

The regular meeting of the Lake Wales City Commission was held on February 16, 2010 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; John Paul Rogers; Mayor L. Jack Van Sickle.

COMMISSIONERS ABSENT: Jonathan Thornhill.

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

MAYOR

Agenda Item 5. Employee Recognition: Holly Britt & Water Department; Beverly Pennington

A commendation was presented to Water Supervisor Holly Britt for the outstanding achievement she and Water Operators, Jerry Willbanks, Damon Summers, and Rick Yeager had done in caring for and maintaining the city water system. The survey conducted by the Florida Department of Health found no violations, which was the first time in many years.

A commendation was presented to Streets Division Manager Beverly Pennington for her continuing exhibition of leadership and management skills associated with the City of Lake Wales Streets and Parks operation.

Agenda Item 6. Florida Refuse to present a Recycling Rebate Check to the City

Jean Wilson, Marketing Director for Florida Refuse, said that within the next couple of weeks, Florida Refuse was going to give the City a check because of the City's increased participation in the recycling program. They recently added a commercial recycling program and had about 30 businesses participating. Their sales representative worked out a program with each business to determine their container size need, most of them preferring the 95-gallon totes. She said that, as an incentive to increase participation, they had implemented the "Get Caught Recycling Campaign." She asked Jean Scott to come up and explain how they came up with the winners. Each winner received a \$25 gift card for a local restaurant, their aim being to support City businesses. The winner also got a display sign for their yard that read, "Go Green and Make Some Green."

Ms. Scott said they went primarily to neighborhoods that did not participate fully, giving the prize to one in that neighborhood who did recycle heavily, in order to inspire the neighbors to do likewise. They started very early in the morning, before pickup, and traveled about 60 miles. She said she was disappointed that so few residents recycle. Ms. Wilson said that Ms. Scott might have seen a lack of participation because the contest was done when the winter residents were returning to their homes in the north. Florida Refuse statistics show a high participation rate in Lake Wales. She said they were proposing another campaign this year during the summer when recycling drops off, after all the winter residents have left, so they can encourage more participation from those that remain. Ms. Scott said she would be happy to help again with the campaign.

Mayor Van Sickle said that last night a resident in his neighborhood said that she came from Oregon where recycling is big and that the only trash she throws out fits in a Wal-Mart shopping bag. She wanted to know why the City was not doing more to get people to recycle. The Mayor said that he wanted to see more recycling because it would be savings for the City, plus it would help the environment. He thought it might be a matter of more education.

Ms. Wilson said that Oregon was one of the top recycling states in the country, with about 60% participation, and that the goal for Florida is to reach 75% within the next ten years, which will be a huge undertaking. She said it would involve making at least commercial recycling mandatory. There are also plans to spend up to \$4 million to upgrade their material recycling facility and exchange the bins with 65-gallon carts that have ID chips in them that would measure participation. This will create about 15 to 20 jobs. Points would be given through the "Recycle Bank Program" to each resident according to how much a community has recycled that could be redeemed at local businesses on line or by phone. She said it was their hope that one day, people would be using the 95-gallon carts for recycling and the 65-gallon carts for garbage. They hope to have a program like that within the year and she will let the Commission know when. They will heavily promote it by direct mail, advertisements, and through local businesses. She ended by saying that Lake Wales averages about 30 tons of recycled materials a month.

CONSENT AGENDA

Mayor Van Sickle commented that over the past couple of years he had voiced his concern that he did not think the way the City contracted services was done in the best way. In the consent agenda brought before them, were contracts that were being put out for bids for materials, and one that was settled about nine months ago dealing with asbestos pipes that needed to be replaced because of problems and issues. The contractors had been the one given the choice as to the way the pipe problem would be solved, and he felt that a contractor would not have the best interests of the City in mind.

Agenda Item 7 Approval of Minutes: February 2, 2010

Agenda Item 8. Invitation to Bid – Water & Sewer Materials and Accessories

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Bonnie Hodge, Purchasing Director]

SYNOPSIS

Staff is seeking proposals Water and Sewer Materials and Accessories.

RECOMMENDATION

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

1. Approve the Invitation to Bid #10-178.

BACKGROUND

The City desires to contract with a vendor, or vendors, for the purchase of Water and Sewer materials and accessories.

In the past staff has obtained three quotes before ordering water and sewer materials and accessories to keep in stock in inventory.

Staff has prepared an Invitation to Bid in order to contract with one or more vendors for these inventory materials. This will assure the City that staff has obtained the best price for these materials.

[End agenda memo]

Agenda Item 9. Invitation to Bid – Asbestos Cement Pipe Removal

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sarah B. Kirkland, Utilities Projects Administrator]

SYNOPSIS

Staff requests commission approval of Bid document #10-194-Asbestos Cement Pipe Removal. The project will consist of removing Asbestos Cement pipe from various locations in the current water distribution system and replacing with the current approved construction material.

STAFF RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve Bid Document #10-194 Asbestos Cement Pipe Removal to issue for solicitation of bids.

BACKGROUND

The City of Lake Wales Utilities Department is proposing to replace asbestos cement water distribution line in various locations in the city. Due to improved construction materials, the Department of Environmental Protection Drinking Water Division has mandated that all asbestos cement pipes be taken out of service and replaced with the current approved construction material.

Staff has identified and listed in the order of priority areas in the city which is currently being serviced by this pipe. The priority list is attached for commission review. There is approximately 50,000 feet of pipe, which ranges in size from 4-inch to 10-inch. These pipe sizes can be upgraded to a bigger size if staff sees the need to provide a better fire flow. Staff does understand that presently there is not enough money to do the whole City. Staff will coordinate construction to remove as much asbestos pipe as the project budget will allow for the current budget year. Every year there after, staff would work to replace sections of the system accordingly, until all the asbestos cement pipe is removed.

OTHER OPTION

Chose not to begin the process of removing this type of pipe and run the risk of not having enough time to remove all the pipe when the Department of Health issues a definite deadline for removal.

FISCAL IMPACT

The cost associated to advertise.

[End agenda memo]

Agenda Item 10. Invitation to Bid – Reuse Booster Pump

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sarah B. Kirkland, Utilities Projects Administrator]

SYNOPSIS

Staff requests commission approval of Bid document #10-195-Reuse Booster Pump. The project will consist of the installation a reuse booster pump to be placed at the Intersection of Simone Drive and Roberta Road.

STAFF RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve Bid Document #10-195 Reuse Booster Pump to issue for solicitation of bids.

BACKGROUND

The City of Lake Wales Utilities Department is proposing to install a reuse booster pump to be placed at the Intersection of Simone Drive and Roberta Road. The installation of the booster pump is an essential component, enabling the City to provide reuse water to customers in the defined reuse area for irrigation purposes. Without the installation of the pump, the City becomes unable to provide the flow pressure necessary for effective irrigating.

OTHER OPTION

Choosing not to install the reuse booster station would make it necessary for all city customers in the reuse area to continue to use potable water for irrigation purposes. In addition, by not installing the reuse booster pump, the City would forfeit any additional reimbursement to be received from the Southwest Florida Water Management District associated with having a functional beneficial reuse system.

FISCAL IMPACT

The cost associated to advertise.

[End agenda memo]

Agenda Item 11. Invitation to Bid – Used Bucket Truck

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Bonnie Hodge, Purchasing Director]

SYNOPSIS

Staff is seeking bids for the purchase of a used bucket truck.

RECOMMENDATION

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

1. Approve the Bid Document #09-190, Invitation to Bid - Purchase of a Used Bucket Truck.

BACKGROUND

The City presently owns a 1985 Ford F-200 bucket truck. This truck can no longer be certified, therefore, has outlived its usefulness.

The bucket truck is an integral piece of equipment in the operations of the Streets Department. This truck is used for tree trimming, changing banners on the street light poles, repairs to street lights, etc.

The City of Lake Wales has been awarded a grant in the amount of \$20,000 from the Department of Forestry to purchase a Bucket Truck. The City's match for this grant is \$30,000. The City is seeking a qualified vendor to supply a used bucket truck for their Street's Department.

[End agenda memo]

Agenda Item 12. Request for Proposal – HVAC Equipment and Controls Repair Services

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Bonnie Hodge, Purchasing Director]

SYNOPSIS

Staff is seeking proposals for repair services to city facility HVAC equipment and controls.

RECOMMENDATION

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

1. Approve the Bid Document #09-193, Request for Proposals for HVAC Equipment and Controls Repair Services.

BACKGROUND

In April of 2007 staff prepared an Invitation to Bid for HVAC Repair Services. Natural Air Heating and Cooling Systems, Inc. was awarded the contract in August of 2007. This contract was renewed with consent of both the City of Lake Wales and Natural Air in 2008 and 2009.

City staff became aware in December of 2009 that Natural Air Heating and Cooling Systems, Inc. had failed to file their Annual Report with the Florida Department of State, Division of Corporations, and therefore their corporation was administratively dissolved. Lacking this corporate status, they cannot provide the insurance and indemnification required and the contract prohibits assignments and subcontracting without prior written consent of the City. A letter to this effect was sent to Natural Air Heating and Cooling Systems, Inc. by the City Attorney on December 16, 2009, and the City was instructed by the City Attorney to refrain from issuing any further Purchase Orders to their company without proof of corporate reinstatement and of the required insurance for purposes of indemnification of the City of Lake Wales.

Natural Air Heating and Cooling Systems has not contacted City staff, therefore staff has prepared a Request for Proposal for HVAC Equipment and Controls Repair Services.

[End agenda memo]

Agenda Item 13. Award of Bid – Purchase of Gasoline & Diesel Fuel

[Begin agenda memo, prepared by Bonnie Hodge, Purchasing Director]

SYNOPSIS

Approval of a contract between the City of Lake Wales and Highlands Oil Company for the purchase of fuel.

RECOMMENDATION

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

1. Award a contract to Highlands Oil Company, 1130 N. Scenic Highway, Lake Wales, Florida for the purchase of gasoline and diesel fuel and authorize the City Manager to execute the contract.

BACKGROUND

The City has been purchasing fuel from Smith Bros. Oil in Bartow since 2004, utilizing piggy-backing off of a contract with Polk County. Polk County's contract with Smith Bros. ended in November of 2009. On December 18, 2009 city staff solicited sealed bids for the purchase of gasoline and diesel fuel. Two companies responded to that bid with the following submissions:

Highlands Oil Company, 1130 N. Scenic Highway, Lake Wales, Florida responded with a firm markup of \$0.14 per gallon for E-10 unleaded gasoline and On Road Diesel and \$.010 per gallon for Off Road Diesel.

Smith Bros. Oil Company, P.O. Box 1339, Bartow, Florida responded with a firm markup of \$0.147 for E-10 unleaded gasoline, On Road Diesel and Off Road Diesel.

Staff also took into consideration performance on previous projects and the ability of the firm to fulfill the contract without delay or interference. Staff recommends that this contract be awarded to Highlands Oil Company.

OTHER OPTIONS

Review offered bids and select a different provider.

FISCAL IMPACT

Fuel is budgeted in each department at the beginning of each fiscal year.

[End agenda memo]

Agenda Item 14. Purchase of Additional MXU Transmitters

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sarah Kirkland, Utilities Projects Administrator]

SYNOPSIS

Purchase 300 additional MXU transmitters for installation on approximately 600 meters to be added to the FlexNet Meter Reading System.

STAFF RECOMMENDATION

It is recommended that the City Commission:

1. Approve the expenditure of \$43,500 for the purchase of additional 300 MXU transmitters.

BACKGROUND

For several years City staff members have discussed with vendors the possibility of switching to an automatic meter reader system. Over the past few years water meter company representatives encouraged City staff to switch the entire system at once, which would require a great expense up front.

To help the City implement the new system, they brought in financing companies and laid out plans for us to borrow about \$1 million to retro-fit the system. City staff rejected that plan. In its place, City staff developed a different plan – one that the company representatives criticized as not being the industry standard - for implementing this new technology. The City plan has several steps:

- Requiring all water meters installed for new buildings be “touch read” ready;
- Replacing worn-out meters with radio read meters; and gradually, over a number of years, retro-fitting existing meters to “touch read” ready;
- When an area is ready for “radio read”, changing each meter from touch read to radio read is a simple procedure that takes very little time per meter.

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

The City has been requiring new developments to purchase the touch read meters as noted in step one. Step two is underway, with the replacement of old meters in the system, as change outs occur throughout the city. Step three was the conversion from touch read to radio read of all of the meters in Lake Ashton, Carlsberg, Dinner Lake, and Brookshire.

The City Commission at its April 4, 2008 commission meeting approved the purchase of the FlexNet Meter Reading system. City staff has installed approximately 900 MXU's since the start of the project. These 900 MXU's have the capability to service up to 1800 meters. Currently there are 1762 meters being billed on the radio read system. City staff is now ready to purchase 300 additional MXU transmitters for installation by the utilities field personnel. These 300 transmitters have the potential to service an additional 600 meters resulting in approximately 27% of the meters on the FlexNet system.

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

OPTIONS

Abandonment of the implementation of the system would forfeit the opportunity to maximize the efficiency of the system as planned.

FISCAL IMPACT

The current Water Operations budget has funds appropriated for this program for meter change outs and retro-fitting existing meters. The original budgeted amount was \$145,000. There is currently \$106,129 remaining in this budget line item.

[End agenda memo]

Agenda Item 15. Removal of Mall Meter in accordance with the Lake Wales/Polk County Utilities Settlement Agreement

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Bonnie Hodge, Purchasing Director]

SYNOPSIS

Removal of the inline meter and extension of the 12” water main at Eagle Ridge Mall as set forth in the Lake Wales/Polk County Utilities Settlement Agreement.

STAFF RECOMMENDATION

It is recommended that the City Commission:

1. Approve the expenditure of \$11,370 for the removal of the inline meter and extension of the 12" water main at Eagle Ridge Mall as set forth in the Lake Wales/Polk County Utilities Settlement Agreement.

BACKGROUND

The City Commission at its August 5, 2008 commission meeting approved entering into a utilities settlement agreement with Polk County Utilities. One portion of the settlement agreement called for the city to receive utility assets from the County, which include a water main and sewer force main that runs from Thompson Nursery Road to Peddlers Pond; and a water main on Masterpiece Road. As a requirement of the City taking possession of these water lines, it was set forth in the agreement, that two new interconnection points would be required. One new interconnection point, located at Home Depot, was constructed in the previous budget year with no cost to the city. Now that this interconnect is complete, the City has to remove the previously installed meter at Eagle Ridge Mall, which had previously served as the interconnection point between the City and Polk County Utilities. The work to be completed would consist of removing the old 8" meter and installing approximately 35 lf of 12" water main.

OPTIONS

None. This work has to be done as part of the Lake Wales/Polk County Utilities Settlement agreement.

FISCAL IMPACT

\$92,000 is budgeted in the 2009-2010 Fiscal budget for this purpose to be funded by impact fees.

[End agenda memo]

Agenda Item 16. Modification of the Existing Management Agreement with the Boys & Girls Club for the Operation of the Kirkland Gym through September 30, 2010

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The modification of the existing Management Agreement with the Boys & Girls Club will allow for the operation of the Gym for the community on a consistent schedule.

RECOMMENDATION

Staff recommends the following action:

1. Authorize the Mayor to execute a Modification of the existing Management Agreement, as provided for in the original Agreement with the Boys & Girls Club approved by the City Commission on October 7, 2008. The Extended Agreement has a beginning period from October 1, 2009 through and ending September 30, 2010.

BACKGROUND

The original Management Agreement was extended on October 20, 2009 to explore other cost effective operational options. Those options have not developed and are unlikely to develop in the near future. The Modification and Amendment provide for longer hours and additional supervision of the facility. There is continuity with Staffing and operations by using the Extended Agreement. Appropriate budgeted funding has been set-aside for this Agreement.

CURRENT FISCAL IMPACT

The funding for this Project is available in the 2009-2010 Budget.

[End agenda memo]

Agenda Item 17. Edward Byrne Memorial Justice Assistance Grant

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Christopher Velasquez, Assistant Police Chief]

SYNOPSIS

The City Commission will consider approving and executing an application for the Edward Byrne Justice Assistance Grant.

RECOMMENDATION

Staff recommends that the Mayor and City Commission approve and execute application for the Edward Byrne Memorial Justice Assistance Grant.

BACKGROUND

Since 1999, the Police Department has received funding from the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program (Byrne Formula) and the Local Law Enforcement Block Grant Program (LLEBG). In 2005, the Office of Justice Programs (OJP) proposed to streamline justice funding and grant administration. The result of this proposal is the Justice Assistance Grant (JAG). The JAG allows local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. JAG blends the previous Byrne Formula and LLEBG Programs to provide 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 estimated JAG award amount is \$9,829.00 and if approved would be included in the FY 2009/2010 budget. Match is not required with the JAG Program.

The Police Department proposes to use JAG funds to purchase advanced and specialized law enforcement equipment to improve the effectiveness and efficiency of law enforcement services. Specifically, the Police Department will purchase equipment to terminate vehicle pursuits such as Stop Sticks, vehicle push bumpers, and vehicle anti-theft devices for two canine units.

OTHER OPTIONS

The Commission may choose not to accept the Edward Byrne Justice Assistance Grant

[End agenda memo]

Agenda Item 18. Hillcrest Elementary School Annual Walk, March 26, 2010

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Katie Kinloch, Administrative Assistant]

SYNOPSIS

Approval of the special event permit application will allow Hillcrest School to hold the Walk-A-Thon on March 26, 2010.

RECOMMENDATION

It is recommended that the City Commission approve the temporary road closing of sections of Marietta Street, South Lakeshore Boulevard from Marietta to 8th Street, portion of Lakeshore between 8th and 9th Streets, 9th Street from Lakeshore Blvd. to Carlton Avenue and Carlton Avenue east to Marietta for the Hillcrest Elementary School Walk-A-Thon on Friday, March 26, 2010 from 8:30 a.m. to 12:00 pm.

BACKGROUND

Metta O'Bryant submitted a Special Event Permit Application for the annual Hillcrest Elementary School Walk-A-Thon to take place on Friday, March 26, 2010 beginning at approximately 9:00 a.m. and ending around 11:30 a.m. This event is to benefit the Parent Teacher Organization (PTO) with an endeavor to raise money for special projects for the school. This year's project is to purchase audio visual equipment for their morning news show.

The volume of students and parents participating in this event requires that the streets are closed to ensure the safety of all participants. The PTO will provide volunteers to assist with traffic control and redirection for the event. The road closings will be coordinated by the Police Department and the Street's Department. This event will require the closing of the following streets between the hours of 8:30 a.m. and 12:00 p.m.:

Marietta from Hillcrest Elementary School to Lakeshore Blvd
S. Lakeshore Blvd. to 9th Street
Portion of Lakeshore from 8th Street to 9th Street
9th Street from S. Lakeshore to Carlton Avenue
Carlton Avenue at 9th Street east to Marietta

This route includes closing a small portion of Lakeshore Blvd. between 8th Street and 9th Street which will divert traffic away from the intersection of Ninth Street and Lakeshore Boulevard where the students will turn south on Ninth Street. Residents living between 8th Street and 9th Street on Lakeshore will be able to leave their residence when necessary.

OTHER OPTION

Do not approve the request for the road closings for the event.

FISCAL IMPACT

There is \$53,192 budgeted for in-kind services for special events for FY09/10.

[End agenda memo]

Agenda Item 19. Race for the Kids Foundation Boat Races, March 19 – 21, 2010 – Request for overnight RV's

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Katie Kinloch, Administrative Assistant]

SYNOPSIS

Approval of this request will allow the participants in the Boat Races to set up 10 RV's for camping in a specified area in Lake Wailes Park during the event March 19th – March 21st, 2010.

RECOMMENDATION

It is recommended that the City Commission approve the special request from the Race for the Kids Foundation to allow ten RV's for camping in Lake Wailes Park during the Boat Races which will be taking place on March 19th – 21st, 2010, subject to the following conditions:

- The RV's will arrive no earlier than 8 a.m. Friday, March 19th and must depart no later than 7 p.m. on Sunday, March 21st when the event ends.
- The RV's will be parked in the open area south of the southern entrance to the "Festival Area" of Lake Wailes Park and north of the Central Ave. intersection with Lakeshore Drive, as shown on the attachment.
- No parking of vehicles will be allowed off pavement except in the camping area as noted, in the temporary parking area across from the football field, and in the boat trailer staging area along the horseshoe drive between the basketball courts and the retention area.
- No vehicles shall be parked or driven within 15 feet of the trunk of any trees within the park. Event personnel will install tape or temporary fencing in the boat trailer staging area to protect the trees.
- No vehicles shall drive or park on the bike path or cross the bike path except that boats may cross the path to be launched for the races at the launching point south of the basketball courts.
- Vendors approved to set up inside the "horseshoe drive" across from the basketball courts, shall maintain a 15-foot distance from tree trunks. Vehicles shall be parked on the pavement only.

BACKGROUND

At the January 19, 2010 City commission meeting, the commission approved the Race for the Kids Foundation special event permit application submitted by Gary Levin for their Annual Boat Races to be held March 19 – March 21, 2010 at Lake Wailes Park. The special permit application did not include a request to allow camping in RV's by the boat race participants throughout the three-day event. Participants would like to stay on site for security reasons and protection of their property. Per sec. 18-82 q. of the Lake Wales Code, camping is prohibited in a City park unless specifically authorized by special permit.

Camping took place at prior boat races with the permission of the City Manager. Conditions are recommended this year to better protect City resources. Mr. Levin met with Margaret Swanson, Planning Director, to determine the best area for the RV's and to work out provisions to protect trees during the event. Mr. Levin has agreed to the conditions as recommended. The code prohibits parking in undesignated parking areas without written approval. (See sec. 18-82. I and j.)

Measures to protect trees are recommended to implement the 2008 tree inventory and study. Damage from mowers and vehicles was cited in the study as a significant issue for the health of the trees in the park system. The report states that the highest priority for protection is the area in Lake Wailes Park from the fishing pier southward past the basketball court where the large oak trees "are spectacular with many 50 inches or more in diameter." The Parks and Community Appearance Advisory Board is working on a plan to designate additional parking areas and install barriers and plantings to protect root zones.

On Friday, March 19 the event participants will be setting up in Lake Wailes Park and performing test runs between the hours of 10:00 a.m. and 5:00 p.m. On Saturday and Sunday the official races will take place as follows: Saturday, March 20, 10:00 a.m. to 5:00 p.m. and Sunday, March 21, 12:00 noon to 5:00 p.m.

OTHER OPTIONS

Do not approve the request for RV's at this event.

FISCAL IMPACT

There is \$53,192 budgeted for in-kind services for special events for FY09/10.

[End agenda memo]

Agenda Item 20. Main Street's 3rd Annual World Dance Bazaar

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Katie Kinloch, Administrative Assistant]

SYNOPSIS

Approval of the special event permit application will allow Main Street to hold its 3rd Annual World Dance Bazaar on March 13, 2010 in the Marketplace. This event will require the closing of the Marketplace parking lot.

RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

1. Approve the special event permit application from Main Street for the 3rd Annual World Dance Bazaar to be held March 13, 2010 between the hours of 12:00 p.m. and 5:00 p.m.
2. Approve the use of the Marketplace for the event
3. Approve the closing of the Marketplace parking lot located southeast of Market Street between the hours of 11:30 a.m. and 6:30 p.m. for the performance stage

BACKGROUND

Jan Privett, Manager Lake Wales Main Street submitted a special event permit application to hold the 3rd Annual World Dance Bazaar on March 13, 2010. The event will be held between the hours of 12:00 p.m. and 5:00 p.m. and will require the closing of the parking lot southeast of Market Street adjacent to the clock between the hours of 11:30 a.m. and 6:30 p.m.

This event will have dance performances, food vendors, merchandise vendors and musical entertainment. The sponsor will be responsible for trash clean up and sanitary facilities. The closing of the parking lot will be coordinated by the Streets Department and the sponsor. City staff has reviewed the special permit application and has no objections providing that all requirements for site preparation, site clean up, food vendor and merchandise vendor licensing, sanitary facilities, proof of insurance to cover all activities have been met.

OTHER OPTION

Do not approve this special event permit application.

FISCAL IMPACT

There will be no cost to the city associated with this event.

[End agenda memo]

END CONSENT AGENDA

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

By Voice Vote:

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

The motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

Agenda Item 21. Ordinance 2010-02, Repealing Charge for Fire Protection Service – 1st Reading

Ms. Delmar reviewed Agenda Item 21. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission will consider adopting an ordinance to repeal the monthly water fee currently charged for fire sprinkler systems.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2010-02 after second reading and public hearing.

BACKGROUND

At the Commission workshop on January 12, there was lengthy discussion about the fee charged by the City for fire protection service. This is an "availability of service" charge based on the size of the fire line connected to the building's fire sprinkler system. The fee depends on the size of the line and can run from \$5 per month to \$120 per month for inside city customers.

The fee is highly unpopular among businesses because, unless the location actually experiences a fire, there is never any water used. Business owners have complained that they are required to install a system that they may never need, and then they are required to pay a monthly fee for having installed the system. The general complaint is that they are being penalized for complying with the law.

From the standpoint of the fire chief, the unpopular fee serves as a disincentive for installing a fire prevention system, and any fee that is viewed as a "penalty" for complying with fire code requirements is

really not in the best interest of the public. If a structure has adequate fire sprinklers installed and that structure has a fire, fewer public resources –i.e., water supply, manpower, equipment costs, etc.– are expended in fighting the fire. For many reasons, it is in the public interest to encourage fire protection systems in all structures, but especially in commercial structures.

Accordingly, Ordinance 2010-02 is proposed to repeal the fee for fire protection services.

OTHER OPTIONS

Do not adopt Ordinance 2010-02, and the fee for fire protection services will remain in place.

FISCAL IMPACT

Revenue from the fee for fire protection services totaled \$28,478 in FY08'09. Repealing the fee would eliminate this source of revenue.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-02 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 21, UTILITIES, TO REPEAL THE CHARGE FOR FIRE PROTECTION SERVICE; PROVIDING FOR AN EFFECTIVE DATE

Ms. Delmar said that at the January workshop there was quite a discussion about the fee charged by the City for fire protection services, which related to fire sprinklers. The fee caused a lot of ill feelings among businesses that were required to put in fire protections systems and then were charged for not using them. The recommendation by the Fire Chief was to repeal this fire charge because he did not wish to have a charge that would serve as a disincentive for installing a fire prevention system. From a public safety standpoint, it is far better to have a fire sprinkler system. Mayor Van Sickle said the fee was not beneficial to the City and without it, the City would be more business friendly.

Commissioner Wheeler made a motion to approve Ordinance 2010-02 after first reading. The motion was seconded by Commissioner Rogers.

Roll Call Vote:

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

The motion carried 4-0.

Agenda Item 22. Ordinance 2010-03, FY09'10 Budget Amendment #2 – 1st Reading

Ms. Delmar reviewed Agenda Item 22. The full staff memo is incorporated into the minutes.

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

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2010-03 after first reading.

BACKGROUND

Ordinance 2009-21 estimating revenues and appropriating funds for Fiscal Year 2009-10 was adopted by the City Commission September 15, 2009 and amended on November 24. We are presenting for first reading a second amendment of Ordinance 2009-30 to modify the estimates of revenues and appropriations budgeted in various funds. Exhibits A and B and supporting attachments provide the detail for the proposed amendment. This budget amendment is based on unaudited financial reports for the accounting period ending on 9/30/09. The following is a summary of changes included in the proposed amendment:

Revenues & Balances Fwd	Increase(Reduction)
General Fund	0
Special Revenue Funds	735,891
Debt Service Fund	0
Capital Projects Fund	0
Airport Fund	0
Utility System Fund	450,000
Total Increase(Reduction) of Revenues & Balances Fwd	1,185,891
Appropriated Expenditures & Reserves	
General Fund	73,700
Special Revenue Funds	1,123,844
Debt Service Fund	0
Capital Projects Fund	0
Airport Fund	193
Utility System Fund	462,272
Reserves	(474,118)
Total Increase(Reduction) of Appropriated Expenditures & Reserves	1,185,891

The proposed budget amendment increases the City's total budgeted expenditures by \$1,660,009 and decreases reserves by \$474,118, for a net increase in appropriated expenditures and reserves of \$1,185,891 (from \$43,259,138 to \$44,445,029)

This amendment is necessary to incorporate into the budget several items approved by the City Commission since October 1 as follows:

- Approval of the 1% lump sum cost of living "bonus" granted to employees:

General Fund	58,354
Special Revenue Funds	12,308
Utility Fund	10,816
Total	81,478

- Allocation of remaining CRA bond proceeds:

Completion of Elevated Storage Tank	200,000
Engineering for Sewer Improvements "C" St and vicinity	250,000
Total	450,000

- Allocation of remaining CRA revenues:

Expansion of MOTOMESH System	52,000
Downtown Drainage Improvements - alley between Central & Stuart	200,000

Downtown Parking Improvements	80,000
Total	<u>332,000</u>

In addition, amendments are necessary that include:

- Appropriation of \$30,000 in additional Library revenue for the Books-by-Mail program and \$23,524 in additional revenue allocated by the Polk County Board of County Commissioners for the Polk County Library Cooperative
- Reallocation of \$200,000 from engineering of a ground storage tank for the reuse system to acquisition of land for location of a ground storage tank for the reuse system
- Law enforcement cost increases that include \$6,025 allocated as the City's cost for the Polk Regional Juvenile Assessment Center and \$6,550 to replace a police canine that was retired because of age-related health issues
- Reallocation of copier lease budgets necessitated by the new copier lease contract that reduced cost in some departments and increased cost in other departments for a net reduction of \$369
- Reallocation of funds designated for capital outlay to the operating category as a result of the police vehicle lease program approved by the City Commission instead of the outright purchase of vehicles

OTHER OPTIONS

With the exception of the reallocation of CRA resources, this is primarily a housekeeping ordinance to conform the budget to items approved by the City Commission.

The CRA items were discussed at workshop, and it was the consensus to proceed with the items included in the amendment. The Commission may choose to modify these appropriations.

FISCAL IMPACT

See Exhibit A and Exhibit B attached to Ordinance 2009-30.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-03 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2009-21 AS AMENDED BY ORDINANCE 2009-30 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2009-2010 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Delmar said that with the exception of the reallocation of the CRA resources, which have been approved by the CRA Board, this is primarily a housekeeping ordinance to conform the budget to what was already approved by the Commission after October 1.

Commissioner Howell made a motion to approve Ordinance 2010-03 after first reading. The motion was seconded by Commissioner Rogers.

Roll Call Vote:

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

The motion carried 4-0.

Agenda Item 23. Stipulated Settlement Agreement between the Department of Community Affairs, the City of Lake Wales, and Hunt Brothers Groves, Inc. – Public Hearing

Ms. Bangley reviewed Agenda Item 23. The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Kathy Bangley, Assistant Director of Planning & Development]

SYNOPSIS

The Stipulated Settlement Agreement addresses those issues raised by the Department of Community Affairs Notice of Intent to find ordinances D2007-09 and D2007-11 not in compliance dated March 11, 2008.

RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

Approve the Stipulated Settlement Agreement as presented and direct staff to prepare the necessary comprehensive plan amendments to adopt the Remedial Action as shown in Exhibit B.

BACKGROUND

City Staff along with Corby Meyers and Augie Fragala as representatives for Hunt Brothers Groves Inc. have spent the last two years negotiating with the Department of Community Affairs to craft a settlement statement and plan of action to address the objections raised by the department to ordinances D2007-09 (172 acres Packing Plant Property) and D2007-11 (46.1 acres South Side of SR 60E). The Stipulated Settlement Statement and the accompanying Remedial Action are the results of those negotiations.

In late 2007, the city annexed five properties owned by Hunt Brothers Groves, Inc. Upon transmittal to DCA for review of the proposed land use designations the two above referenced properties were found to be non-compliant with the city's comprehensive plan. The one specific area of concern was transportation and its compliance with the State's comprehensive plan.

The compliance issues associated with the adopted land use changes pertained to the lack of data and analysis regarding the impact of the amendments on transportation facilities in the vicinity of the subject sites in order to demonstrate that there was adequate roadway capacity to accommodate the increased demand created by the amendment. Transportation data and analysis is provided by the applicant to the City at time of application for a comprehensive plan amendment. The remedial action proposed will restrict the amount of floor area ratio permitted on the subject properties and includes improvements to roads that will be impacted. Road capacity and possible failure of level of service standards is a concurrency issue that will be addressed at the time of development per city regulations.

The Stipulated Settlement Agreement as presented has been executed by the Department of Community Affairs, Ellis Hunt Jr. for Hunt Brothers Groves Inc. and signed by Chuck Galloway as to form.

OTHER OPTION

Commission could instruct staff to reopen negotiations with Hunt Brother Groves Inc. and the Department of Community Affairs

FISCAL IMPACT

None

[End agenda memo]

OPENED TO PUBLIC COMMENT

There were no comments made by the public.

CLOSED TO PUBLIC COMMENT

Commissioner Rogers made a motion to approve the Stipulated Settlement Agreement as presented and direct staff to prepare the necessary comprehensive plan amendments to adopt the remedial action as shown in Exhibit B. The motion was seconded by Commissioner Wheeler.

Roll Call Vote:

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

The motion carried 4-0.

Agenda Item 24. Appointment – Planning & Zoning Board

Ms. Delmar reviewed Agenda Item 24. The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The appointment will fill a vacancy due to a resignation of a Board member.

RECOMMENDATION

It is recommended that the City Commission make the appointment as deemed appropriate.

BACKGROUND

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

Planning & Zoning Board – Members are appointed by the City Commission. The Board consists of seven (7) members. Members must reside in the city, own property in the city or hold a valid occupational license issued by the city. (3 year term)

One (1) vacancy: term expires 07/01/10; partial term

Applying for appointment: Charlene G. Bennett, resident

A vacancy is due to the resignation of Timothy Welch.

Charlene G. Bennett is recommended for appointment to the Board based upon an interview conducted on February 4, 2010 with the Board chairman, Christopher Lutton; Margaret Swanson, Planning & Development Director; and Kathy Bangley, Assistant Director.

FISCAL IMPACT

None. These are volunteer citizen boards.

OTHER OPTIONS

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

[End agenda memo]

Commissioner Wheeler made a motion to appoint Charlene Bennett to serve as a member on the Planning and Zoning Board for a term to expire on 07/01/10. The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

The motion carried 4-0.

CITY MANAGER'S REPORT

CITY COMMISSION TRACKING REPORT

In regards to the intersection of SR 17 and Mountain Lake Cutoff Road, Ms. Delmar reported that staff reviewed the design papers, made a response, and are waiting for direction from FDOT on where to do utility relocates. The Mayor said he checked on it at the TPO Meeting the week before and verified that the funds were solid and the project would proceed.

COMMUNICATIONS AND PETITIONS

Jean Scott, 306 Townsend Avenue, thanked the City for pressure cleaning the front of the Administration Building and said she was happy to hear that it would be routinely cleaned.

Richard Sylvia, 2063 Bel Ombre Circle, gave the Commission a brief update on his progress with the problem he had with his swimming pool that was partially built in the easement. He said he is still waiting for the document for his neighbors to sign that Mr. Galloway promised he would supply by the week before. He said he would like to get this resolved as soon as possible. City Attorney Chuck Galloway said that his secretary unexpectedly went into the hospital on the 4th of the month and just returned that day. There were numerous things on his agenda that needed to be accomplished. He reminded Mr. Sylvia that they were spending public money to solve the problem, and that it would take time but it would get done.

Jack Neal, 435 E. Central Ave. said he thought the City was not treating Mr. Sylvia right and the problem needed to be solved. He mentioned other vacated property that did not take so long. Attorney Chuck

Galloway explained why they were entirely different issues and Mr. Neal said he still did not understand the difference.

Ruth Dampier, 1154 S. Lake Shore Blvd., brought up a problem with grass clippings, pesticides, fertilizers, and trash being swept into the streets, which would then be carried by rain into the sewer system ending up in the lakes. She asked the Commission to consider a resolution to make it mandatory for clippings to be bagged up. She added that if this had been done years ago, maybe our lakes would not be polluted and we could swim in them. She said she thought Haines City had such an ordinance.

CITY COMMISSION COMMENT

Commissioner Wheeler thanked Ms. Dampier for bringing up the problem of nitrate, rain run-off into our lakes. He said it was something that has not gotten a lot of attention, but is an overwhelming problem in Florida, though he was not sure of a clear solution. As a scuba diver, he said he could tell the difference between the springs now and those when he first started diving. He said that grass clippings contribute to the problem and he was glad she brought that issue up.

Commissioner Howell said she received a call from a resident about work done on Burns Avenue. City workers or prisoners, she was not sure which, were cutting hedges and blowing the debris onto the sidewalk and into the street while cars were passing by. The resident had the same issue about it getting into the sewers and lakes and said they needed to sweep them up by hand instead of using blowers. Commissioner Howell asked that they look into it.

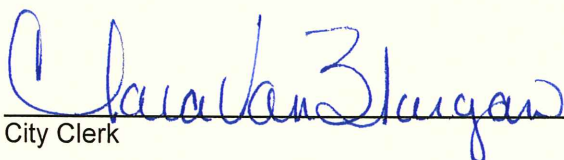
Mayor Wheeler asked Ms. Delmar to check and see if Haines City had an ordinance about grass clippings. Ms. Delmar said she would get Jennifer Nanek to find out from Haines City and from other cities. The Mayor said they have the same problem in his community. The clippings are swept into the street where they go down in the storm drains and because they are part of a CDD, the residents have to pay to get the storm drains cleaned, which is quite expensive. Commissioner Wheeler suggested to Ms. Delmar to check Avon Park because they have one of the few pristine lakes in Florida that he was aware of so they obviously were doing something right.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk