

The regular meeting of the Lake Wales City Commission was held on July 6, 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 Fire Chief Jerry Brown.

## **PLEDGE OF ALLEGIANCE**

**COMMISSIONERS PRESENT:** Terrye Y. Howell; Michael S. Carter; Jonathan Thornhill; John Paul Rogers; L. Jack Van Sickle, Mayor.

**COMMISSIONERS ABSENT:** None.

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

## **MAYOR**

### **Agenda Item 5. Proclamation: Lakes Appreciation Month**

Mayor Van Sickle read a proclamation proclaiming the month of July as "Lakes Appreciation Month." Rachelle Selser, Lakes Education / Action Drive (LE/AD), accepted the proclamation.

### **Agenda Item 6. Presentation by Sherry McInvale: Polk will connect!**

Public Affairs Director Sherry McInvale gave an educational presentation of Polk County's public transportation needs. She said that the financial support from the surrounding cities during 2010 enabled the Winter Haven Area Transit fixed route service to continue. Currently there are three separate transit systems operating: Citrus Connection; Winter Haven Area Transit; and the Polk County Transit Services. Currently, Polk County is considered a small urban designation, which is a federal designation. There is no doubt that when the 2010 U.S. Census is complete that status will change to a large urban designation. When that happens, federal funding will be limited to capital expenses, which will greatly impact public transit. Large urban areas, with higher populations, are expected to find alternative funding solutions. In 2003, the Transportation Planning Organizational (PTA) Board did a countywide study. A recommendation was made to combine all three of the separate transit services into one countywide operation for efficiency and cost saving purposes. The variables that will have significant financial and operational impact on transit services in the county will be the Polk Transit Authority's half-cent sales tax referendum in November and the 2010 U.S. Census determination on population density. The referendum's passing would provide a dedicated local funding source for operations that would allow the PTA to move forward with the consolidation of all transit in Polk County and make any census determination moot. If the referendum is unsuccessful the county will not be well connected and alternative funding from local sources must be identified to continue services at current levels.

Commissioner Carter asked how much operating revenue they expected to generate from the transportation fares. Paul Simmons, Polk County Transit Services Division Director, said the transportation fare revenue is expected to be 8-9% of the operating cost. He added that there is almost no transportation agency in the country whose fares support their entire transportation system.

Commissioner Howell said if Lake Wales is going to be part of the Polk County's mass transportation system, residents will be able to get on the bullet-train in Lakeland and go to Tampa or Orlando in less time. She asked if the plan included more scheduled pick-up times in Lake Wales. Mr. Simmons said he thinks it would stay the same, which is every hour, but the service would start earlier, run later in the evening, and there would be an increase in Saturday service. He said access is the priority. People have

to be able to get to a bus stop whether they are walking or in a wheelchair. The plan is to work with cities to increase that access by creating more sidewalks. The plan would also increase door-to-door service for those who qualify as disabled or handicapped and provide more transportation for Medicaid participants and the elderly living outside of the core area of Lake Wales.

Commissioner Howell said she thought the system was great. She asked if Lakeland would be the only city to have a transportation system if the referendum failed in November, until it came to a vote again. Mr. Simmons said if the referendum failed, Lakeland's service would be about 50% of what it is today and he would be asking the various cities to contribute more money. But, because times are tough, the cities may not be able to contribute more.

Mayor Van Sickle said he thought it was a viable program and his intent was to educate people because if it does not pass in November, the east end of the county will be without public transportation. He said that with the bullet train stopping in the Lakeland area, people in the Tampa and Orlando area could hop on the bullet-train and go to Lakeland and to other places like Lego-land in Winter Haven that is coming in two years. He said that the 7% sales tax was high, but a half-cent increase would not make much of a difference when it comes to public transportation.

Mayor Van Sickle opened up the floor for public comments but there was none.

Ms. Delmar asked Mr. Simmons if they had a website and he said it was "pta.com." Ms. Delmar said she would put a link on the City's website.

Mayor Van Sickle moved up Agenda Item 12, Resolution 2010-16, so the results for the Support of the Transit Tax Referendum would meet the deadline for the Lake Wales News.

**Agenda Item 12. Resolution 2010-16, Support of Transit Tax Referendum**

The full staff memo is incorporated into the minutes.

[Begin agenda memo prepared by Jennifer Nanek, Special Projects Manager]

**SYNOPSIS**

The purpose of Resolution 2010-16 is to support the actions of the Polk Transit Authority and Board of County Commissioners to secure dedicated local funding for transit operations, equipment, and facilities.

**RECOMMENDATION**

Staff recommends approval of Resolution 2010-16 supporting the Charter County Transportation System Surtax for transit funding that will be on the county-wide ballot in November.

**BACKGROUND**

The Polk County Board of County Commissioners have recently approved a referendum for the November ballot that will provide dedicated funding for transit services in Polk County. This funding would enhance transit service for the entire county. As Lake Wales is served by the Polk Transit system, this could benefit the Lake Wales area residents. Similar resolutions have been approved by the Winter Haven and Lakeland City Commissions.

**OTHER OPTIONS**

Do not approve the Resolution.

**FISCAL IMPACT**

None

[End agenda memo]

Ms. VanBlargan read Resolution 2010-16 by title only.

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES SUPPORTING THE ACTIONS OF THE POLK TRANSIT AUTHORITY AND BOARD OF COUNTY COMMISSIONERS TO SECURE DEDICATED LOCAL FUNDING FOR TRANSIT OPERATIONS, EQUIPMENT, AND FACILITIES.**

Commissioner Howell made a motion to approve Resolution 2010-16. The motion was seconded by Commissioner Thornhill.

By Roll Call Vote:

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

The motion carried 5-0.

**CONSENT AGENDA**

Mayor Van Sickle pulled Agenda Items 8, 10, and 11 for separate discussion.

**Agenda Item 7. Approval of Minutes: June 8, 2010, Workshop Meeting; June 15, 2010, Regular Meeting; June 22, 2010, Special Meeting**

**Agenda Item 9. Lake Wales Public Library Youth Services "Summer Beach Party"**

The full staff memo is incorporated into the minutes

[Begin agenda memo, prepared by Katie Kinloch, Administrative Assistant in the City Manager Department]

**SYNOPSIS**

Approval of the Special Event Permit Application will allow the Lake Wales Library's Youth Services to hold a "Summer Beach Party" on July 22, 2010 and allow the closure of a portion of Cypress Gardens Lane between the hours of 10:00 a.m. and 4:00 p.m.

**RECOMMENDATION**

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

1. Approve the Special Event Permit Application from the Lake Wales Library Youth Services to hold a "Summer Beach Party" on July 22, 2010 between the hours of 10:00 a.m. and 4:00 p.m.
2. Approve the closing of a portion of Cypress Gardens Lane in front of the west entrance to the library between the north parking lot and the south parking lot beginning at 10:00 a.m. and

ending at 4:00 p.m.

## BACKGROUND

Tina Peak, Library Director submitted a Special Event Permit Application to hold a "Summer Beach Party" on Thursday, July 22, 2010 between the hours of 10:00 a.m. and 4:00 p.m. This event will involve the closing of a portion of Cypress Gardens Lane between the north parking lot and the south parking lot in front of the west entrance starting at 10:00 a.m. and concluding at 4:00 p.m.

As part of the event, a truckload of sand will be donated by CEMEX and brought to the library on July 21, 2010. This sand will be placed on the City's parking lot across from the library's west entrance. Children who participated in the summer reading program and turned in their summer reading logs will be allowed to participate in the "Beach Party".

City departments have reviewed the permit application and have approved both the event and the road closing. The Streets Department will coordinate the road closing and the sand delivery. The Streets Department will also remove the sand after the event is concluded and haul it to the Street and Park Departments' location.

## 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]

Commissioner Thornhill made a motion to approve Consent Agenda Items 7 and 9. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.

## Agenda Item 8.           2010-2011 Fire Protection Agreement

The full staff memo is incorporated into the minutes

[Begin agenda memo, prepared by Jerry Brown, Fire Chief]

## SYNOPSIS

The fire chief is asking the City Commission to authorize the City Manager to execute the attached fire protection agreement with Polk County for the 2010-2011 fiscal year. The agreement is for the City of Lake Wales to provide fire protection to areas of Polk County outside of the city limits that are distant from available county fire protection. If approved, the City will receive \$242,572 from Polk County for the agreement.

## **RECOMMENDATION**

It is recommended that the City Commission approve attached Fire Protection Agreement with Polk County for the 2010-2011 fiscal year and authorize the City Manager to execute the agreement on behalf of the City.

## **BACKGROUND**

The Lake Wales Fire Department has been providing fire protection to property owners in areas outside of the City since 1976. The attached agreement is for service from October 01, 2010 through September 30, 2011 and is similar to the approved agreements of previous years.

As part of the agreement, the City receives 50% of the fire assessment fees collected for all residential and commercial property within the contract area. For 2010-2011 this amount totals \$242,572 as identified in the agreement, \$2,803 below the amount received for 2009-2010.

## **OTHER OPTIONS**

Do not approve the agreement. This will require Polk County to seek other options for protection.

## **FISCAL IMPACT**

Approval of the agreement allows for a revenue amount of \$242,572 to the general fund.

[End Agenda Memo]

Fire Chief Jerry Brown reviewed Agenda Item 8.

Commissioner Carter said that according to the dollar amount it looks as though we are putting money in the bank although it does not work that way. He read a section in Paragraph 7 that said, "Funds provided to the City shall be used solely for the provision of fire services. To the greatest extent possible, the City shall commit a portion of the funds paid pursuant to this Agreement towards upgrading equipment and purchasing new capital equipment for the provision of fire services." He said that sounds like we get money, but we have to spend money to make it happen.

Fire Chief Brown said the agreement was almost identical to the agreement for all the municipalities. There is a stipulation in the agreement that said we have to use the money as much as possible towards the purchase of capital equipment such as fire trucks. He said they purchased a \$600,000 ladder truck in 2006; one for \$265,000 in 2008 so he felt they were doing their part to make sure the fleet was up-to-date and in good shape. To say that one hundred percent of the money was used that way, it was not. But, we are doing a good job at using it. Ms. Delmar said all the money is being used for the fire department.

Commissioner Carter asked if there was additional equipment we needed to purchase in order to enter into this agreement and the Chief said no additional purchases would have to be made to enter into this agreement. He added that the bottom line was that he wanted all the residents both inside and outside the City to be protected.

Commissioner Carter asked if there was additional training needed and if there were hazardous businesses out there. Chief Brown said there were some industrial properties such as the Hunt Brothers Property that they protected for three years before it was annexed into the city, and some property west of town. He added that they would have had to prepare for those areas anyway. If they did not have this agreement and there was a fire there, we would be called upon by a mutual-aid agreement. So, it would be in our best interest to be ready to do that.

Commissioner Carter said it seems like we are doing 100% of the work for 50% of the money. Ms. Delmar said we fought that battle before and lost it. Chief Brown said the Fire Chiefs of Polk County meet at least once a month to negotiate these types of things. They all would like to have a higher percent but that was something a group of cities would have to do collectively. He said the City receives, free of charge, specialized services from the County including access to a hazardous material unit, EMS materials, and equipment. He said he would like to have a higher percentage of the fire assessment fees and hopefully one day we would. But right now, we are stuck with 50%.

Ms. Delmar said that regarding the equipment purchase, the City paid for one fire truck outright and financed two in the last ten years. Chief Brown said once financial times get better, the City may be able to set money aside in an equipment replacement fund. Ms. Delmar said the money had been used as the funding source for the debt service on the fire trucks. Chief Brown said it has taken a lot of the financial burden off the taxpayer.

Mayor Van Sickle said he thought that some of the funds are being used to pay for the firefighters who work in the north section of the City. Chief Brown said that when the substation was first opened on Thompson Nursery Road they took some of the personnel from the downtown station to work there. At that time, the City was able to offer the county fire protection for Peddlers Pond, along north US 27, and the Waverly area, which increased the OPA amount. That money was used to hire three firefighters to staff the substation.

Commissioner Carter said the money received amounted to about \$100 per structure and asked if that was comparable to what it costs. Chief Brown said the County's fire assessment fee charge is about \$148 per resident, paid through their property tax bill, and we get 50% of that. Their commercial fee structure goes by square footage. He said his study from a couple of years ago showed that the cost for the number of calls and responses they have had outside the City to see if there would be savings if we did not provide the service. He discovered the difference was not that much. Ms. Delmar said, in relation to the fire assessment fee proposal for Lake Wales that they looked at not long ago and would never revisit, it would have been about \$85 per resident which is not that much more than what we get from the county.

Commissioner Thornhill made a motion to approve the Fire Protection Agreement with Polk County for the 2010-2011 fiscal year, and to authorize the City Manager to execute the agreement on behalf of the City. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.

**Agenda Item 10. ADP Major Accounts Guaranteed Two Year Price Agreement**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

Two year price agreement with Automatic Data Processing, Inc. (ADP).

**RECOMMENDATION**

It is recommended that City Commission authorize the City Manager to execute the two year price agreement with ADP.

## **BACKGROUND**

On August 9, 2007, the City of Lake Wales entered into a major accounts agreement with ADP for payroll processing and human resource services. The terms of this contract allowed ADP to increase prices at any time after the initial six month period upon at least 30 days prior written notice to client if such changes are part of a general price change by ADP. On May 29, 2010, ADP provided notice of an intended price increase of 3.5%, effective July 2, 2010. Through discussions with the Finance Department, ADP has offered to freeze prices for one year with a second year having a price increase of 2.5%.

ADP's provides the following services to the City of Lake Wales:

- Offsite payroll data storage
- Check processing
- Check signing
- Check stuffing
- Labor distribution import files (accounting system integration)
- Ensures tax and regulatory compliance
- New hire reporting service
- Accounting report package (ad hoc and standard reports)
- Payroll tax payments
- Payroll tax filing
- Quarterly 941's and Annual W-2 filing
- Benefit accruals
- Direct deposit banking
- HR can gain quick access to ADP's employer-related products and services and disseminate information to employees with more speed and less paper.
- Provides HR Managers with access to clear and concise HR information as well as relevant employment law data and immediate advice from certified HR professionals.

## **FISCAL IMPACT**

This pricing agreement would realize a saving of \$168 during fiscal year 2009/10 and an expected saving of \$1,149 during fiscal year 2010/11.

[End agenda memo]

Finance Director Dorothy Pendergrass reviewed Agenda Item 10.

Commissioner Carter said we were spending approximately \$20,000 a year for this payroll service and that it has not gone out for bid since 2007. He said ADP was a multi-billion dollar company with 540,000 clients and their dividend on stock increased 47% since we went with them in 2007. He figured some of that stock dividend increase was paid for by the clients. He asked if there was a local company that could provide the service. Ms. Pendergrass said a company called Pay Check expressed interest about eight months ago, looked at all the City's data, the amount of work involved, and the fee that ADP was charging. They said they could charge a little less but would not confirm exactly how much. She said her recommendation would be to go with the two year price agreement with ADP because the cost would be a little more steady. Whenever you implement a payroll system a lot of coding is involved that takes about six months to learn. She said we had other contracts that she thought we should review to see if there could be savings on them, and then we could go back to ADP in two years to see what we can do with this service.

Commissioner Carter made a motion to approve the two-year price agreement with ADP. The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

The motion carried 5-0.

### **Agenda Item 11. Southside Elevated Storage Tower**

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 to enter into a contract with Kimley Horne and Associates to provide engineering services for the Southside Elevated Storage Tower.

#### **STAFF RECOMMENDATION**

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

1. Approve Consulting Services Authorization to the Master Consulting Agreement #09-173 for engineering services for the City of Lake Wales Southside Elevated Storage Tower in the amount of \$28,950 to be provided by Kimley Horne & Associates (KHA).

#### **BACKGROUND**

At its May 4, 2010 meeting, the City Commission and staff discussed in great detail options and estimated cost for correcting the operating deficiencies of the Southside Elevated Storage Tower. The Commissioners indicated that they wanted to see the problem corrected in the most efficient way possible.

City Staff presented its recommendations for corrective action to the Department of Health to ensure that this agency concurs with the conceptual modification recommended and to ensure that any issues with the City over this project are resolved. These recommendations were approved.

To move forward with the project, staff contacted KHA requesting a task order for engineering services which will provide design development, permitting, engineering design, and bid administration for the amount of \$28,950.

#### **OTHER OPTION**

Do nothing and continue to operate the system manually. Wait for increased demand, and it is assumed that the project will work as originally intended. The cost associated with this option is the interim excessive demand on the time of key staff members who are already overtaxed by the manual operation of the system.



## FISCAL IMPACT

\$200,000 has been allocated for the tank correction to be funded with remaining CRA bond proceeds. These funds will cover the required engineering and additional construction needed to make the tank function properly.

[End agenda memo]

Commissioner Carter asked Public Works Director Tom Moran if there was anyone on staff that was capable of providing any of the tasks outlined in the scope of service. Mr. Moran said there were but they did not have the time or the equipment to produce drawings to get permits.

Commissioner Carter said the document mentioned the attached Kimley-Horne and Associates rate schedule but it was not attached. He read aloud the last paragraph of that statement, "Written or verbal requests from client will be considered as authorization to invoice for time and materials to perform any such services." He said he hoped there would be no more verbal requests made because the City has been hurt enough by doing so in the past and that doing so left no paper trail and provided no accountability. City Manager Judy Delmar responded that this was standard language and does not mean we were bound to give them verbal orders and we would not be doing so. She said we would work to get that statement removed in future contracts. Mr. Moran said to remove the language would not be difficult and he would call Kimley-Horne and have them remove that language, and to let them know everything has to be documented before any work is done. Commissioner Carter argued that the contract says we can give verbal requests so he could not vote yes on this with that verbiage included. Mayor Van Sickle said most federal contracts have a regulation that states that if directions are given to the contractor by someone in the position of authority, you have to pay them for that work. He gave an example.

Commissioner Rogers asked if he was correct in saying the tank at the present time was not serving anyone, and would not be serving anyone until there is construction out there. Mr. Moran said that right now the tank is operating at 0% but with the modifications and with the existing conditions, the tank will probably operate at 35-50% efficiency with the existing conditions. When Mayfair comes on line it will work at 100% efficiency. Commissioner Rogers said if the tank is not in service now, could we get along without putting it in service. Mr. Moran said we did not need to put it in service. Ms. Delmar reminded Mr. Moran of Longleaf Business Park and Mr. Moran agreed that the tank was needed at the Long Leaf Business Park for the fire volume demand requirement. He said the Park doesn't currently need the tank, but it will sometime down the road. The tank does have a purpose and just can't tear it down. Ms. Delmar added that we could not just leave it sitting there unused either. Commissioner Rogers asked if it would be better to put the \$200,000 in the budget or get the tank on line. Ms. Delmar said we already did a budget amendment and included money from the CRA bond so it was already in the current year's budget.

Mayor Van Sickle said we were looking at \$29,000 to do the drawings and from his understanding, that according to the CRA contract the money has to be spent before 2011. Ms. Delmar said we were not going to run into arbitrage issues due to the current state of the economy and interest rates, which was the main concern for getting everything spent by the end of the calendar year. Finance Director Dorothy Pendergrass said she called George Smith at the bond council with her concerns and he said as long as the funds were appropriated and the project continued to move forward, there wouldn't be an issue.

Commissioner Thornhill made a motion to approve the Consulting Services Authorization to the Master Consulting Agreement #09-173 for engineering services for the City of Lake Wales Southside Elevated Storage Tower in the amount of \$28,950 to be provided by Kimley Horne & Associates (KHA). The motion was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Thornhill "YES"

2010-338

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

The motion carried 4-1

**OLD BUSINESS**

**NEW BUSINESS**

**Agenda Item 13. Implementation of Best Management Practices (BMPs) at Twin Lakes SWFWMD Cooperative Funding Agreement No. 08C0000023**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

Staff is seeking Commission direction on which option should be taken as it related to the Twin Lakes BMP's.

**BACKGROUND**

Following the severe hurricane season of 2004, Twin Lakes experienced some abnormally high water levels. These levels caused some flooding in the Georgetown Apartments area, the Publix parking area and First Street south of SR 60. The City took emergency actions and pumped the lake until the high water receded.

The City Commission signed a cooperative agreement with the Southwest Water Management District (SWFWMD) in March 2008 for \$600,000 (\$300,000 by SWFWMD and \$300,000 by the CRA Bond) with the intent that an emergency pump station be located at Twin Lakes to alleviate the potential flooding from an extreme rain event. The project completion date was extended to December 2011 and the project budget was increased to cover permitting costs and provide for contingencies. The total allocated funds in the Capital Improvements Budget is \$770,702 (\$300,000 SWFWMD; \$470,702, CRA Bond).

Accordingly, a contract was executed in June 2008, with Post, Buckley, Schuh & Jernigan (PBS&J) engineering to design the system and assist in obtaining an Environmental Resource Permit (ERP) for a fee of \$82,000. The system was designed to draw-down the level of Twin Lakes and, via a storm water force main, discharge the overflow into Lake Altamaha. The excess would then flow under US 27 into an existing drainage ditch and sheet flow over Cary Lightsey's property and thence into the Peace Creek Canal. To date, PBS&J has been paid \$49,967 for engineering that takes the discharge as far as Lake Altamaha.

A pre-application meeting was held with the City of Lake Wales, PBS&J and SWFWMD in September 2008. The conceptual plan was reviewed and relevant issues were addressed. One of the issues that needed to be resolved was obtaining permission from Lightsey Cattle Company to discharge excess runoff across the Lightsey property in order to reach the Peace Creek Canal.

The City received a letter from Lightsey Cattle Company in March 2010 stating that permission to discharge storm water across their property would require payment of a one-time fee in the amount of \$245,000. This requirement increases the cost of the project to more than \$1 million dollars, of which SWFWMD will commit to pay only \$300,000 as agreed upon in March 2008. Accordingly, the process came to an abrupt halt while staff sought other alternatives.

An unused easement across a more northerly portion of the Lightsey property was re-discovered by city staff and forwarded to the City Attorney for review. The Attorney indicated that the easement is valid. The easement was sent to PBS&J so that they could provide a cost estimate for the re-routing of the overflow. The engineering phase initial estimate is \$61,800 and the construction initial estimate is \$873,000 for a total of \$934,800 –only slightly less than the cost to follow the original route that requires payment of a \$245,000 fee to Lightsey Cattle Company.

City staff is requesting direction for the City Commission on which way to proceed.

## **OPTIONS**

Option # 1 – Authorize the expenditure of additional funds (\$164,098) and continue work on the project. This option provides for additional dialogue between city staff and PBS&J to determine the best alternate route. This option would require appropriation of General Fund balance to cover the additional cost inasmuch as there is no other funding source remaining for this project.

Scenario 1-1 – In the unlikely circumstance that an abnormal rain event occurs in the near future, the Commission would be lauded for having the foresight to implement the emergency outfall procedure and preclude the flooding that occurred in 2005 and 2006 following the 2004 hurricane season. It should be noted that during the hurricane events of the 1960's there is no evidence in city records that flooding occurred in the vicinity of Twin Lakes. Drought conditions existed between 1968 and 2004, and lake levels were extremely low.

Scenario 1-2 – Should an extreme rain event not occur in the future, the Commission could be criticized for expending scarce resources on a system that isn't being used.

Option # 2 – Cease work on the Twin Lakes project and reallocate the \$420,000 in unexpended CRA bond proceeds to the C St and Vicinity Sewer Improvements project.

Scenario 2-1 - In the unlikely circumstance that such an abnormal rain event occurs in the near future, the Commission could be criticized for not continuing the project when it knew that flooding occurred following the hurricanes of 2004 and had the potential, albeit slight, of reoccurring. It would be possible, however, to undertake emergency pumping as was done after the hurricanes to draw down the lake levels should a future need arise. Under \$25,000 was expended on equipment and manpower to deal with the problem at the time.

Scenario 2-2 - Should an extreme rain event not occur, the Commission could be recognized as a body that did an exceptional job in the prudent allocation of limited financial resources. Problems with the sewer system in the vicinity of C Street are more pressing and represent a more immediate threat to the public health and the environment than does the potential flooding of Twin Lakes.

Scenario 2-3 – The Commission could face criticism for the expenditure of funds (\$49,967) on engineering design and permitting that is not utilized, albeit the engineering of the drainage line between Twin Lakes and Lake Altamaha could be utilized if the project is ever constructed in the future.

[End agenda memo]

Mr. Moran reviewed Agenda Item 13.

Mayor Van Sickle said he thought that the funds would be better spent on the C Street project, which he said was a more pressing project. Mr. Moran agreed and said that Envisors Engineering was scheduled to attend the next City Commission Workshop to present a proposal for that project. Though we can't do the whole project, if the funds are reallocated for this project, we could probably do phase-one, which

includes the problems identified in the C Street area. The Mayor said he thought that was a smarter way to spend the money.

Commissioner Rogers said he would have to vote no on this project. The chances of having three hurricanes back-to-back again were slim. He said he thought \$245,000 was a little extravagant and if we don't get another hurricane like that again we would be out a whole lot of money, though he added if we don't support the project and have a hurricane everyone will say we should have done it. He said he would vote against continuing the Twin Lakes project and was for reallocating the funds to the C Street project.

Commissioner Howell said she agreed that the C Street project was more pressing. She said the way the scenarios were written in the agenda memo made it easier to make a choice. It makes more sense to use the funds on the C Street sewer project. She asked if the SWFWMD money could be spent for that project or if other money could be found to help with that. Ms. Delmar said they were looking for other grants, but that the SWFWMD money was approved for the problems related to the Twin Lakes. Commissioner Howell asked if we could get that money again if we didn't get it now and Ms. Delmar said that not taking it now would not affect our chances of getting it in the future.

Commissioner Thornhill said he liked the wording in the memo that said "The Commission could be recognized as a body that did an exceptional job in the prudent allocation of limited financial resources." He said that was what he was going with so he is in favor of reallocating the funds for the C Street project.

Commissioner Carter said he was in favor of putting the money on the C Street project. He asked if staff had a viable plan in the event of a hurricane and it starts to flood again. Ms. Delmar said the flooding did not happen immediately. The hurricanes were in 2004 and we did really did not start seeing the affects of it until 2005-2006 when everything started draining. They now know that when the two little lakes join, we are on our way to a flooding event, so we have time. The problem at that time was managed in about two weeks. Commissioner Carter said then the money needs to go toward C Street. Mayor Van Sickle said that seems to be the direction the Commission wanted taken and Ms. Delmar said it would be included in the budget amendment. Mr. Moran said he would contact the Southwest Water Management District to let them know.

**Agenda Item 14. Lease Agreement with Polk County Fleet Maintenance**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

Staff requests commission approval to enter into a lease agreement with Polk County Fleet Maintenance for the lease of a backhoe with the option to purchase when the five-year lease is completed.

**STAFF RECOMMENDATION**

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

1. Approve the lease of a backhoe from Polk County Fleet in the amount of \$13,876 per year and authorize the purchase of the backhoe for \$1,000 at the end of the five-year lease period.
2. Authorize the City Manager to execute the appropriate documents on the City's behalf.

## **BACKGROUND**

The Waste Water Division purchased a backhoe in 1995. This 15-year old piece of equipment is essential to the day-to-day operations of the department. During the last few years, the backhoe has been in constant need of repair and has been inoperable for the past several months. It was sent to the city's Fleet Maintenance yard, and, when nothing could be done there, it was sent to Polk County Fleet Maintenance for repair. The mechanic has diagnosed the following problems: a blown head gasket, a bent rod, and several other problems that are estimated to cost between \$12,000 and \$14,000 to repair.

Due to the extensive repairs needed to make this piece of equipment operate and considering the age of the equipment, it was suggested that it may be more cost effective to lease this same piece of equipment. Polk County Fleet has offered the City a lease with option to purchase a new backhoe. The machine offered for lease purchase is a new Caterpillar 416e machine, which is very similar to the one the city currently owns. The backhoe has a cab, a/c and an E-stick which extends hydraulically to longer than the standard boom. This piece of equipment would lease for a total of \$13,876 a year. At the end of 5 years, the City would have the option to purchase the backhoe for \$1000. This would amount to a total cost of \$70,380 over the 5-year period. Purchase of a new backhoe at this time would cost approximately \$69,155. The Waste Water Division does not have money in the budget to allow for the replacement of this machine as a direct purchase.

Because this essential piece of equipment is inoperable right at the start of storm season, the Waste Water Division requests Commission approval to enter into a lease option for the backhoe with Polk County Fleet Maintenance effective immediately. Department operations would be hampered if a storm event occurs and we are without a backhoe.

## **OTHER OPTION**

Choose not to enter into an equipment lease with Polk County Fleet and perform the necessary repairs on this 15-year old backhoe. It is also possible to rent a backhoe at the rate of \$280 per day, \$665 per week or \$1,565 per month; but renting the equipment for 12 months exceeds the 1 year cost of leasing and is not a practical solution to the problem.

## **FISCAL IMPACT**

If the City entered into a lease agreement immediately, the amount needed to cover the remainder of the budget year is \$3,500. At the end of May, the Wastewater Department had spent only 49% of its operating budget; therefore, the necessary funds are available. The lease payments for subsequent years would be included in the annual budget request.

The affect of the available options are as follows:

- 1) The option to purchase a new backhoe outright would result in a current year decrease of cash flow of \$69,155.
- 2) The lease purchase option with Polk County would result in five years of decrease in cash flow in the amount of \$13,206 per year with the additional outlay of \$1,000 in the fifth year if the option to purchase is exercised. The net cash flow decrease over the life of the lease is \$70,380.
- 3) Retaining the existing 1995 backhoe will cost between \$12,000 to \$14,000 for repairs.

As with all purchases, if the City were able to purchase items without the use of financing this would result in the lowest overall cost but the greatest single annual cash flow decrease. If the City decided to use financing options, the Polk lease purchase option would result in the lowest financing cost over the life of the lease. The interest cost of the Polk lease purchase option is \$1,225 less than the estimated market cost estimates.

[End agenda memo]

Public Works Director Tom Moran reviewed Agenda Item 14.

Commissioner Carter said that in the agenda memo the backhoe has been inoperable for the past few months. Mr. Moran said the backhoe does not work. Commissioner Carter said that we then have been getting along without it for some period of time. Mr. Moran said we borrowed another backhoe to make do. Commissioner Carter said because times are tough it makes more sense to spend the \$12,000 to \$14,000, essentially one year's lease payment, to fix the one we have. If it lasts a year we are ahead of the game, and if it lasts longer we are way ahead of the game. If it breaks down we can borrow one from someone else. If we look back over the revenue stream of the City since 1986, which has gone up every year except in 1993 and for the last couple of years, we have had a 34% decrease in taxable, valuable property and it will take a while before we are out of this mess. Getting by with what we have would be the prudent thing to do and not commit ourselves to a lease agreement for the next five years when we have no idea what the City will be up against for the next couple of years.

Commissioner Thornhill asked if the backhoe could be fixed or would we be putting money into it only to have it break down again in no time. Mr. Moran said he did not have that answer but he would find out.

Commissioner Howell wanted to know the history of how often it had to be repaired and how much money has been poured into it already. She said it may be like an old car. You keep putting new things on it but something else goes wrong. If everything has been replaced on it already then she recommended getting it fixed because it may last us a couple of years. But, if more is going to have to be replaced it would be better to get a brand new one through the lease.

Commissioner Rogers said the agenda memo stated it has a cracked head. He asked if the hydraulics worked and if there was damage to the crankshaft. Mr. Moran said he did not know but if the backhoe is repaired there is no guarantee of how long it will work. Commissioner Rogers asked if it had a diesel engine and was told it did. He said that to make a determination as to whether it could be fixed, the backhoe would need to be torn down to see just how bad it is. If you have a bent rod, something usually causes it but he couldn't say without knowing its mechanical condition. His guess was that the whole diesel engine would have to be rebuilt which would cost more like \$8,000, if we're lucky.

Commissioner Thornhill asked if anyone had looked into getting one at an auction. Commissioner Carter said he checked on that and found the same model 2008 backhoe they were looking at, with 108 hours on it for \$48,000.

Mayor Van Sickle said that the older vehicles at the Police Department and old utility equipment were killing us on maintenance costs for the older the equipment, the more it will cost for maintenance. We will have a lot of problems with a 15-year old backhoe. If we can get a used, almost new one with only 108 hours, which isn't much, it would help with the cash flow. He said the difference between buying one outright and buying one through a lease was only \$1,000 or \$2,000 difference, which he thought was a pretty good deal for the City as it could be paid for over five years. We would get rid of a piece of unreliable equipment and greatly reduce our maintenance cost. Mayor Van Sickle recommended leasing the backhoe instead of repairing the old one.

Commissioner Howell asked if it is like leasing a car and they will fix everything on it for the next five years. Mr. Moran said it would be whatever the warranty says at the time of purchase.

Commissioner Carter offered another alternative to be considered instead of obligating ourselves for the next five years. He said the used one he referred to was just an example of many he found online. He said another option would be to use the money from the recent sale of surplus equipment, which is close to the cost of the new backhoe, and pay cash for it. Ms. Delmar said they could do that if the Commission so chose, but some of that money was general fund money, some police forfeiture money and some

utilities money. It has to be allocated to the fund of original purchase but the Commission could approve a budget amendment that would transfer all that money to the Utilities Department.

Commissioner Thornhill made a motion to approve the lease of a backhoe from Polk County Fleet in the amount of \$13,876 per year and authorize the purchase of the backhoe for \$1,000 at the end of the five-year lease period. Authorize the City Manager to execute the appropriate documents on the City's behalf. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 4-1.

**Agenda Item 15. Termination of Uniform Contract – Harrison's Uniforms**

The full staff memo is incorporated into the minutes.

[Begin agenda memo prepared by Herb Gillis, Police Chief]

**SYNOPSIS**

Staff is seeking approval to terminate the Uniform Purchasing Contract with Harrison Uniforms and award the Uniform Contract to an alternate bidder.

**RECOMMENDATION**

It is recommended the City Commission authorize the Police Department to:

1. Terminate the purchasing contract with Harrison Uniforms for non-performance.
2. Award the purchasing contract to Riverside Manufacturing Corporation in accordance with the Price Agreement.

**BACKGROUND**

The Police Department solicited bids for the provision of police uniforms and accessories. Harrison Uniforms was the selected vendor, and a contract was drafted and approved by the City Commission at its October 6, 2009 meeting.

Since the adoption of that contract, the Police Department has continued to experience grave difficulties in ordering and receiving uniforms from Harrison Uniforms.

As an example of the problem, uniform orders were placed for Chief Gillis (1/27/2010) (duplicate 5/6/2010), Captain Foy (2/17/2010), Major Stoudemire (2/11/2010), Captain Schulze (4/1/2010), Captain Quinn (12/14/2009) (duplicate 3/12/2010), Sgt Smith (2/10/2010), and Dale Hampton (4/09/2010). As of today's date none of these uniforms have been delivered.

In addition to the non-delivery of uniforms, the uniforms we have received appear to be of inferior quality. The shirts we received for officers Holden, Jerome, and Hlas despite being relatively new show signs of

excessive wear, have developed snags in the fabric, and the zipper on at least one of the shirts had to be replaced. The seat seam of Officer Hlas' pants has failed, despite the pants being of proper size.

We have continued to experience difficulties in getting the correct embroidery on shirts. Despite our provision of pictures of the correct embroidery for shirts, we received shirts with the rank insignia embroidered in the wrong location on the shirts and continue to receive embroidery in an incorrect color.

My recommendation at this time is to terminate the contract between the City of Lake Wales and Harrison's Uniforms.

In the past the City has contracted with Riverside Manufacturing on a "piggy back" contract for the provision of uniforms. The uniforms were provided in a timely manner and were of excellent quality. During the bidding process for police uniforms Riverside Manufacturing submitted a bid for the provision of uniforms. I recommend the City engage Riverside Manufacturing for the provision of police uniforms.

Staff recommends approval.

#### **OTHER OPTIONS**

The Commission may choose not to terminate the contract to purchase uniforms from Harrison Uniforms.

#### **Fiscal Impact**

The Fiscal Year 2009/2010 Operating Budget provides for the purchase of uniforms.

[End agenda memo]

Assistant Police Chief Chris Velasquez reviewed Agenda Item 15.

Commissioner Thornhill asked if there was also an issue of not receiving ordered uniforms and Assistant Chief Velasquez said yes. He said they never had a problem with Riverside, the company they purchased from in the past. Though a little more expensive, they stand by their work, produce a high quality uniform and respond quickly to issues brought to them.

Commissioner Carter asked if it was worth the extra price and Asst. Police Chief Velasquez said absolutely. Commissioner Carter asked if there was a local company that could provide the uniforms. Asst. Police Chief Velasquez said they had used Pride Uniforms at one time but they ran into many of the same problems, though he couldn't remember just what the problems were. He said they used many vendors over the years and none had given them the quality service that Riverside had. Commissioner Carter asked if it was a concern that Riverside did not bid on certain items and Asst. Police Chief Velasquez said it was not.

Commissioner Thornhill made a motion to terminate the purchasing contract with Harrison Uniforms for non-performance, and to award the purchasing contract to Riverside Manufacturing Corporation in accordance with the Price Agreement. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.





**Lakes Advisory Commission** - Members are appointed by the Mayor and confirmed by the City Commission. The Lakes Advisory Commission consists of seven (7) members. At least six (6) members must reside in the City, and no more than one (1) member may reside outside the City. (3-year term)

There is no interview process requirement for applicants applying for appointment to this board.

Three (3) vacancies: one term expires 07/01/11  
two terms expire 07/01/13

Applying for appointment: None.

Applying for re-appointment: J. Reid Hardman, resident

Current vacancies are due to the expiring terms of Nancy Kahler, who served three full terms; and J. Reid Hardman.

Mayor Van Sickle re-appointed J. Reid Hardman to serve as a member on the Lakes Advisory Commission for a term expiring on 7/1/13. Commissioner Rogers and Commissioner Thornhill confirmed the re-appointment made by the Mayor.

By Voice Vote:

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

The motion carried 5-0.

**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)

An interview process is required for new applicants only. The recommendation of the Chairman of the Planning and Zoning Board, Christopher Lutton, and the Director of Planning and Development, Margaret Swanson, is the reappointment of three members of the Planning and Zoning Board: Bob Gibson, Richard Kenyon, and Charlene Bennett. It is not mandatory that the Commission follow this recommendation.

Three (3) vacancies: terms expire 07/01/13

Applying for appointment: Leon Weech, resident

Applying for re-appointment: Richard William Kenyon, resident  
Bob Gibson, resident  
Charlene Bennett, resident

Vacancies are due to the expiring terms of Richard William Kenyon; Bob Gibson; and Charlene Bennett.

Commissioner Rogers made a motion to re-appoint Richard William Kenyon, Bob Gibson, and Charlene Bennett to serve as members on the Planning & Zoning Board for a term expiring on 7/1/13. The motion was seconded by Commissioner Carter.

By Voice Vote:

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

The motion carried 5-0

**Police Officers' Retirement Board – Resident Members & 5<sup>th</sup> Seat Member** are appointed by the City Commission. The board consists of five (5) members. Two (2) members must be legal residents of the City and two (2) members must be full time police officers employed by the Lake Wales Police Department. Resident members are appointed by the City Commission; police officer members are selected by a majority of the police officers who are members of the plan. The fifth member is chosen by a majority of the other four members and appointed by the City Commission. Ordinance 2010-09; May 4, 2010, extended the term limit for all Board members from two years to four years. There shall be no limit to consecutive terms served by an elected or appointed trustee on a board established for the purpose of administering an employee retirement plan (Ordinance 2008-09; 03/18/08).

This appointment is not for a 5<sup>th</sup> Seat member.

One (1) resident vacancy: term expires 09/30/14

Applying for appointment: Ronald J. McDonnell

The vacancy is due to the resignation of Donald Raymond.

Commissioner Rogers made a motion to appoint Ronald J. McDonnell to serve as a member on the Police Officers' Retirement Board for a term expiring on 9/30/14. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 5-0

[End agenda memo]

**Agenda Item 17. Discussion of Preliminary Financial Statements for May 31, 2010, Fiscal Year to Date**

The full staff memo is incorporated into the minutes.

[Begin agenda memo prepared by Dorothy Pendergrass, Finance Director; and Bridget Denihan, Accounting Manager]

**SYNOPSIS**

The preliminary financial statements report revenues received and expenditures made through the end of May 2010. Revenues were slightly ahead of target in the General Fund and slightly behind in the Utility Fund. Expenditures in both these major budgets were under budget.

The unaudited financial statements for the City of Lake Wales for the Period Ending May 31, 2010 are presented to the City Commission for review. At the end of May the City was 67% into the fiscal year. Seventeen of Twenty-six Payrolls (65%) have been expensed through May 31. Revenue and expenditure budgets have been adjusted to reflect changes through Budget Amendment #2.

## SUMMARY

The following chart gives a brief summary of overall operating revenue and expenditure performance as of May 31, 2010. Capital expense funded by CRA bond or loan proceeds is excluded from the analysis.

Fund	Budgeted	Actual 05/31	at	Target 05/31	at	Actual 05/31 (Under) Target	at Over	Over (Under) as percentage of target
General								
Revenues 1	\$10,839,648	\$8,282,687		\$7,999,219		\$283,468		+2.6%
Expenditures 3	\$11,159,394	\$7,014,833		\$7,439,596		(\$424,763)		-3.8%
Special Revenue								
Revenues 1	\$4,814,305	\$3,541,766		\$4,364,333		(\$822,567)		-17.1%
Expenditures 3	\$3,233,455	\$2,541,855		\$2,155,637		\$386,218		+11.9%
Debt Service								
Revenues 3	\$2,363,120	\$1,585,102		\$1,575,413		\$9,689		+0.4%
Expenditures 2	\$2,363,650	\$1,879,668		\$1,879,668		\$0		+0.0%
Utilities								
Revenues 1	\$6,608,450	\$4,283,093		\$4,565,173		(\$282,080)		-4.3%
Expenditures 3	\$7,018,722	\$3,636,069		\$4,679,148		(\$1,043,079)		-14.9%
Airport								
Revenues 3	\$107,193	\$44,858		\$71,462		(\$26,604)		-24.8%
Expenditures 3	\$107,193	\$62,873		\$71,462		(\$8,589)		-8.0%

- 1 Revenue target = prior year performance at same point in fiscal year
- 2 Expenditure target for Debt Service Fund = actual YTD expenditure because we are paying off debt in accordance with set schedules
- 3 Target = 1/12 of budgeted amount multiplied by the number of months since the start of the fiscal year (October 1); i.e. at the end of May we are 8/12 or 66.6% into the fiscal year. This method assumes a relatively even distribution of expense or revenue from month to month.

In general, most operating revenues are about where we would expect them to be at this point in the fiscal year with the exception of that utility revenues are still lagging.

Revenues from water and sewer charges at the end of May 2010 were \$162,734 behind where they were in May, 2009 (water, -\$175,360; sewer, +12,626). If we use 67% of the fiscal year as the target level,

however, water revenues were \$212,846 under target and sewer revenues were \$10,322 under target. This is a combined shortfall of \$223,168 compared to the budget. Operating expenditures were running behind target at the end of May. Excluding capital outlay and debt service, Utility Fund expenditures were 7.2% of \$276,609 below the target level.

Operating expenditures in the General Fund are running 3.8% behind target (\$419,092). Operating expenditures in the other Funds are running behind target levels.

The City has not borrowed any money from the Pool/Tax Anticipation Investment Account. The balance at the end of FY 07'08 when the account was created and the current balance are as follows:

	9/30/2008	5/31/2010	Difference
Pool/Tax Anticipation Account	\$1,037,822	\$1,052,394	\$14,572

The City's overall cash position at the end of May 2010 increased over the cash position at the end of May, 2009 (+1,721,156). In order to make a more accurate comparison, the following adjustments are made:

	prior year	current year	Difference
Total Cash & Investments	4,789,016	6,510,172	+1,721,156
Due to Other Governments	-59,844	-116,939	
Insurance Proceeds & Other Airport Cash	0	0	
Deferred Revenues*	-410,733	-407,068	
Cash & Investments Net of Adjustments	4,318,399	5,986,165	+1,667,766

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

After excluding cash that was collected on behalf of other governments and deferred revenues, the City's overall cash position at the end of May 2010 was \$1,667,776 higher than its May 2009 level.

In comparison to total cash and investments at April 30 of \$6,404,364, the May cash and investments position decreased by \$418,199. A decrease or minor increase is not unusual with the slow-down of ad valorem tax revenues at this time of year. Between December 1 and December 31, the City received \$3,511,706 in ad valorem taxes and \$994,855 in CRA tax increment revenues from the County. In May, revenues from ad valorem taxes totaled \$74,356.

**[End agenda memo]**

Finance Director Dorothy Pendergrass reviewed Agenda Item 17, Discussion of Preliminary Financial Statements for May 31, 2010, Fiscal Year to Date. She said that revenues were slightly running ahead of target in the General Fund and slightly behind in the Utilities Fund. All expenditures were under budget, most of which were probably due to the present spending freeze. She explained that in Budget Amendment #3 she will be bringing forward a recommendation to lower the water budget, which is due to water conservation, the economy etc. In the next report the utilities revenue will be running closer to budget.

Ms. Delmar said that regarding the target for the General Fund the 2.6% above target is simply a reflection of how conservative we budget.

**CITY MANAGER'S REPORT**

**City Commission Tracking Report**

Ms. Delmar said there were no changes to the tracking report. She did report that they got rid of all the City surplus equipment at the auction in Bartow. Purchasing Director Bonnie Hodge along with a lot of City staff convoyed all the surplus equipment to Bartow, which sold for over \$47,000 and netting about \$44,000 from that sale. She said they would utilize that method of disposal in the future. Some of that money goes back to the General Fund, Utilities fund, and to Police Forfeiture.

## COMMUNICATIONS AND PETITIONS

There were no comments made by the public.

## CITY COMMISSION COMMENTS

Commissioner Rogers made the following comments:

- He thanked Bonnie Hodge for the work she did on the auction as it was one of the most successful the City ever had.
- He commented on an article in the paper that stated that a bar in town was refusing to serve Blacks. He said that bar refused service to him and two other people recently when they ordered lunch. He went to the owner who took him through his establishment and there was no kitchen, no stove, and no means to serve lunch. He believes the owner had not discriminated against anyone and he was sure the owner would be happy to show anyone interested in seeing for themselves.

Commissioner Howell asked the following questions:

- She asked if trampolines have to be tied down in residential yards. Margaret Swanson, Planning & Development Director, said it did not as it was considered the same as lawn furniture.
- She asked if you had to have a license to drive a golf-cart down a public street; for example could she drive one to Spook Hill Elementary School from her house; and she asked if children were allowed to drive them. Mayor Van Sickle explained the two different types of golf-carts: those that can't go above 25 mph that can be driven by anyone at least 14 years of age and requires no license; and golf-carts that can go over 25 mph that have to have lights, turn signals, seat belts, and you have to be a licensed driver.
- She asked if instead of the City putting money in the budget for fireworks, having fireworks donations collected all year long at various businesses. For example Walmart asks if you want to donate \$1.00 for a charity. She said she realized that this would be soliciting, but she had been asked to bring it up. Ms. Delmar said she would look into it but it might be a legal issue.

Commissioner Thornhill made the following comments:

- He thanked Bonnie Hodge for the auction sale and all City employees that work to make the City look good.
- He said that the posted speed sign on one side of Lakeshore Blvd. between Kiwanis Park and the ball park is 30 mph and on the other side of the road is 35 mph. He asked which it was. City Attorney Chuck Galloway said on the official traffic map it is 35 mph. He said he had talked to the Police Chief about the 30 mph sign. Ms. Delmar said Beverly Pennington would check that out.

Commissioner Carter made the following comments:


- He congratulated Ms. Hodge for the work she did on the auction.
- He also congratulated all the City employees because the City had received a safety award from Public Risk Management for Best Overall Safety Performance in the pool with 80% decrease in frequency.

- He asked if the cops program was having some success in the northwest section of town. He said he went there Saturday night around 11 p.m. and there were 13 or 14 people outside the bar, all behaving themselves. He saw some patrol cars and he saw no problems. Asst. Police Chief Velasquez said as far as community policing, they definitely were having success. He said the reports he recently saw indicated that fewer people were congregating in the area but he thought a lot of that was due to the rainy weather we have been having. The success depends on the number of people and type of crowd because the problem is when more people show up than what the wine and beer bar can handle.
- He said that at one of the City Commission meetings there was a discussion on changing the closing time of wine and beer bars from 2:00 a.m. to 12:00 a.m. and the vote had been deferred to the second meeting in July to give community policing a chance to be engaged out there. Officer Velasquez said that the decrease in numbers he was afraid was due to the weather and as the weather improves there may be large crowds out there again, but the community officers will be out there trying to handle the crowd.
- He asked for an update on Comcast service complaints from residents who cannot view the City Commission meetings and said he could not get Channel 6 at all from his house. Ms. Delmar said she has a lapel microphone on and there were several people assigned to watch from their homes to see if they can hear her better using the lapel microphone versus the hand microphone. She said the south end of the City was getting Channel 6 on Comcast but that it seemed to be random and they are not sure what is causing that. Katie Kinloch from the City Manager's Office said that she and City Clerk Clara VanBlargan have been keeping a log of the complaints coming in, documenting the area in the City where problems exist. She said she sent the list to Mark Lipford at Comcast and asked for a response because what they found was that reception was sporadic in all areas of town. Some people have no picture at all for Channel 6 even though they can get all the other channels, and some have a sound issue. She said if she doesn't hear back soon she will contact someone else from Comcast. Ms. Delmar said they have been asking people to call in and report where they are located in the City so staff can pinpoint the problems. Commissioner Carter asked if it appeared to be a Comcast issue and not one at City Hall and they said they were pretty sure it was a Comcast issue.
- He asked what the tax status would be if an owner of an existing building or business leased it to a non-profit, religious organization for a church. Mr. Galloway said that it would not be a church as far as the ownership, so a leased church would not be tax-exempt.
- He made a suggestion to have a workshop to look at existing citizen boards, commissions, and committees to see if some of them could be consolidated as it is hard to fill all the seats to meet a quorum; for example the Recreation Commission has not has a quorum in seven months to even be able to pass the minutes. He said there was redundancy among the 12 different boards, for example the Recreation Commission and the Parks and Community Appearance Advisory Board. Consolidating them might save some time, money, and energy. Ms. Delmar said all the Boards were created by ordinance but that they could combine some if the Commission wished to do so. Ms. Delmar said the next available workshop slot would be the one in September. Commissioner Carter said we need to hear reports from those boards.
- He questioned the policy of having the City Attorney instead of the Mayor, who is the elected official to represent the City, sending a letter to the Department of Business and Professional Regulations on behalf of the City of Lake Wales with an objection to the liquor license given to DeCosey's for a violation pertaining to not serving enough food. It had been a police officer that hand-delivered it. He said the letter makes it very clear that the City does not want DeCosey's to open a restaurant there. He asked if it was the City's policy to have the City Attorney write these types of letters and Ms. Delmar said yes. Mr. Galloway said he had a meeting with the Police Chief, City Manager, and other City staff concerning the issues that were raised by this problem. It was decided that he was the best one to write the letter expressing the concerns of City staff. Commissioner Carter said he was surprised with that, and in his opinion the letter was very anti-business. It states deficiencies but has nothing that can be done to correct the deficiencies. Mr. Galloway said the problem the police experienced with the establishment was that at 2:00 a.m. there were sometimes hundreds of people coming out of that bar. The amount of time it took the Police Department to disperse the crowds and address problems that occurred each time that

establishment was open and closed were not ones they wished to experience again with the same owner. The 100% ownership of the former corporation and the 100% ownership of the new corporation was the same individual. Having discussed that with council at the Department of Business and Professional Regulation, he was advised by them that if someone had a license revoked, the standard was they could not be issued another one for five years. He was notifying those at the Department of Business Professional Regulations concerning this application. Mr. Galloway said, from a staff's standpoint, the City does not want to see a license issued because of the knowledge that what transpired before will transpire again, overtaxing the Police Department. Commissioner Carter said that seemed like a police issue and if the police are unable to deal with it, that was a separate matter; but to say we won't allow a business to be opened because we perceive a problem with future police involvement seems to be anti-business. Mayor Van Sickle said he does not think it was anti-business. He said to Commissioner Carter if he would sit down with the Police Department he would get a better understanding of the issues. Commissioner Carter said we needed to allow the Police Department to do their job. If they can't do their job, and he has full confidence that they can, or if they don't have the tools and resources to deal with it, then that is a separate issue that needs to be dealt with separately. To say they can't have the business because it constitutes a police problem is the wrong way to look at it.

There being no further business the meeting was adjourned.

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

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