

The regular meeting of the Lake Wales City Commission was held on June 2, 2009 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor L. Jack Van Sickle.

INVOCATION

The invocation was given by Dr. Jim Moyer, Warner University.

PLEDGE OF ALLEGIANCE

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

COMMISSIONERS ABSENT: None.

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

Agenda Item 4. APPROVAL OF MINUTES

Commissioner Rogers made a motion to approve the minutes of the May 14, 2009 workshop meeting and the May 19, 2009 regular meeting. The motion was seconded by Commissioner Howell.

All "AYE"; None "NAY"
The motion carried 5-0

MAYOR

Agenda Item 5. STATE CHAMPION ESSAY WINNER

Mayor Van Sickle recognized Will Cain as the winner of the State Championship Essay Contest. Will Cain read his essay to the audience.

CITY MANAGER

Agenda Item 6. Ordinance 2009-15, Chapter 23 Zoning, Amendments to Site Development Permit Requirements – 2nd Reading & Public Hearing

Mr. Otte read the synopsis for Agenda Item 6. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The ordinance makes adjustments to the requirements for application for a site development permit in the zoning regulations. The most significant change is to require a payment of 50% of the review fee upon application for a site development permit (engineered construction plans). The current ordinance requires only a token fee upon application and the full fee at the time of permit issuance. If project reviews are prolonged or projects cancelled, considerable staff time is expended without compensation.

RECOMMENDATION

Staff recommends adoption on second reading after public hearing of Ordinance 2009-15 amending Sec. 23-217 and 23-242 of the *Zoning, Land Use and Development Regulations* pertaining to the requirements for a site development permit application.

The Planning & Zoning Board reviewed proposed changes at its April 28, 2009 meeting and supports the amendments.

Public notice requirements have been met.

BACKGROUND

A site development permit authorizes site construction for a project and entails time-consuming review of detailed engineering plans. The planning and building staff coordinate the process, and several departments review plans and perform inspections, including utilities, streets, fire, planning, and building.

The amendments will accomplish the following:

- *Require 50% of the review fee upon application*
The most notable change is to require 50% of the review fee upon application for a site development permit. The current ordinance requires a relatively small fee (\$577.50 plus \$11.55 per acre over 5 acres) upon application and the full fee (2-1/2% of infrastructure costs excluding buildings) at the time of permit issuance.

The site development permit process is a long, detailed review taking up to a year in the best of times. Significant staff time is expended without compensation until the end of the process. In the past couple of years, the economic downturn has caused almost all of the residential projects to be put on hold in the middle of review, including Leoma's Landing, Forest Lake Townhomes, Sunset Development and Estates of Lake Wales. The City may never recoup the costs incurred for the reviews done to date.

An example of fees: a \$2.6 million residential development paid \$950 upon application and owes \$66,000 upon permit issuance. Under the new requirement, this type of development would pay \$33,000 to commence review and \$33,000 at permit issuance.

- *Require payment of 50% of the review fees for stalled projects that do not complete their site development permit process within a year of this amendment*
This amendment will require projects already in the system to pay 50% of the fee to continue review if the permit has not been issued by June 2010. Note that this does not penalize them, but changes the timing of payment. Applicants will be notified of this change upon passage of the ordinance.

The majority (62% by value) of the projects that have pending site development applications are now on hold. Outstanding fees for stalled projects total over \$500,000, and paid application fees total only \$12,250. Many of these projects have been in the process for well over two years and have undergone extensive reviews and revisions.

Of the "active" projects, Mayfair accounts for 92% of the value. Site development reviews began in November 2006. No permits have been issued, although the phase 1 permit has been ready to issue since February 2007. Unpaid fees total \$293,400, and \$4,400 has been paid to date. The provision for stalled projects will apply to the nine phases currently under review if the permits are not issued by June 2010. The requirement for 50% payment upon application will be applicable to any new phases submitted for a site development permit.

Overall, projects currently in the site development permit process are valued at over \$33 million with unpaid permit fees of \$831,683. Paid application fees total only \$14,735. (See attached sheet "Status Site Development Permit Applications.")

- *Amends requirements for application package*

The list of information required with a site development permit application package is amended to add specifics on tree survey, lighting plan and other requirements. In addition, draft utility and utility capacity agreements, required for reservations of capacity, are added to the list.

FISCAL IMPACT

The amendments will require payment of fees to cover the expense of plans review by City staff in a timely manner.

OTHER OPTIONS

The City could continue to require payment at permit issuance or eliminate the requirement for stalled projects to pay the fee if not completed by June 2010.

[End agenda memo]

Ms. Delmar read Ordinance 2009-15 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS, SECTION 23-217 AND 23-242 RELATING TO REQUIREMENTS FOR SITE DEVELOPMENT PERMIT APPLICATIONS; REQUIRING A PRELIMINARY CONSTRUCTION COST ESTIMATE; AMENDING LIST OF ITEMS REQUIRED IN APPLICATION PACKAGE; REQUIRING DRAFT UTILITY AND CAPACITY AGREEMENTS; REQUIRING 50% OF REVIEW FEE AT TIME OF APPLICATION; 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 2009-15 after second reading and public hearing. The motion was seconded by Commissioner Rogers.

ROLL CALL:

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

The motion carried 5-0.

Agenda Item 7. Ordinance 2009-16, Plan Checking Fees, Amending Chapter 7, Buildings and Building Regulations – 2nd Reading & Public Hearing

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

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

SYNOPSIS

The amendment requires that plan checking fees are due upon permit application for commercial buildings. No change is proposed to the requirement that fees for residential buildings are due upon

permit issuance. The amendment also removes old cross-references that are no longer valid and updates references to the Florida Building Code.

RECOMMENDATION

Staff recommends adoption on second reading following a public hearing of Ordinance 2009-16 amending Chapter 7 sections 6, 26, and 201 of the Code of Ordinances pertaining to the requirements for a payment of plan checking fees for a building permit and references to the Florida Building Code.

Public notice requirements have been met.

BACKGROUND

Staff has performed plans review on a number of occasions where the contractor never came in to pick up and pay for the permit. In these cases the department has performed work without receiving compensation.

In an effort to support the financial stability of the building department, a change to the fee schedule is proposed for commercial projects. Commercial plan-checking fees will be due at the time the plans are submitted for review. Residential plan-checking fees will remain due at the time the building permit is issued. The fee in both cases is equal to one-half of the base building permit fee. This fee is calculated using the total valuation of the proposed project.

The amendment also specifies that the plan checking fee for revised plans is set at one-half the original plan-checking fee. For large commercial projects there can be multiple revisions to a plan that require full review every time they are resubmitted. The code currently allows for this additional review fee but the amount of the fee was not clearly stated. The amendment as written will correct this.

FISCAL IMPACT

The amendment will increase revenue for review of revised plans and will ensure that the City is compensated for plans review in cases where commercial permits are never picked up.

OPTIONS

City Commission could choose not to approve the amendment.

[End agenda memo]

Ms. Delmar read Ordinance 2009-16 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 7, BUILDINGS AND BUILDING REGULATIONS; AMENDING REQUIREMENTS FOR THE PAYMENT OF FEES FOR PLAN CHECKING FOR A BUILDING PERMIT; UPDATING REFERENCES TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 2009-16 after second reading and public hearing. The motion was seconded by Commissioner Wheeler.

ROLL CALL:

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

The motion carried 5-0.

Mayor Van Sickle reviewed the following draft commission agenda that was included in the agenda packet.

[Begin draft commission agenda format, prepared by Mayor L. Jack Van Sickle]

<p style="text-align: center;">COMMISSION AGENDA</p> <p>CALL TO ORDER INVOCATION PLEDGE OF ALLEGIANCE SPECIAL EMPLOYEE RECOGNITION/PROCAMATIONS</p> <p>CONSENT AGENDA</p> <p>Anything that should not be an issue, require public input, etc</p> <p>OLD BUSINESS</p> <p>NEW BUSINESS</p> <p>CITY MANAGER'S REPORT</p> <p>Time to address the commission</p> <p>AUDIENCE COMMENTS</p> <p>Public participation is encouraged and if you are addressing the Commission, step to the podium and state your name for the record. Please limit your discussion to five (5) minutes.</p> <p>COMMISSION COMMENTS</p> <p>ADJOURN</p>

[End draft commission agenda format]

Mayor Van Sickle said he has been trying to find a way to speed up some of the Commission meetings. Agenda items that are discussed at length during Commission workshop meetings could probably be added to the consent agenda for the regular meeting, except for resolutions and ordinances.

Commissioner Rogers said this topic was discussed at a recent workshop. He said he attended some of the Haines City Commission meetings and he likes their format. Their meetings run smooth and not too lengthy.

Commissioner Wheeler said not too long ago, that the Florida Legislature was considering an act or statute that would dictate how local governments conduct their meetings. Specifically, it would require audience comments to be at the beginning of the meeting, not at the end. He said he does not know the status of that, but it might be something that would come into play. Mr. Galloway said he does not recall that being adopted, but he would follow up on it. Ms. Delmar said the only thing that would change for this City would be to move Communications and Petitions to the front of the meeting and to reduce the length of public comments from 5 minutes to 3 minutes. She said that we are already in compliance with all of the provisions except that the Communications and Petitions are at the end of the meeting.

Commissioner Thornhill asked if the Commission could still pull an item from the Consent Agenda for further discussion. Mayor Van Sickle said yes.

Commissioner Howell said we are all for speeding up the time when necessary.

It was the consensus of the City Commission to follow the new format of the agenda at the next City Commission meeting.

Ms. Delmar said we could not follow the new format at the two mandatory budget hearings in September. It is a statutory requirement that the adoption of the millage rate and the budget be the first items considered by the Commission.

Commissioner Rogers said the public has a right to make comment on any business brought before this Commission because we are spending their money and passing ordinances to govern them. Mayor Van Sickle said we would allow comments on a case by case basis as the need arises. There is no intention to keep the public from speaking.

Agenda Item 8. Ordinance 2009-17, Expanding Membership of CRA Board – 1st Reading

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

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

SYNOPSIS

In accordance with the wishes of the City Commission, Ordinance 2009-17 is proposed for the purpose of increasing the size of the CRA Board from five to seven members. The ordinance also establishes eligibility criteria for appointment.

RECCOMENDATION

It is recommended that the City Commission approve Ordinance 2007-17 after first reading.

BACKGROUND

The following summarizes the establishment of the CRA Board of Commissioners and its various modifications as the Community Redevelopment Agency has expanded over time:

- Ordinance 69-3 created the Downtown Development Commission comprised of the Mayor, the Chairman of the Planning Board and five citizens for the purpose of "improving the physical appearance, enhancing the economic activity, and increasing the tax base for downtown Lake Wales."

- Ordinance 85-10 created the Community Redevelopment Agency, and the Downtown Development Commission became the CRA Board of Commissioners vested with all the powers delineated in F.S. §163.370.
- Ordinance 90-03 authorized the City Commission to take back from the CRA Board and reserve to itself all powers delineated in F.S. §163.70 and established the CRA as an advisory board to the Commission.
- Ordinance 90-10 established eligibility and appointment criteria for the CRA Board and established two Area Advisory Committees to assist the CRA Board in implementing redevelopment activities within the specific CRA areas (i.e., the Downtown area and Lincoln Avenue/Northwest neighborhood area).
- Resolution 99-06 modified the Community Redevelopment Plan and expanded the CRA to its current geographical configuration. This expansion necessitated a reconfiguration of the CRA Board because the expanded CRA included approximately 50% of the City's area and 100% of the population (at the time), and it was considered important that the CRA Board be representative of the entire community.
- Ordinance 99-06, under the authority of F.S. §163.357(1)(a), designated the City Commission as the CRA Board of Commissioners.

The City Commission wishes to expand the membership to include two citizen members. Such an expansion is authorized by F.S. §163.357 (1)(c). Ordinance 2009-17 is proposed for the purpose of implementing the wishes of the Commission. This ordinance also establishes appointment eligibility criteria that are consistent with provisions of Florida Statutes.

Pursuant to the CRA workshop on May 28, 2009, the ordinance also provides that the City Commission shall receive nominations for the two additional appointments from the Chamber of Commerce.

OTHER OPTIONS

Make no change to the current composition of the CRA Board.

To make the nomination process less binding on the City Commission, the language in paragraph (b)(3) could be modified to state that the city commission shall consider nominations rather than shall receive nominations for the two additional appointments from the Chamber of Commerce.

FISCAL IMPACT

None.

[End agenda memo]

Ms. Delmar read Ordinance 2009-17 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES TO EXPAND THE COMMUNITY REDEVELOPMENT BOARD FROM FIVE MEMBERS TO SEVEN MEMBERS; ESTABLISHING ELIGIBILITY CRITERIA FOR SAID MEMBERS; PROVIDING AN EFFECTIVE DATE.

Mr. Otte read Section 2-72 (b) (3) of the ordinance: The city commission shall receive nominations for the two additional appointments from the Lake Wales Area Chamber of Commerce. He said that, as indicated in the agenda memo, an option was added to change the language "shall receive nominations" to "shall consider nominations" because it could be argued that "received" means that the Chamber of Commerce is the only place that nominations can come from, whereas "shall consider" makes the nominations non-

binding. Mr. Galloway said he thinks that "shall consider" would be better language. At the last meeting, the question was raised, "How would two additional people affect votes?" He said that under F.S., Section 163, it says that once a quorum is present, a majority vote functions. Mr. Galloway said that the two people appointed would have a voice and would have a vote. Commissioner Rogers said with the language "shall consider" the Commission would not be limited to the two nominations made by the Chamber, but the nominations would be given heavy weight. Mr. Galloway said that is correct.

OPENED TO PUBLIC COMMENT

Jack Neal, 435 E. Central Avenue, said he appreciates the Commission trying to speed things up, which is good for everybody. However, citizens do not have much of a say-so anymore. At some meetings, the Commission meets in private and citizens are not allowed to make comments. At regular meetings, citizens are allowed to talk at the end, which is too late. Mayor Van Sickle asked Mr. Neal if he would like a public comment part added to the workshop agenda. Mr. Neal said yes. He said he likes to sit back and watch the Commission arguing, but he would like to argue too.

CLOSED TO PUBLIC COMMENT

Mr. Otte stated that the record should reflect that the Commission does not meet in private unless it is authorized by statute.

Commissioner Wheeler made a motion to approve Ordinance 2009-17 to include the changes recommended. The motion was seconded by Commissioner Howell.

ROLL CALL:

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

The motion carried 5-0.

Agenda Item 9. Resolution 2009-05, Master Joint Participation Agreement 2009-A

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

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

SYNOPSIS

In 2005, the City entered into a Joint Participation Agreement with the Florida Department of Transportation (FDOT) for funding projects at the Lake Wales Municipal Airport. Resolution 2009-05 updates that agreement and provides funding for the rehabilitation of the medium intensity taxiway lighting system (MITLs) in the amount of \$218,255 with a local match of 5%.

RECOMMENDATION

Staff recommends that the City Commission approve Resolution 2009-05 and enter into a Master Joint Participation Agreement with the Florida Department of Transportation (FDOT).

BACKGROUND

In May 2005 the City of Lake Wales entered into a Joint Participation Agreement, Resolution 2005-14 with the Florida Department of Transportation (FDOT) for funding of the following Lake Wales Airport projects: Signage

& Tetrahedron (air traffic pattern indicator), Automated Weather Observing System (AWOS), Precision Approach Path Indicator (PAPI), Master Joint Participation agreement with Hoyle, Tanner & Associates, Inc. Task Order #1 (planning and design of an Airport Master Plan and Airport Plan Update) and Automobile Parking.

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

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

In 2008 Resolution 2008-01 replaced the existing Joint Participation Agreement, incorporated the project that had not been completed to date (Automobile Parking) and included funding for the Medium Intensity Runway Lights project (MIRL,s) construction phase and for FAA improvements.

Resolution 2009-05 replaces the existing Joint Participation Agreement and includes funding for the Medium Intensity Taxiway Lighting System (MITL,s) construction phase.

FISCAL IMPACT

The City's match for this project is \$5,456.00

09/10 budget

MITL's(Medium Intensity Taxiway Lights (construction phase)	\$218,255.00
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Federal / State participation for the project is as follows:

Medium Intensity Taxiway Lights: FDOT \$5,456.00 FAA \$207,343.00

OTHER OPTIONS

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

[End agenda memo]

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

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A MASTER JOINT PARTICIPATION AGREEMENT (JPA), ITEM-SEGMENT-PHASE-SEQUENCE NUMBER (FINANCIAL MANAGEMENT NUMBER): 426177 1 94 01 (REHABILITATE MEDIUM INTENSITY TAXIWAY LIGHTING SYSTEM) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ALLOW THEIR PARTICIPATION IN MULTIPLE AVIATION PROJECTS AT THE LAKE WALES MUNICIPAL AIRPORT.

Mayor Van Sickle said he thinks that someone in the audience recognized a mistake in the fiscal impact. It says that the City's match for this project is \$5,456.00. According to the total, that amount should be over \$10,000. Mr. Otte said he understands that the 5% is divided between FDOT and the City. [Note: the actual cost share is: FAA \$207,343 (95%); FDOT \$5,456 (2.5%); City \$5,456 (2.5%).]

Commissioner Thornhill made a motion to approve Resolution 2009-05 and to enter into a Master Joint Participation Agreement with the Florida Department of Transportation. The motion was seconded by Commissioner Rogers.

ROLL CALL:

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

The motion carried 5-0.

Agenda Item 10. Edward Byrne Memorial Justice Assistance Grant Program (Local Solicitation)

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

[Begin agenda memo, prepared by Herbert Gillis, Chief of Police]

SYNOPSIS

The City Commission will consider authorizing the Chief of Police to apply for funding through the Edward Byrne Memorial Justice Assistance Grant Program to purchase weapons.

RECOMMENDATION

Staff recommends that the City Commission authorize the Police Department to execute an application to the Edward Byrne Memorial Justice Assistance Grant Program (Local Solicitation).

BACKGROUND

The American Recovery and Reinvestment Act of 2009 provides an expansion of domestic spending, including law enforcement programs.

Since 2005, the Police Department has received funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The JAG provides a local and state solicitation. The local solicitation provides an award directly to the City of Lake Wales based on Uniform Crime Report (UCR) data. The state solicitation is a competitive process between local units of government in Polk County.

The JAG allows local units of government to support a broad range of activities to prevent and control crime based on their own local needs and conditions. The JAG provides agencies with the flexibility to prioritize and place justice funds where they are needed most. JAG funds can be used for local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support and information systems for law enforcement programs.

The JAG allocation obtained by the Police Department is \$23,251. If approved, funds will be used for defensive weapons such as shotguns, rifles, dart-firing stun guns, and PepperBall systems for law enforcement officers.

The economic decline has resulted in a local unemployment rate of 10.3 percent. As a result, crime within the City of Lake Wales increased 38.3 percent in 2008. In addition, the violence and severity of crime has increased. Law enforcement officers require defensive weapons to reduce the potential of injury or death.

OTHER OPTIONS

The City Commission may choose not to authorize the Police Department to execute an application the Edward Byrne Justice Assistance Grant Program and reject the \$23,251.

FISCAL IMPACTS

The Edward Byrne Justice Assistance Grant Program does not require matching funds. If approved, the FY 2008/2009 Operating Budget would be amended to recognize additional revenue and expenditures accordingly.

[End agenda memo]

Commissioner Howell asked if any matching funds are required. Mr. Otte said there is no matching fund requirement.

Commissioner Rogers made a motion to authorize the Police Department to execute an application to the Edward Byrne Memorial Justice Assistance Grant Program (Local Solicitation). The motion was seconded by Commissioner Thornhill.

By voice vote:

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

The motion carried 5-0.

Agenda Item 11. Appointment of City representation on the Ridge League of Cities Board

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

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

SYNOPSIS

Appointment allows City representation on the Ridge League of Cities Board.

RECOMMENDATION

It is recommended that the City Commission appoint a Representative to attend meetings of the Ridge League of Cities. The appointee will take the place of Kathy Manry.

BACKGROUND

The Ridge League of Cities consists of 26 cities whose representatives meet four to five times per year. The purpose of the league is to assist its members in promoting efficiency in local government, to educate members, and to discuss items of common interest. The league is affiliated with the Florida League of Cities. The meetings consist of a dinner, a business meeting, and a speaker. The presentations are often beneficial.

The Ridge League of Cities dinners are held on the second Thursday of each month. City of Lake Wales City Commission Workshop meetings are currently held on the same night. The Commission could choose to change the date of the scheduled workshop meetings or the newly appointed representative could choose to attend the dinners or attend workshop meetings instead. The workshop meetings for May

and June have been scheduled for the fourth Thursday – perhaps the workshops should be permanently scheduled for that day.

OPTION

Do not participate.

FISCAL IMPACT

None. Representative and attendees of the City of Lake Wales pay for their own meals and travel.

[End agenda memo]

Commissioner Thornhill volunteered to be a representative on the Ridge League of Cities Board, which was the consensus of the City Commission. Mr. Otte said this does not limit any of the other Commissioners from attending. The official representative would be Commissioner Thornhill.

Agenda Item 12. Clerk of the Courts announcement that the Lake Wales office will close on June 30, 2009

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

[Begin agenda memo, prepared by Tony Otte, City Manager]

SYNOPSIS

City staff requests that the City Commission appoint a liaison Commission member to accompany staff to meet with the Clerk of the Courts in Bartow to discuss the provision of services after June 30 when the Lake Wales office will close.

RECOMMENDATION

Appointment of a Commission liaison.

BACKGROUND

The Clerk of the Courts, Richard Weiss, has announced that due to budget reductions from the state he will close the Lake Wales office. A letter to this effect was received. The Clerk of the Courts website (www.polkcourtclerk.net) contains the following announcement:

Lake Wales Branch Closing & New Branch Office Hours
Effective June 30th, 2009, the Lake Wales Branch Clerk of Courts Office will be closing permanently.

The Lakeland and Winter Haven locations will no longer have extended hours until 6:00 PM on Tuesdays and Thursdays. New operating hours will be Monday – Friday, 8:00 AM – 5:00 PM.

Chief Gillis wrote a letter offering to provide space for a satellite office in the police station, but the offer was declined. Mr. Weiss was invited to attend the June 2 Commission meeting and he said he had a conflict with the meeting time and wished to meet in Bartow.

The Clerk's office handles many functions related to the Court system, as well as acting as the official record keeper for the county. The Clerk is also the Accountant and Auditor for the county government. Other services provided by the Clerk's office are as follows:

- Marriage License applications can be accepted
- Marriage ceremonies can be performed
- Passports can be issued
- Traffic and misdemeanor payments can be accepted
- Driver License histories can be provided
- Criminal background searches can be provided

With the closing of the Clerk's office in Lake Wales, the Bartow and Winter Haven offices are available as follows per Yahoo maps – driving directions:

- 255 N. Broadway, Bartow – 16.37 miles, travel time 22 minutes, one way*
- 3425 Lake Alfred Drive, Winter Haven – 17.17 miles, travel time 30 minutes one way*

*starting from Lake Wales City Hall, 201 W. Central Ave.

OPTIONS

Staff wishes to discuss options with Mr. Weiss.

FISCAL IMPACT

No fiscal impact is known at this time.

[End agenda memo]

Mayor Van Sickle said this is a people issue and not an office issue because the City offered them space in this building for them to do the same function. The Clerk of the Courts, Richard Weiss, said that would probably not help. Mr. Otte invited Mr. Weiss to come and talk to us, but he did not have the time. Mayor Van Sickle said Mr. Otte is asking to take staff and a member of the Commission with him when going over to talk to the Clerk to try to convince him not to close the Clerk's office in Lake Wales.

Commissioner Wheeler volunteered because he said he knew Mr. Weiss personally.

Commissioner Howell said that the Clerk's Office is needed in Lake Wales. We are the Ridge and everything is being taken from the Ridge. Right now, all agencies on the Ridge are being closed down.

Mr. Otte said some other staff members may go as well. He said that Capt. Quinn volunteered to go. Mr. Otte said the Clerk might say it is a people issue, but the people at the office in Lake Wales are not losing their jobs. Instead, they would be relocated some place else. He said that is why he would like to discuss relocating them to a City building.

Agenda Item 13. Traffic Signal Maintenance and Compensation Agreement

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

[begin agenda memo, prepared by Jerry Torrance, Asst. to City Manager]

SYNOPSIS

Consideration of an agreement with the Florida Department of Transportation(FDOT) for Maintenance of traffic signals. The agreement provides the City with compensation of \$11,626.73 for the maintenance of 9 state road traffic signals.

RECOMMENDATION

Staff recommends that the City Commission approve the Traffic Signal Maintenance and Compensation Agreement between the City of Lake Wales and Florida Department of Transportation. The agreement will be effective from July 1, 2009 through June 30, 2010.

BACKGROUND

This is a renewal of a longstanding arrangement between the City of Lake Wales and the FDOT to maintain the nine State Road Traffic Signals within the City of Lake Wales. These traffic signals include 4 on State Road 17, at Polk, Central, Park and Wiltshire Avenues. The list also includes 3 on SR 60, at 1st, 3rd, and 11th Streets as well as 2 on US HWY 27 at Central Avenue and Eagle Ridge Mall.

This agreement provides the City with compensation of \$11,626.73 for maintenance of 9 highway lights (\$2,546.00 per light). In the event that the cost exceeds the compensation the city is responsible for the remainder. In 2008, the Maintenance costs were \$13,445.73.

Note that the City staff is checking with FDOT to determine when this agreement is due. If it is not due in the near future, City staff wants to table this item and bring it back to the City Commission with additional information, including why signals on a federal highway intersected by a county road are the responsibility of the City.

OTHER OPTIONS

Do not sign the agreement

FISCAL IMPACT

The Florida Department of Transportation Traffic Signal Maintenance and Compensation agreement funds the current budget of \$23,000.00 for signal maintenance.

This amount does not fully cover our annual maintenance cost. It is a partial compensation to supplement our annual cost.

If we do not accept the agreement, the City will lose compensation in the amount of \$11,626.73 in energy compensation and the City will be responsible for the entire amount.

[End agenda memo]

Mr. Otte said he was questioned about signal maintenance cost because it exceeds the amount that is being provided by FDOT. This FDOT program has not been in existence very long. Mr. Torrance said prior to 2003, the cities and counties were responsible for 100% of the cost. Master agreements were put into place by the end of 2002 and we started receiving compensation in 2003.

Commissioner Thornhill made a motion to approve the Traffic Signal Maintenance and Compensation Agreement between the City of Lake Wales and Florida Department of Transportation. The motion was seconded by Commissioner Wheeler.

By voice vote:

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

The motion carried 5-0.

Agenda Item 14. Maintenance Agreement – Rails to Trails property from 4th Street to Scenic Hwy.

Mr. Otte read the synopsis for Agenda Item 14. The full staff memo is incorporated into the minutes.

[begin agenda memo, prepared by Jerry Torrance, Asst. to City Manager]

SYNOPSIS

City Commission consideration of the maintenance agreement with the Florida Department of Transportation (FDOT) stating that upon completion of this portion of trail (Scenic to Fourth St), the City will maintain the trail.

RECOMMENDATION

It is recommended that the City Commission approve the maintenance agreement with the FDOT. Agreement is required by FDOT prior to construction. The agreement was to be returned to FDOT by June 1, 2009, but FDOT staff stated, via written authorization, that they will accept it on June 3, 2009. It is further recommended that a provision be added to state that the City approval is contingent on FDOT completing the trail from Scenic to Fourth St.

BACKGROUND

In July of 2006, a grant was applied for through the County to the FDOT for funds to build the trail from 4th Street to Scenic Highway. The grant was not awarded, but placed on a waiting list in case funds became available. This grant was originally applied for in the amount of \$400,000 but after FDOT staff review we will be granted \$159,000 which in the estimate of FDOT will be sufficient to complete the trail. There was previous discussion regarding alternate routes for the trail, however after consulting with the Department of Environmental Protection (DEP), the FDOT has determined that the trail will be constructed in the former rail bed.

This property was leased on June 11, 2008 by the City from the State. According to the conditions of the lease, the city is obligated to clean up or mitigate the property of contaminants in the rail bed before installing a trail. Upon completion of the construction of this trail by FDOT, the mitigation will be addressed and no further action will be needed by the City in regards to the contamination.

Staff wishes to add a provision stating that the City's approval of the maintenance agreement is contingent on the FDOT finishing this project. In the first section of this trail the funding did not go as far as FDOT had anticipated. Due to the mitigation activities associated with this project, staff believes it is important to add the contingent provision to the agreement to protect the City in such case. If the City Commission agrees to this concept, staff will ask the City Attorney to prepare the language.

OTHER OPTIONS

Do not approve the maintenance agreement and decline the funds to construct the trail.

FISCAL IMPACT

Cost of maintenance on the trail, which cannot be determined at this time as the design of the trail and the amount of grass to be cut has not been delineated.

No matching funds are required for this project.

[End agenda memo]

Mr. Otte said there is a note in the memo suggesting that some language be added, but after he and Mr. Galloway looked at the agreement a little more carefully, additional language is not required. He said they also noticed that the agreement must be adopted by a resolution. A resolution was quickly prepared and provided to the Commission before the meeting.

Mayor Van Sickle said in the original property rental agreement it states that the City is responsible for the clean up of any environmental issues if the property is disturbed. The document in front of us is saying that the City is responsible for the maintenance. He said that he has seen a couple of emails floating around stating that we do not think the City would be held to that. Mayor Van Sickle said he feels uncomfortable with an email versus a document stating that.

Mr. Galloway said that this agreement with FDOT is for maintenance of the trail. The lease agreement with FDEP is a separate document, which requires mitigation of the contaminated area after the property is disturbed. The property has already been disturbed, so this is not going to change the City's liability in any way. Mr. Galloway said the Commission should proceed with this agreement because it is not going to change the status of the City's liability.

Mayor Van Sickle said the impression he got from the meeting before is that the maintenance area is somewhat steep. Mr. Galloway said that whatever is planted must be of either low maintenance or no maintenance and cannot attract people to leave the trail. Mr. Torrance said that is correct. Mayor Van Sickle said he is concerned that we do not create any additional maintenance or effort for our maintenance people. Mr. Torrance said that is his concern as well.

Ms. Delmar read Resolution 2009-06 by title only.

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY AGREEMENT FPID #426639 1 52/62 01 BETWEEN THE CITY OF LAKE WALES AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF POST-PROJECT TRANSPORTATION ENHANCEMENTS.

Commissioner Thornhill made a motion to approve Resolution 2009-06. The motion was seconded by Commissioner Wheeler.

ROLL CALL:

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

The motion carried 5-0.

Commissioners Rogers and Wheeler asked for discussion on Agenda Item 15.

CONSENT AGENDA

Agenda Item 15. Award of Bid: Cassady & Hogan, Inc., Electrical Services

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

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

SYNOPSIS

Award of annual contract for electrical services for the repair and maintenance on municipal facilities including industrial electrical work, commercial work, motors and motor controls.

RECOMMENDATION

It is recommended that the City Commission:

1. Approve the award of bid for an electrical contractor for electrical services to Cassady & Hogan, Inc.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf, in regards to this bid award.

BACKGROUND

City staff issued a Request for Bid for an Electrical Services Contractor on April 14, 2009. Proposals were due on May 7, 2009. A total of seven responsive bidders submitted packets for evaluation. Items staff took into consideration as main factors during the review process were response time, familiarity of working on instrumentation controls as it related to lift station equipment, and cost. Taking into consideration the above factors, staff recommends that Cassady & Hogan, Inc be awarded the bid, their bid being the lowest of the bidders in the local area.

Seven sealed bids were received. Although Cassady & Hogan, Inc was not the lowest bidder, staff felt it beneficial to select this company due to the several reasons listed above. Cassady & Hogan, Inc is located in Winter Haven, Florida which puts response time to a minimum. City staff also makes this recommendation based on the proximity and response time in the event of lift station failure, when the health and welfare of the public becomes an issue and is of the utmost of importance.

OPTIONS

Not award the bid and continue to go out for quotes every time there is electrical work to be done on instrumentation controls .

FISCAL IMPACT

None at this time. Expenditures will be determined at such time when services are needed and submitted to commission for approval.

[end agenda memo]

Commissioner Wheeler said after carefully looking at the bid tabulation, he wondered how we arrived at the fact that Cassady & Hogan was going to be the most economical of the bidders. He asked if any modeling was done before deciding on the ranking.

Ray Creel, Utilities Director, said there was no modeling done. Instead, response time was considered along with mark-up of parts. [note: Estes mark-up, 35%; Cassady mark-up, 10%, Tampa firm mark-up, 10%.] Winter Haven is a lot closer than Tampa. Commissioner Wheeler said Lake Wales is a lot closer. Mr. Creel said he would love to use Estes Electric because they can open a cabinet quickly and troubleshoot it. He said our main concern is getting someone who can respond quickly during an emergency and getting somebody that we can fall back on at a rate we can afford.

Commissioner Wheeler said he is more in favor of using local folks and that normally they would send out an electrician's helper not the master electrician at the higher rate. Mr. Torrance said, based on past experience, we always get the master electrician rate. Mr. Creel said that we have a staff person who is a certified electrician, so we wouldn't be needing an electrician's helper. If the situation gets beyond the ability of our staff person, we would have to call in someone else. This electrician would only be used on an emergency basis.

Mayor Van Sickle said response time is a priority. The weighted number should be based on what your needs are.

Commissioner Rogers asked how many Lake Wales contractors bid on this job. Mr. Creel said only one, Estes Electric. Mr. Otte said they have done a lot of work for us in the past. Commissioner Rogers said he likes to see local folks get the job whenever they can. But, you can't make them bid.

Agenda Item 16. Verizon Wireless Personal Communications Site Lease Agreement

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Verizon Site Lease Agreement needs to be further amended to account for the change in location on the city site.

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

At the October 7, 2008 meeting the City Commission approved the Verizon Communications Site Lease Agreement First Amendment for the installation of a 4ft. X 10ft. concrete pad to be added to Verizon's currently leased area for the placement of a propane cylinder to act as their generator fuel source. The addition called for an adjustment to the Verizon Wireless lease payments. Verizon Wireless agreed to 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 had pre-determined that the proposed construction and subsequent placement of the structure would 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.

Once Verizon submitted plans to the Building Department for permitting, the Fire Chief determined at that time that the placement of the tank was too close to the elevated storage structure, thus causing the propane tank to be relocated, and further causing the First Amendment to be changed. Staff recommends the approval of the Verizon Communications Site Lease Agreement Second Amendment.

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 17. Interlocal Agreement between Polk County and City of Lake Wales regarding E9-1-1 Addressing Services

The full staff memo is incorporated into the minutes.

[begin agenda memo, prepared by Jerry Torrance, Asst. to City Manager]

SYNOPSIS

Renewal of Interlocal Agreement between the City of Lake Wales and Polk County providing E9-1-1 addressing services for Lake Wales.

RECOMMENDATION

It is recommended that City Commission approve the renewal of the Interlocal agreement between the City of Lake Wales and Polk County. This agreement provides E9-1-1 addressing services at no cost to the City of Lake Wales.

BACKGROUND

The Polk County E9-1-1 Addressing Office performs structural addressing and roadway naming duties within the municipal boundaries of Lake Wales. The interlocal agreement between the City and Polk County to continue to provide these services is up for renewal.

Since the last agreement signing, the County Attorney has included language to allow the agreements to continue until terminated by one of the parties, which will make this renewal process obsolete in the future.

OTHER OPTIONS

Do not approve the agreement.

FISCAL IMPACT

There is no Fiscal Impact

[end agenda memo]

Agenda Item 18. 4th of July Fireworks

The full staff memo is incorporated into the minutes.

[begin agenda memo, prepared by Jennifer Nanek, Grants Administrator/Administrative Assistant]

SYNOPSIS

Consideration of bids for 4th of July Fireworks from Melrose South Pyrotechnics, Inc. for \$10,000

Staff recommends acceptance of the proposal from Melrose South Pyrotechnics, Inc of \$10,000 to conduct the 4th of July fireworks on Saturday July 4th at 9pm.

BACKGROUND

The City of Lake Wales budgeted in the 08-09 Fiscal year budget \$10,000 for fireworks on the 4th of July. Melrose South Pyrotechnics, Inc was the only company to submit a bid from 4 companies solicited. The show will be approximately 15-20 minutes. This company has provided the fireworks for the City in previous years.

OTHER OPTIONS

Do not accept the proposal.

FISCAL IMPACT

Cost of the fireworks is \$10,000

[end agenda memo]

Commissioner Wheeler made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Rogers.

ROLL CALL:

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

The motion carried 5-0.

COMMUNICATIONS AND PETITION

CITY COMMISSION TRACKING REPORT

SR 60 Medians: Mr. Otte reported said we are anticipating that FDOT staff will bring this to the July 21 Commission meeting. He said he spoke to FDOT last week and they did not have their revised drawings as of yet. As soon as they do, they will provide them to City staff to reproduce for VOICE volunteers to hand out to the businesses and property owners that front the project area.

CITIZEN COMMENT

There were no comments made by the public.

CITY COMMISSION COMMENT

Commissioner Wheeler said he would like us to consider what our purchasing procedures are and to give weight toward local providers. We help ourselves by patronizing locals because that helps our tax base rather than sending the money out of town. He said he would like to see us have a methodology that gives some weight to the local providers, even if this means modifying our purchasing procedures.

Mr. Otte suggested discussing this again at the next workshop or the July workshop. Staff will do some

research and a survey to see what other cities do and bring that back to the City Commission.

Commissioner Wheeler said this is nothing new to Lake Wales, because years back when the original City Hall was built, a requirement was made that 90% of the labor had to be local for the construction. They were clearly trying to keep money in the City. Mayor Van Sickle said we could add that as another item to the evaluation. Ms. Delmar said that is a feasible evaluation criterion for an RFP or an RFQ, but for commodities, which are bid on a cost basis, we need a statement in the ordinance saying that if the local bidder is not more than some percentage higher than the low bidder, then the bid could go to the local bidder. However, that would be a percentage threshold for the Commission to decide on. She said that we do incorporate weighting into our selection process for professional services.

Commissioner Wheeler requested that this be brought to the June or July workshop.

Commissioner Howell said she asked Police Chief Gillis to do a study on Wiltshire Avenue. The citizens there would like the speed limit decreased from 30 mph to 25 mph. Chief Gillis said he would also do a study for D Street.

Commissioner Howell said that out-of-town people are using Stuart Park and they are being loud, rude, and leaving trash everywhere. When asked where they live, the reply is "Tower Point." This is the same answer those people give when stopped in Grove Manor. Their ID needs to be checked. Something needs to be done to those disrespectful people, maybe arrest them or something. If we find that our Lake Wales people are doing this too, then we need to do something to them also.

Mr. Otte said the contract for the additional police service is scheduled to start July 1, which is when the fiscal year for the Housing Authority starts. The Housing Authority has signed the contract, but has not yet approved its budget that appropriates the money for the contract. We are waiting for that to happen so we can start the service on July 1.

Capt. Quinn said that the Police Department had a meeting today with Mr. Otte, Mr. Torrance, and the Fire Chief regarding the issue that Commissioner Howell just brought up. We are starting to work on the problem at Stuart Park, so the citizens in that area should start seeing some improvements in a few weeks.

Commissioner Rogers said he is very much in favor of getting contractors in Lake Wales to bid on city work to keep the money here. It is Lake Wales' money and we need to keep the money with the Lake Wales people. He said he would like staff to contact some of our local contractors and let them know we want them to start bidding on jobs.

Mimi Hardman, 300 S. Lake Shore Blvd. and president of the Historic Lake Wales Society, thanked Commissioner Howell for bringing up the issue of Stuart Park. Ms. Hardman provided information about the acquisition of the property and construction of the park. She urged the City to follow up on Commissioner Howell's complaint.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk