digital boxes, but that they were now in stock again. Commissioner Howell said that Comcast ran out of those boxes this afternoon.

Commissioner Howell said that she was told that residents of Lake Wales were paying for better service but were receiving cheaper service, which is called a compression ratio. The City's compression ratio is limited on each band. So, instead of getting a whole lot of channels like other places the City is getting only a small ration of the channels. Commissioner Howell said that if other people can get better service then the residents of Lake Wales should get better service. She said that she feels better now that Mr. Otte read the letter from Comcast explaining how the residents of Lake Wales could get those other channels. Mr. Otte said that he is going to ask Comcast about their bulletin board service because he found that their bulletin board service is not offered in the Lake Wales area. Commissioner Howell said she would like to see the citizens of Lake Wales done right by Comcast.

Commissioner Van Sickle asked for an update on the City's new electronic water meter reading system. He said that he understands that the new software has already come in. Ray Creel, Utilities Director, said that he expects the equipment to be installed by next week. He said that he would invite Commissioner Van Sickle to come see how it works. Mr. Otte said that staff has been changing out the water meter registers and then going around with a stick that picks up the information from the meter. Once the antennas are up on the towers the meters will be read by radio.


Mayor Wheeler said that as we approach the November election it is easy to get caught up in all the campaigning. So, let's not forget that our young men overseas are a part of this. He said the complete troop listing as well as an address to send stuff to them is posted on the City's website. Mayor Wheeler encouraged everyone to send the troops a Christmas card. Commissioner Van Sickle said that the Veteran's Club at Lake Ashton has already started a campaign that is sending out thousands of dollars worth of stuff that these troops need. It cost \$11 for each box to be mailed out. So, if anyone would like to help, please contact the Veteran's Club at Lake Ashton.

There being no further business the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk