

The regular meeting of the Lake Wales City Commission was held on February 17, 2009 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 Dr. Jim Moyer, Warner University.

**PLEDGE OF ALLEGIANCE**

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

**COMMISSIONERS ABSENT:** None.

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

**AGENDA ITEM 4. Approval of Minutes**

Commissioner Manry made a motion to approve the minutes of the February 17, 2009 regular 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.

Mayor Wheeler announced that in hopes of speeding the Commission meetings along, we are going to try changing the procedure for the way the meetings are conducted. He said that it is unfair for those citizens in the audience who have to sit through a long meeting just to get an opportunity to speak at the end. Mayor Wheeler said that voice voting will be used whenever possible except on ordinances and resolutions. A brief summary of each agenda item will be read by the Mayor, any questions will be directed to City staff, and the Commission will then proceed to vote. He said on agenda items that might get very involved, he will ask for a regular reading.

**MAYOR**

**AGENDA ITEM 5. COMMENDATIONS FOR POLICE OFFICERS: Officer Michael Smith and Detective Tiffany Holden identified and arrested suspects in the W-2 fraud case; Detectives Ben Metz and David Black tracked and arrested a suspect in a sexual battery case involving a minor through three states.**

Mayor Wheeler commended Officer Michael Smith and Detective Tiffany Holden for their skill and professionalism during the investigation and undercover operation in identifying and arresting the suspects of a recent W-2 fraud case. Detective Holden was present to receive a letter of commendation.

Mayor Wheeler commended Detectives Ben Metz and David Black for their skill and professionalism, as well as their dedication to the victim during the investigation, in tracking and arresting a suspect in a sexual battery case involving a minor through three states. Mayor Wheeler presented a letter of commendation to each officer.

Asst. Police Chief Christopher Velasquez thanked each officer and said that the challenges facing the Police Department's Investigation Division are phenomenal. He said these officers really need commending because they work very hard and do a very good job. He commented that he is very proud of them and he couldn't ask for a better group of officers.

**AGENDA ITEM 6. Ordinance 2009-04, Police & Fire Pension Plan Amendment, Investment Policy Changes – 1<sup>st</sup> Reading**

Mr. Otte said staff received information from the Florida League of Cities regarding Agenda Item 6 since the City Commission agenda packet was published. He recommended pulling Item 6 from the agenda until staff could do more study. It was the consensus of the City Commission to pull Agenda Item 6.

**AGENDA ITEM 7. Ordinance 2009-05, Amending Chapter 16, Pension & Retirement - General Employees' Pension Plan – 1<sup>st</sup> Reading**

Mayor Wheeler read the synopsis for Agenda Item 7. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

Allows any retiree who is receiving a benefit calculated under a joint-benefit option to have the benefit recalculated if he or she survives the death of the beneficiary.

**RECOMMENDATION**

Staff recommends that the City Commission approve Ordinance 2009-05 on first reading.

**BACKGROUND**

The General Employees Pension Board has requested to amend Chapter 16 General Employees' Pension Plan by creating Section 16-48 (d), which will permit the selection of an actuarial equivalent pop-up option for members who have selected a joint and survivor annuity benefit. Ordinance 2009-05 provides that if the joint pensioner (beneficiary) predeceases the member, the survivorship benefit will be deemed canceled and the member's annuity shall revert to the original life annuity monthly benefit. In other words, a retiree who is receiving a benefit calculated under a joint- annuity option will be entitled to have the benefit recalculated if the member outlives the joint pensioner. In such event, the benefit reverts, or pops-up, to the original single life annuity amount.

For example: fictional employee Joe Jones retires from the City and will receive a \$1,000 per month pension payment. He chooses the joint benefit option, and names his wife as the beneficiary. He will then receive \$500 and his wife will receive \$500 per month.

If Joe dies, his wife will continue to receive \$500 per month.

If Joe's wife dies, his benefit will be recalculated and he will received \$1,000 per month if this ordinance is approved.

This ordinance provides for the recalculation. At present, there are some city retirees who are splitting their pension payment with a named beneficiary. If that beneficiary dies, under the current code the benefit is not recalculated for the retiree.

#### **OTHER OPTIONS**

Make no change.

#### **FISCAL IMPACT**

None to the City. There is a 150.00 fee charged by the Actuary to perform this calculation, but the fee is the responsibility of the member.

[End agenda memo]

Ms. Delmar read Ordinance 2009-05 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AMENDING CHAPTER 16, PENSIONS AND RETIREMENT, LAKE WALES CODE OF ORDINANCES, RELATING TO THE CITY OF LAKE WALES GENERAL EMPLOYEES' PENSION PLAN AND TRUST; CREATING SECTION 16-48(d) TO PERMIT THE SELECTION OF AN ACTUARIAL EQUIVALENT POP-UP OPTION FOR MEMBERS WHO HAVE SELECTED A JOINT AND SURVIVOR ANNUITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Howell questioned the example provided in the agenda memo. She asked what happens to the \$500.00 under the City's current policy.

[Example: fictional employee Joe Jones retires from the City and will receive a \$1,000 per month pension payment. He chooses the joint benefit option, and names his wife as the beneficiary. He will then receive \$500 and his wife will receive \$500 per month. If Joe dies, his wife will continue to receive \$500 per month. If Joe's wife dies, his benefit will be recalculated and he will received \$1,000 per month if this ordinance is approved.]

Human Resources Director Sandra Davis said that currently we do not have this provision. So, there is no resource for the benefit to change. If this ordinance is adopted, a retiree who is receiving a benefit calculated under a joint- annuity option would be entitled to have the benefit recalculated if the member outlives the joint pensioner.

Commissioner Howell made a motion to approve Ordinance 2009-05 after first reading. 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 8. Ordinance 2009-07, FY08'09 Budget Amendment #1, 2nd Reading & Public Hearing**

Mayor Wheeler read the synopsis for Agenda Item 8. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

First amendment of the FY08'09 Budget adopted on September 16, 2008.

**RECOMMENDATION**

It is recommended that the City Commission adopt Ordinance 2009-07 after second reading and public hearing.

**BACKGROUND**

Ordinance 2008-34 estimating revenues and appropriating funds for Fiscal Year 2008-09 was adopted by the City Commission on September 16, 2008. We are presenting for first reading an amendment of Ordinance 2008-34 to modify the estimates of revenues and appropriations budgeted in various funds. Exhibits A and B and supporting attachments provide the detail for the proposed amendment. This budget amendment is based on financial reports for the accounting period ending on 12/31/08. The following is a summary of changes included in the proposed amendment:

Revenues & Balances Fwd	Increase(Reduction)
General Fund	319,046
Special Revenue Funds	3,006,083
Debt Service Fund	0
Capital Projects Fund	(237,215)
Airport Fund	(211,150)
Utility System Fund	219,891
Total Increase(Reduction) of Revenues & Balances Fwd	3,096,655
Appropriated Expenditures & Reserves	
General Fund	38,584
Special Revenue Funds	2,506,980
Debt Service Fund	0
Capital Projects Fund	82,750

Airport Fund	(211,150)
Utility System Fund	229,900
Reserves	449,591
Total Increase(Reduction) of Appropriated Expenditures & Reserves	3,096,655

The proposed budget amendment increases the City's total budgeted expenditures by \$2,647,064 and increases reserves by \$449,591, for a net increase in appropriated expenditures and reserves of \$3,096,655 (from \$54,781,532 to \$57,878,187).

With a few exceptions, this amendment adjusts budgeted balances forward at 10/1/08 to reflect preliminary financial statements at 9/30/08 and trues up capital expenditure budgets to reflect remaining CRA Bond proceeds and grant funds that were budgeted in FY07'08 but not expended prior to 9/30/08 (\$1,613,499).

Other reasons for this amendment include:

- revenues in the General Fund and Transportation Fund must be adjusted to reflect revised State revenue projections

General Fund	Budgeted	Revised	Change	% change
Municipal Revenue Sharing	263,761	254,892	-8,869	-3.4%
Communications Services Tax	599,462	664,148	64,686	+10.8%
Half-Cent Sales Tax	722,860	687,440	-35,420	-4.9%
Total General Fund State Revenues	1,586,083	1,606,480	20,397	+1.3%

Transportation Fund	Budgeted	Revised	Change	% change
Municipal Fuel Tax	105,047	96,939	-8,108	-7.7%
Local Option Fuel Tax	386,139	361,040	-25,099	-6.5%
9 <sup>th</sup> -Cent Fuel Tax	64,357	60,174	-4,183	-6.5%
Total Transportation Gas Tax Revenues	555,543	518,153	-37,390	-6.7%

The increase in the Communications Services Tax is the result of a correction in the distribution of proceeds between the county and cities. The revenue reductions reflect the downward revision of State revenue projections. It is anticipated that the State will reduce projections further before the end of the fiscal year, and, if this is the case, further amendments will be necessary.

- fuel budgets in the operating departments have been reduced to reflect a lower cost for fuel than was anticipated when the budget was prepared. Funds amended out of departmental budgets have been set aside in a fuel reserve to be added back if necessary as the fiscal year progresses. The General Fund fuel reserve is \$135,900 and the Utilities Fund fuel reserve is \$48,200. The Streets Division fuel budget was reduced by \$26,000, but this reduction was used to offset the revenue reduction discussed above.
- revenues in the Library Fund are adjusted to reflect a \$92,345 increase in the Polk County BOCC contribution for FY08'09. These additional revenues are appropriated to restore the library's books and subscription budget to its FY07'08 level (+\$60,000), to fund replacement of the library's carpet (\$24,945) and to fund training and additional operating supplies (+\$7,400).
- expenditures in the Police Department are adjusted for the purchase of a replacement canine (\$11,500) and payment of veterinary bills (\$4,420) relating to the illness and loss of the previously-owned canine. These items were approved by the City Commission for payment from unanticipated FEMA reimbursements received at the end of FY07'08 for costs incurred in preparing for Hurricane Faye.
- the Recreation Services budget must be increased by \$5,312 to fund the increased compensation to the Boys & Girls Club for part-time employees needed to keep the Kirkland Gymnasium open an estimated 2,016 hours per year. This expenditure was approved by the City Commission with the approval of the agreement with the Boys & Girls Club for management of the gym. It is funded by reducing the salaries budget in the Finance Department which has a surplus due to the fact that the position of finance director was not filled until the end of the first fiscal quarter.
- the Airport Fund balance forward and the budget for building reconstruction must be adjusted downward to reflect the fact that more work was completed and paid for in FY07'08 than anticipated when the budget was prepared (-\$221,509) and a project budget must be added for completion of the AWOS (weather station) project (+\$10,359).
- the Capital Projects Fund budget must be increased by \$82,750 to reflect the advance and reimbursement of funds for the Kiwanis Club Barney's Dream project.
- the General Fund transfer to the Transportation Fund must be increased (+\$11,390) to cover the shortfall resulting from reduced Gas Tax Revenues (-\$37,390) if the budgeted level of service is to be maintained. This increase is necessary after adjusting the Streets Division fuel budget down by \$26,000.
- the General Fund transfer to the Airport Fund must be increased (+\$10,359) for completion of the AWOS project. This transfer was budgeted in FY07'08 but not made because the project was incomplete at 9/30. These funds remained in General Fund balance at 9/30.

#### **OTHER OPTIONS**

Most of the budget amendment is not optional. Much of the amendment incorporates items into the adopted budget that have been approved by the City Commission since October 1, adjusts capital expenditures to true up budgets with bond proceeds remaining, or reappropriates funds that were approved but not expended in FY07'08 because projects were incomplete at 9/30/08.

#### **FISCAL IMPACT**

See Exhibit A and Exhibit B attached to Ordinance 2009-07.

[End agenda memo]

Ms. Delmar read Ordinance 2009-07 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2008-34 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2008-2009 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES, SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2009-07 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 9. Schedule Special Meeting to Certify Official Ballot**

Mayor Wheeler read the synopsis for Agenda Item 9. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

It is necessary for the City Commission to schedule a special meeting for the purpose of certifying the official ballot at the end of qualifying period to allow the Elections Supervisor to prepare for ballot printing and audio ballot printing.

**RECOMMENDATION**

It is recommended that the City Commission, following the candidate qualifying period, schedule a special meeting no later than Monday, February 23, 2009 to certify the official ballot.

**BACKGROUND**

As part of the City's Administrative Agreement with the Polk County Supervisor of Elections, at the end of qualifying the City Clerk must provide the Elections Supervisor with a list of qualified candidates for the City offices to be voted upon in the 2009 Municipal Election, as well as the official title. This information will allow the Elections Supervisor to prepare file for ballot printing and audio ballot printing, preparation, receipt, and testing of the ballots to be used in the City Election.

It is recommended that the City Commission schedule a special meeting to certify the official ballot no later than Monday, February 23.

#### **OPTIONS**

None.

#### **FISCAL IMPACT**

None.

[End agenda memo]

It was the consensus of the City Commission to schedule a special City Commission meeting for Monday, February 23, 2009 at 5:30 p.m. to certify the official ballot.

#### **AGENDA ITEM 10. Reschedule 1st Regular Commission Meeting in April**

Mayor Wheeler read the synopsis for Agenda Item 10. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

#### **SYNOPSIS**

It is necessary for the City Commission to reschedule its first regular commission meeting in April to allow for the City Canvassing Board (City Commission) to canvass absentee envelopes and precinct returns on April 7 at the Election Headquarters in Bartow.

#### **RECOMMENDATION**

It is recommended that the City Commission reschedule the its first regular Commission meeting in April from Tuesday, April 7 to Monday, April 6, Wednesday, April 8 or Thursday, April 9 so the City Canvassing Board may canvass the election on Tuesday, April 7.

#### **BACKGROUND**

The County Elections Office will be mailing and receiving each city's absentee ballots. The City Charter requires that the canvassing board meet no later than 12:00 noon on the day following the election. As part of the City's Administrative Agreement with the Supervisor of Elections, the canvassing board will meet in Bartow on April 7 at Election Headquarters, 250 South Broadway Avenue, to begin the canvass of the absentee ballots and precinct returns. The Canvassing Board will remain until unofficial results are documented. The meeting time has not yet been scheduled.



This will require rescheduling the April 7 Commission meeting to either Monday, April 6, Wednesday, April 8 or to Thursday, April 9.

**OPTIONS**

None.

**FISCAL IMPACT**

None.

[End agenda memo]

It was the consensus of the City Commission to reschedule its first regular City Commission meeting in April from Tuesday, April 7, 2009 to Thursday, April 9, 2009.

**AGENDA ITEM 11. Selection of a Representative for L&A Testing**

Mayor Wheeler read the synopsis for Agenda Item 11. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

The Logic and Accuracy (L&A) testing is necessary to make sure the automatic tabulating equipment used by the Elections Supervisor for the April 7 Municipal Election will correctly count the votes cast in the Election. If at least one member of the Canvassing Board (the City Commission) is unable to witness the L&A testing the City Clerk should be appointed to represent the Board in their absence.

**RECOMMENDATION**

It is recommended that the City Commission appoint the City Clerk to represent the Canvassing Board at the Logic and Accuracy (L&A) testing if at least one member is unable to attend.

**BACKGROUND**

Pursuant to Section 8-26 of the City Code of Ordinances, the City Commission shall be the canvassing board for any City election. In accordance with F.S. 101.5612, at least one member of the canvassing board must be present at the Logic and Accuracy (L&A) testing. If at least one member is unable to attend the L&A testing, they should appoint the City Clerk to represent the board in their absence. This test is required by law.

The pre-election testing for the automatic ballot tabulating equipment to be used in the Lake Wales Municipal Election will be held at 2:30 p.m. on Tuesday, March 31, 2009 at the Office of the Supervisor of Elections, 250 South Broadway Avenue, Bartow, Florida.

**OPTIONS**

None.

**FISCAL IMPACT**

None.

[End agenda memo]

Mr. Galloway said that according to the Florida Statutes, at least one member of the Canvassing Board must attend the L&A testing.

Commissioner Rogers volunteered to represent the Canvassing Board at the Logic and Accuracy (L&A) testing at 2:30 p.m. on March 31, 2009.

It was the consensus of the City Commission to appoint Commissioner Rogers to represent the Canvassing Board at the Logic and Accuracy (L&A) testing at 2:30 p.m. on March 31, 2009.

#### **AGENDA ITEM 12. LWCF Grant Application for Swimming Pool**

Mayor Wheeler read the synopsis for Agenda Item 12. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

#### **SYNOPSIS**

The Land and Water Conservation Fund grant application requests funding in the amount of \$200,000 towards the cost of constructing a Jr. Olympic size swimming pool. This grant requires a 50/50 match which can be funded from the proceeds of the sale of the Cooperative Fruit Property. If awarded, the city would have 3 years to complete the project.

#### **RECOMMENDATION**

It is recommended that City Commission take the following action:

1. decline to submit a grant application to the Land and Water Conservation Fund for \$200,000 towards construction of a Jr. Olympic Swimming Pool at this time;
2. direct City staff to follow-up the February 10 workshop discussion on this item by bringing a cost projection and a proposal for funding the construction, the operation and maintenance, and the capital replacement costs to the March 10 workshop.

#### **BACKGROUND**

The City has listed in its Capital Improvement Plan construction of a Junior Olympic swimming pool in the 2011-2012 fiscal year. Already budgeted towards this project is \$1 million from the sale of the Cooperative Fruit Property. This grant would add \$200,000 to help fund the project. The City would have a period of three years to expend the funds.

This grant requires a dollar-for-dollar match; \$200,000 of the budgeted \$1 million will be used as match. This grant program is administered by the State of Florida, Department of Environmental Protection, Division of Recreation and Parks.

Note: a number of planning steps have not yet been finalized for the building of the pool, including the approval of the exact location of the pool and other necessary facilities including the locker room and parking.

#### **OTHER OPTIONS**

Apply for the grant.

#### **FISCAL IMPACT**

The fiscal impact from this grant application is a match of \$200,000. At present the City has about \$1,039,000 in the pool construction fund. As discussed at the February 10 Commission workshop, assuming for this discussion that the pool would be built behind the Kirkland gym, the cost of constructing the pool and adding restroom facilities to the gym locker rooms would be in round numbers just over \$1 million. If the grant were awarded, we would have left about \$200,000. That amount is less than 2 years worth of operation, maintenance, and capital replacement funds (an estimated \$129,000 per year cost with an estimated \$10,000 in user fees, for a net cost of about \$119,000 per year). This means that after 2 years the City Commission would have to approve a funding source for this \$119,000 per year. City staff is recommending that this grant cycle be passed up until a long range funding plan can be approved and put in place.

[End agenda memo]

Mayor Wheeler said that this item was recently discussed in detail at a Finance Committee meeting.

Commissioner Howell asked if the City Commission would be having a workshop on this item. Mayor Wheeler said there would probably be many.

Mr. Otte said that the City Commission directed staff to find a grant that would build the pool thinking that we would have much of the \$1 million dollars set aside to help with operational expenses, but \$200,000 is not very much money. It would still use up most of our \$1 million we have budgeted for construction. Commissioner Howell said she hopes we could get a grant in the next year or so to build the pool. She asked if we apply for the \$200,000 grant at this time and get it would we have to give the money back if the pool is not built within three years. Mayor Wheeler said yes.

Commissioner Howell asked if the recommendation is to decline the grant for right now and to keep these discussions going on to determine how to get the pool built here in Lake Wales. Mayor Wheeler said yes.

Commissioner Van Sickle said he has been reading over the documentation for this item and a lot of it is based on a Junior Olympic swimming pool. He said that we were not looking at a Junior Olympic pool, and asked if we were just using that information for an operational cost basis. Ms. Delmar said that at one time we were looking at a Junior Olympic pool back when the surveys were done. Mr. Otte said that is for the operational cost and the figure of \$800,000 was the figure that was given to him by a pool company on the zero-entry pool that we looked at.

Commissioner Howell made a motion to decline to submit a grant application at this time and to direct staff, Commissioner Van Sickle, and anyone else to keep these discussions going toward getting a pool. The motion was seconded by Commissioner Van Sickle.

VOICE VOTE:

All "AYE"; None "NAY"

The motion carried 5-0.

Commissioner Van Sickle said that if there is a non-agreement vote, it may be smart to call out that person's name. Mayor Wheeler said we would do that. He said that having done what we have just done, we don't know what the stimulus funds might do.

**AGENDA ITEM 13. Write-off Uncollectible Receivable Accounts**

Mayor Wheeler read the synopsis for Agenda Item 13. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

Write-off bad debt for 745 uncollectible accounts receivables totaling \$107,452.50 for utility services and solid waste services. Bad debt write-off has not been completed since 09/28/05.

**RECOMMENDATION**

It is recommended that City Commission authorize the Finance Director to reduce the amounts shown as Accounts Receivable and Allowance for Uncollectible Accounts by \$107,452.50. This amount represents 745 accounts and covers uncollected utility accounts through 1/31/2006.

**BACKGROUND**

The Utilities Fund(403) and General Fund(001) lists accounts receivable as an asset. These amounts are the total amount billed for utility services and waste disposal services. The funds also list an allowance for uncollectible accounts. The allowance decreases the value of the receivable assets, so only amounts that we can expect to collect are counted as assets.

Be assured that writing off a receivable is an accounting function and does not constitute a forgiveness of the outstanding debt. Staff has implemented more in-house proactive procedures and the City will also use the services of a collection agency.

Once approved, each account's balance will be adjusted off and each account will be coded as a write-off. Applications for new service are checked against our current database. If the applicant has a coded write-off account in our system, the applicant must pay the old debt before new service is activated. Exception: bankruptcy.

**FISCAL IMPACT**

The write-offs will not impact current year earnings. Uncollectible account adjustments have been recorded in prior years.

The City's uncollectible allowance account balances are:

Solid Waste Services	\$ 35,124.63
Utility Services	<u>187,933.72</u>
	\$223,058.35

[End agenda memo]

Commissioner Van Sickle said it looks like we have accumulated \$100,000 in bad debt since January 31, 2006. Dorothy Pendergrass, Finance Director, said that is correct. Since that time, there has been \$136,000. Commissioner Van Sickle asked if we've had to write off other big amounts in the past. Ms. Pendergrass said yes. In 2005, there was a write-off of \$83,422 and a write-off of \$713,667 in June 2003. She reviewed a chart that Mr. Otte just distributed, and explained that the chart clearly shows what time periods we are talking about because she does not want the Commission to think that \$107,452.50 will be the only write-off that she will be requesting. The \$107,452.50 is for the time period of January 1, 2004 through January 31, 2006, which is a 25-month period of uncollected accounts. She said she does not know the likelihood of those accounts being collected even by a collection agency. Ms. Pendergrass said she feels the need to address it early enough in this fiscal year so we can talk about it and that she would recommend writing off those accounts. She said she does not recommend writing off the \$136,273.00 that has accumulated in the last 36 months. Ms. Pendergrass said there is a RFP out for a collection agency and that she is hoping to bring a contract before the Commission on March 17. She said their first priority is to see what we can do to collect on these accounts. The next priority is to set up a monthly procedure for accounts that are not collected after 90 days, and at which time they would automatically go to collection. We are holding on to them too long and not sending them to collection like we should. Ms. Pendergrass said she contacted Haines City and Auburndale and found that each September they write off their prior fiscal year. She said we need to do that annually, which will be the third procedure that we put in place.

Commissioner Van Sickle said with these bad debts on the books, it looks like we have more money coming in than we actually do. Ms. Pendergrass said it would appear that way, but we do have an allowance for bad debt write-off. Each September, the previous Finance Director would write down the amounts as an expense. The financial statements were not distorted, but the account receivable as a single line item was. Once they were put in the financial statements the auditors would automatically net the two. That Finance Director never came to the Commission requesting permission to write off the uncollectable account each September. Ms. Delmar said we used to back in the 1990s or before the deficit, which was an annual write-off. That was written off in 2002/2003, which was in excess of \$200,000. There is an allowance for bad debt that is carried on the balance sheet that offsets the receivable.

Mayor Wheeler said this doesn't really affect our bottom line, it only cleans up the balance sheet. Mr. Otte pointed out that this doesn't mean these people no longer owe the money. It just gets it off the books to make them more accurate.

Commissioner Howell said if someone owes us money why can't we just add \$5 or so to their monthly bill until they catch up. Ms. Pendergrass said that most of the accounts that go into the bad debt category, which is the uncollectable category, are people that move without paying their final bill, and there wasn't a sufficient deposit on the account to cover it. She said we are going to try correcting this by turning those customers over to a collection agency. For the accounts that are behind and are still in our system, we need to make sure that we are matching them up and transferring those accounts. When a person whose account was written off as a bad debt comes back to using our service, our system still tracks it and it is put right back on their bill.

Mr. Otte said that Tiffany Miller, Customer Service Manager, is very good about doing easy payment plans with those customers who are behind in their bill.

Commissioner Howell made a motion to authorize the Finance Director to reduce the amounts shown as Accounts Receivable and Allowance for Uncollectible Accounts by \$107,452.50, which represents 745 accounts and covers uncollected utility accounts through 1/31/2006. The motion was seconded by Commissioner Van Sickle.

VOICE VOTE:

All "AYE"; None "NAY"

The motion carried 5-0.

**AGENDA ITEM 14. Discussion of Financial Statements for January 31, 2009, Fiscal Year to Date**

Mayor Wheeler said that Agenda Item 14 sounds like an item that might require staff discussion. He asked Mr. Otte to read the item in more detail.

Mr. Otte reviewed Agenda 14. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

The unaudited financial statements for the City of Lake Wales for the Period Ending January 31, 2009 are presented to the City Commission for review. At the end of December, the City is 33.3% into the fiscal year. Nine of twenty-six payrolls (34.6%) have been expensed through January 31. Revenue and expenditure budgets have been adjusted to reflect Ordinance 2009-07, Budget Amendment #1.

**SUMMARY**

The following chart gives a brief summary of overall operating revenue and expenditure performance as of January 31, 2009. Capital expense funded by CRA bond or loan proceeds is excluded from the analysis:

Fund	Budgeted	Actual at 1/31	Target at 1/31	Actual at 1/31 Over (Under) Target	Over (Under) as percentage of target
General					
Revenues <sup>1</sup>	\$11,247,343	\$5,216,779	\$5,238,584	(\$21,805)	-0.2%
Expenditures <sup>3</sup>	\$11,207,404	\$3,605,467	\$3,735,801	(\$130,334)	-1.2%
Special Revenue					
Revenues <sup>1</sup>	\$4,844,175	\$3,404,011	\$3,079,584	\$324,427	+6.7%
Expenditures <sup>3</sup>	\$4,344,063	\$1,340,314	\$1,448,021	(\$107,707)	-2.5%
Debt Service					
Revenues <sup>3</sup>	\$2,392,495	\$788,353	\$797,498	(\$9,145)	-0.4%
Expenditures <sup>2</sup>	\$2,436,478	\$1,392,800	\$1,392,800	\$0	+0.0%
Utilities					
Revenues <sup>1</sup>	\$6,850,140	\$2,199,430	\$2,206,821	(\$7,391)	-0.1%
Expenditures <sup>3</sup>	\$6,950,282	\$1,850,760	\$2,316,761	(\$466,001)	-6.7%
Airport					
Revenues <sup>3</sup>	\$101,403	\$24,484	\$33,801	(\$9,317)	-9.2%
Expenditures <sup>3</sup>	\$101,403	\$33,369	\$33,801	(\$432)	-0.4%

<sup>1</sup> Revenue target = prior year performance at same point in fiscal year

<sup>2</sup> Expenditure target for Debt Service Fund = actual YTD expenditure because we are paying off debt in accordance with set schedules

<sup>3</sup> Target = 1/12 of budgeted amount multiplied by the number of months since the start of the fiscal year (October 1); i.e. at the end of January we are 4/12 or 1/3 into the fiscal year. This method assumes a relatively even distribution of expense or revenue from month to month.

In general, operating revenues are running slightly behind where we would expect them to be at the end of four months. The exception is in the Special Revenue funds where the figures are somewhat skewed by the fact that the CRA and Library have both received most of their ad valorem revenues and all of their revenues from the County.

Revenue estimates in the General Fund and Transportation Fund were revised downwards with Budget Amendment #1, and analysis in the financials at 1/31/09 is in relation to the amended budgets. These two funds are affected by shortfalls in the state budget which necessitates reduction of revenues shared with the cities (sales taxes and gas taxes). We will be monitoring the State's website for additional reductions in revenue projections as the fiscal year progresses. It is likely that additional downward revisions will be necessary.

Building permits and other development fees are running far behind target. By the end of January 2008, we had received \$147,997 from these sources (\$83,026 for building permits; \$64,971 for development permits). At the end of January 2009, we had received a total of \$73,764 (\$61,110 for building permits; \$12,654 for development permits) This is less than half the revenue from these sources than was received in the prior year.

Water and sewer revenue performance has improved slightly during the last 30 days. At the end of December, revenues from water charges were off target by -\$102,185. This shortfall is reduced to -\$55,290 at the end of January. Revenues from sewer charges were off target last month by -\$17,579; this shortfall is reduced to -\$7,962.

Our operating expenditures in all Funds are running behind target levels. Some of this is due to currently lower fuel costs, but spending has been limited wherever possible because it is anticipated that expenditure budgets will have to be reduced if revenues continue to fall short of budgeted levels.

The City has not borrowed any money from the Pool/Tax Anticipation Investment Account. The balance at the end of the last fiscal year and the current balance are as follows:

	9/30/08	1/31/09	Difference
Pool/Tax Anticipation Investment Account	\$1,037,852	\$1,039,215	\$39,834

The City's overall cash position at the end of January 2009 has declined somewhat from the cash position at the end of January 2008 (-\$1,986,203). In order to make a valid comparison, however, the following adjustments must be made to both years:

	1/31/08	1/31/09	Difference
Total Cash & Investments	9,239,767	7,253,564	(1,986,203)
Due to Other Governments	(312,412)	(122,641)	
Insurance Proceeds & Other Airport Cash	(1,068,011)		
Deferred Revenues*	(529,901)	(418,455)	
Cash & Investments Net of Adjustments	7,329,443	6,712,468	(616,975)

\*reflected in cash but restricted to a specific future expenditure (grant project, tree replacement fund, etc), at which time revenue will be recognized

After excluding cash that has been collected on behalf of other governments, unexpended Airport insurance proceeds, and deferred revenues, the City's overall cash position at the end of January 2009 was \$616,975 lower than at the end of January 2008. This is due to the fact Utility projects costing \$2,152,813 were completed: the Downtown Water Main Extension (\$704,661; CRA revenues) and the Southside Force Main (\$1,448,152; Utility Fund, Wachovia loan proceeds).

In relation to the cash position at December 31, 2008 of \$5,318,022, the January position shows an improvement of \$1,394,446. This improvement was possible because Polk County remitted more than \$1.17 million in CRA tax increment revenues and \$357,345 in funding for the Library. In addition, the City received about \$450,000 in ad valorem tax revenues during the month.

[End agenda memo]

Mr. Otte explained that the financial summary has been changed to what was discussed at the February 10 workshop. As requested, the far right column of the chart is the indication of where we are as a percentage of target.

Commissioner Manry said she thinks that this financial summary is much easier to understand and the target being the prior year performance of the same point in the fiscal year last year versus this year. Mr.



Otte said the target is where we are through the year. It doesn't have anything to do with the previous year on the first summary. The cash position chart is what shows the comparison to the previous year.

## **CONSENT AGENDA**

### **AGENDA ITEM 15. Appointment of Election Officials**

Mr. Otte read the synopsis for Agenda Item 15. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

#### **SYNOPSIS**

It is necessary that the City Commission appoint inspectors and a clerk of election to keep the polling places open from 7:00 a.m. to 7:00 p.m. for the City Election to be held on Tuesday, April 7, 2009.

#### **RECOMMENDATION**

It is recommended that the City Commission appoint the persons listed to serve as pollworkers for the City Election to be held on April 7, 2009.

#### **BACKGROUND**

On February 3, 2004, the City Commission approved the consolidation of 7 polling locations into 1 polling location in the Municipal Administration Building for City elections only.

It is necessary that the City Commission appoint inspectors and a clerk of election to keep the polling places open from 7:00 a.m. to 7:00 p.m. for the City Election to be held on Tuesday, April 7, 2009.

The following registered voters have indicated they are available to serve as pollworkers:

Patricia "Tish" Pike – Precinct Clerk  
Gary Wiesing - Deputy  
Barbara Kwasny - Voter Information Specialist  
Gerald Fuller, Ballot Box Operator  
Doris Coyer, Audio Book Inspector  
Doris Coyer, Book Inspector  
Alice Colombo, Book Inspector  
Susan Giacherio, Book Inspector  
Luisa Mentz, Book Inspector  
Marilyn Fuller, Alternate

#### **OTHER OPTIONS**

None. These persons will receive all the necessary training for the April 7 Municipal Election.

#### **FISCAL IMPACT**

\$2,100 has been budgeted to pay the cost of pollworkers for the April 7 Municipal Election.

[End agenda memo]

**AGENDA ITEM 16. Interlocal agreement for disposal of solid waste between the Polk County BOCC; and the City of Lake Wales Franchise Agreement Addendum: Republic Services of Florida L.P. Florida Refuse**

Mr. Otte read the synopsis for Agenda Item 16. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

This interlocal agreement is offered by Polk County BOCC to provide a discount on "Class 1" disposal fees in exchange for a 10 year commitment to use the county landfill. City staff has added a companion addendum to the City's existing Florida Refuse contract for the pass-through of the rebate to the City, and the City therefore to all the customers on a monthly basis.

**RECOMMENDATION**

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

1. Approve the Interlocal agreement for the disposal for solid waste between the Polk County Board of County Commissioners (BoCC) and the City of Lakes Wales.
2. Approve the Addendum to Franchise Agreement for Provision of Solid Waste Services: Republic Services of Florida L.P. Florida Refuse.
3. Approve the pass through of solid waste rebates to solid waste customers based on actual rebates received.

**BACKGROUND**

Concerns about strategic threats from the private sector in terms of competition for solid waste disposal have prompted the Polk County Board of County Commissioners to try to direct as much tonnage as possible in Polk County to go to the North Central Landfill.

This proposal allows the City to receive disposal discounts that could be available immediately. Based on the City of Lake Wales current tonnage, the current discount rate would be 5%, which would result in an estimated annual discount of \$20,000 based on current tonnage.

Per the attached letter, dated January 22, 2006, from Mark Talbot, Florida Refuse has indicated that they would work with the City to pass through the disposal savings in the form of a monthly rebate back to the City. The rebate would be paid within 30 days of the close of each month.

**FISCAL IMPACT**

With the recommended changes, the city anticipates an annual estimated rebate of \$20,000 at current tonnage levels. Staff recommends passing this solid waste rebate back to the customers charged for solid waste (trash) service through a rebate credit provided on solid waste customer service billings each month based on the actual rebate received for the prior month. Estimated solid waste rebates are anticipated at .32 cents per month (\$20,000 rebate/ (5,215 solid waste customers x 12 months).

[End agenda memo]

**AGENDA ITEM 17. Aquatic Weed Control License Agreement between the City of Lake Wales and the Southwest Florida Water Management District**

Mr. Otte read the synopsis for Agenda Item 17. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

### **SYNOPSIS**

The Southwest Florida Water Management District will be spraying properties along the Peace Creek Drainage canal for the purpose of maintaining the flow capacity of the canal. This is a free service but the district has to have permission from the property owners to spray the area.

### **RECOMMENDATION**

It is recommended that the City Commission:

1. Approve the agreement between the City of Lake Wales and the Southwest Florida Water Management District for the Aquatic Weed Control Spraying.
2. Authorize the Mayor to execute the agreement on the City's behalf.

### **BACKGROUND**

The Southwest Florida Water Management District (SWFWMD) is performing aquatic weed control in the Peace Creek Canal. The District's goal is to reduce vegetation levels to maintain the flow capacity of the canal and prevent vegetation jams at bridges that have the potential to increase flooding during periods of heavy flow. The City of Lake Wales has a current license agreement with the district which will expire in the near future. In order for the District to continue to provide this service, the City is required to sign a renewed license agreement. Aquatic weed control can only be performed in areas where the District has received a signed license agreement from the property owner. The property for which permission is being requested in the City of Lake Wales Municipal Airport located on Airport Road.

### **OPTIONS**

Not allow SWFWMD to spray the aquatic plant life and run the risk of minimizing the natural flow capacity.

### **FISCAL IMPACT**

The City incurs no cost for this service.

[End agenda memo]

Mr. Otte said that is in the area of the airport.

### **AGENDA ITEM 18. Amendment to the Lake Ashton/Winter Haven Interconnect**

Mr. Otte read the synopsis for Agenda Item 18. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

### **SYNOPSIS**

An amendment is needed to the contract with Winter Haven to construct the water interconnect at Lake Ashton above ground.

## **RECOMMENDATION**

It is recommended that the City Commission:

1. Approve the contract amendment to provide for an above ground water interconnect installation for the Lake Wales/Winter Haven Water Interconnect at Lake Ashton.
2. Authorize the Mayor to execute the appropriate documents.

## **BACKGROUND**

On May 18, 2007 the City of Winter Haven and the City of Lake Wales entered into an agreement delineating the specific service areas both City's are to service. It was also set forth in this agreement that both cities were to provide areas for which an interconnection is to be installed between the city's water lines to avoid any problems that may arise resulting from having a dead end line in the utilities distribution system. A dead end line exists when a public water system only has one means of connection from which to provide service. The agreement entered into by both cities sought to alleviate that problem.

A meeting was held on January 23, 2009 in which representatives from both cities attended. It was at this meeting that both parties agreed to alter the installation of the connection from a vault configuration to an above ground configuration. This decision was mutually reached by both parties due to the current conditions that exist on site. Placing the interconnect in a vault below grade runs the risk of conflicting with additional utilities, increased cost, and the potential for the vault to fill up with ground water, which would not be an ideal location for some of the components used in the installation. Because this represents a significant change from the original recorded exhibit, it has been advised that an amendment be executed to formalize the change.

## **OPTIONS**

Place the interconnect in a vault, as stipulated in the original agreement, at the risk of costing both cities more money and loss of useful life of equipment at an accelerated rate due to the wet conditions that would exist in the vault.

## **FISCAL IMPACT**

\$50,000 was included in the FY08'09 Budget for the Lake Ashton Interconnect project. The additional \$8,235.75 will be funded by water impact fees. The water impact fee account had a balance of \$191,245.71 at 9/30/08, and appropriation of additional funds for this project will be included in the first budget amendment for FY08'09. The City Commission at its December 16, 2008 commission meeting approved the expenditure of \$58,235.75 for the construction of this project.

[End agenda memo]

## **AGENDA ITEM 19. MXU Transmitter Purchase**

Mr. Otte read the synopsis for Agenda Item 19. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

## **SYNOPSIS**

Purchase of 400 additional MXU transmitters for installation on approximately 800 water meters as a part of the City's continuing program to switch to automatically read water meters.

## RECOMMENDATION

It is recommended that the City Commission approve the expenditure of \$58,000.00 for the purchase of 400 additional MXU transmitters.

## BACKGROUND

For several years City staff members have discussed with vendors the possibility of switching to an automatic meter reader system. Over the past few years water meter company representatives encouraged City staff to switch the entire system at once, which would require a great expense up front. To help the City implement the new system, they brought in financing companies and laid out plans for us to borrow about \$1 million to retro-fit the system. City staff rejected that plan. In its place, City staff developed a different plan – one that the company representatives criticized as not being the industry standard - for implementing this new technology. The City plan has several steps:

1. Requiring all water meters installed for new buildings be "touch read" ready; Touch read meters are read when they are touched with a special meter reading wand by the meter reader.
2. Replacing worn-out meters with radio read meters; and gradually, over a number of years,
3. retro-fitting existing meters to "touch read" ready;
4. When an area is ready for "radio read", changing each meter from touch read to radio read – a
5. simple procedure that takes very little time per meter.

The current budget has funds allocated for the implementation of these water meter improvements. In addition, these improvements were noted when the City Commission changed the pricing for the installation of water meters (Ordinance 2007-06).

The City has been requiring new developments to purchase the touch read meters as noted in step one. Step two is underway, with many meters in Lake Ashton, Carlsberg, Dinner Lake, and Brookshire already converted to touch read. (These areas were selected as being the furthest away from City Hall.) The City Commission at its April 4, 2008 commission meeting approved the purchase of the FlexNet Meter Reading system. City staff has installed approximately 200 MXU's which has the capability to service up to 400 meters. City staff has performed two test runs successfully totaling 60 meters being billed with the newly installed radio read system. Upon next billing cycle the remaining; approximately 330 meters will be brought on line to begin sending automatic meter readings to the base tower for billing purposes. City staff is now ready to purchase 400 additional MXU transmitters for installation by the utilities field personnel. These 400 transmitters have the potential to service 800 meters.

Sensus Metering Systems is considered a sole source in this situation in that they are the original manufacturer of the meters and software and they use HD Supply Waterworks, LTD, as their sole subcontractors.

## OPTIONS

To not expand the system to radio read or abandon the implementation of the system would miss the opportunity to maximize the efficiency of the system as planned.

## FISCAL IMPACT

The current budget has funds budgeted for this program in the Water Operations budget, for meter change outs and retro-fitting existing meters. The original budgeted amount was \$252,000. There is currently \$221,000 remaining in this budget line item.

[End agenda memo]

**AGENDA ITEM 20. Actuarial Services Agreement between Foster & Foster, Inc. and the City of Lake Wales**

Mr. Otte read the synopsis for Agenda Item 20. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

**SYNOPSIS**

This agreement provides for the preparation of disclosure information specified in new requirements contained in GASB 43 and 45, pertaining to the value of health insurance benefits offered to City retirees.

**RECOMMENDATION**

It is recommended that the City Commission approve the actuarial service agreement with Foster & Foster for preparation of disclosure information for auditors per Governmental Accounting Standards Board Statement No. 43 and 45.

**BACKGROUND**

During 2004, the Governmental Accounting Standards Board (GASB) issued two new standards: Statement 43 and Statement 45. These statements deal with accounting, reporting and disclosure requirements for post employment benefits other than pensions, known as "OPEB". These new standards have the potential for tremendous increases in the expenses and liabilities reported in the financial statements of many governmental entities.

The GASB is an organization that promulgates accounting standards for governmental entities. It has no enforcement power, but failure to follow its standards can lead to qualified audits and can have a negative effect on bond ratings.

For example, an employer that provides no post retirement benefits, such as medical, dental, long-term care or life insurance, but permits retired employees to continue health insurance with either the employer or employee paying the health insurance premium, may have an employer expense under the new GASB rules. This stems from an implicit rate subsidy for retirees, which the GASB considers to be an OPEB. Under Florida State Statute 112.0801, retirees are granted the option of continuing to participate in health insurance coverage as is offered to active employees at a premium cost of no more than the premium cost applicable to active employees.

In general, the GASB standards require that both the Annual OPEB Cost and the Actuarial Accrued Liability (AAL) for previously accrued costs be recognized and disclosed. The Annual OPEB Cost appears on the employer's income statement. The Annual OPEB Cost consists of the annual Normal Cost and an amortization payment of the Unfunded Actuarial Accrued Liability (UAAL). The UAAL is the AAL less assets that have been set aside to fund the OPEB. To be recognized those assets must have been set aside irrevocably. The balance sheet will reflect any Net OPEB Liability, which is the sum of all prior Annual OPEB Costs less all prior contributions, with adjustments.

An actuary must perform an actuarial valuation to determine the Annual OPEB Cost and the UAAL. This is very similar to an actuarial valuation for a pension plan, with the added complication in the case of health care benefits of projecting future health care costs. The actuary, together with the OPEB plan sponsor or the government employer, must select actuarial assumptions and an actuarial cost method. A key assumption is the discount rate. The GASB's guidance indicates that a funded plan may use a more favorable (higher) discount rate than an unfunded plan. Thus, whether a plan is funded or not can have a significant effect on the AAL and Annual OPEB Cost.

Governments are free to continue pay-as-you-go funding. The standards do not require advance funding. Of course, if the benefits are not funded, the Annual OPEB Cost and UAAL will be higher, which may have a negative impact on bond ratings and ultimately require higher cash outlays. Whether or not to fund will be an important decision. If a decision is made to fund, the next question is how.

For employers with annual revenues between \$10 million and \$100 million, GASB 45 must be implemented for fiscal year 2008-09.

There are three basic ways of treating unfunded liabilities:

- establish and fund an irrevocable trust
- pay-as-you-go
- setting aside a dedicated reserve

After reviewing the Actuarial Service Agreement, the City will need to decide how to treat the unfunding OPEB liability.

### **FISCAL IMPACT**

The Actuarial Service Agreement will cost \$7,500. These new standards have the potential for tremendous increases in the expenses and liabilities reported in the financial statements.

The City did receive two quotes for actuarial services relating to Statement No 43 and 45. A quote from Foster & Foster for \$7,500 and a quote from Milliman for \$10,500. Foster & Foster currently provides actuarial service for the City's pension funds and is familiar with City's activity and liability issues.

[End agenda memo]

### **AGENDA ITEM 21. Postage Machine Lease Renewal with Pitney Bowes, Inc.**

Mr. Otte read the synopsis for Agenda Item 21. The full staff memo is incorporated into the minutes.

[Begin agenda memo]

### **SYNOPSIS**

This 48-month lease agreement continues the existing postage machine lease with Pitney Bowes.

### **RECOMMENDATION**

Staff recommends the Commission approval of a forty eight month lease renewal of one postage machine with Pitney Bowes, Inc and authorize the City Manager to execute the lease.

### **BACKGROUND**

The existing forty eight month lease on the postage machine is due to expire on April 1, 2009. Upon renewal of the lease the City will obtain one new machine identical to our existing machine, as well as hardware support for the entire term of the lease.

Pitney Bowes is on the State of Florida Contract, contract number 600-760-07-01.

### **OTHER OPTIONS**

The Commission may not approve the lease with Pitney Bowes and staff can submit an RFP for another postage machine provider.

### **FISCAL IMPACT**

The monthly lease price will decrease from \$337.00 per month to \$276.41 per month if the Commission approves the lease renewal.

The postage machine lease is in the approved budget for the 2008-2009 fiscal year.

[End agenda memo]

Mr. Otte said that a slight change was made to the Lake Ashton/Winter Haven Interconnect amended agreement that Mr. Galloway asked for. Mr. Galloway said that there were two minor changes made in Section 6 of the amended agreement.

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

### **VOICE VOTE:**

All "YEA"; None "NAY"

The motion carried 5-0.

### **COMMUNICATIONS & PETITIONS**

#### **CITY COMMISSION TRACKING REPORT**

Adult Day Care: Mr. Otte reported that a copy of the plan was left in the Commission mailroom. Construction funding is not yet available for this by the county, but they are moving ahead with the planning.

SR60 Medians: Mr. Otte reported that the FDOT meeting has been scheduled for Thursday, February 19, from 5:30 p.m. to 7:30 p.m. in the lunchroom at City Hall to discuss the SR60 median project between 11<sup>th</sup> Street and Capps Road. The meeting will be hosted by FDOT and everyone is invited to attend.

WHAT Payment: Mr. Otte reported that staff contacted the director of the transit system and he will be at the March 10 workshop.

2-hour Parking Limit Downtown: Mr. Otte reported that the Main Street Board is recommending that the two hour time limit for downtown curbside parking be extended to three hours. He said that City Code allows him to change that time limit, which he will do.

Mr. Otte said that there is one other thing that we are researching, which might require Commission approval. There are probably several persons with handicap parking stickers who work downtown. It is very difficult for them to be moving their car and parking in handicap spaces since they have walking difficulties. We are looking at an ordinance to allow such persons to get a special sticker that would allow them to park all day in any space that is close to their place of business. Commissioner Manry said preferably not a handicap space. Mr. Otte said no, any space.

### **PUBLIC COMMENT**

There were no comments made by the public.



COMMISSION COMMENT

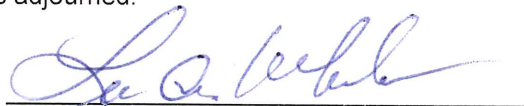
Commissioner Rogers said that the I.D. machine at the Police Department either needs replacing or repaired. He said to do whichever is cheaper. Mr. Otte said he would see that it is done.

Commissioner Howell said someone from the Streets Division needed to ride around and look at the streets. Potholes are appearing again. Something needs to be done before the streets get worse. She said she would get with Mr. Torrance concerning it.

Commissioner Van Sickle said that we have a period of time where diesel fuel is way down. He said that if he remembers correctly when we renewed the contract with Florida Refuse, there was an adjustment based on the changing prices of fuel. At that time, diesel fuel was around \$3.50 to \$4.00 per gallon and now it is around \$2.30 a gallon at the retail stations. Commissioner Van Sickle asked if we are entitled to an adjustment from Florida Refuse. Mr. Otte said that staff would take a look at that.


Mayor Wheeler said several people have told him that the ground around the Crystal Lake Play Park looks to be a little lumpy and bumpy. He explained that at one time Lake Wailes and Crystal Lake was all one lake and between the two lakes it is all fill. You can put miles of road on there, but it is still going to be lumpy. So, don't be surprised at that.

There being no further business the meeting was adjourned.



Mayor/Commissioner

ATTEST:

  
City Clerk