

The regular meeting of the Lake Wales City Commission was held on November 16, 2010 at 6:00 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor L. Jack Van Sickle.

INVOCATION

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

PLEDGE OF ALLEGIANCE

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

COMMISSIONERS ABSENT: None.

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

MAYOR

CONSENT AGENDA

Agenda Item 5. APPROVAL OF MINUTES: November 3, 2010, Regular Meeting

Agenda Item 6. First Assembly of God "Kids Zone" – Special Event Permit Application

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Katie Kinloch, City Manager's Administrative Assistant]

SYNOPSIS

Approval of the Special Event Permit application will allow the First Assembly of God to set up the Kids Zone and other activities on the first Saturday of each month for the next six months.

RECOMMENDATION

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

1. Approve the Special Event Permit application from the First Assembly of God for their "Kids Zone" and other family activities on the First Saturday of every month between the hours of 8:00 a.m. and 3:00 p.m.
2. Approve the temporary closing of the parking lot at the intersection of SR17 and Stuart Avenue for set up of the Kids Zone and family activities.
3. Approve the permit for the Kids Zone for a time period not to exceed six months beginning on January 1, 2011 and ending on July 31, 2011

BACKGROUND

Pastor Shawn Rudy of the First Assembly of God submitted a Special Event Permit application to continue presenting the Kids Zone and other family activities on the first Saturday of each month between the hours of 8:00 a.m. and 5:00 p.m. They are requesting the use of the parking lot at the intersection of SR17 and Stuart Avenue. The Kids Zone includes a bounce house, face painting, balloons, stories and games.

In order to prevent the sponsor from having to submit an application each month, the First Assembly of God is requesting a permit for a twelve month period of time. Staff however is recommending a six month permit be granted so that the City is not giving exclusive control to one event for the use of a public parking lot for an entire year. The new permit would be granted with a start date of January 1, 2011 and ending on July 31, 2011. Prior to the expiration of the permit the church would reapply.

The First Assembly of God would be responsible for meeting all requirements for site set up, site cleanup, sanitary facilities and insurance of which they have provided proof to the City. They are required to notify the City at any time the event would be canceled during a given month. If at any time during the six month period changes or modifications are made to the event activities, a new special event permit application will be required.

OTHER OPTION

Do not approve this special Event Permit application.

FISCAL IMPACT

There will be no cost to the City associated with the Kids Zone event.

[End agenda memo]

Agenda Item 7. It's Happening Downtown, Inc. "Antiques, Art & Oddities" Special Event Permit Application

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Katie Kinloch, City Manager's Administrative Assistant]

SYNOPSIS

Approval of the Special Event Permit application will allow It's Happening Downtown Inc. to hold their monthly event "Antiques, Art & Oddities" for the next six months.

RECOMMENDATION

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

1. Approve the Special Event Permit application from It's Happening Downtown Inc. for their monthly event "Antiques, Art & Oddities" on the first Saturday of every month between the hours of 6:00 a.m. and 4:00 p.m. for a period not to exceed six months beginning on January 1, 2011.
2. Approve the use of the Marketplace for the event and the closing of the alley between Park Avenue and Stuart Avenue.
3. Approve the closing of the Marketplace parking lot located southeast of Market Street for event vendors.
4. Approve closing the parking lot adjacent to 252 East Stuart Avenue for event vendors.

BACKGROUND

It's Happening Downtown Inc. has presented their "Antiques, Art & Oddities" event in downtown Lake Wales for several years utilizing two parking lots for event vendors. Sarah Padgett, representative of It's Happening Downtown Inc., submitted a Special Event Permit application to continue with their event on

the first Saturday of each month. The time period requested is from 6:00 a.m. to 4:00 p.m. This time frame includes set up beginning at 6:00 a.m. with an approximate start time of 8:00 a.m. This event will be held in the Marketplace and will involve the closing of two parking lots for vendors as follows; Marketplace parking lot southeast of Market Street and the parking lot adjacent to 252 East Stuart Avenue.

In order to prevent the sponsor from having to submit a new application each and every month, they have requested a permit for a twelve month period. Staff however does not recommend granting a twelve month time period but a six month permit instead. In this way the City is not giving exclusive control over public parking lots to one event for an entire year. The new permit would be granted beginning January 1, 2011 and expiring July 31, 2011. Prior to the expiration, the sponsor will have to reapply. If at any time during the six month period changes or modifications are made to the event activities, a new Special Event Permit application will be required and must be approved prior to the event being held.

It's Happening Downtown Inc. will be responsible for meeting all requirements for site preparation, site cleanup, food vendor and craft vendor licensing where necessary sand sanitary facilities. Insurance has been provided from the sponsor to cover all activities. In addition they will be required to notify the City if the event is canceled at any time during a given month.

OTHER OPTION

Do not approve this special event permit application.

FISCAL IMPACT

There will be no cost to the City for this event.

[End agenda memo]

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

By Voice Vote:

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

The motion carried 5-0.

OLD BUSINESS

Agenda Item 8. Ordinance 2010-23 Amending Franchise Agreement for Provision of Solid Waste Services with Republic Services of Florida, L.P., dba Florida Refuse – 1st Reading

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The City Commission will consider amending and renewing Florida Refuse's solid waste collection and disposal services franchise agreement after first reading.

RECOMMENDATION

Staff recommends approval after first reading of Ordinance 2010-23, providing for amendment and renewal of solid waste services provided by Republic Services of Florida, L.P. dba Florida Refuse.

BACKGROUND

The solid waste franchise agreement in effect with Florida Refuse is due to expire September 30, 2011. This agreement provides for (2) additional three (3) additional three-year terms if Contractor and City mutually agree to such renewal and to any modification of the terms herein.

In May of 2010, city staff and representative from Florida Refuse met to discuss amendments to the current contract. Following a Commission workshop on November 9, 2010 the following mutually agreed upon amendments included:

1. Early renewal of Florida Refuse contract. The existing contract is set to renew in September of 2011. The proposed amendment shall provide for renewal upon second reading of Ordinance 2010-23. The renewal period in both the existing and proposed ordinance provide for a termination on September 30, 2017. (Section 1-2.A.)
2. The proposed ordinance provides for a fuel adjustment under certain instances. (Section 2-3.)
3. In instances where extenuating circumstances necessitate, the City Manager is authorized to modify or waive any provision of this ordinance. (Section 2-7.)
4. The proposed ordinance provides that if for some reason, yard waste cannot be picked up, the yard waste will be tagged by Contractor notifying the resident to contact Florida Refuse. Contractor will coordinate with Code Enforcement to resolve the issue. (Section 3-1. A. 2. – Yard Waste (a))
5. The proposed ordinance provides that, in addition to the two city-wide annual clean-ups, the Contractor will work with the City when certain areas need to be cleaned up. Dumpsters will be provided at no charge at the discretion of the City Manager. (Section 3-1. A.2. – Yard Waste (f))
6. The proposed ordinance removes the "Big Bin Caught You Promotion" and provides the Recycle Bank Program for the City of Lake Wales. Recycle Bank is a corporation that has agreed to offer their program exclusively to Republic Services in Polk County. In return for advertising on their website, companies provide goods and services in return for points earned by residents for recycling. Recycle Bank also works with local establishments to honor coupons provided to residents for redeeming points. Nationwide, points earned by recycling weekly provide an average of \$20 per month per household in goods and services. Points can be redeemed on-line or by phone. Recycle Bank provides this program for a nominal charge. Charges for this service would be waived. (Section 3-1.A.3. Recycling (e))
7. The proposed ordinance provides the Contractor shall provide plastic commercial dumpsters in certain areas which will decrease the noise caused by dumping of metal dumpsters. Locations shall be designated at the sole discretion of the City Manager. (Section 3-1.C.1.- Garbage and Trash (e)(3))
8. The proposed ordinance provides that wherever feasible, the Contractor will utilize cost saving equipment. (Section 3-5.A. Type to be Provided).

FISCAL IMPACT

The eight proposed amendments will cause no additional cost increase compared to the existing ordinance.

The amendments to the calculation of a fuel adjustment (#2) and the Recycle Bank Program (#6) have the potential of reducing costs to the residents. Florida Refuse providing tagging on yard waste (#4) is intended to help facilitate communication between Florida Refuse, residents, and code enforcement. The ability of the City Manager to resolve waive ordinance provisions for extenuating circumstances (#3), additional annual clean-ups (#5) and the use of plastic commercial dumpsters relating to noise reduction (#7) are intended to benefit the safety, health and welfare of the public.

[End agenda memo]

Ms. VanBlargan read Agenda Item 8 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE FRANCHISE GRANTED BY ORDINANCE 2008-25 FOR THE PROVISION OF SOLID WASTE COLLECTION, RECYCLING AND DISPOSAL SERVICES TO REPUBLIC SERVICES OF FLORIDA, L.P., FLORIDA REFUSE, INCORPORATED, ITS LEGAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS; IMPOSING CERTAIN CONDITIONS RELATING THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Carter requested that this item be tabled as they had just received new information in their mail boxes that he had not had time to study. Commissioner Rogers and Mayor Van Sickle concurred.

Jean Bredbenner from Florida Refuse asked permission for Recycle Bank Representative Jeremiah Smith to address any of the Commission's concerns about Recycle Bank as he came from out of state to do so. Even though the item would be tabled, Mayor Van Sickle allowed it. Mr. Smith gave a presentation on the Recycle Bank program and gave explanations for three of the five unfavorable emailed documents about the Recycle Bank program that Commissioners had received copies of in their mail boxes. He said the other two documents they received did not pertain to the Lake Wales' program.

When Mr. Smith concluded his presentation, Commissioner Carter summarized the Recycle Bank plan as follows and asked for confirmation that he was correct, which he received.

- Florida Refuse would supply the new bins with computer chips at no extra cost.
- The computer chips identify each household's usage.
- Points are accumulated for usage.
- The points can be redeemed on line for coupons etc., but there is no cash rebate.

Mark Talbot from Republic Services said Florida Refuse can provide the program free of charge because Coca Cola will donate the carts. If the Recycle Bank program is approved, representatives will immediately start marketing the program to the City of Lake Wales' merchants, not only the large chains but also the small businesses. The program, if approved, would have zero risk to the City.

Mr. Smith said that there would be a 90-120 day implementation period and that 40% of the rewards provided would be from local businesses.

Commissioner Thornhill said he wanted to be sure the rebates would be available to all residents, and it was his understanding that those who are computer savvy will be able to redeem the coupons on-line and those who are not will be able to redeem them by phone. He said he was all for anything that encourages increased recycling, especially when it pays Citizens and the City back for doing so.

Mr. Talbot said he would be providing the Commissioners with volumes of information concerning their services and Mayor Van Sickle said that in order for them to have ample time to digest the information and make an intelligent decision, they would need to have the material before the next City Commission meeting.

City Manger Judith Delmar asked if residents would have an opportunity to opt out of the Recycle Bank program and keep their small yellow recycle bins. Mr. Talbot said it was not mandatory to participate in the recycle program but if they chose to, they would have to use the new totes. He said the free program would run out eventually for the rest of the county and he would like Lake Wales to be a part of it while it was at no cost to them. He added that some of the county residents have to pay up to \$4 a month to be on the program.

Agenda Item 9. Ordinance 2010-27, Repealing Ordinance 2009-17 – 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

Ordinance 2010-27 is proposed for the purpose of repealing ordinance 2009-17 increasing the size of the CRA Board from five to seven members and reinstating provisions of Ordinance 99-06 designating the City Commission as the CRA Board of Commissioners.

RECOMMENDATION

If the Commission wishes to restore the City Commission as the CRA Board of Commissioners, it is recommended that the Commissioners adopt Ordinance 2010-27 after second reading and public hearing.

BACKGROUND

Following the first public hearing on the FY10'11 budget, Commissioner Rogers was asked several questions regarding the City Commission's authority to modify the proposed CRA budget. In discussing these questions with staff, it was determined that the expansion of the CRA Board from five members to seven members had modified the City Commission's authority for administering the CRA, including its control over expenditure of tax increment revenue. Commissioner Rogers then directed staff to prepare an ordinance to repeal Ordinance 2009-17 in order to reinstate the City Commission as the CRA Board. Ordinance 2010-22 was prepared for this purpose and was approved by the Commission after first reading on October 19, 2010.

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

- Ordinance 69-3 created the Downtown Development Commission comprised of the Mayor, the Chairman of the Planning Board and five citizens for the purpose of "improving the physical appearance, enhancing the economic activity, and increasing the tax base for downtown Lake Wales."
- Ordinance 85-10 created the Community Redevelopment Agency, and the Downtown Development Commission became the CRA Board of Commissioners vested with all the powers delineated in F.S. §163.370.

- Ordinance 90-03 authorized the City Commission to take back from the CRA Board and reserve to itself all powers delineated in F.S. §163.70 and established the CRA as an advisory board to the Commission.
- Ordinance 90-10 established eligibility and appointment criteria for the CRA Board and established two Area Advisory Committees to assist the CRA Board in implementing redevelopment activities within the specific CRA areas (i.e., the Downtown area and Lincoln Avenue/Northwest neighborhood area).
- Resolution 99-06 modified the Community Redevelopment Plan and expanded the CRA to its current geographical configuration. This expansion necessitated a reconfiguration of the CRA Board because the expanded CRA included approximately 50% of the City's area and 100% of the population (at the time), and it was considered important that the CRA Board be representative of the entire community and accountable to the entire community for expenditure of CRA revenue.
- Ordinance 99-06, under the authority of F.S. §163.357(1) (a), designated the City Commission as the CRA Board of Commissioners.
- Ordinance 2009-17 expanded the membership of the CRA Board to include two citizen members nominated by the Chamber of Commerce. This ordinance effectively transferred control over budgeting and spending tax increment funds from the City Commission to the 7-member CRA Board.

If the City Commission wishes to repeal Ordinance 2009-17 and reinstate the City Commission as the CRA Board of Commissioners, proposed Ordinance 2010-27 will serve this purpose.

Sec. 2-73 of Ordinance 99-06 provided for establishment of a CRA Advisory Board composed of 5 citizens appointed by the Commission. Each Commissioner is authorized by Sec. 2-73 to appoint a person who resides, owns property, or operates a business within the voting district represented by that Commissioner. This code section was adopted in order to provide a vehicle for public input into matters to be decided by the CRA Board of Commissioners but was never implemented. Implementation of this code section actually provides for broader public input since the members are representative of all geographical areas contained within the boundaries of the CRA. An update of Sec. 2-73 to revise term expiration dates is included in Ordinance 2010-27, and provision is made for appointment of the two citizen members appointed under Ordinance 2009-17.

In accordance with F.S. §163.346, notice of second reading and public hearing of Ordinance 2010-27 was forwarded to the Board of County Commissioners, the Polk County School Board, and the Southwest Florida Water Management District.

OTHER OPTIONS

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

FISCAL IMPACT

None.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-27 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, REPEALING ORDINANCE 2009-17 WHICH ADDED TWO PERSONS TO ACT AS MEMBERS OF THE COMMUNITY REDEVELOPMENT AGENCY BOARD OF COMMISSIONERS; PROVIDING THAT THE CITY COMMISSION SHALL CONTINUE TO BE THE AGENCY WHICH CONSTITUTES THE GOVERNING BOARD OF THE LAKE WALES COMMUNITY REDEVELOPMENT AGENCY; REVISING TERMS OF MEMBERS FIRST APPOINTED TO CRA CITIZEN ADVISORY COMMITTEE; PROVIDING FOR SEVERABILITY; REVISING AND PROVIDING FOR AN EFFECTIVE DATE

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Rogers made a motion to restore the City Commission as the CRA Board of Commissioners by adopting Ordinance 2010-27. The motion was seconded by Commissioner Thornhill.

By Roll Call Vote:

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

The motion carried 5-0

Ms. Delmar said appointments for the CRA Citizen's Advisory Board would take place at the next City Commission meeting. She added that the Ordinance made provision for Clinton Horne, who resides in Commissioner Howell's district, and John Adkinson, who resides in Commissioner Roger's district, to be carried forward from the 7-member CRA Board they are on now, to the newly formed 5-member CRA Advisory Board.

Commissioner Howell asked if the appointees needed to be in attendance at that meeting. Ms. Delmar said the meeting would be on December 7th, though the newly formed board would not have to have a meeting that night, and they did not necessarily need to attend that City Commission meeting in order to be appointed.

Commissioner Thornhill made a motion to adopt the formation of the CRA Citizens Advisory Board, the nomination to take place at the December 7th City Commission meeting. 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. Ordinance 2010-28, FY2009/2010 Budget Amendment #4 - 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission will consider adoption of the fourth and final amendment of the FY09'10 Budget that was adopted on September 15, 2009.

RECOMMENDATION

It is recommended that the City Commission adopt Ordinance 2010-28 after second reading and public hearing.

BACKGROUND

Ordinance 2009-21 estimating revenues and appropriating funds for Fiscal Year 2009-10 was adopted by the City Commission September 15, 2009 and amended by Ordinances 2009-30, 2010-03, and 2010-14. We are presenting for first reading the final amendment of Ordinance 2009-21 to modify the estimates of revenues and appropriations budgeted in various funds. Exhibits A and B and supporting attachments provide the detail for the proposed amendment. This budget amendment is based on preliminary unaudited financial reports for the fiscal year ending on 9/30/10. As can be seen in the following chart, with the exception of an adjustment in the Special Revenue Funds, there is neither an increase nor decrease in the total revenues and expenditures budgeted. This is because all amendments outside the Transportation Fund are accomplished by reallocating surplus appropriations in some departments to cover shortfalls elsewhere.

Revenues & Balances Fwd	Increase(Reduction)
General Fund	0
Special Revenue Funds	16,211
Debt Service Fund	0
Capital Projects Fund	0
Airport Fund	0
Utility System Fund	0
Total Increase(Reduction) of Revenues & Balances Fwd	16,211
Appropriated Expenditures & Reserves	
General Fund	0
Special Revenue Funds	16,211
Debt Service Fund	0
Capital Projects Fund	0
Airport Fund	0
Utility System Fund	0

Reserves	0
Total Increase(Reduction) of Appropriated Expenditures & Reserves	16,211

The proposed budget amendment increases the City's total budgeted expenditures by \$16,211. Because there is an offsetting increase in revenue of \$16,211, reserves are not affected. Thus, there is a net increase in appropriated expenditures and reserves of \$16,211 (from \$44,348,752 to \$44,364,963).

Items adjusted in this amendment include:

Fleet Maintenance - reducing surplus appropriations for M&R Fuel Tanks	(2,072)
Fleet Maintenance - adding appropriation for C/O Air Compressor	2,072
Fleet Maintenance - reducing appropriation for Contract Services related to software support	(1,250)
Facilities Maintenance - adding appropriation for Contract Services related to software support	1,250
Various General Fund Departments - reducing surplus appropriations (reappropriating to departments with excess expenditures)	(111,300)
Various General Fund Departments - increasing appropriations to cover excess expenditures	111,300
Special Rev Fund - Streets Division - increasing appropriations to cover excess expenditures (primarily in allocation of labor from Field Operations which indicates greater than anticipated emphasis on roads, alleys and sidewalks in FY09'10)	16,211
Special Rev Fund - Various - reducing surplus appropriations (reappropriating to departments with excess expenditures)	(12,000)
Special Rev Funds -Various - increasing appropriations to cover excess expenditures	12,000
Various Utilities Fund Departments - reducing surplus appropriations (reappropriating to departments with excess expenditures)	(47,000)
Various Utilities Fund Departments - increasing appropriations to cover excess expenditures	47,000
Total Expenditure Amendment	16,211

OTHER OPTIONS

None. This is a required housekeeping amendment.

FISCAL IMPACT

See Exhibit A and Exhibit B attached to Ordinance 2010-28.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-28 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2009-21 AS AMENDED BY ORDINANCES 2009-30, 2010-03, AND 2010-14 TO FURTHER MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2009-2010 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Rogers made a motion to adopt Ordinance 2010-28. The motion was seconded by Commissioner Thornhill.

By Roll Call 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. Ordinance 2010-29, Airport FBO Hours of Operation – 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission will consider adopting an ordinance to allow the airport fixed base operator to reduce the hours of the fixed base operation when economic conditions warrant.

RECOMMENDATION

It is recommended that the City Commission adopt Ordinance 2010-29 after second reading and public hearing.

BACKGROUND

Betty Hill, the fixed base operator (FBO) at the Lake Wales Airport, recently requested the city's permission to reduce the hours of operation because business at the airport has declined sharply due to current economic conditions.

City Code section 3-27 regarding Fixed Base Operators includes the following paragraph:

(h) *Personnel.* All fixed base operators shall have personnel on full-time duty during normal business hours of 9:00 a.m. to 5:00 p.m. every day of the week. These are

minimum hours of operation, and, if economically justified, these hours may be expanded at the option of the fixed base operator. Any holidays or other deviations from this requirement must be approved by the city manager. No personnel shall consume alcoholic beverages while on duty.

While the current code provides for expansion of regular operating hours and modifications for holidays, no authority has been granted to reduce the regular hours of operation. Thus, authority to reduce the hours of airport operation is a policy matter that must be decided by the City Commission. Ordinance 2010-29 is proposed for this purpose.

City Code section 3-27 will be modified as follows:

(h) *Personnel.* All fixed base operators shall have personnel on full-time duty during normal business hours of 9:00 a.m. to 5:00 p.m. every day of the week. These are ~~minimum~~ normal hours of operation, and, if economically justified, these hours may be expanded at the option of the fixed base operator or reduced with the approval of the city manager following the recommendation of the Airport Authority. Any holidays or other deviations from this requirement must be approved by the city manager. No personnel shall consume alcoholic beverages while on duty.

Ordinance 2101-29 was presented to the Airport Authority for review at their meeting on Monday, October 4. Members of the Airport Authority voted unanimously to recommend approval by the City Commission.

OTHER OPTIONS

Do not adopt Ordinance 2010-29 or modify the proposed language.

FISCAL IMPACT

None.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-29 by title only.

AN ORDINANCE AMENDING CHAPTER 3, AIRPORT, LAKE WALES CODE OF ORDINANCES; MODIFYING HOURS OF OPERATION REQUIRED FOR FBO PERSONNEL; PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Rogers made a motion to adopt Ordinance 2010-29. The motion was seconded by Commissioner Thornhill.

By Roll Call Vote:

Commissioner Rogers	"YES"
Commissioner Thornhill	"YES"
Commissioner Carter	"YES"
Commissioner Howell	"YES"

Mayor Van Sickle

"YES"

The motion carried 5-0.

NEW BUSINESS

Agenda Item 12. Resolution 2010-24 Conveyance of Property to Habitat for Humanity of East Polk County, Inc.

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Kathy Bangle, Asst. Planning and Development Director]

SYNOPSIS

The City Commission has expressed an interest in the provision of affordable housing to the citizens of Lake Wales. Resolution 2010-24 will convey two adjacent City-owned parcels on D Street to Habitat for Humanity of East Polk County, Inc. for construction of an affordable single-family house.

RECOMMENDATION

It is recommended that City Commission approve Resolution 2010-24 thus conveying said property, directing the City Attorney to draw up the necessary documents, and authorizing the Mayor to sign.

BACKGROUND

The City Commission has expressed an interest in the provision of affordable housing to the citizens of Lake Wales. One role that the City can play is to make available properties that are under public ownership.

Habitat for Humanity of East Polk County, Inc. has expressed interest in obtaining property to construct homes in Lake Wales. In 2005 and 2008 they constructed homes on Stuart Avenue and Wetmore Street respectively.

The subject properties located on D Street, known by parcel ID numbers 272935-880000-005070 and 272935-880000-005080 and shown on Attachment "A" are approximately .14 acres in size. It is proposed that they be combined to make one building site of .28 acres.

In February 2006 these properties along with others were conveyed to the Green and Gold Foundation. In October 2008 they were returned to public ownership through a reverter clause included in the deed.

Conveyance of the properties to Habitat, which is a nationally recognized housing provider, carries the following benefits:

- Eliminate City's maintenance responsibility and liability. The City is responsible for providing maintenance of publicly-owned property. This includes mowing, irrigation if appropriate, and maintenance of trees. In addition, the city is subject to liability claims for action that may occur on property under its ownership. Once the property is no longer under City ownership, the maintenance and liability issues are removed.
- Additional Revenue. The average value of a Habitat Home is \$75,000.00, which after homestead exemption, would represent \$234.00 in property taxes to the City. In addition, the average monthly water, sewer and garbage bill in the City is \$70.75, which equals annual revenue of \$849.00. Including property taxes and utility fees, the City could

anticipate at least \$1,038.00 a year in revenue from the construction of a single-family residence.

- Provide affordable housing opportunities for residents of Lake Wales.

FISCAL IMPACT

Conveyance to Habitat will relieve the City of maintenance responsibility and liability and puts the property back on the tax rolls.

OTHER OPTIONS

Not convey the property and retain it under public-ownership.

[End agenda memo]

Ms. VanBlargan read Resolution 2010-24 by title only.

A RESOLUTION OF THE CITY COMMISSION OF LAKE WALES, POLK COUNTY, FLORIDA, PROVIDING FOR THE CONVEYANCE OF TWO PARCELS OF LAND OWNED BY THE CITY AND LOCATED ON D STREET AND SPECIFICALLY SHOWN ON ATTACHMENT "A" TO HABITAT FOR HUMANITY OF EAST POLK COUNTY INC.

Commissioner Carter asked why Habitat for Humanity was building one house on two lots instead of a house on each lot because there would be more revenue for the City and it would serve two families if they built two. Kathy Bangley, Planning and Development Assistant Director, said that because the lots were platted so small, Habitat for Humanity specifically asked that they be combined in order to maintain the 5-foot setback, which would be difficult for a 42 1/2 foot lot. Commissioner Carter said that all the other houses on that street are built on that same sized lot and Planning and Development Director Margaret Swanson said that houses are built larger now because there are minimum, house size standards and Habitat for Humanity does not usually build houses so small. It had been their preference and city staff had concurred.

Commissioner Carter asked about the six lots on 3rd Street between Osceola and Kissimmee that the city talked about turning over to Habitat for Humanity. Ms. Bangley explained that those properties are zoned recreation and have a Future Land Use designation of PUB - Public and it would require a DCA action to change. The future land use would have to be changed before it could be turned over to Habitat. Mayor Van Sickle said those six lots would make a nice community for people who were struggling. Ms. Bangley said that Habitat for Humanity was interested in using those lots whenever the future land use issue was changed.

Commissioner Carter asked what the timeline was for Habitat for Humanity once the two lots were turned over to them. Ms. Bangley said they already had someone in mind who was interested in living specifically in that section of town. She did not know the timeline but said she could ask.

Commissioner Howell asked if there were other properties Habitat for Humanity were interested in and Ms. Bangley said there were five properties in the northwest area that they looked at, and though they were also interested in them, they chose to start with the two on D Street. Commissioner Carter said there were abandoned homes in the area that needed to be torn down and rebuilt with affordable housing.

Commissioner Rogers said he thought the required minimum lot size for a newly built home was 7,500 sq. ft. and Ms. Bangley said it was, but that these lots had been grandfathered as they are platted.

Commissioner Thornhill made a motion to approve Resolution 2010-24. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 13. Resolution 2010-25 – FDOT Retention Area Scenic Highway at Lincoln Ave.

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

A storm water retention area is proposed on City property at the intersection of the Scenic Highway and Lincoln Ave. to receive run-off from sidewalks to be constructed by the Florida Department of Transportation (FDOT) as part of the Scenic Highway resurfacing project. The resolution is the basis of an agreement with FDOT to construct and maintain the retention area and to create additional green space by closing the segment of East Street between Lincoln Ave. and the Scenic Highway.

RECOMMENDATION

Staff recommends approval of the resolution to partner with the Florida Department of Transportation on creating a storm water retention area and additional green space on City property at the Scenic Highway and Lincoln Ave.

BACKGROUND

The resurfacing of the Scenic Highway from Mt. Lake Cutoff to Ray Martin Rd., scheduled for construction in FY 2012-2013, includes construction of over 7,000 feet (1.3 miles) of sidewalk at the City's request. The sidewalk segment from Wiltshire Ave. to Lincoln Ave. (approximately 600 feet) will require a storm water retention pond. The triangular property, owned by the City, north of the intersection of Lincoln Ave. and the Scenic Highway, has been identified as the optimum location for the retention area. The drainage improvement will also alleviate drainage problems in the adjacent mobile home park.

City Public Works and Planning staff met with FDOT to work out the recommended provisions of the resolution. FDOT has requested a commitment from the City on the project so that FDOT can move forward on project design. The resolution, if approved, will provide assurance to the FDOT for the expenditure of survey and design funds.

A plan of the proposed shallow retention area and expanded green space is shown on "Attachment A."

Resolution 2010-25 authorizes several actions by the City to cooperate with FDOT on this project:

1. Transfer to FDOT of a portion (up to 10,000 square feet) of the triangular property for the storm water retention area.
2. Grant an easement to FDOT along the Lincoln Ave. frontage of the property for access to the retention area and planting of a buffer.
3. Close the segment of East Street along the west side of the triangular property for retention and expansion of green space.

4. Require an agreement between the City and FDOT for the construction and maintenance of the retention area. Construction and maintenance will be the FDOT's responsibility.

The subject property was transferred without restrictions to the City by the Historic Lake Wales Society, Inc. in 1999 for future use as the site of gateway improvements to the Northwest Business District, as proposed in the early 1990's Hahn Plan. A structure on the property at the time of transfer was subsequently demolished, and the land has since served as public open space. The proposed shallow retention area is compatible with continued use of the property as public open space. The retention area will be a gentle depression, wet only in times of heavy rain. Further, the expansion of the green area into the East Street right-of-way will increase the total area of green space.

The area of the proposed pond, shown on "Attachment A" as "proposed pond location," is about 8,600 square feet. In order to allow some flexibility on the shape of the pond, staff recommends that up to 10,000 square feet be approved for transfer to FDOT.

Unfortunately, several small pine trees and magnolias must be removed to accommodate the retention pond. FDOT proposes planting trees in the buffer along Lincoln Ave. as required by City Code. FDOT will also remove pavement in the East Street right-of-way and plant sod to expand the green area. There is irrigation in the triangle. Additional plantings of trees to beautify the open space will be recommended by staff.

The closure of East Street to traffic is supported by the Public Works Department because of recurring maintenance problems and the dangerous angle of the intersection of East St. at the Scenic Highway. No properties will be deprived of street access because of the closure. The resolution authorizes the Public Works Director, Tom Moran, to close the street at such time as the FDOT requests it, and authorizes the subsequent modification of the official traffic map.

Finally, the provisions of the resolution are conditional upon an inter-local agreement with FDOT formalizing the partnership. The agreement will state responsibilities of each of the partners, including maintenance of the retention area by FDOT. It is likely, however, that the continued mowing of the entire triangle by the City will be desirable because FDOT's mowings are not frequent enough to keep the grass at the level the City normally maintains.

OTHER OPTIONS

There are no other areas of open space available to accommodate the retention pond in the vicinity. If the arrangement is not acceptable to the City, the FDOT will most likely be unable to construct the sidewalk from Wiltshire to Lincoln Ave.

FISCAL IMPACT

There will be no compensation from FDOT for the property used for the retention pond. The area to be mowed by the City will increase with the conversion of the East St. right-of-way to the green space. However, with the removal of the pavement, there will be no street maintenance costs. Tree maintenance responsibilities will remain.

[End agenda memo]

Ms. VanBlargan read Ordinance 2010-25 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, CLOSING THE PORTION OF EAST STREET BETWEEN LINCOLN AVENUE AND THE SCENIC HIGHWAY, AS SHOWN ON "ATTACHMENT A," TO VEHICULAR USE AND AUTHORIZING THE TRANSFER OF A PORTION OF THE ADJACENT CITY-OWNED TRIANGULAR OPEN SPACE AREA AND THE GRANTING OF AN

EASEMENT ALONG LINCOLN AVENUE TO THE FLORIDA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT AND MAINTAIN A STORM WATER RETENTION AREA, TO BE GOVERNED BY AN INTER-LOCAL AGREEMENT: PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Howell asked for confirmation that the fast lane, called that because people speed off of SR 17, was to be closed off, trees planted, sod laid, the whole park redone, and sidewalks poured in order to keep the adjacent mobile home residents from being flooded. Ms. Swanson confirmed and said it was part of the FDOT resurfacing project. They would be putting in over 7,000 feet of sidewalk, constructing the retention area with a gradual slope, laying sod, and putting in trees to replace some that would have to be taken out, though the city may want to do some further beautification with trees from the replacement fund. FDOT will maintain it but as they do not mow every week the city may want to do additional mowing. Staff presently mows there, so it should not add any staff time, though the grassy area will be extended into East Street.

Commissioner Carter asked if the magnolia and small pine trees that would have to be moved could be transplanted instead of destroyed. Ms. Swanson said it was pretty hard to transplant pine trees but they would do what they could, unless they can get FDOT to change the configuration of the retention area to allow for the trees.

Commissioner Thornhill made a motion to approve Resolution 2010-25. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 14. Reevaluation of Policy: Provision of Wastewater Services to Crooked Lake Park

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission will reconsider entering into an agreement with Crooked Lake Park Sewerage Company for provision of wastewater treatment services.

RECOMMENDATION

It is recommended that the City Commission direct the City Attorney to prepare a letter for execution by the Mayor notifying Crooked Lake Park Sewerage Company that the City Commission will not enter into an agreement allowing it to connect to the city's wastewater treatment system because of the potential negative impact upon the city's taxpayers and utility customers.

BACKGROUND

Please refer to the attached letter from Albert C. Galloway, Jr., City Attorney.

OTHER OPTIONS

Enter into an agreement that requires the following:

1. Reconstruction or rehabilitation of existing infrastructure in Crooked Lake Park to comply with all applicable codes and the city's utility standards; approval of upgraded infrastructure must be granted by the city's public works director prior to construction of the project that will enable connection to the city's wastewater system.
2. Prepayment of the following items prior to construction of the project:

Construction of Force Main & Lift Station	450,000
Engineering Fees	75,000
Utility Deposit for 450 Customers	23,000
Impact Fees	969,085
Total Prepayment	<hr/> 1,517,085

Although the requirements stated above address some of the concerns of staff and the City Attorney and the project would not commence until these requirements are met, there is no way to compel payment for utility services to individual customers once we have begun accepting the wastewater from Crooked Lake Park. In the event of a default by the owner of the Crooked Lake Park Sewerage Company, the City would be unable to terminate service for the owner's non-payment and would not be able to enforce payment by individual customers.

FISCAL IMPACT

The City Commission would require that initiating the connection of Crooked Lake Park to the city's wastewater system would have no negative fiscal impact on the taxpayers or existing utility customers, however there is no way to estimate the potential long-term fiscal impact. Once Crooked Lake Park is connected to the city's system, for public health and safety reasons, we will be obligated to provide wastewater treatment services in perpetuity regardless of the cost to our citizens and customers and with no ability to enforce payment for the service provided.

[End agenda memo]

City Attorney Chuck Galloway said this was an issue that had been discussed briefly at the last meeting. He had said he would provide the Commission a letter outlining the due diligence that occurred between himself, the City Manager, and many members of staff. But after going through an analysis, it was his opinion, expressed in both the letter and recommendation, that we need to let them know that we were not interested in taking over that wastewater facility. The alternative that was offered in the memo was that it could be brought up to standard, but then there would still be no guarantee that maintenance would be kept up, so it would fall to the city at some point in time. He said his biggest concern was that, unlike in our system where we provide both water and sewer, there would be no ability of the city to make sure that usage was paid because there would be two competing utility companies servicing the area. As long as customers were paying the water bill, they could technically stop paying the wastewater bill because there would be no way the city could cut off their service due to health reasons. Over time, that may become an idea that would spread. He said that, in his mind, there were too many pitfalls for the Commission to consider it in the interest of the members of our community.

Commissioner Rogers agreed and said he did not think we had any business being involved in any stretch of the imagination. The City of Lake Wales has a lot of wastewater problems it can't take care of and he did not think we needed to go outside the city limits, incurring the indebtedness it would take to rebuild that plant, plus not knowing what we were getting into down the line. He did not see any reason to continue negotiations for the Crooked Lake Wastewater Plant.

Commissioner Howell asked if DEP would fine the city or take away some its water rights if the Commission chooses to back out and Mr. Galloway said that he had not spoken to members of DEP, though staff had, but as far as the judgment impacting that facility, the City of Lake Wales was not a part, and how the City ever became a part of it, he said, was beyond him. Someone had suggested that it would be a good thing to propose to DEP and so it became built into the judgment, but it was not binding on the city.

Ms. Delmar said that Finance Director Dorothy Pendergrass talked with representatives for the State Revolving Fund who said that our decision to discontinue negotiations for the Crooked Lake plant would not affect SRF funding for our wastewater treatment plant if we wished to proceed.

Commissioner Thornhill said his only concern was with the email back from Brian Golf saying they would be disappointed if we did not help out with the Crooked Lake Project. Commissioner Thornhill said that putting this burden on Lake Wales' citizens was not what the Commissioners should do. Commissioners Carter and Mayor Van Sickle concurred.

Commissioner Thornhill made a motion to direct the City Attorney to prepare a letter for execution by the Mayor notifying Crooked Lake Park Sewerage Company that the City Commission will not enter into an agreement allowing it to connect to the city's wastewater treatment system because of the potential negative impact upon the city's taxpayers and utility customers. 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 15. SWFWMD Cooperative Funding Initiative Grant Application

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

This is an application to the Southwest Florida Water Management District (SWFWMD) Cooperative Funding Program. This application is for \$250,000 to extend reuse lines to the Lake Wales Country Club. The cost of this project will be approximately \$750,000. The City of Lake Wales will match this grant with \$250,000 in the 2011-2012 Fiscal year and Ben Hill Griffin Inc., owner of the Lake Wales Country Club, will also match this grant with \$250,000.

RECOMMENDATION

Staff recommends that City Commission take the following action:

1. Approval of a grant application to the Cooperative Funding Initiative of SWFWMD for \$250,000 towards the extension of reuse lines to the Lake Wales Country Club.
2. Authorize the City Manager to execute the applications on the City's behalf.

BACKGROUND

This project will consist of the construction of a reclaimed water transmission main beginning at Post Salter Rd & Eleventh Street with an end destination of the Lake Wales Country Club.

This project will extend reuse lines to the Lake Wales Country Club, which is one of the larger users of water in the Lake Wales area. This will substantially reduce the use of potable water for irrigation purposes. This project would further SWFWMD's goal for beneficial reuse by eliminating or significantly replacing an existing instance of large-scale groundwater withdrawal for irrigation of a golf course. In May of 2010 The City of Lake Wales updated its agreement with Ben Hill Griffin Inc., owner of the Lake Wales Country Club, to share costs of this project.

The goal of this project is to replace existing potable water and potable quality groundwater used for irrigation with reclaimed water. The City's overall reclaimed objective is to develop a system that will offset potable quality water by providing water for irrigation and other non-potable uses. The project described above will assist the city in attaining the goal of building a citywide reclaim water system.

OTHER OPTIONS

Do not approve the grant application and the City will pay the portion of the costs proposed to be paid by SWFWMD.

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 groundwater 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 if this project is not completed.

FISCAL IMPACT

\$250,000 in 2011-2012 FY

[End agenda memo]

Ms. Nanek reviewed Agenda Item 15.

Commissioner Rogers said that putting the reclaimed wastewater back on the golf course was good for both the golf course and the City because it would not be going into the Peace River system.

Commissioner Howell wanted to know if the money was already in the budget and Ms. Delmar said it would be in the FY11'12 budget, though the engineering for it was in this year's budget.

Commissioner Carter said he supported the use of the reclaimed water but said he recalled that a few months earlier they were told there was no reclaimed water leftover because it was all spoken for. Ms. Delmar said that was not exactly accurate. She said we would not be able to dispose of more than the

900,000 gallons per day we dispose of now, but we would not be discharging all 900,000 gallons every day to the same customers. It would have to be staged and subject to availability, which is written into the agreement.

Commissioner Howell made a motion to approve the grant application to the Cooperative Funding Initiative of SWFWMD for \$250,000 towards the extension of reuse lines to the Lake Wales Country Club. The motion was seconded by Commissioner Rogers.

By voice vote:

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

The motion carried 5-0.

Agenda Item 16. Pilot Agreement – Water’s Edge

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The Commission will consider approval of an agreement for payment in lieu of taxes (PILOT) for municipal services provided to Water’s Edge.

RECOMMENDATION

It is recommended that the City Commission approve the PILOT agreement between the City and Water’s Edge and authorize the Mayor to execute all applicable documents.

BACKGROUND

On November 28, 2007, the City Commission adopted Inducement Resolution 2007-18 relating to the proposed issuance of Retirement Facility Revenue Bonds for the principal purpose of financing and refinancing costs related to the acquisition, construction, and equipping of senior care facilities to be owned by Water’s Edge Lake Wales, LLC. This resolution included a Memorandum of Agreement that set forth matters of mutual understanding preliminary to the issuance of the bonds, primary among which was the fact that the City would serve as the “conduit” through which tax-exempt bonds would be issued to finance the proposed project .

On March 4, 2008 the City Commission adopted Resolution 2008-05 authorizing the issuance of the bonds in the principal amount of not to exceed \$35,000,000. The bonds were subsequently issued and the proposed project is currently nearing completion; i.e., CO’s have been issued for all but 12 independent living units (villas). Water’s Edge is eligible to submit an application to the Polk County Property Appraiser’s Office for full or partial exemption from ad valorem taxes related to the project.

Paragraph 3(i) of the Memorandum of Agreement adopted with Resolution 2007-18 requires that prior to submitting an application for exemption from ad valorem taxes, Water’s Edge must enter into an agreement with the City to make payments in lieu of taxes (PILOT) to compensate the City for the provision of municipal services to the project.

Water's Edge is currently in the process of obtaining exemption from ad valorem taxes, and the PILOT agreement required by Resolution 2007-18 is submitted for Commission approval. Mr. Dick Chandley, Chief Manager of Water's Edge, has executed the agreement on behalf of the project.

Water's Edge will make an annual PILOT to compensate the City for provision of municipal services as follows:

- Independent living units - Water's Edge will compensate for all services provided by the City and funded by the General Fund; the rate of compensation will be the equivalent of the current year millage rate times the assessed value of the project allocated to independent living units (see Exhibit C)
- Non-independent living units - Water's Edge will compensate for all services provided by the City and funded by the General Fund with the exception of services classified in the Culture & Recreation category; the rate of compensation will be the equivalent of the current year millage rate times the assessed value of the project allocated to non-independent living unit less the percentage of the total General Fund operating budget allocated to Culture & Recreation (see Exhibit C)

At build-out, independent living units (apartments and villas) will represent 66% of the total units constructed at Water's Edge and, therefore, 66% of the assessed value. Non-independent living units (assisted living and special care units) will represent 34% of the total units and, therefore, 34% of the assessed value. Thus, 34% of living units will pay a PILOT at a rate lower than the current year millage rate because these units will not benefit from the full range of services provided by the General Fund.

Until such time as construction of the 12 remaining independent living units is completed and all CO's have been issued, percentages used in the PILOT formula will be adjusted to reflect actual CO's issued.

FISCAL IMPACT

If all living units were completed, the Water's Edge PILOT based on the current year millage rate would be \$7,037.52 per million dollars of assessed value. Giving credit in the calculation for the 12 uncompleted independent living units, the FY10'11 PILOT based on the current year millage rate will be \$7,011.85 per million dollars of assessed value. This compares to \$7,327.70 per million dollars paid in ad valorem taxes by non-exempt properties.

OTHER OPTIONS

A PILOT agreement is required by Resolution 2007-18 of the City Commission. The formula for calculation of the PILOT could be modified by the City Commission; however, staff recommends approval of this calculation formula because it does result in compensation for all the municipal services benefitting the Water's Edge project.

[End agenda memo]

Ms. Delmar reviewed Agenda Item 16.

Commissioner Carter asked if this had ever been done before. Ms. Delmar said it was not done in this format. She said it was probably the second pilot agreement that she was aware of, the other being with the Housing Authority, which was calculated based on a formula the Federal government developed over time. The method calculated for Water's Edge was developed by the City's Finance Director. Commissioner Carter asked if we

would have to work and communicate with the Polk County taxing office and Ms. Delmar said no because it would be billed separately through the Finance Department.

Commissioner Rogers made a motion to approve the PILOT agreement between the City and Water's Edge and to authorize the Mayor to execute all applicable documents. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 17. Award of Contracts: Code Enforcement Lot Cleaning, Clearing and Mowing Services

The full staff memo is incorporated into the minutes.

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

SYNOPSIS

The City Commission will consider awarding contracts to Ray & Sons Lawn Services, LLC and Paradise Lawn Care of Central Florida, Inc. for Code Enforcement lot cleaning, clearing and mowing services.

RECOMMENDATION

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

Award contracts to Ray & Sons Lawn Services, LLC and Paradise Lawn Care of Central Florida, Inc. for lot cleaning, clearing and mowing services for Code Enforcement.

BACKGROUND

Code Enforcement continues to be pro-active in cleaning and mowing neglected, vacant or unoccupied lots within the city limits.

On October 11, 2010 city staff solicited Requests for Quotes for Lot Cleaning, Clearing and Mowing Services for properties found in violation of Chapter 12 of the Code of the City of Lake Wales.

In this fiscal year \$10,000.00 was budgeted for mowing services of these neglected lots. Quotes were received as follows:

- Ray & Sons Lawn Services, LLC., located in Lake Wales, \$.03 per square foot
- Paradise Lawn Care of Central Florida, Inc., located in Lake Wales, \$.03 per square foot
- Communication Support Network, Inc., located in Tampa, \$.0277 per square foot
- Prince Land Services, Inc., located in Haines City, \$.09 per square foot

It appears that Communication Support Network, Inc. is 7% lower per square foot, however, in an addendum to their quote, it was stated that this square footage price is for light duty mowing only; medium duty mowing was

quoted at \$.0482 per square foot, \$.0618 for heavy duty mowing and \$.0971 for extra heavy duty mowing. Ray & Sons Lawn Services, LLC. and Paradise Lawn Care of Central Florida, Inc. did not add stipulations to their quote.

In the best interest of the City, Code Enforcement is recommending that Ray & Sons Lawn Services and Paradise Lawn Care of Central Florida each be awarded a contract, and that they will be utilized on a rotation schedule. Both companies are in agreement.

In the past Code Enforcement has used companies who were not local. The tendency among these companies was, because they were not located locally, to let the work stack up enough to justify the travel time to the City. Using local firms assures the lots will be cleaned and mowed in a timely manner.

OTHER OPTIONS

The option offered to the Commission is to review offered bids and select a different provider.

[End agenda memo]

Ms. Hodge reviewed Agenda Item 17.

Commissioner Thornhill said he knew from having been on the Code Enforcement Board that the liens put on these properties would not be for light mowing.

Commissioner Carter thanked staff for the way this was put together because all the bases had been covered. He asked if the same companies would be used for city owned property and Ms. Delmar said city staff would mow the city owned property. She explained that in recent years, a problem had been created for Field Operation staff because they were being called away from their mowing of public property, their regular job, in order to mow private property that had code enforcement issues. They would then estimate the cost and a lien would be put on the property. The city decided to no longer use city workers to mow private property because that was what contractors did and because there would be less code enforcement issues on city owned properties if the workers were allowed to do their jobs. A lien could be placed on the property for the cost, which would be recovered whenever the property was sold, the only way they get repaid as no one voluntarily pays it off. Commissioner Carter said the financial risk to the city would be that it may be a very long time before we get our money back. Ms. Delmar agreed but said that it was considered in the public's interest to get the property cleaned up so that is a public expense.

Commissioner Rogers made a motion to award the contracts to Ray & Sons Lawn Services, LLC and Paradise Lawn Care of Central Florida, Inc. for lot cleaning, clearing and mowing services for Code Enforcement. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 18. Purchase of Five (5) Martel MDE2 Digital In-Car Video Systems

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Chris Velasquez]

SYNOPSIS

The City Commission will consider the purchase of 5 digital in-car video systems using Edward Byrne Justice Assistance Grant funds.

RECOMMENDATION

It is recommended that the City Commission approve the purchase of 5 Martel MDE2 Digital in-car video systems from Sharp Communication, Incorporated for \$17,600.00

BACKGROUND

The Lake Wales Police Department is committed to providing quality law enforcement services to our community. To accomplish this goal there is a need to capture information using digital in-car video systems prior to, during and after incidents. In-car video systems provide for accountability, video evidence and protection against complaints. Since the department began using in-car cameras, a number of them have experienced technical issues and some can no longer be serviced. In order for in-car cameras to be effective, they must be reliable.

If this purchase is approved, 5 police vehicles assigned to the Patrol Section will have their current video system replaced with a more reliable digital in-car video system. This will leave 6 of the original video systems in use in spare vehicles or assigned to officers who do not conduct traffic stops or respond to calls for service on a regular basis. With this purchase, 19 police vehicles will be equipped with the digital in-car video system.

The City's Information Technology Department obtained three quotes for price comparison purposes, although Sharp Communication, Inc. is the authorized Martel distributor for the South Eastern region of the United States. Sharp Communication submitted the lowest quote at \$17,600.00, LegalTek quoted \$18,020.00, and Martel Electronics, Inc quoted \$18,565.00.

OPTIONS

The City Commission may vote not to approve this purchase.

FISCAL IMPACTS

The Police Department proposes to use \$17,600.00 from the Edward Byrne Justice Assistance Grant (2011-JAGC-POLK-17-B2-025) for this purchase.

[End agenda memo]

Assistant Police Chief Chris Velasquez reviewed Agenda Item 18.

Commissioner Howell wanted to know who would be held accountable if the equipment was not working properly because it causes controversy when it malfunctions. Assistant Chief Velasquez explained that the control Patrol Commander checks the vehicles randomly each month, the Supervisors check out the vehicles every two weeks, and the officers are responsible for checking them out daily. But, if all that fails, he will be the one held accountable. Commissioner Howell said she was glad they will have better equipment. She said she knows that all equipment will break down at times, but it shouldn't happen every time. Assistant Chief Velasquez noted that the cameras were there to protect police officers as well as the public, to capture evidence, document information for reports, for accountability, and for safety, thought there may be times that an event happens just outside the range of the cameras so they need to be aware of that and not rely completely on the video. Ms. Delmar added that over time she thought the public has developed a better attitude toward the cameras as they have come to realize what a valuable tool they are.

Commissioner Thornhill said he hoped this would be a better system, eliminating some of the malfunctioning.

Commissioner Thornhill made a motion to approve the purchase of 5 Martel MDE2 Digital in-car video systems from Sharp Communication, Incorporated for \$17,600.00. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 19. Topic for Discussion: Preparations for Legoland

Mayor Van Sickle said that several of the Commissioners had been to the Legoland presentations so were familiar with this.

Economic Director Harold Gallup made the following points about Legoland:

- It is a 5-year project and not a quick fix, and would incur some costs.
- There will be 50 to 60 million dollars tied up in the strategy so the City needs to plan, fund, and execute it well in order to be part of that strategy.
- Road signage and public and tourist transportation are key issues, which will have to be worked out with FDOT who seem to be relaxing some of their standards and seem to be more receptive to changes.
- Legoland is trying to tie in all of Central Florida with the theme, "The Real Florida Experience" and is trying to overcome the perception of "Legoland Florida is a long way from anywhere".
- Communities need to be participants and if our downtown businesses want to take advantage of this opportunity, a philosophical change needs to take place by them such as consistently opening on schedule and remaining open on Saturdays with a possibly of staying open in the evenings.
- Eagle Ridge Mall is interested in becoming the mall of Legoland.
- Legoland is committed to promoting to the "Repeat Visitors", which translates down to local and regional levels.

Commissioner Howell said that when we get closer to that point, the City needs to have a mindset change by being more flexible on its signage rules, though she did not think it would need to be drastic changes. We don't need to deny a business signage because the sign is a few inches too wide or high, or because they want to put something like legos out close to the highway at the mall to draw people in. She said as long as it would not interfere with traffic, it should be allowed. Ms. Delmar said the City Attorney had questioned some of the sign ordinances and staff was working on it. Mr. Gallup restated that the area needing the most attention was the bigger problem with FDOT signage constraints.

Mr. Gallup said they were trying to arrange for the City of Lake Wales to be an authorized Legoland Florida user of the logo, though they are making sure it is done right the first time to avoid infringement rights and copyright issues that may apply.

Commissioner Carter agreed that signage was an area we should capitalize on, though he realized that the City had little money with which to do it, and we need to clean up overgrown areas in the City. He said he took away several important things from the workshop, one being that Legoland was not claiming to be part of Winter Haven, though it may have a Winter Haven address, but part of Central Florida which opens it up for other communities to be involved including Lake Wales. They are also focused on the

theme, "The Real Florida Experience" and things like the orange groves were referred to as "destinations that people need to come and see".

Commissioner Thornhill said what he took away from the workshops were that first and foremost new hotels would definitely be needed, and if we want to encourage visitors to go further than Winter Haven, we will have to work on signage, work with the business community on the downtown operating hours, make sure the entrances to the city look good, and possibly partner with Bok Tower Gardens.

CITY MANAGER'S REPORT

CITY COMMISSION TRACKING REPORT

Nothing was added to the tracking report.

COMMUNICATIONS AND PETITIONS

There were no comments made by the public.

CITY COMMISSION COMMENT

Commissioner Howell asked if Sunrise Properties contributed to the tree fund for the trees they were removing and Ms. Bangley said they were making a concerted effort to save the trees they could and were planting extra, larger sized trees to replace some of them. She explained that trees damaged by the hurricanes had been assessed by an arborist and also those damaged by street material being stored on the property. Staff did a tree removal calculation and the appropriate monetary contribution to the tree fund will be made. Ms. Swanson said that the county and many other communities do not have a tree protection requirement and staff takes this issue seriously, trying to save as many trees as possible.

Commissioner Thornhill thanked the City Manager and staff for doing a great job. He said they all had to put up with a great deal including extra work. He said his concern was that the Commission may be trying to micromanage staff and the City Manager. He reminded the Commission that its job was to set policy, period. If Commissioners have concerns or questions, they are to meet with the City Manager who then discusses it with staff, letting them do their jobs, or they can discuss them at the City Commission meetings. City staff then presents the gathered information to the Commission along with their recommendations. It is not the Commission's job to negotiate, broker deals, or call vendors. Doing so, he said, demeans staff. He asked the City Attorney to comment who said Commissioner Thornhill was correct in that the Commission function was to set policy as set forth in the Charter.

Commissioner Carter asked if the arborist could address concerns about damage to trees caused by cars parking too close. He asked if the arborist could prioritize the trees that are in danger so we could immediately protect the ones in the worst shape. Then, every six months or so, we could move to a different location, allowing the trees to rest and heal. He said he realized that residents can't wake up one morning to find they can no longer park there because they have been parking under the trees for a very long time.

Ms. Swanson said they were working on the problem. She said the horseshoe area by the pier at Lake Wailes Park is the most critical area because it has the most valuable trees; because people park under the trees to get to the shady areas, ripping up the grass in the process; and because it is the place used for many events. She said that Division Field Manager Beverly Pennington is going to put the mulch she is getting from Progress Energy there, which will help, but what is most needed is for them to barrier off that area to make cars stay on the pavement. She said there are some areas cars might be allowed to park, where trees provide shade but are not directly under them, but those areas need to be designated so people will know where they can park and where it is inappropriate, though it will be quite difficult to designate every area.

Commissioner Carter suggested roping off the tree area at the football stadium to keep people from parking under those trees. Ms. Swanson said they may have to designate that as a temporary use parking area and use some kind of barriers like loose aggregate or tile instead of pavement, similar to what was done at the soccer fields. She said staff has been talking about these issues with the Streets Department and Parks Board, and that the Parks Board will be making a presentation to the Commission within the next few months.

Commissioner Carter asked about the parking problem at the Multipurpose Recreational Complex on Hunt Brothers Road. Harold Gallup said that, on occasion, the facility has outgrown its capacity and that the area in question had been designated as an overflow parking area. He said the material that is needed to make the surface match the existing parking area will be available in the next three to four weeks, costing between \$7,500 and \$11,000 to crush, place, vibrate the materials and put a top on it.

Commissioner Carter wanted to know if the City could partner with the High School's Future Farmers of America to use city property too small to build on for mini parks or community gardens. Ms. Delmar said she would look into it. Mayor Van Sickle said the city has an excessive number of parks for a city of its size making it difficult for staff to maintain them all, and that creating more parks would just compound the problem. Commissioner Carter said his idea was to have them maintained by the Future Farmers of America. Ms. Delmar said they did that to some extent in the Olmsted neighborhood who maintained the triangles beautifully for the first year or two and then it fell back to the city.

Commissioner Rogers said staff and the City Manager were doing a good job and he was particularly proud of the Police and Fire Departments. He added that all the departments are working under the handicap of decreased funds.


Mayor Van Sickle said it was a difficult time considering the amount of staff and what has been accomplished. He said most of staff is working over 100%, which can only be done for a short period of time, and yet they have been doing that for the four years he has been a Commissioner. He noted that it must be difficult to keep the morale up when they have not gotten pay raises or bonuses as all the Commissioners have to give staff is their appreciation.

He said he had a tendency to micromanage because that was what he had to do in his prior jobs, but he would try to remember to give only direction, letting staff do its job and not overseeing what they are doing. He agreed that the Commissioners needed to step back even when they feel that the task should have been done months before. It is not their job to ask staff why it was not done, but instead talk to the City Manager about their concerns, which he thought they were doing better.

There being no further business, the meeting was adjourned.


Mayor/Commissioner

ATTEST:


City Clerk