



- Recycle Bank Program: A new program that will be offered by the end of the year whereby residents earn points for recycling which can be redeemed for coupons at local establishments. Residents will receive carts on wheels containing ID chips that can track usage.
- Commercial Recycling: Commercial Customers will be contacted to assess their needs and assist them in setting up the recycling program.
- Compressed Natural Gas Trucks: Will reduce carbon emissions and provide a savings for residents.
- Tree Trimming Disposal for the Elderly: A new program will provide free tree trimming pick-up services for elderly residents who obtain a physician's note.
- "Got Caught Recycling" campaign: Twenty-five dollar gift cards will be the prize and the City will oversee the program as they did last year.
- Go Green at City Hall: New recycling bins will be available for employees who would like to try them.
- Composting: Composting containers will be available at a wholesale rate for customers wishing to compost.
- Landfill Disposal Increase: The Finance Director is recommending that the 10% increase not be passed on to the customers but absorbed as part of administrative cost.
- Annual Clean-ups: Florida Refuse will make dumpsters available free of charge to civic and other groups who want to clean up an area of the City.

Commissioner Carter said one of the chief complaints he received was being awakened early in the morning from the noise and he said they would be able to tell in a month or so if the plastic containers would solve the problem. He said the whole discussion of recycling and energy conservation is part of the vision he sees for the future of Lake Wales. He complimented Florida Refuse for the new programs and for involving school children who will grow up with it, having it become a way of life for them, which is good for our future.

Mayor Van Sickle questioned the legality of the City and Florida Refuse having exclusive rights for roll-offs. City Attorney Chuck Galloway said that the only exception would be if a contractor was bringing in his own removal equipment for construction purposes. The Mayor said it seemed to him that this would be a monopoly if a private citizen could not get a dumpster to put construction debris in when remodeling their own home. Ms. Delmar said it was an exclusive franchise. Commissioner Carter said it was an incentive for the City because Lake Wales gets \$147,000 for those franchise fees. He asked if a private citizen is free to negotiate with other companies for a lower price and then see if Florida Refuse would consider that lower price, though not to the penny. Ms. Wilson said they tried it several ways; not exclusive, exclusive without a franchise fee, and exclusive with a franchise fee, but when there was no exclusive franchise fee, the City got no benefit. She added that the exclusive franchise did not mean a citizen could not haul off his own garbage to the landfill. She added that construction debris collected from dumpsters and roll-offs goes to a special landfill.

Commissioner Carter explained that the free tree trimming waste pickup for the elderly came about because of a resident who was either elderly or disabled in some way who was charged when she had someone do the trimming for her. He said he understood that Florida Refuse was going to refund her money and Ms. Wilson said that was correct.

### **CONSENT AGENDA**

Commissioner Rogers pulled Agenda Item 10 for separate discussion and Commissioner Carter pulled Agenda Item 11 for separate discussion.

**Agenda Item 9. APPROVAL OF MINUTES: April 13, 2010, Workshop Meeting; May 4, 2010, Regular Meeting**

### **END CONSENT AGENDA**

Commissioner Thornhill made a motion to approve the Consent Agenda excluding Agenda Items 10 and 11. The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

The motion carried 4-0.

**Agenda Item 10. Award of Bid to Gentry Brothers Truck Sales, Inc. for the Purchase of a Bucket Truck**

Tom Moran, Public Works Director, reviewed Agenda Item 10. The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

The Commission will consider approving the purchase of a used bucket truck from Gentry Brothers Truck Sales, Inc. in the amount of \$28,500.00.

**RECOMMENDATION**

It is recommended that the City Commission:

1. Award the bid to Gentry Brothers Truck Sales, Inc. for the purchase of a 2003 Ford F-550 bucket truck with a working height of 43' and a 24-month warranty in the amount of \$28,500.00.
2. Authorize the City Manager to execute the appropriate documents on the City's behalf in regards to this purchase.

**BACKGROUND**

In April of 2009 the City of Lake Wales applied for an Urban Forestry Grant from the Division of Forestry, Florida Department of Agriculture and Consumer Services. This matching grant of \$20,000 would go towards the purchase of a used bucket truck to help trim and maintain trees in our parks. The City Commission approved the grant application and resolution on April 9, 2009. On June 29, 2009 the City of Lake Wales was awarded the grant. The required match, \$30,000, was budgeted in the 2009-10 fiscal year.

Staff issued an invitation to bid on the purchase of a bucket truck, with a bid opening date of March 29, 2010. Seven bids were submitted. Gentry Brothers Truck Sales Inc., had one of the lower bids, that met all requirements, at a cost of \$28,500.00. This is a 2003 Ford F-550 Diesel bucket truck, with an outreach of 26.7' and a working height of 43', continuous rotation and a 24-month warranty. It is a four-wheel drive, has a mileage of 132,000, automatic transmission, strobe light, bucket cover, and does not require a CDL license to operate. This bid was selected over the lower bid from National Utility Equipment mainly because of the 24-month warranty on the Gentry Brothers truck compared to the 1-month warranty offered on the National Utility truck.

**OTHER OPTIONS**

Purchase one of the other bucket trucks submitted.

Do not purchase a bucket truck.

## FISCAL IMPACT

Total impact is \$28,500. The grant portion, \$14,250.00, will be reimbursed, the City match, \$14,250.00 is budgeted in the 2009-2010 Fiscal Year Budget.

[End agenda memo]

Tom Moran, Public Works Director, said the bucket truck was a 4 x 4 vehicle with a 24-month warranty from the day of purchase, which was a prime consideration. Though the bid asked for a 29 foot outreach, this truck has an outreach of only 26.7 feet, but staff felt the two year warranty outweighed the shorter outreach and the higher mileage of 132,000 miles. He said he talked with the field services crew and they were comfortable with it. Mayor Van Sickle said that his background had been in contracting and said that they always tried to come up with specifications that were meaningful and they found ways to evaluate the specifications. He said that he was confused and did not understand what was going on. Commissioner Carter asked what exactly the warranty included and Beverly Pennington, Field Services Director, said it has a power train warranty that would start the day it is purchased. Commissioner Carter asked if the power train included the hydraulics and all the mechanical parts. Ms. Pennington said yes. She added that, also starting from the day of purchase, the bucket would be certified for five years.

Commissioner Rogers questioned getting the Gentry truck with 132,000 miles on it versus the Hertz truck with 29,000 miles, adding that you can buy warranties for vehicles. He pointed out that the Hertz truck had a working height of 60.4 feet, almost doubling most of the other working heights, and though it had a manual transmission, he did not think that should cause any trouble. He said he understood making sure it was certified but Hertz usually takes care of its vehicles so he recommended staff taking a hard look at it. Mr. Moran said their concern with the Hertz truck was that it required a CDL license. Commissioner Rogers said he was sure the City has employees that could pass the CDL. Mr. Moran said that was correct, but they did not want to lock themselves into having only one individual able to drive it. Almost anybody could drive the bucket truck. Commissioner Rogers said that the Gentry truck only had a working height of 43 feet and there were palm trees taller than that, so the Gentry truck would not be able to touch them. Mr. Moran said that another consideration had been the physical size of the vehicle and that the Gentry truck would be able to get down the narrow alleyways.

Commissioner Rogers made a motion to award the bid to Gentry Brothers Truck Sales, Inc. for the purchase of a 2003 Ford F-550 bucket truck with a working height of 43' and a 24-month warranty in the amount of \$28,500.00; and to authorize the City Manager to execute the appropriate documents on the City's behalf in regards to this purchase. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 5-0.

## Agenda Item 11. Award of bid for the Asbestos Cement Pipe Replacement

Tom Moran, Public Works Director, reviewed Agenda Item 11. The full staff memo is incorporated into the minutes

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

## SYNOPSIS

The City's Public Works Department Utilities Division issued a request for bid for the removal and replacement of Asbestos Cement Pipe in the most critical areas of the water distribution system. Staff recommends the bid be awarded to Killebrew, Inc.

## STAFF RECOMMENDATION

It is recommended that the City Commission:

1. Award Bid #10-194 to Killebrew, Inc. for the removal and replacement of asbestos cement pipe in the northwest section of the distribution system.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf in regards to this project.

## BACKGROUND

The existing water mains in the City's distribution system are a very important part of the underground infrastructure. The above referenced bid document requested pricing per-item for parts that staff identified as essential components to the upgrade and replacement of the asbestos cement lines currently in the northwest section of the distribution system. Staff chose the asbestos water lines in this area particularly because they have historically caused extensive water leaks. By approaching the replacement areas in this fashion, staff will begin to eliminate the most problematic areas that have caused problems by having excessive water loss. Attached is a listing of approximate valves for the first section in which construction is to begin. Once this area has been completed, and funds are still available, staff will prepare approximate quantities for the next section of construction.

Staff issued a request for bid for a qualified bidder to come in and provide all the necessary services for the removal of the old asbestos pipe and replacement with the current approved industry standard. The bid open date was initially scheduled for March 10, 2010. Once the bid document was advertised and posted to the city website, the responding contractors had a few questions. In response to these questions, staff held a pre-bid conference, re-evaluated the bid document, submitted an addendum to the bid document, and extended the bid open date to March 24, 2010.

On March 24, 2010, bids were opened and there were two responsive bidders, Killebrew, Inc and WRS Infrastructure. The review committee staff compiled a bid tally sheet and listed each respective contractor's prices beside each other for an easier comparison (see attached bid tally sheet). Staff's bid request asked for pricing for all parts on a per item basis.

At first glance it would appear that WRS Infrastructure was the apparent low bidder. Upon further review by the bid review committee, some of the per-item prices were called into question. Staff spoke to WRS Infrastructure and relayed the concerns of the city for the items called into question. The response given was that all the pricing for the fittings were rolled into the cost of the per foot price of the pipe.

Staff explained that this was not the method asked for in the request for bid. It was further explained that staff requested per item pricing due to the fact that there would be areas of replacement that did not require extensive service fitting and would be essentially straight runs of pipe. WRS Infrastructure then replied that they were aware that this may be the case and that in some instances the city would come out on top if a particular area required an excessive amount of service fittings and, in the areas that did not, they (WRS) would come out on top and it would essentially be a "wash" in cost.

Staff felt that this method of pricing was not in the best interest of the city. It was further determined that it was in the best interest of the city to chose the bidder that provided the per-item pricing as requested.

Therefore, staff requests commission approval to award the bid for Asbestos Pipe Removal and Replacement to Killebrew, Inc. in an amount not to exceed the budgeted amount of \$566,855.00.

### **FISCAL IMPACT**

\$566,855 was placed in the FY09-'10 Capital Improvements Budget. Funding for this project is from the CRA Bond.

### **OTHER OPTIONS**

Choose not to proceed with the project at this time and run the risk of not being able to have the entire asbestos pipe removed from the system once DEP has established a deadline for the removal. Currently DEP does not have a deadline, but it has been implied that one may be forthcoming.

[End agenda memo]

Commissioner Carter asked for the history behind the complaint and reason why they were not selected because a letter had been received from WRS Infrastructure objecting to the bid process.

Mr. Moran reviewed the staff memo that explained the initial per-item bid, the re-evaluation of the bid document, and the need for an addendum; the response from WRS Infrastructure that was not the method requested; why it was not in the best interest of the City to choose that bid even though it was the lowest, and why in the long-run it would cost the City more. He said that yesterday he had a meeting with Economic Development Director Harold Gallup, the WRS Vice President, and their senior contractor and they agreed with the City's findings but suggested that next year staff should be more specific with the Invitation to Bid, which the City team agreed to do. Mr. Moran said staff recommended going with Killebrew because in the long-run their prices will be much lower than that of WRS.

Commissioner Carter asked if staff was concerned that the process was flawed and if it should go out to bid again. Mr. Moran said it was an option to bid again, but the other consideration is that we have to spend the money by the end of the year, and the time was getting tight. Ms. Delmar said it should be spent by the end of December, though if it has to be carried over it could be. Commissioner Carter said it appeared to him that there was some confusion in the bidding process as WRS Infrastructure did not understand the parameters and constraints. Mr. Moran said that the concept of padding one line-item and reducing another is normally, or at least often, thrown out as being a bad bid because there is no bid comparison.

Commissioner Howell questioned the location because she knew there is not enough money to fix all the streets. She said all the streets listed were pretty much in the northwest section and asked which streets they would start with, and which streets were the most serious. Mr. Moran said they were all equally serious. Commissioner Howell asked when it would start if approved and Mr. Moran said if everything worked according to the system, they could start within two months. Commissioner Howell asked if there were other streets in Lake Wales with the same problem and Mr. Moran said there were. But, they just have so much available funding so he had asked his staff for their ideas on what streets were most needed. It was his idea to start with the northwest section. Mayor Van Sickle said that he concurred with the other Commissioners that there is a better way to put out a bid so that it is easier to understand. He said he knew staff was working on that. He did not think they needed to re-bid because they already did a comparison. He did think it was not easy for contractors to bid because they were bidding on different parts, but the problem was that one contractor got creative with line-item costs so it would work out for that contractor's benefit. He added that there are ways to do bids so you don't have the discrepancies and he recommended that staff works toward that achievement.

Commissioner Howell made a motion to award Bid #10-194 to Killebrew, Inc. for the removal and replacement of asbestos cement pipe in the northwest section of the distribution system; and to authorize

the City Manager to execute the appropriate documents on the City's behalf in regards to this project. The motions was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 5-0.

### **OLD BUSINESS**

#### **Agenda Item 12. Ordinance 2010-10, Establishing a Chapter 17.5, Special Assessments, in the Lake Wales Code of Ordinance – 2nd Reading and Public Hearing**

The full staff memo is incorporated into the minutes.

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

#### **SYNOPSIS**

Establishing of a Chapter 17.5, Special Assessment in the Lake Wales Code of Ordinances and authorizing establishment of a Street Lighting Assessment Program.

#### **RECOMMENDATION**

It is recommended that the City Commission, after second reading and public hearing, adopt Ordinance 2010-10, establishing Chapter 17.5, Special Assessments and establishing a Street Lighting Assessment Program.

#### **BACKGROUND**

City staff is expecting a petition requesting the creation of a Street Lighting District for the Brookshire subdivision for the purpose of creating a street lighting assessment relating to the existing decorative street lighting infrastructure lease and maintenance costs. The Brookshire Home Owners Association, over the last two years, has had difficulty collecting sufficient funds to pay for street lighting costs.

The style and placement of the street lights within the Brookshire subdivision was controlled by the developer and the Brookshire Home Owners Association and in no way was mandated by the City of Lake Wales. The developer chose to lease the street lights within the Brookshire subdivision from Progress Energy instead of purchasing and transferring Brookshire street lighting infrastructure to the City. Normally, the developer would be responsible for paying all cost to install street lights within a subdivision. The cost of the decorative street lighting lease within a subdivision would not normally be paid by the City.

Normally, for publicly owned roads within a subdivision the City would pay the energy costs only, as the developer is responsible for installing the infrastructure. The Brookshire roads were transferred to the City, but the street lighting infrastructure was not transferred to the City because it was leased instead of purchased. A separate agenda item will be prepared relating to the issue of the street lighting energy costs for the Brookshire subdivision once the issue relating to the infrastructure lease is settled as the power company is not able to separate the billing of the infrastructure lease and the energy costs.

The issue of leased street lighting infrastructure within a subdivision on public streets is an unusual circumstance for the City of Lake Wales. The decision of continually leasing the infrastructure or purchasing street lighting within the Brookshire subdivision would be a decision and negotiation between the developer and/or Brookshire Home Owners Association and Progress Energy. City staff is not aware any discussion of this nature at this time.

In order to proceed with consideration of a proposed Street Lighting Assessment Program, after a petition has been received from the Brookshire subdivision, adoption of the following items is needed:

- 1) **Initial Street Lighting Assessment Resolution.** This resolution will establish the tentative (not to exceed) assessment rates, and, if adopted, each property owner will be mailed a notice of the tentative assessment.
  - a) Requires one time publication of the resolutions. F.S. 170.05
  - b) Requires notice of the time and place of the Final Resolution in two publications. F.S. 170.07.
  - c) Requires 30 day written notice to property owners within the assessment area. F.S. 170.07;
- 3) **Resolution for Uniformed Collection Method.** F.S. 197.3632
  - a) Required four publications;
  - b) Required to be mailed to County Property Appraiser and Tax Collector before 1/01/11 for inclusion on ad valorem tax bill for fiscal year 2011/2012. (If adopted, city staff will perform internal bill for the last quarter of fiscal year 09/10 and annual billing for fiscal year 10/11); and
- 4) **Final Street Lighting Assessment Resolution.** This resolution will establish the final assessment rates that will determine the assessment placed on each property owner's parcel.

#### **FISCAL IMPACT**

N/A

[End agenda memo]

Ms. Van Blargan read Ordinance 2010-10 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, ESTABLISHING CHAPTER 17.5, SPECIAL ASSESSMENTS; ESTABLISHING ARTICLE I, STREET LIGHTING ASSESSMENTS; DEFINING TERMS RELATING TO THE STREET LIGHTING ASSESSMENT PROGRAM; PROVIDING FOR INTERPRETATION; PROVIDING GENERAL FINDINGS; PROVIDING LEGISLATIVE DETERMINATION OF STREET LIGHTING SPECIAL BENEFIT TO PROPERTY; PROVIDING GENERAL AUTHORITY FOR IMPOSITION OF STREET LIGHTING ASSESSMENTS; ESTABLISHING INITIAL PROCEEDINGS FOR IMPOSITION OF STREET LIGHTING ASSESSMENTS; PROVIDING FOR THE INITIAL ASSESSMENT ROLL; PROVIDING FOR NOTICE BY PUBLICATION AND NOTICE BY MAIL; PROVIDING FOR ADOPTION OF THE FINAL ASSESSMENT RESOLUTION; PROVIDING FOR EFFECT OF FINAL ASSESSMENT RESOLUTION; PROVIDING A PROCESS FOR ADOPTION OF ANNUAL ASSESSMENT RESOLUTION; PROVIDING FOR A LIEN ON ASSESSED PROPERTY; PROVIDING FOR REVISIONS TO STREET LIGHTING SPECIAL ASSESSMENTS; PROVIDING FOR IMMATERIALITY OF PROCEDURAL IRREGULARITIES; PROVIDING FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING FOR INTERIM ASSESSMENTS; PROVIDING FOR A METHOD OF COLLECTION; PROVIDING FOR ALTERNATIVE METHODS OF COLLECTION; PROVIDING FOR COLLECTION FROM GOVERNMENT PROPERTY; PROVIDING FOR APPLICABILITY; PROVIDING THAT METHODS IN CHAPTER 17.5 ARE ALTERNATIVE AND ADDITIONAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Finance Director Dorothy Pendergrass reviewed the agenda memo. Ms. Delmar said the ordinance would set up the framework for the special assessment and would not include any detail work to implement this particular assessment program.



**OPENED PUBLIC HEARING**

There were no comments made by the public.

**CLOSED PUBLIC HEARING**

Commissioner Thornhill asked about the petition and how homeowners would know what items were needed. Ms. Pendergrass said staff drafted a petition that included all the requirements and documents that are recommended. The homeowners will have the instruction sheet and the document itself so they will know how to move forward. She said there is also a clause in the document that if the Commission wants to move forward without a petition, that option is available, though she strongly recommended having the petition so that ten years down the road, if residents question the charge, they can show the petition signed by the homeowners. Commissioner Howell asked if the new owners would get to sign a petition and Ms. Delmar said it runs with the property. Ms. Pendergrass said an option for dissolving the agreement if 51% of the homeowners sign a petition to do so is included in the document.

Commissioner Rogers said he objected to the City getting into the collection business for Homeowners Associations and warned that it would come back to bite us. He said the City would not be able to serve all communities and it would be hard to explain why to those it could not.

Commissioner Thornhill made a motion to adopt Ordinance 2010-10 after second reading and public hearing. The motion was seconded by Commissioner Howell.

Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Carter	"YES"
Commissioner Rogers	"NO"
Mayor Van Sickle	"YES"

The motion carried 4-1.

**NEW BUSINESS**

**Agenda Item 13. Resolution 2010-14, Support of State Funding for Polk State College and the University of South Florida Polytechnic**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

The purpose of Resolution 2010-14 is to encourage Governor Crist not to veto state funding for these two schools.

**RECOMMENDATION**

Staff recommends approval of Resolution 2010-14 supporting full funding of Polk State College and the University of South Florida Polytechnic in the 2010-2011 Florida state budget.

**BACKGROUND**

The proposed 2010-2011 budget for the State of Florida includes \$13,405,899 for Polk State College and \$46 million for University of South Florida Polytechnic. On May 5, 2010 the Polk County Board of County Commissioners approved a similar resolution supporting the funding of these two schools. The purpose is to encourage Governor Crist not to veto this funding. This resolution will be sent to the governor's office as well as to the County.

**OTHER OPTIONS**

Do not approve the Resolution.

**FISCAL IMPACT**

None

[End agenda memo]

Ms. Van Blargan read Resolution 2010-14 by title only.

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES SUPPORTING FULL FUNDING OF POLK STATE COLLEGE AND THE UNIVERSITY OF SOUTH FLORIDA POLYTECHNIC IN THE 2010-2011 FLORIDA STATE BUDGET.**

**OPENED TO PUBLIC COMMENTS**

There were no comments made by the public.

**CLOSED TO PUBLIC COMMENTS**

Commissioner Thornhill made a motion to approve Resolution 2010-14. The motion was seconded by Commissioner Carter

Roll Call Vote:

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

The motion carried 5-0.

**Agenda Item 14. Amendment of agreement between City of Lake Wales and Ben Hill Griffin, Inc.**

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

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

**SYNOPSIS**

The Commission will consider amending and restating the City's agreement with Ben Hill Griffin, Inc. for provision of reuse water service to the Lake Wales Country Club Golf Course.

## STAFF RECOMMENDATION

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

1. Approve the amended and restated agreement between the City of Lake Wales and Ben Hill Griffin, Inc (BHG) for the Reuse Water Line Extension and provision of Utilities.
2. Authorize the Mayor to execute the appropriate documents on the City's behalf.

## BACKGROUND

In September of 1993, the Department of Environmental Protection (DEP) refused to renew the City's wastewater treatment operating permit because the plant effluent was discharged into the Peace Creek drainage canal in violation of the State's policy prohibiting the pollution of surface waters. In October 1994, the DEP issued the City a Temporary Operating Permit with the condition that the stream discharge cease by August 1998.

In January 1995, a Water Reclamation and Evaluation Study was conducted by the City's consulting engineers, Chastain-Skillman, Inc., with the goal of recommending an option that would satisfy the environmental policies and rules of the State while being cost-effective for the City. In March 1995, the City Commission approved the Reuse Project, which would include the following:

1. A Rapid-Rate Land Application System (RIBs) for disposal of 100% of the plant's treated effluent to meet the requirements of the DEP for issuance of the treatment plant's operating permit
2. Development of public access irrigation, with the RIBs being used to dispose of excess water during periods of low irrigation demands
3. Extension of reuse transmission lines to existing large users in the area, such as groves and golf courses, in order to substantially reduce the use of potable water for irrigation purposes

Because item #3 furthers SWFWMD's goal for "beneficial reuse", the City's reuse project was and is of great interest to that agency. As a result of this beneficial reuse component, SWFWMD agreed to provide 50% of the funding for the Reuse Project.

During Phase I and II of the project, SWFWMD reimbursed the City \$1,011,855. These phases involved treatment plant upgrades and construction of storage and pumping facilities directly related to beneficial reuse along with engineering and development of the RIBs and other wastewater plant upgrades dealing with alternative disposal. Phase III involved development of the beneficial reuse water distribution system, for which SWFWMD agreed to reimburse the City \$856,471. The original SWFWMD agreement required that the City use 250,000 gallons of reuse water per day on an annual average basis.

In 1999, staff began negotiating an agreement with Ben Hill Griffin, Inc. (BHG) to use reuse water to irrigate the Lake Wales Country Club Golf Course. In May 2004, the City Commission approved an agreement between BHG and the City for this purpose. In this agreement, the City guaranteed that it would make available a minimum of 497,000 gallons of reuse water per day for use on the golf course. The agreement called for the City and BHG to share equally in the cost of building the lines which would run from the RIBs site at Scenic Highway and Hunt Brothers Road to the golf course. BHG would be reimbursed for its share of the construction costs via monthly charges for its use of reuse water at the rate of 10 cents per 1000 gallons used, 100% of impact fees from third parties utilizing the reuse water line, 50% of the profit made through utilization of the lines by third parties, and any grant monies that might be awarded by SWFWMD. Reuse would also be made available for all requirements of the future residential development at the Country Club Phase IV. In the event that construction costs exceeded \$500,000 and modification of pro-rata funding could not be mutually agreed upon, the parties would be released from the agreement.

As the deadline for completion of the Reuse Project approached in 2007, it became clear that construction costs to provide reuse water to the golf course would significantly exceed \$500,000, and neither the City nor BHG were in a position to fund the excess cost. In the meantime, other potential customers for the City's reuse water

were identified: i.e., the Whispering Ridge Subdivision, Longleaf Business Park, the City's Soccer/Multi-purpose Complex, the Lake Wales Cemetery, groves purchased by the City north of Hunt Brothers Road and the future Mayfair development.

An amendment to the SWFWMD Cooperative Funding Agreement was requested and approved by SWFWMD in December of 2007. This amendment substituted the provision of reuse water to these newly identified customers for the original project extending lines to the Country Club Golf Course. The revised project was completed in accordance with the amended agreement in 2009 and is considered "closed out" by SWFWMD.

It should be noted that, although SWFWMD's governing board approved the amendment of the Cooperative Funding Agreement and the revised project, SWFWMD did not abandon its desire that the City extend a reuse line to the Country Club Golf Course. The golf course project would have met SWFWMD's goals of "beneficial reuse" by eliminating or significantly replacing an existing instance of large-scale groundwater withdrawal for

irrigation of a golf course. The revised project fell short of this goal because it did not replace an existing large-scale withdrawal.

We are now at a critical point in the application process for renewal of our water use permit for operation of the potable water system which provides water to the city's service area. BHG's water use permit is also up for renewal. SWFWMD has indicated to both parties that it strongly urges an agreement to extend reuse lines to the County Club Golf Course. In the case of the City, SWFWMD has indicated it would consider issuance of a 20-year water use permit instead of a 10-year permit if we demonstrate that we are making significant progress in meeting the goals of "beneficial reuse."

The extension of the reuse line to the golf course would benefit both parties. Specifically, the City needs a guaranteed large-usage customer to improve its application to renew both its water consumptive use permit and its wastewater treatment plant operating permit.

The scope of the project would be reduced in size by roughly 50% compared to the original because lines have already been extended from the RIBs site at Scenic Highway and Hunt Brothers Road to 11<sup>th</sup> Street because of the Whispering Ridge Subdivision. Thus, the line extension to the County Club Golf Course would begin at 11<sup>th</sup> Street instead of the RIBs site as originally planned.

### **Amended Agreement**

Staff and representatives of BHG have negotiated an amendment to the original 2004 agreement that meets the needs of both parties. Main points of the amended agreement are:

- The City, BHG, and SWFWMD will share equally in the cost of construction and installation of a Reuse Water Line to serve the Lake Wales Country Club Golf Course (reuse water will not be used for current or future residential irrigation at the Country Club).
- If the total cost exceeds \$750,000 or if SWFWMD is unwilling to fund 1/3 of the total cost, the parties agree to negotiate in good faith to modify the agreement. In the event a mutually acceptable modification cannot be negotiated, the parties will be released from all obligations under the agreement.
- BHG will be reimbursed for its share of construction costs by monthly charges for use of reuse water at the rate of 15 cents per 1000 gallons used; after 10 years, this rate will increase by ½ cent per year; third party impact fees or user fees will not be paid to BHG.
- The City guarantees that it will make available a minimum of 350,000 gallons of reuse water per day, and BHG agrees to accept an amount not to exceed 400,000 gallons of reuse water per day; upon request of the City, BHG agrees to accept reuse in excess of 400,000 gallons per day on a temporary basis; BHG may refuse to accept reuse water on a temporary basis if acceptance would damage or interfere with operations of the golf course.
- BHG will grant all necessary utility easements over its property.
- BHG will be responsible for construction, maintenance and submittal of required reports of any required monitoring wells.

- The agreement will run for 20 years from the date of approval of the amendment with automatic 10 year renewal periods. Termination is possible by either party with written notice no later than 90 days prior to any renewal period.

## **OTHER OPTIONS**

Do not amend this agreement and the provision of reuse water to the Lake Wales Country Club Golf Course will not be accomplished at this time. Completion of this project is in the best interest of the City because it provides us with a guaranteed large-usage customer. This allows us to help protect the area's water supply by replacing the use of potable water for irrigation with treated effluent, and it increases our effluent disposal capacity by providing a supplement or alternative to the RIBs. Further, indications are strong that the City will not be able to obtain a 20-year water use permit and may have problems with renewal of its wastewater treatment plant operating permit.

In short, the amended agreement recommitments the City and Ben Hill Griffin, Inc. to accomplish this "beneficial reuse" project which satisfies the intent of the original Agreement with SWFWMD as a result of which that agency contributed \$1.9 million for the development of the City's reuse system.

## **FISCAL IMPACT**

At the end of March, the Utilities System Fund had \$936,431 in impact fees. There are sufficient impact fees in-hand to fund the City's \$250,000 share of the costs and advance the \$250,000 SWFWMD portion that will be reimbursed when the project is completed. BHG has agreed to pay its \$250,000 share during the course of construction.

SWFWMD funding of this project would not be approved until the spring of 2011 with funds available in fiscal year 2011-2012. There have been indications that SWFWMD will approve this project. If SWFWMD funding is approved, construction could commence anytime after the date of approval.

Dorothy Pendergrass, Finance Director, has pointed out that, based on a \$250,000 cost-match, BHG will realize a 11.85% return on its investment through reduced reuse costs over the 20-year term of the contract at the city's current rate for reuse water. This is more than the City would pay in interest over the same period if traditional bank financing were obtained for the project.

Currently, the City is charging a single rate of \$.031 for all reuse customers, whether residential, non-residential or bulk. SWFWMD has advised us that the district-wide average rate for residential users is \$0.71 per 1000 gallons, and for bulk users (i.e., golf, recreational, commercial, agricultural and industrial) the rate is \$0.22 per thousand gallons. Our rate structure is under review and a recommendation for modification will be forthcoming within the next 60 days.

It is staff's opinion that entering into an agreement with BHG for reuse water at the rate of \$0.15 per 1000 gallons is justified because we must have large-scale or bulk customers to maintain our wastewater disposal permit and assist with our water consumptive use permit application. After 17 years of talking to grove owners and golf course owners in the Greater Lake Wales area, no other bulk customer besides BHG has materialized.

[End agenda memo]

Ms. Delmar said that Danny Kushner from SWFWMD and Ben Hill Griffin Inc. representative Corby Meyers were present to answer questions.

Mayor Van Sickle said he could understand why SWFWMD would want this versus using many small users, as we would be getting rid of 450,000 gallons of cleaned, usable wastewater and would be saving 450,000 gallons of water from being pumped out.

Commissioner Rogers said it would be advantageous to the City to do so.

Commissioner Howell said it was a great idea, it will help the City, and we need to do it.

Commissioner Carter said it makes sense to do it.

Commissioner Rogers made a motion to approve the amended and restated agreement between the City of Lake Wales and Ben Hill Griffin, Inc (BHG) for the Reuse Water Line Extension and provision of Utilities; and to authorize the Mayor to execute the appropriate documents on the City's behalf. The motion was seconded by Commissioner Howell

By Voice Vote:

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

The motion carried 5-0.

**Agenda Item 15. Appointment of a City Commissioner to Serve on the Finance Committee**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

It is necessary for the City Commission to appoint a City Commissioner to serve on the Finance Committee. This Commissioner will take the place of former Commissioner Wheeler.

[End agenda memo]

Mayor Van Sickle explained what was involved with the appointment as requested by Commissioner Carter. Commissioner Carter asked how they got around the Sunshine Law as there would be more than one Commissioner at the meeting. Ms. Delmar said that Finance Committee meetings are sunshine meetings, which are advertised and open to the public.

Commissioner Howell nominated Commissioner Carter to serve on the Finance Committee. It was seconded by Commissioner Thornhill.

Mayor Van Sickle nominated Commissioner Rogers to serve on the Finance Committee and it was seconded by Commissioner Thornhill.

Roll Call Vote for Commissioner Carter's nomination:

Commissioner Howell	"YES"
Commissioner Thornhill	"NO"
Commissioner Carter	"YES"
Commissioner Rogers	"NO"
Mayor Van Sickle	"NO"

The motion failed 2-3.

Roll Call Vote for Commissioner Roger's nomination:

Commissioner Carter	"YES"
Commissioner Thornhill	"YES"
Commissioner Rogers	"YES"
Commissioner Howell	"NO"
Mayor Van Sickle	"YES"

The motion carried 4-1.

Mayor Van Sickle announced Commissioner Rogers as the new Finance Committee member.

**Agenda Item 16. Status Update on the Alley between Park & Stuart Avenues**

Tom Moran reviewed Agenda Item 16. The full staff memo is incorporated into the minutes.

[Begin agenda memo prepared by Tom Moran, Public Works Director]

**SYNOPSIS**

Repairs to this alley are budgeted in the 2009-2010 Streets CIP in the amount of \$200,000.00 with CRA bond proceeds as the funding source. Approximately 400 feet of the alley can be renovated for this amount; the proposed alley work will be between Scenic Highway and Market Street plaza.

The extent of the repairs required will not be known until the area is excavated:

- The existing storm water conveyance system may need to be replaced.
- The existing water line may need to be moved to comply with DEP standards.
- The existing storm inlets may have to be replaced.

The existing roof drains from the buildings adjacent to the alley currently drain onto the alley; the proposal is to connect these roof drains to the storm water conveyance system. The estimated cost for this is \$14,000.00. If the connections were paid for by the businesses it would be approximately \$700.00 per business.

The repairs would require the alley to be closed to all traffic during demolition and construction. This would require close coordination between the City, contractor and owners. Certain areas of the alley, outside the City right of way, are dirt and gravel. During storm events these areas cause sediment to build up in the storm water conveyance system. It is recommended that these areas be paved at the owners' expense. The estimated cost for asphalt/concrete drive repair is \$80.00 per square yard; in one case it would cost the business @ \$5,250.00, in the other instance @ \$7,120.00.

The paving can be either asphalt or concrete; the price for the concrete is slightly lower than asphalt. Kimley-Horn Engineering is already working on the invitation to bid, specifications and drawings. The tabulation of quantities which relate to the scope of the project will reflect the alternatives listed above; i.e. replace storm pipe etc.

Staff is requesting further direction from this commission at this time as it relates to this project.

1. Can adjacent businesses be tasked to assist in project funding?
2. Shall alley restoration proceed realizing the cost may increase when unknown variables are discovered?
3. The alley can be given a cosmetic make-over but the underlying problems will not be resolved. How does the commission want to proceed?

[End agenda memo]

Public Works Director Tom Moran provided a status update on the alley between Park and Stuart Avenues, showed a map of the area, pointing out the various locations, and said that the alleyway between Park and Stuart Avenues had a great deal of traffic and was filled with pot holes caused by roof drainage running into the alley from businesses, undermining the asphalt and deteriorating the alley. He said he was seeking direction from the Commission on whether to proceed with the project and do it correctly or do a band-aid fix, which would require further work in two or three years. He said the restoration work would cost about \$137,000 to \$150,000 and about \$30,000 in engineering fees for designing a new alleyway. That would bring the total to about \$180,000 and \$200,000 was allocated for the project in the streets CIP for FY09'10 with CRA bond proceeds as the funding source. Mr. Moran said a little could be saved if the businesses along the alley were asked to help with the cost to have the roof drains connected to the storm-water conveyance system. The overall cost of those roof drains is about \$14,000. If distributed among the businesses, it would cost about \$700 per business.

Mayor Van Sickle said six or seven months ago there was a complaint about the alley behind Stuart Avenue where water was running into the Rustic Grill. He asked if anyone had looked into that. Mr. Moran said he did look at it and had an idea on how to fix the problem, but he wanted first to run it by a couple other engineers to make sure it was a good idea. He said it wouldn't be expensive to fix as it was a matter of how to direct the storm-water runoff.

Mayor Van Sickle listed the other utility projects that needed to be done and asked if there was a better place to spend the majority of the budgeted money. Mr. Moran said they could do a quick-fix to the alleyway and use the money elsewhere if they wished, but that would mean we would have to fix the alley again in a few years. He said it is a matter of what is most important, and he certainly thought the sanitary lines in the northwest section were more important, as well as removing approximate 68,000 feet of asbestos pipe, which he explained in detail.

Commissioner Howell asked about using milling to pave the alleyway. Mr. Moran said they could not use milling because there would not be enough adhesion. Commissioner Howell asked if it was just a matter of filling in the pot holes in the alleyway. Mr. Moran said to improve the alleyway it had to be done right.

Commissioner Thornhill said a band-aid fix on a project ends up costing the City more. He asked if the project was budgeted and Ms. Delmar said yes with CRA proceeds. Commissioner Thornhill said if the funding is there and the project was budgeted, then it should be done right so it would last for years.

Commissioner Rogers asked if the property owners had been asked to help and Mr. Moran said they had not. Commissioner Rogers said he thought the businesses should be approached because when the drain-pipe stops-up, it puts more water on their roofs, causing leakage.

Commissioner Rogers said that many residents called him asking when their alley would be paved. He asked if the alleys would be patched or paved and Mr. Moran said they would be patched with milling.

Commissioner Howell asked if the other alleyways had the pipes running underneath. Mr. Moran said he couldn't say for all of them, but he knew that some do not have the underground pipes.

Commissioner Howell asked if the alleyway was already in poor condition when the money was budgeted. Ms. Delmar said they had made a ballpark estimate as to the cost because there were several issues that needed to be addressed in that particular alley. She said all the downtown alleys had problems but that this was one of the worst because of the water draining off the roofs of the buildings.

City Attorney Chuck Galloway said in order to establish that each owner was responsible for a portion of the payment you would have to establish a special benefit to them. He said he was not sure that could be done because the pipes coming off the roofs and down the side of the building are dumping the water onto public property rather than on their own property. Without establishing the special benefit to the owners, you could ask if they would participate, and maybe they would, but there would be nothing to compel them to do so. He said



the public got the largest benefit because it would straighten out the problem with that alley and would improve the water quality of the lake.

Mr. Galloway said that if you got rid of the pervious area contributing to the problem of sand and gravel going into the drains, the benefit is better lake quality. He said the run-off from the roofs would not be picking up sand and gravel from the alleys. Mr. Moran added that the problem with roof run-off is the damage to the alley itself and gave the example of a waterfall constantly eating away the rocks it falls on. He said you can't see it being done because it happens over a long period of time.

Ms. Delmar said another option could be a special assessment or the City could pay to have the drain connected as part of the project cost. She said that would be a policy decision made by the Commission. She asked if they wanted the City to bite the bullet and pay for the individual gutters to be connected to the storm-drains or do they want the property owners who are draining the water into the street to pay through an assessment. She added that the City Attorney says the benefit would be difficult to establish so we should include that \$14,000 as part of the project cost, rather than allow the water to continue to drain there.

Commissioner Carter asked what would happen if we don't fix the run-off from the roof and only address the correction to the alley. Mr. Moran said that in two or three years we would have to fix the alley again. Commissioner Carter said that we need to fix the roof problem by directing the water where we want it to go. He asked if we could make the property owners do something to their roofs to address the problem of water collection or do we address the problem once the water gets to ground level. Mr. Moran said he thought all the businesses had drainpipes, so it would be a matter of directing the water from that point into the main conveyance system. He added that anything that happens on the roof is the property owner's concern, but once it is on the ground it is ours. Commissioner Carter said he was in favor of the City funding this without involving the property owners because of the potential legal situation involved. He added that he thought the consensus was that the Commission was through with the band-aid or cosmetic approach.

Mayor Van Sickle said to keep in mind that we don't have the money to fix all the projects this year or for the next several years. It may be that we have to look at the most important projects and do only one big project a year. We don't want to waste money and we don't want to just patch things up. He said it makes him nervous that there may be some unknown expenses with this project, but that they should not be but a few dollars.

Commissioner Howell said they need to look at that 5-YR CIP and determine the most important projects that are needed now, and address only those with health and safety issues, even though others on the list may already have been budgeted.

The Mayor agreed and said they would have to make sure they were doing the most important projects. He said he thinks that the consensus of the Board is to fix it correctly, and do it at a reasonable price.

Mr. Moran said another outstanding issue is paving the asphalt on the private property adjacent to the alley. The Mayor said he did not think they should spend City money on private property. Ms. Delmar said we could not pave private property so the question is do we require them to pave their property in conjunction with this project. Mr. Galloway said he would have to look at that but he thought we should be able to require them to pave it since the only way the problem could be truly fixed would be to get rid of that pervious area.

Mr. Moran thanked the City Commission for its direction.

### **CITY MANAGER'S REPORT**

#### City Commission Tracking Report

Ms. Delmar said there were no changes to the tracking report but announced that in a week or so the Veteran's Administration would be sending a mobile unit to Lake Wales to supply out-patient services to veterans from Frostproof to Haines City. They will be parking in the City Hall parking lot twice a week every other week to establish a need. If the need is as high as they expect, they plan to expand into a storefront, and then construct

a 10,000 foot facility in five or six years. She said that Clinton Horne, liaison for the Veteran's Administration, was present to answer questions.

Mr. Horne said this outreach program was necessary and that the mobile outreach unit was expected to be short term. He explained that Lake Wales was chosen for the program because of its strategic location as the crossroad of US27 and SR60 and because the VA is right across the street. He said the second phase would provide services seven days a week on an interim basis. He said that one of the City Commissioners was involved in getting this project underway and that the City of Bartow was also instrumental. He said that the Lake Wales Medical Center, Lake Wales' doctors, the Chamber of Commerce, B Street Community Center, and Polk State College were on board with the project. He said this would be quite an economic boost for Lake Wales and explained how. Not only would the VA Administration be providing local service, it would improve the communication within the health care system within the Lake Wales area.

Mayor Van Sickle said that as a disabled Veteran he was very interested and asked if the mobile unit would have the capability of taking any Veteran with the Veteran's card. Mr. Horne said the mobile unit would not provide a full range of services and that is why they will be partnering with local doctors and the hospital for their referrals. The Mayor asked if the VA would coordinate payments to the hospital and Mr. Horne said that was how he understood it would work. Mayor Van Sickle said he believed there would be a big need and suggested contacting the Lake Wales VA and the veteran's organization at Lake Ashton to get them on board.

Commissioner Carter said he thought it was a great idea because the Lakeland VA Hospital had a long waiting list. Mr. Horne said there were 11,000 veterans in the Lake Wales area and they expect that number to expand to somewhere in the neighborhood of 16,000.

Commissioner Rogers said he goes to the VA in Orlando so he would be glad to have one closer and he was willing to help if he could.

Commissioner Howell commended the Bartow Commissioners for recommending this for Lake Wales. She said one of the men from the VA was from Bartow so he understands the need on the east side of Polk County. Ms. Delmar agreed and said they realized that the whole area up and down the ridge is underserved for veteran services. Many veterans that are not in the system need to be and this is a stepping stone for them to do so.

### **COMMUNICATIONS AND PETITIONS**

Wes Rogers, 500 E. Bullard Avenue, said voter turnout in Lake Wales is only about 15% of the registered voters and there is a great need for participation in our government. He believed that one reason voters do not come to the meetings is because they are held too early and residents do not have the time to get home, fix dinner, and get to the meeting. He asked the Commission to consider moving the time back to 6:30 PM.

David Smith, Babson Park, invited everyone to attend a pilot program called "City Spirit" that is being held at the James P. Austin Community Center on Saturday, May 22 from 9 AM to 1 PM to discuss the results of the mediation process between the NAACP, the LWPD, and the Lake Wales Ministerial Alliance. He explained that it was a seminar/slash workshop format with someone from the Justice Department and various community leaders breaking up into groups. Ms. Delmar said it would be similar to a visioning process with a facilitator who draws down various issues that need to be discussed and resolved.

Mr. Smith also asked for an update on the proclamation in honor of former Police Chief Mark Levine, and Chief Gillis said the requested proclamation was moving forward and that he is awaiting a portrait to be framed of former Chief LeVine that will be hung at the Police Department.

Mr. Smith asked for an update on the sewer problem in the northwest section, complaining of the odor and health problem it causes. Mayor Van Sickle asked if sewage was on top of the ground and Mr. Moran said he had not heard of any. He said the survey being done by Envisors LLC, the engineer, is about 98% complete and they can't go further until it is complete. He said that the July workshop would be addressing this issue and he reviewed the problem and possible solutions.

Commissioner Carter said something should be done before July and said that federal money was available for projects that were health hazards. He asked if that had been looked into. Ms. Delmar said that the sewer lines run above the ground but there was not any raw sewage. She said they were looking into grants but that they have to get the engineering done first. Mr. Moran said to get those federal dollars the project has to be shovel ready. You can't ask for the money before you know what has to be done to fix it. Mr. Smith said if the Health Department gets involved it would probably be mandatory for the City to do something. Ms. Delmar said the necessary steps have to be taken in order and it was their goal to have the report ready for the July workshop. Mr. Smith asked if they could be part of the July workshop and Ms. Delmar said it was a public meeting.

Commissioner Rogers said it was a high priority problem because someone could drive over the lines that are above ground. Mayor Van Sickle said he was there inspecting it two years ago and though he saw the lines above ground he did not see any sewage.

Michelle Ivy, address not clear on the cassette tape, said that she and some others present were on a softball team that practices and plays their games on Frasier Field (Northwest Complex) and wanted to know why the bathrooms were locked and they could not turn the lights on when it got dark. Beverly Pennington, Field Services Director, explained that the bathrooms when left unlocked were repeatedly vandalized at great cost to the citizens, and that the lights had a switch on them but were left on anyway. She explained when teams rent the field she receives a schedule and turns on the lights and opens the bathrooms when they start, turning them off and locking the bathrooms when they leave.

Commissioner Howell asked if there was a person over the fields and Ms. Delmar said they have a contract with Ken Duell who keeps the fields up and marks them before games. She does not think it was his responsibility ever to turn on or off the lights and to unlock and lock the bathrooms. Ms. Delmar apologized that staff has to take such measures because the expense to the public is larger due to all the suffered damage. An alternative to the timers is being discussed so that people can use those lights at night, but the City should recover the cost of that electricity. The City's IT personnel and Purchasing Agent are looking into the possibility of a coin operated meter box. That may not ever come to fruition but at a minimum we will get those lights back on.

Commissioner Howell asked if that is currently being done for the baseball and soccer field lights. Ms. Delmar said that is a consideration that is being looked into for the baseball field lights, but the soccer field lights are already on a timer. Coin operated timer boxes may be proposed in the future, not to say that it will be done.

Ms. Ivy said that the people on her team were mostly single moms and young adults and they could not afford the high fees for renting the fields. Ms. Delmar suggested that representatives in the group come and talk with Public Services Administrator Teresa Allen to see what can be worked out. Mayor Van Sickle said that the City may not have the staff to open and close those restrooms, but perhaps one of the individuals who are renting the field could be responsible for doing that. Ms. Pennington said that the City used to give a key to one of the coaches renting the field but they would make duplicate key for themselves and one for each of the other coaches. She said that she currently opens and closes the restrooms and turns on and off the lights when the fields are rented. Mayor Van Sickle said the issue must be due to unscheduled games being played there. Ms. Pennington confirmed. Mayor Van Sickle said that must be worked out with staff.

Ms. Ivy said she did not understand why they had to pay to use a public ball field and asked if the City could sponsor their team or give them a waiver. Ms. Delmar asked her or her representative to get with Public Services Administrator Teresa Allen and maybe something could be worked out.

Mr. Joiner, 307 Dorsett Avenue, said that the police patrol that area and that a timer used to be on a pole so they could turn on and off the lights when they had a game. Ms. Pennington explained that the box had been tampered with and wired in such a way that it was a safety issue and they took it down for fear someone would get electrocuted. Mr. Joiner said they were just asking for a little help. The Mayor said they were helping by getting the ladies in touch with the public works manager to resolve the problem.

A gentleman came forward, name and address not clear on the tape, complained of police harassment in the northwest area and that they just sit around or drive around wasting gas. Mayor Van Sickle said if he had a complaint about the police department there was a procedure to follow. Chief Gillis said they patrol the area

because the Commissioners are getting called about loud music, drinking, littering with bottles, and because of violence in the area.

A lady came forward, name and address not clear on the tape, complained about the lights not on and the restrooms locked at Fraiser Field. She said they can't afford the fees and that all the City parks need to be treated equally. Mayor Van Sickle asked her to get in touch with Ms. Allen. The lady said she had seen the lights at Legion field left on all night and Mayor Van Sickle said he has also and he and the other Commissioners do get upset when the lights are left on but that the City did not pay that bill. Ms. Delmar said the City does pay the light bill there and the team pays anything over the average as part of their contract. They are doing a better job this year keeping the lights controlled than they have in the past. Though the problem is not completely solved, they are working on it.

Commissioner Howell asked if Frazier Field was the only field that is rented out. Teresa Allen, Public Services Administrator, said the fields at Kiwanis Park were also rented out and explained that the fields have to be rented in order to reserve a specific time. Otherwise, there is no guarantee the field would be available for the time needed. Those who rent have first priority. The City has a contract with Ken Duell, Florida KD Enterprise, Inc., to maintain Fraiser Field. Mr. Duell pays for a league to play on that field as well. Any other rentals are based around his schedule. Ms. Allen confirmed that the timer box was not torn out, but was damaged by someone. For safety purposes, the City had an electrician to rig it to where it cannot be tampered with again. She said staff is willing to work with the group to see what can be done, but cannot guarantee specific dates and times.

Phillis Johnson, 138 D Street, said she did not have a problem with the man who own Massey's bar but she did have a problem with the rules and regulations that were changed to allow that establishment to exist, which is less than 500 feet from a church. She said she has lived there since 1955 and now that the rules have changed she is not able to sleep at night because of gun shooting and loud music. Ms. Johnson said she will continue to call all the Commissioners as long as the problems exist and the Club is still there.

Mayor Van Sickle said everyone should feel safe in their homes. The Commission will continue pressuring to get rid of the problem.

Ron Jepson, 1166 S. Lakeshore Blvd., complained about the two stop signs that were recently removed from the intersection of S. Lakeshore Blvd. and Sunset Drive. He said the intersection has now become a race track and urged the Commission to have the stop signs put back. Commissioner Carter apologized for the removal of the stop signs. He said the item was on the Consent Agenda at the last City Commission meeting and that he meant to have it pulled for separate discussion but got tied up with something else.

Police Chief Herbert Gills said the Police Department did a preliminary survey today and the residents who live in and around that intersection are in favor of putting the stop signs back. As the result of a two hour speed check done today at that intersection it showed that the average speed driven there is 28.5 mph. He said that the City Commission concurred with some of the people in the community that we were putting in too many stop signs so it directed the Police Department to revisit 11 of the locations to see if there was a reason that a stop sign was still needed and it was found that there was no warranted need for a four-way stop at the intersection of Lakeshore Blvd. and Sunset Drive, so the two stop signs on Lakeshore Blvd. were removed.

Ruth Dampier, 1154 S. Lakeshore Blvd. spoke in favor of putting the stop signs back and suggested putting up 25 mph signs in that location as well. She commented that when people have a problem they should address it to the Commissioners before they reach the point of being angry and bitter. That way, the issues can be resolved beforehand. Ms. Delmar suggested that they speak to staff first because it might get resolved at staff level before it reaches Commission level.

Michael Berkau, 1170 S. Lakeshore Blvd., thanked the Commission and staff for talking to him about the removal of the stop signs on Lakeshore Blvd. the other day. He said that since the stop signs were removed,

vehicle traffic speed has increased. Safety is his main concern so putting the stop signs back would be greatly appreciated.

Police Chief Gillis said that he is bringing an item to the Commission at the next meeting to put a stop sign up at the intersection of Wildabon Avenue and 8<sup>th</sup> Street, and if it's the Commission's wish, he will add putting the stop signs back on Lakeshore Blvd. to it.

Commissioner Thornhill said that out of the 11 stop signs that were reviewed, only one was removed. In the future, he said he would like the residents who live in that vicinity to be polled first because they should have precedence over those who do not. He said he was in favor of adding back the stop signs and added that the warning signs for that intersection are gone again. Beverly Pennington said that the warning signs are still there. She had them moved over some so people could see them and added that she also received a lot of phone calls regarding the stop signs at the intersection of N. Lakeshore Blvd. and 9<sup>th</sup> Street over by Kiwanis Park. Those stop signs were removed because they were put up in the wrong place. They were to be put up on S. Lakeshore Blvd. instead.

Monica Tucker, Quail Circle, urged the City Commission to allow their softball team to play on Fraiser Field without having to pay a deposit to show its support for the positive things they are doing in the community.

Greg Massey, 1332 Morningside Drive, who owns the wine and beer bar on Lincoln Avenue, said that he has abided by the rules and has done everything possible to prevent any problems including hiring off-duty police officers. He urged everyone who has a problem with his establishment to please talk to him about it so it can be addressed immediately. Everybody is not going to be happy. Mr. Massey said that Massey's Place is the only legal establishment in the northwest area that serves the northwest people.

Mayor Van Sickle told Mr. Massey that he did not think any of the Commissioners were blaming him. The Commission stated on multiple occasions that the problems are not coming from his establishment, but instead from the people outside the establishment. Mr. Massey said the Police Department has not done anything for the last two weeks. Police Chief Gillis said that 20 tickets have been written since the operation started and two arrests were made for loud music. Mr. Massey said if his establishment is the problem, he needed the police report indicating so. He said that we need communication to get to the next level.

Police Chief Gillis said the problem is not Massey's Place but allowing the establishment so close to residential houses, leaving no buffer for the loud music coming from the establishment.

Phillis Johnson, 138 D Street, said the problem is communication. She urged the Commission to close the Club and said that she was claiming her grandfather rights.

### **CITY COMMISSION COMMENT**

Commissioner Carter commended the City Manager and staff for what they are doing with the finances of the City.

Commissioner Thornhill commented that he was awfully hot in the Chamber and asked if the Commission could go business casual.


Mayor Van Sickle suggested purchasing golf shirts with a City logo at their own expense. Ms. Delmar said that Purchasing Agent Bonnie Hodge handled uniforms. Ms. Hodge said she would be on vacation for the next two weeks but she would leave a catalogue with Katie Kinloch in the City Manager's office for the Commissioners.

Commissioner Howell commented on the sewer line backup at the house on Greenleaf Lane. Sandra Davis, Human Resources Director, confirmed that the City was taken care of everything to restore the house to its former condition. Public Works Director Tom Moran reported that the problem was due to

roots getting into the pipe, but slip-lining measures were being taken to keep it from happening again. Commissioner Howell said this also happened in 1994 at that same place. Ms. Delmar explained that there was a sewer problem but it was not due to roots although they could have been contributory. Kids were dropping things in a nearby manhole that caused the sewer line to backup. The problem was fixed but no preventive measure has been taken to keep the pipe from backing up. She said today she heard that there was a statement made that the lady had been asked to sign a waiver forever holding the City harmless if anything happened again, which was not true. The City's insurance is covering everything and anything that needs to be replaced will be.

There being no further discussion the meeting was adjourned.

  
\_\_\_\_\_  
Mayor/Commissioner

  
\_\_\_\_\_  
City Clerk