

The regular meeting of the Lake Wales City Commission was held on August 4, 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 Kathy Berkowitz, the Lake Wales News.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Y. Howell; Jonathan Thornhill; John Paul Rogers; Mayor L. Jack Van Sickle.

COMMISSIONERS ABSENT: Lee A. Wheeler, III.

CITY REPRESENTATIVES PRESENT: Judith H. Delmar, Acting City Manager; Albert C. Galloway, Jr., City Attorney; Clara VanBlargan, City Clerk.

Agenda Item 4. APPROVAL OF MINUTES

Commissioner Thornhill made a motion to approve the minutes of the July 21, 2009 regular meeting. The motion was seconded by Commissioner Howell.

By voice vote:

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

The motion carried 4-0.

MAYOR

Agenda Item 6. Appreciation Card – Lake Wales Fire Department

Mayor Van Sickle presented an appreciation card to Mike Danford, Emergency Manager, on behalf of the Lake Wales Fire Department, from Ray and Ann Courture thanking them for their heroic actions that saved their home from total destruction by a fire on July 13, 2009.

CONSENT AGENDA

OLD BUSINESS

NEW BUSINESS

Agenda Item 7. Interlocal Agreement with Winter Haven Area Transit System (WHAT)

Ms. Delmar reviewed Agenda Item 7. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission will consider expenditure of \$5,433 in FY09'10 as the City's "fair share" contribution to the Winter Haven Area Transit System.

RECOMMENDATION

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

1. Approve the expenditure of \$5,433.00 in FY09'10 as the City's "fair-share" contribution to the Winter Haven Area Transit System for continued transportation services in the Lake Wales area; and
2. Authorize the Mayor to execute an Interlocal Agreement with the Polk County Board of County Commissioners for the management and operation of the transit system and the commitment by the City of a \$5,433.00 "fair-share" contribution.

BACKGROUND

The Winter Haven Area Transit System is currently providing transportation service to six municipalities, one of which is Lake Wales. Service level forecasts for the WHAT system for FY09'10 are based on each municipality's commitment and is critical to the continuation of service at near current service levels. The assessed amount is based solely on the percentage of service being provided within each respective municipality and is considered a "fair-share" contribution. Once the Polk County Authority is operating, contributions in this manner will not be necessary to maintain the transit system. The amount requested for FY09'10 is \$5,433.00 and must be secured through an Interlocal Agreement with Polk County.

FISCAL IMPACT

If the Interlocal Agreement is approved, \$5,433 must be added to the proposed FY09'10 budget request.

OTHER OPTIONS

Do not approve the \$5,433 contribution and the Interlocal Agreement with Polk County.

[End agenda memo]

Paul Simmons, Polk County Transit Services, answered questions from the Commission. He said that Lake Wales' commitment was critical to the continuation of service at current service levels. The route from Winter Haven to Eagle Ridge Mall is one of the most heavily traveled in the entire system, handling about 30,000 trips annually.

Mayor Van Sickle said this approval is for budgetary reasons only. He asked Mr. Simmons to attend a workshop in the fall to further study the issue to see if there was a need for expansion of service here.

Commissioner Howell made a motion to approve the expenditure of \$5,433.00 in FY09'10 as the City's "fair-share" contribution to the Winter Haven Area Transit System for continued transportation services in the Lake Wales area; and to authorize the Mayor to execute an Interlocal Agreement with the Polk County Board of County Commissioners for the management and operation of the transit system and the commitment by the City of a \$5,433.00 "fair-share" contribution. The motion was seconded by Commissioner Rogers.

By voice vote:

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

The motion carried 4-0.

Ms. Delmar asked to discuss Agenda Item 8 after a representative from Florida Refuse arrives.

Agenda Item 9. Recreation Trails Program Grant Expenditures

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Bicycle and Pedestrian Advisory Commission (BPAC) has recommended the purchase of amenities for the Rails to Trails with the use of remaining grant funds. These amenities, including bike racks, trash cans, interpretive signs, and benches, will cost approximately \$6,346 in both grant and matching funds.

RECOMMENDATION

Staff recommends approval of the BPAC's list of amenities for the Trail from Kiwanis Park to Buck Moore Road with the use of remaining grant funds. The recommendation includes two benches and two trash cans with a separate section for recyclables.

BACKGROUND

In March of 2008, the City of Lake Wales accepted a \$200,000 Recreation Trails Program Grant from the Office of Greenways and Trails, Department of Environmental Protection, to pave the section of the former rail bed from Kiwanis Park to Buck Moore Road. The grant was matched with \$133,000 in Recreation Impact Fees. Due to declining costs of construction, the trail itself was completed under budget leaving a balance of \$72,885 remaining to be spent elsewhere on the project. The amenities recommended by the BPAC were not part of the original scope of work, and, for this reason, City Commission approval of this extended scope of work is required.

Rules for the use of extra funds are restricted under the agreement with the Office of Greenways and Trails. Items such as landscaping and wayfinding signs are not allowed. Items that are allowed include trash cans, benches/rest stops, interpretive and/or recognition signs, and bike racks.

OTHER OPTIONS

Recommend different amenities to be purchased.

Do not purchase any amenities and close out the grant.

FISCAL IMPACT

The amenities recommended by the BPAC will cost approximately \$6,346; 60% (\$3,808) will be paid by grant funds, and 40% (\$2,538) will be matched from Recreation Impact Fees.

	City Impact		
	State grant	Fees	Total
budgeted	200,000	133,000	333,000
expended	(156,225)	(103,890)	(260,115)
balance @ 7/31/09	43,775	29,110	72,885
BPAC amenities	(3,808)	(2,538)	(6,346)
Total Unspent	39,967	26,572	66,539

After the BPAC-recommended amenities are completed, the grant will be closed out. Unspent grant funds will be used by the State for other purposes. The pledge on unspent impact fees will be released and those fees may be used for any other impact fee eligible project.

[End agenda memo]

Mayor Van Sickle said he does not understand why it would cost \$1,345 for a 35-gallon trash can. Jennifer Nanek, Grant Administrator, said the cost was from a catalogue and there would be three containers: one for trash, one for aluminum, and one for plastic. Mayor Van Sickle said most of the people using the trail would not be thinking about recycling. People will put anything in the containers. He asked why we are spending the money for recycling on the trail. Ms. Nanek said the Bicycle and Pedestrian Advisory Commission (BPAC) debated that issue at several of their meetings and then voted for it. Mayor Van Sickle said he had no problem with the dollars, he just does not understand how the recycling would work on the trail. Noel Phetteplace, member of BPAC, said BPAC discussed it on several occasions and he does not think recycling on the trail was a major requirement. The containers do not have to be of the same style. The Board tried to pick containers that would have less wear and tear. Mayor Van Sickle said he was not sure the City is set up to do recycling on trails nor if it would be money well spent.

Commissioner Howell said she understands that the grant is specific about how funds can be spent. If trash containers can be put on the trail then we should put them there. Mayor Van Sickle said we could purchase much cheaper ones.

Commissioner Thornhill said if we are going to promote "Go Green" then we should have something on the trail.

Mimi Hardman, member of BPAC, said she would like to take this back to the BPAC. A decision does not have to be made until March 2010. Maybe we can get containers that are less expensive and then use the remainder of the money to purchase more benches etc.

Mayor Van Sickle said the Commission could approve a total of \$6,300.00 to purchase items for the trail.

Commissioner Thornhill made a motion to approve the recreational trails program grant expenditures. The motion was seconded by Commissioner Howell.

By voice vote:

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

The motion carried 4-0.

Agenda Item 8. Update from Florida Refuse

Dorothy Pendergrass, Finance Director, reviewed Agenda Item 8. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Dorothy Pendergrass, Finance Director]

SYNOPSIS

Jean Wilson, a representative of Florida Refuse, will provide the City Commission an update on residential recycling, commercial recycling and efforts to improve the use of City alleyways.

BACKGROUND

Jean Wilson, representing Florida Refuse, will provide an annual review of the efforts and improvements relating to residential recycling which continues to improve in Lake Wales. She will also provide details on discounted rates offered to commercial recycling customers and detail on the continued efforts made by Florida Refuse to encourage commercial recycling.

Ms. Wilson and Dorothy Pendergrass, Finance Director, will discuss the use of the city's alleys for trash removal purposes. The original construction of the alleyways did not anticipate the size and weight of modern trash trucks. While some alleys are able to support the current use, others are in need of additional improvements or modification. In some instances, it is impossible to avoid alleyway damage during the trash removal process without some modification to the alley.

Florida Refuse, the Finance Director, and Street Operations will begin meeting on a regular basis to identify alleyway damage caused by trash removal and determine whether the cost to repair the damage should be the responsibility of Florida Refuse or the City or whether it should be shared.

[End agenda memo]

Jean Wilson, a representative of Florida Refuse, provided an annual review of the efforts and improvements relating to residential recycling in Lake Wales. She provided details on discounted rates offered to commercial recycling customers and continued efforts made by Florida Refuse to encourage it. Ms. Wilson said she would like to come back at another time to give a PowerPoint presentation showing how great the City is doing with residential recycling. She said as part of the agreement, the City gets a rebate for its increase in recycling tonnage. So far, recycling has increased by 10 tons a month. Ms. Wilson said she would also like to discuss a preferred rate at that meeting.

Commissioner Rogers said some residents from Carlsburg Estates said they would like smaller trash containers. Ms. Wilson said they would need to call Customer Service.

Ms. Wilson said Florida Refuse received a letter from the City about an alleyway at 439 E. Central Avenue and at Highland Crest. She met with City staff at the alley at Central Avenue. To avoid property damage by the garbage truck in that alley, the City had to trim some trees to give more clearance. Ms. Wilson said she met with the lady that made the complaint to the City regarding the alley at Highland Crest. The garbage man had left garbage in the street, which was not a routine thing. It was taken care of. Ms. Wilson said in some instances, it is impossible to avoid alleyway damage during the trash removal process without some modification to the alley, such as maintenance, millings, tree trimming, etc. This would prevent property damage. If the damage is avoidable, the City is going to take some before and after pictures and try to repair what it can. If it happens again, Florida Refuse will pay for the repair. There are some damaged structures that Florida Refuse agreed to pay for. If property damage is unavoidable, that is where the real difficulty

comes in because Florida Refuse agreed to go down those alleys but not without repercussion. The Finance Director and the Code Enforcement Officer are going to ride the alleys and identify which alleys are the biggest problems and then discuss that at a workshop meeting with the Commission on what to do. Ms. Pendergrass said where damage is avoidable, the City will make the repairs. After that, Florida Refuse will pay for the repairs because it is really an operator issue and not an infrastructure issue. The Commission will provide direction on unavoidable situations.

Mayor Van Sickle said he drove down a lot of the alleys with his small Jeep and some of them were difficult to go down. For those areas, people may have to move their garbage to the front instead of in the alley. Ms. Delmar said that would have to be addressed in a workshop first, because it will require an ordinance change.

Agenda Item 10. Agreement with Polk County Fleet Maintenance for City Vehicle and Service

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission will consider entering into a Memorandum of Understanding with the Polk County BoCC for maintenance and service of city-owned vehicles by the Polk County Fleet Maintenance Division.

RECOMMENDATION

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

1. Approve the Vehicle Maintenance Memorandum of Understanding between the Polk County Board of County Commissioners and the City of Lake Wales
2. Authorize the Mayor to execute the Memorandum of Understanding on behalf of the City
3. In the event that the agreement with the County is terminated within two years of commencement and our lead mechanic is re-employed by the City, approve the commitment to purchase up to two years of service for the purpose of calculating his retirement benefit

BACKGROUND

At the budget workshop on June 25, Commissioners expressed a strong interest in exploring the cost-effectiveness of privatizing the city's fleet maintenance operation. Currently the City employs 1 lead mechanic and 2 mechanic helpers for maintenance and service on 211 city-owned vehicles, mowers, and other pieces of equipment.

Audited financial records for YE 9/30/08 indicate that the City spent \$545,211 on materials and labor related to maintenance and repair of vehicles and equipment in FY07'08. Current year financials indicate that we are on target to spend an estimated \$376,000 by 9/30/09. Cost reductions from last year to this year can be explained by replacement of older vehicles and equipment that required the most maintenance, fewer vehicle accidents, improved training in the care and use of equipment, and improved procedures for routine service and preventive maintenance. In recent years, the City's fleet maintenance division has been without a full-time shop supervisor. This role was filled on a part-time basis for two years by a police officer with automotive repair experience and for two years by the assistant to the city manager who also had automotive knowledge. Currently there is no one in the organization who can provide full-time or part-time supervision for fleet maintenance operations.

Prior to preparing a request for proposal to send out to local automotive service and repair shops that could potentially provide fleet maintenance services to the City on a contract basis, Bonnie Hodge, Purchasing Agent, contacted Polk County Fleet Maintenance (PCFM) to see if that agency could provide service to us through an interlocal agreement with the Board of County Commissioners.

In discussions with Bob Stanton, Director of Fleet Management for Polk County, Ms. Hodge determined that the County is interested in consolidating its fleet maintenance operations with those of the various municipalities in order to take advantage of the economies of scale and improved efficiencies available to larger operations.

Mr. Stanton submitted a proposal in the form of a fixed rate schedule and a Memorandum of Understanding between the City and the BoCC, wherein PCFM would provide a full-time supervisor to manage the City's fleet maintenance operation in the City's existing garage facility with the current employees. The charge to the City for these fleet maintenance and repair services is \$176,888 for the period 10/1/09 through 9/30/10.

The price quoted includes the cost of labor, parts and outsourced services related to routine maintenance, breakdowns and preventive maintenance. Repairs related to accidents and user abuse are included as a service but are not included within the basic fixed rate structure. Charges incurred beyond the basic fixed rates because of accident damage or user abuse will be charged to the City at the County's prevailing hourly rate (currently \$76/hr and parts plus 40%). If any outside vendor is used by PCFM, the City would be charged PCFM's actual cost plus 15% not to exceed \$200 per instance. All repairs incurring costs beyond the fixed rate will, however, require approval from the City prior to incurring the cost, and the City will have the option of bidding the work out to another vendor of its own choosing.

Under the terms of the agreement, PCFM will provide a full-time on-site supervisor for the fleet maintenance operation. The three mechanics currently employed by the City would be employed by the County subject to successful completion of the County's routine screening process mandatory for all new employees. These employees will also be subject to the County's standard probationary period of 6 months. These three employees have all been good employees for the City, and there is no reason to believe they will not meet the County's requirements for permanent employment.

Ms. Hodge and Sandra Davis, Human Resources Director, have had several discussions with each of the employees affected by this agreement, and none have expressed an objection.

In the event that the agreement with PCFM is terminated and the City takes back fleet maintenance operations, these employees will be given the option of returning to city employment without suffering monetary loss. One of the three employees is currently vested in the city retirement plan, and he has indicated that he will leave this retirement benefit in place. Should the agreement with PCFM be terminated after the first or second year and this employee is re-employed by the City, it is recommended that the Commissioners approve a commitment to purchase up to two years of service for the purpose of calculating his retirement benefit. A change to our general employee pension ordinance may be necessary in order to allow this type of buy-back.

Under the terms of the agreement, Polk County Fleet Maintenance also agrees to provide:

- Preventive and breakdown maintenance.
- Management of accident and abuse related repairs in conjunction with city management personnel.
- Tire maintenance, replacement and repairs.
- Service and breakdown support, 24 hours/day, 7 days/week
- Repair and maintenance to allied tools, equipment and small engine machinery currently being handled by the vehicle technicians employed by the City.
- Maintenance reporting within the current Fleet Management automated system (RTA)
- Access to and service from all PCFM's network of garage facilities county-wide.

- Support to city Fire Services utilizing the county's EVT certified technicians.
- Maintenance support to city-owned generators if desired
- Operation and care of the city-owned fueling system including fuel sites and Fuelmaster automated system.
- Repairs to shop equipment owned by the City if the failed equipment was rendered inoperative due to repair activities performed by the PCFM.

For its part, the City agrees to:

- Fully support and encourage the efforts of PCFM among city staff.
- Make all vehicles/apparatus available for routine and preventive maintenance.
- In cooperation with PCFM, take the necessary steps to protect the vehicles and equipment by assuring maintenance and repairs are authorized and approved.
- Hold employees accountable for unreasonable or unnecessary vehicle/equipment damage or abuse and work with PCFM to accomplish same.
- Partner with PCFM in considering and acting on recommendations of operating changes where such will enhance asset protection and lower total vehicle costs without compromising response time or service to citizens.
- Provide, adequately maintain, and fund a garage facility, shop equipment, electricity, water adequate to accomplish routine vehicle maintenance activities at the City's sole expense.
- Remit payment of PCFM invoices on a timely basis (30 days).

Both the County Attorney and the City Attorney have reviewed and approved the Memorandum of Understanding.

FISCAL IMPACT

The County has established an annual schedule of fixed rates to be applied to all vehicles/equipment covered by this agreement. The schedule is attached to the agreement as Attachment 'A'. The annual rate will be divided by 12 and invoiced to the City on a monthly basis in arrears. The rate per vehicle will cover all repairs and routine maintenance (including tires and towing) to the equipment represented on the Schedule. The rate will not cover accident damage repairs, repairs/replacement of windshields or other broken glass, repairs due to driver abuse or vandalism.

As stated previously in this memo, charges incurred beyond the fixed rates (e.g. accident damage) will be charged at the County's prevailing hourly rate. If an outside vendor is used, the City will be charged at the PCFM's actual cost plus 15% not to exceed \$200 per instance. All repairs representing assessments beyond the fixed rate will require approval from the City prior to execution by PCFM.

Current city costs are compared to the County's proposal in the following summary chart:

Department	City Operation					County Operation
	Actual 9/30/08	Budget FY08'09	YTD 6/30/08	Est Thru 9/30/09	Budget FY09'10	Budget FY09'10
Fleet Unallocated (overhead)	194,909	115,562	48,822	65,096	102,400	
Fleet Shop Expense (facility, IS, ins, etc)						52,880
Reserve for contingencies						50,000
General Fund departments	458,377	332,044	200,141	266,855	304,844	136,036
Special Revenue Fund departments	44,333	36,846	36,194	48,259	47,137	25,727
Utilities Fund departments	42,501	48,663	45,663	60,884	63,469	15,125
TOTAL EXPENSE	545,211	417,553	281,998	375,997	415,450	279,768

estimated savings 135,682

Because PCFM cannot validate either the current vehicle condition or efficacy of the past maintenance of the city-owned vehicles/equipment, all fixed rate related expenses incurred above the annual fixed rate will remain the City's responsibility for the initial 12 months of this agreement. A \$50,000 reserve for contingencies is budgeted for this purpose. After the initial 12-month term, any fixed rate related expenses incurred above the fixed fee will be the responsibility of PCFM.

If the City Commission approves this agreement with the County, the estimated savings will allow us to restore funding of the fire prevention specialist position that was going to remain vacant after the retirement of the employee currently holding the position.

OTHER OPTIONS

The City Commission may choose not to enter into this agreement with the County and 1) continue fleet operations as they now exist or 2) direct staff to develop a request for proposal for submittal to local auto repair and maintenance shops.

Staff recommends approval of the agreement with the County because our employees will keep their current jobs, we will gain a full-time on-site supervisor for fleet maintenance operations, and we will save money.

[End agenda memo]

Bob Stanton, Director of Fleet Management for Polk County, said the City of Lake Wales requested assistance from the county in satisfying its fleet maintenance needs. The county placed a supervisor at the City's fleet maintenance shop today who will be working three days a week.

Mayor Van Sickle asked if the garage employees would now be county employees. Ms. Delmar said yes. Mayor Van Sickle said pay was an issue with the Police Department dispatchers. Mr. Stanton said they would be paid at their current pay grade for the first six months. After that, their skills would determine promotion to a higher-level pay grade.

Ms. Delmar said if the agreement does not work out and is terminated, the City would take back its fleet maintenance operation and the employees would have an option of returning to City employment or staying with the county. If the employee that is currently vested in the City's retirement plan

decides to return to City employment, the City would purchase up to two years of service for the purpose of calculating the employee's retirement benefit.

Commissioner Howell asked what is the difference between the dispatcher agreement and the fleet maintenance agreement. Ms. Delmar explained that the communications dispatcher agreement was a situation where the entire operation was being taken over by the county and the City's dispatcher function ceased. With the fleet maintenance agreement, the Polk County Fleet Management Services is running the City's operation in the City's garage. The City will continue to maintain the garage, pay all the utility bills, and provide all the IT support. The county will provide the supervisor to oversee the operation, supervise the employees, buy the City's parts inventory, and the City will keep its equipment. If the agreement is terminated it would just be a matter of starting it up again. The county will be charging a fixed rate, which includes labor and parts on vehicles in our fleet.

Commissioner Thornhill asked if the employees were informed about this. Ms. Delmar said yes, they are in favor of this.

Commissioner Rogers asked if the agreement would result in a big savings. Ms. Delmar said yes. We anticipate a savings of about \$150,000. The savings will result in a reinstatement of the Fire Prevention Specialist position that we thought we would lose.

Commissioner Howell asked the term of the contract. Ms. Delmar said this is a one-year contract that renews automatically unless terminated. It would take about a year or two to see if this is in the City's best interest, which we expect it to be. Everyone is committed to making this work. We expect no problems, but in the event that there are, we need to make a provision for our employees to come back if they want to.

Commissioner Thornhill made a motion to approve the Vehicle Maintenance Memorandum of Understanding between the Polk County Board of County Commissioners and the City of Lake Wales; authorize the Mayor to execute the Memorandum of Understanding on behalf of the City; and in the event that the agreement with the County is terminated within two years of commencement and our lead mechanic is re-employed by the City, approve the commitment to purchase up to two years of service for the purpose of calculating his retirement benefit. The motion was seconded by Commissioner Rogers.

By voice vote:

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

The motion carried 4-0.

Agenda Item 11. Appointments – Audit Committee

Ms. Pendergrass reviewed Agenda Item 11. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Dorothy Pendergrass, Finance Director]

SYNOPSIS

Section 218.391, Florida Statutes, requires that the governing body of a municipality prior to entering into a written contract for procurement of auditing services, except for contract renewal, shall establish an audit committee to assist the governing body in selecting an auditor to conduct the annual financial audit.

RECOMMENDATION

Staff recommends that the City Commission take the following actions:

1. Establish an audit committee for the purpose of providing assistance to the Commission in selecting an auditor to conduct the annual financial audit.
2. Approve Judith Delmar, Bridget Denihan and Linda Kimbrough as members of the audit committee.
3. Terminate the audit committee once selection for professional auditing services has been completed by the City Commission.

BACKGROUND

On July 7, 2009, the City Commission approved issuance of a request for proposal for professional auditing services. In compliance with state statute, municipalities prior to entering into a written contract for procurement of auditing services are required by Florida Statute 218.391 to establish an audit committee. The primary purpose of the audit committee is to assist the governing body in selecting an auditor to conduct the annual financial audit. The audit committee shall:

1. Evaluate proposals provided by qualified firms.
2. Rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established within the RFP.

FISCAL IMPACT

N/A

[End agenda memo]

Ms. Pendergrass said she received one other application, which is from Robert Kelly who serves as a member on the Airport Authority Board. The Airport Authority members said they would like to have a representative on the Audit Committee from their Board. It is recommended that Mr. Kelly serve for the Airport Authority. She said once this project is over, the Audit Committee would be terminated.

Ms. Delmar said she really did not have the time to dedicate to this project, due to trying to put the budget and CIP together. Ms. Pendergrass suggested that a commissioner be appointed instead.

Commissioner Howell recommended that Commissioner Wheeler serve as the Commissioner representative.

Commissioner Howell made a motion to establish an audit committee for the purpose of providing assistance to the Commission in selecting an auditor to conduct the annual financial audit; appoint Robert Kelly, Bridget Denihan, Linda Kimbrough, and Commissioner Wheeler to serve as members of the audit committee; and terminate the audit committee once selection for professional auditing services has been completed by the City Commission. The motion was seconded by Commissioner Rogers.

By voice vote:

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

The motion carried 4-0.

Agenda Item 12. Appointments – Investment Committee

Ms. Delmar reviewed Agenda Item 12. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission will appoint members to the Investment Committee that is established for the purpose of formulating alternative investment strategies and short-range directions and for monitoring the performance and structure of the City's investment portfolio within established policies.

RECOMMENDATION

It is recommended that the City Commission select one commissioner and two members from the public for appointment to the Investment Committee. The City Commissioner shall serve for the duration of their term as Commissioner. The two members of the public shall serve a 4-year term to be affective August 5, 2009.

BACKGROUND

In accordance with City Code Section 2-502, an investment committee shall be appointed for the purpose of formulating alternative investment strategies and short-range directions and for monitoring the performance and structure of the portfolio within established policies. The committee will formulate and recommend change, if necessary, to the investment policies. The committee shall consist of the city manager, a city commissioner, the finance director, and two members of the public who are eligible for board appointment in accordance with City Code Section 2-26. Membership on the committee shall be limited to persons who are residents of the City of Lake Wales or owners of property located in the City of Lake Wales or persons having a business tax receipt issued from the City of Lake Wales.

Applicants:

Two (2) vacancies, public members: Terms to expire 07/1/09
Initial terms affective 08/05/09

Applying for appointment: James M. Nelson "Jimmy," business tax in city
Robert J. Ference, resident
Mike Carter, resident

OTHER OPTIONS

Do not appoint the applicants named above and seek other applicants.

FISCAL IMPACT

None. Members are volunteers and receive no compensation.

[End agenda memo]

Mayor Van Sickle recommended Robert J. Ference to serve on the Investment Committee.

Commissioner Howell recommended James M. Nelson "Jimmy" to serve on the Investment Committee.

Commissioner Thornhill volunteered to serve on the Investment Committee.

Ms. Pendergrass pointed out an error in the agenda memo. She said the terms expire on 07/01/13 and not 07/01/09.

Commissioner Howell made a motion to appoint Robert J. Ference, James M. Nelson "Jimmy," and Commissioner Thornhill to serve on the Investment Committee for a term to expire on 07/01/13. The motion was seconded by Commissioner Rogers.

By voice vote:

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

The motion carried 4-0.

Agenda Item 13. Appointment – City Manager

The full staff memo is incorporated into the minutes.

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

The Mayor wishes to discuss the appointment of City Manager.

[End agenda memo]

Mayor Van Sickle stated it has been said that it would be hard to find a City Manager. He said Ms. Delmar has filled in that position so many times that she probably has as much experience as City Manager as some of the active managers in the area. Ms. Delmar is well known and all the employees like her or at least respect her for her knowledge. Mayor Van Sickle said he thinks the City would be better off if we move forward and ask the City Attorney to start the negotiations with Ms. Delmar as our new City Manager.

Commissioner Rogers said Ms. Delmar would make a fine City Manager. She knows the town, she is very qualified academically, and she is very qualified in experience. We could advertise from now until doomsday and not get a better candidate than Ms. Delmar to serve the needs of the people in Lake Wales. Commissioner Rogers said he hopes that Ms. Delmar would accept the City Manager position. He said he talked with a number of employees who said they would be glad to have Ms. Delmar as their City Manager, she works hard, and they would like to help her in any way they can. Ms. Delmar is very knowledgeable and always has the right answer. Commissioner Rogers said he is certainly in favor of Ms. Delmar being the City Manager. She will help pull the City together and heal some of the wounds. He would hope that the rest of the Commissioners feel the same way and appoint Ms. Delmar as our next City Manager.

Commissioner Howell said Ms. Delmar has been very intimately involved in everything that has been done throughout all the years. She was concerned as to who would serve in the absence of the City Manager.

Commissioner Thornhill said he would be very happy if Ms. Delmar serves as City Manager. The only concern would be that Ms. Delmar is currently in the Drop Plan and will be retiring in about 3-1/2 years. He asked if we should start the process of looking for a City Manager now or should we wait until we get closer to her retirement. Either way, we know we have to start the process at some point.

Commissioner Howell said Ms. Delmar could retire, wait six months, and then come back. Ms. Delmar commented she would be taking a very long vacation.

Mayor Van Sickle asked if the Commission needed to make a motion or give direction to the City Attorney to start the negotiation process with Ms. Delmar. Mr. Galloway said he only needed direction to start the negotiation process with Ms. Delmar and to bring back a document for the Commission to approve at the next City Commission meeting.

Mayor Van Sickle directed Mr. Galloway to enter a negotiation with Ms. Delmar as City Manager, work out the agreement, and to bring the document back to the Commission at the next meeting for approval. He said salary is not to exceed \$112,000 a year with no car allowance.

Ms. Delmar said for the record, a car allowance was discussed. She said a car allowance will not be necessary nor would a pension contribution or a deferred compensation arrangement. It would be a straight salary negotiation.

The direction of the Mayor was the consensus of the City Commission.

Agenda Item 14. Agreement – City of Lake Wales/PBA

Ms. Davis reviewed Agenda Item 14. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sandra Davis, Human Resources Director]

It is recommended that the City Commission ratify the proposed amendments to the agreement between the City of Lake Wales and the West Central Florida Police Benevolent Association, Inc.

BACKGROUND

On November 6, 2007 the City Commission approved the collective bargaining agreement between the City of Lake Wales and the Police Benevolent Association, Inc. (PBA) for the period 10/1/2007 through 9/30/2008. The general purpose of the agreement was to provide wages, hours, terms and conditions of employment for the employees in the police department bargaining unit of which all sworn officers in the classification of police officer, corporal or sergeant are members.

Amendments have been negotiated for the period October 1, 2008 through September 30, 2009. The amendments are presented to the City Commission for ratification at this time. Changes to the existing agreement are highlighted below:

AMENDMENT 1 Article 16 Wages

16.1 B. Members shall receive a one percent (1%) cost-of-living increase to base annual salary, retroactive to October 1, 2008.

Note: The 1% cost of living increase effective October 1, 2008 is consistent with what the general employees and fire department employees received.

AMENDMENT 2 Article 22 Hours of Work and Overtime

22.5. Time worked shall be calculated in one week cycles beginning on Sunday at 0600 and ending the following Sunday at 0600. Time worked in excess of normally scheduled hours shall be computed as overtime. For the purposes of computing overtime "Time Worked" for members of the bargaining unit when calculating overtime shall include vacation days, holidays, safety days, optional holiday (personal day) and compensatory time.

Note: This is consistent with the work schedule for the general employees.

AMENDMENT 3 Article 30 Duration, Modification & Termination

30.1 This Agreement shall be in full force and effect from 12:01 on the day after ratification by the Lake Wales City Commission and the PBA, and shall continue in full force and effect until 11:59 pm of September 30, 2009.

FISCAL IMPACT

The cost of living adjustment of one percent (1%) for October 1, 2008 (this is the same as the general employees and fire department employees received) is budgeted in FY 08'09 budget. The hours of work and overtime pay will be paid from the police department's current budget.

OTHER OPTIONS

Do not ratify the contract.

[End agenda memo]

Commissioner Thornhill made a motion to ratify the proposed amendments to the agreement between the City of Lake Wales and the West Central Florida Police Benevolent Association, Inc. The motion was seconded by Commissioner Rogers.

By voice vote:

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

The motion carried 4-0.

CITY MANAGER'S REPORT

CITY COMMISSION TRACKING REPORT

Ms. Delmar said staff received confirmation on July 28 that the project funding had been delayed for about a year. The economic summit was added to the tracking report at the request of Commissioner Thornhill. Staff plans to start the planning process for the summit sometime after the first of the year.

COMMUNICATIONS AND PETITIONS

Ruth Dampier, 1154 S. Lakeshore Blvd., said she can understand having trash containers on the rails to trails, but not the more expensive ones. She said there is not much traffic on the trail, so why buy expensive containers. Ms. Dampier said the alley between 3rd and 4th Streets, right off of SR 60, is full of giant holes and there is overgrown brush with limbs hanging over the road making it difficult for vehicles to get through there. It needs to be addressed as soon as possible because there is no way to pick up trash through there.

Jack Neal, 435 E. Central Avenue, thanked Ms. Pendergrass for taking care of his alley problem.

CITY COMMISSION COMMENT

Commissioner Rogers said there are two dead trees at the Twin Lakes pavilion that need to be removed. Ms. Delmar said staff spoke with Nancy Furland about that and was told the trees have to be permitted before being removed because of birds roosting in them. She said that is in the process.

Commissioner Howell asked about the evaluation forms that were in her mailbox. Ms. Delmar said the forms were provided to the Commission for review and to pick out the best form to be used in terms of being a possible format for a City Manager evaluation. Commissioner Howell asked if she could mix and match them. Ms. Delmar said yes, circle the parts she liked best, and give them back to Ms. Davis.

Commissioner Howell said it would be good for the Commissioners to get a copy of everybody's evaluation so they would know what their job entails and if that work is getting done. Ms. Delmar said everyone is evaluated on an annual basis, supervisors evaluate everyone below them, the City Manager evaluates all the department heads, and the evaluations are up-to-date. Commissioner Howell said it is understandable that understaffed departments will fall behind, but we have to make progress. We can do that by hiring part-time people to help and maybe train the "weekend warriors" to help every weekend. Mayor Van Sickle said it might be a good idea to have a workshop on that. He said he is a member of the Finance Committee and the audit was just discussed. There are performance indicators that tell how well the City is doing. There were 15 indicators and 11 of them were unfavorable. The finance director might be evaluated on decreasing the amount of unfavorable indicators, for example. Mr. Galloway said a concern would be that the Charter prohibits the direct focus of Commissioners on individuals underneath the City Manager. The City Manager has the responsibility for directing them. Commissioner Howell said the Commission would be able to tell the City Manager which department head is not doing their job. Ms. Delmar said those performance indicators have more to do with the amount of cash the City has than what a department head can do.

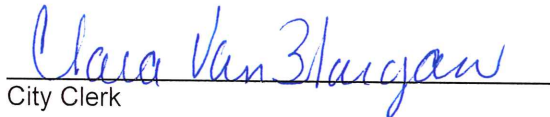
Commissioner Thornhill thanked Ms. Davis for providing the information that he had requested.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk