

The regular meeting of the Lake Wales City Commission was held on March 15, 2011 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**

#### **Agenda Item 5. Proclamation: Chief Mark Levine Appreciation Day; March 30, 2011**

Mayor Van Sickle read and then presented Ms. Levine and her family a proclamation honoring Mark Levine for rising through the ranks to become the City's Police Chief and for his 23 years of service.

Interim Police Chief Chris Velasquez said that David Smith, a former Lake Wales Police Officer, had been instrumental in arranging for the proclamation but was unable to attend the meeting. The Chief said the proclamation did not even begin to address all the things Chief Levine did for the City of Lake Wales as a leader and role-model for the community.

### **CONSENT AGENDA**

Commissioner Carter requested Agenda Item 7 to be pulled for further discussion and separate vote.

#### **Agenda Item 6. Approval of Minutes February 8, 2011 Workshop Meeting (Re-approve) March 1, 2011, Regular Meeting**

#### **Agenda Item 8. Disposal of Surplus Property**

The full staff memo is incorporated into the minutes.

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

### **SYNOPSIS**

Staff is seeking approval to dispose of surplus equipment not previously sold in the auction.

### **RECOMMENDATION**

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

1. Determine that the items not sold at the last public auction have no commercial value and authorize the disposal of these items by sale as scrap or by disposal as otherwise deemed appropriate by the City Manager.

## BACKGROUND

In accordance with Sec. 2-476 of the City Code, the City Commission may classify as surplus any of its property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function or purpose.

Authority for the disposal of surplus property for which the initial purchase price equals or exceeds \$750.00 must be recorded in the official minutes of the City Commission. Such authority must include approval of the method of disposal and the estimated value of the property. Authority for the disposal of surplus property for which the initial purchase price does not equal or exceed \$750.00 is granted to the City Manager.

In July of 2010, staff sent surplus vehicles and equipment to Garner & Associates Auctioneers, Inc. for public auction. The City is still in possession of a 35-foot park model travel trailer and three vehicles that did not sell in the auction:

- One vehicle is a 2003 Ford Crown Victoria which was totaled in a traffic accident. All spare parts have been stripped off of this vehicle and used to repair other vehicles.
- One vehicle is a 1997 Ford F-700 Utility truck which does not run, has extensive body rust and could not be towed to the public auction.
- The third vehicle is a fuel truck that was used at the airport for many years. It was donated to the City by the Lake Wales Armory years ago. There is no known title for this vehicle. It does not run.

Staff contacted Viking Recycling, Inc. to inquire about removing these vehicles and the travel trailer. The travel trailer cannot be towed because its condition makes it unsafe for towing. Although the body of the Crown Victoria and the travel trailer have no scrap value, Viking Recycling, Inc. has offered to dispose of them at no charge to the City. Viking will bring a dumpster to the site, take the travel trailer apart, and dispose of it at the landfill. The fuel truck and the Ford F-700 will be taken to a site and sold for scrap metal with the proceeds returning to the City.

[End agenda memo]

Commissioner Carter commented that the City of Bartow was looking into disposing some of their surplus items through an on-line auction and asked Ms. Delmar if it was possible for staff to look into that for Lake Wales. She said they were looking into it but the particular surplus items now up for auction did not apply because they were of no value.

### **Agenda Item 9. RFP Remarketing & Striping of Central Avenue, First Street and School Crosswalks**

The full staff memo is incorporated into the minutes.

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

## SYNOPSIS

Staff is seeking approval of RFP #11-331 to remark and stripe Central Avenue, First Street and school crosswalks.

## RECOMMENDATION

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

Approve Request for Proposal #11-331 for Remarking & Striping of Central Avenue, First Street and school crosswalks.

## **BACKGROUND**

In fiscal year 2010-2011, \$101,721 is budgeted for road repairs which include remarking and striping of Central Avenue, First Street and school crosswalks at Polk Avenue Elementary, Roosevelt Academy, Spook Hill Elementary, Janie Howard Elementary, Hillcrest Elementary and McLaughlin Middle Schools.

Staff has prepared Request for Proposals #11-331 for the City Commission's review. After approval of the RFP, staff will advertise in the Lakeland Ledger and the proposal will be posted on the City's website. A copy of the RFP will be sent to qualified vendors on the City's vendor list.

[End agenda memo]

## **END CONSENT AGENDA**

Commissioner Howell made a motion to approve the Consent Agenda, excluding Agenda Item 7. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 5-0.

## **Agenda Item 7. Approval to Purchase Administrative Software from On Target Performance Systems**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Pat Quinn, Police Captain]

## **SYNOPSIS**

Staff is seeking approval to Purchase Administrative Investigation Management (AIM) software from On Target Performance Systems.

## **RECOMMENDATION**

It is recommended the City Commission authorize the Police Department to purchase Administrative Investigation Management Software from On Target Performance Systems.

## **BACKGROUND**

The Lake Wales Police Department has 35 full time line employees, five part time line employees, eight line supervisors, three division managers, and a chief. Each of these supervisors and managers has daily interaction with the line officers. Occasionally supervision has to correct violations of policies or procedures, counsel employees to ensure they are performing at their best, or to acknowledge when employees do a good job. These interactions occur on almost a daily basis; however, there exists no

central repository for this data. A software solution is necessary to track and analyze this data to direct best business practices.

Common police practices dictate that all uses of force, vehicle pursuits, and accidents be reviewed by the chain of supervision to identify any training issues, policy issues, or trends occurring as a result of these high liability functions. Without automated software tracking these issues, it becomes cumbersome to identify any issues which could be corrected. Again a software solution becomes necessary to quickly analyze this data, produce reports, and track in a centralized location this important information. The Police Department has investigated several software solutions to meet our existing needs.

The first software solution we looked at was IA Pro and Blue Line. This is customizable software which tracks internal affairs investigations, uses of force, vehicle pursuits, accidents, and injuries. The software was easy to use, provided adequate security protocols for open investigations, and generally met the needs of the department. The cost of this piece of software is \$12,200.00. The annual maintenance fee for the software is \$1,800.00.

The second software solution we looked at was Administrative Investigations Management Software. This software is highly customizable. It comes with standard tracking software for internal affairs investigations, supervisor administered discipline, uses of force, vehicle pursuits, accidents, and injuries. It also allows the user to track any user defined item. The software was easy to use, provided enhanced security protocols for record assignment and opened investigations, and meets the needs of the department. The cost of this piece of software is \$11,300. The annual maintenance fee for the software is \$1,700.

The third piece of software was IA Trak. This is non customizable software which tracks internal affairs investigations, uses of force, vehicle pursuits, and accidents. The software does not provide user customization, and has an inadequate records security protocol. This product does not meet the current needs of the department. The cost of this piece of software is \$4,500. The annual maintenance fee is \$450.

#### **OTHER OPTIONS**

The Commission may choose not to authorize the Police Department to purchase the software.

#### **FISCAL IMPACT**

The first year implementation cost is \$11,300.00 for which a budget transfer will be made from "Maintenance and Repair - Facilities" to cover the cost of the initial expenditure. The recurring annual maintenance cost is \$1,700.00.

#### **[End agenda memo]**

Captain Quinn distributed a handout for a revised quote. He said he mistakenly provided the wrong price quote for the agenda packet. He said after talking with the company he realized there would be a need for on-site training, which had increased the cost. He reviewed Agenda Item 7.

Commissioner Carter said he approved using the software but asked if annual maintenance would come from the General Fund. Captain Quinn said there would be an increase in the Police Department's budget under software IT.

Commissioner Carter made a motion to authorize the Police Department to purchase Administrative Investigation Management Software from On Target Performance Systems. The motion was seconded by Commissioner Howell.

By Voice Vote:

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

The motion carried 5-0.

**OLD BUSINESS**

**Agenda Item 10. Ordinance 2011-05, FY-2010/2011 Amendments #2 – 2<sup>nd</sup> Reading & Public Hearing**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

Second amendment of FY10'11 Budget adopted on September 21, 2010.

**RECOMMENDATION**

It is recommended that the City Commission adopt Ordinance 2011-05 after second reading & public hearing.

**BACKGROUND**

Ordinance 2010-19 estimating revenues and appropriating funds for Fiscal Year 2010-11 was adopted by the City Commission September 21, 2010 and amended on December 21, 2010. We are presenting for second reading a second amendment of Ordinance 2010-19 to modify the estimates of revenues and appropriations budgeted in various funds. Exhibits A and B and supporting attachments provide the detail for the proposed amendment.

This budget amendment is based on unaudited financial reports for the accounting period ending on 12/31/10. The following is a summary of changes included in the proposed amendment:

Revenues & Balances Fwd	Increase(Reduction)
General Fund	35,344
Special Revenue Fund	935,877
Debt Service Fund	(18,000)
Capital Projects Fund	79,055
Utility System Fund	995,307
Airport Fund	225
Total Increase(Reduction) of Revenues & Balances Fwd	2,027,808
Appropriated Expenditures & Reserves	
General Fund	51,411
Special Revenue Fund	17,149
Debt Service Fund	(18,000)
Capital Projects Fund	-
Utility System Fund	120,746
Airport Fund	225
Reserves	1,856,277
Total Increase(Reductions) of Appropriated Expenditures & Reserves	2,027,808

The proposed budget amendment increases the City's total budgeted expenditures by \$171,531 and increases reserves by \$1,856,277 for a net increase in appropriated expenditures and reserves of \$2,027,808 (from \$39,776,201 to \$41,804,009).

Reasons for this amendment include:

**Estimated Revenues and Reserve Balances:**

- Balances forward must be adjusted to conform to the audited fund balances at 9/30/10. This amendment resulted in a net increase of \$1,985,853:
  - decrease of \$10,206 in the General Fund,
  - increase of \$921,697 in the Special Revenue Funds (\$28,297 Transportation, \$845,239 CRA, -\$4,694 Police Forfeiture, \$52,375 Library, and \$480 Law Enforcement),
  - increase of \$79,055 in the Capital Projects Fund,
  - increase of \$995,307 in the Utility System Fund.
- Revenues projected within the General Fund must be adjusted to reflect a net increase of \$35,344 for revenue changes realized/expected within several revenue accounts:
  - increase of \$300 in administrative charges for Brookshire Street Lighting District,
  - increase of \$20,000 in cemetery capital improvement revenue for additional irrigation capital costs,
  - increase of \$24,000 in miscellaneous revenue,
  - increase of \$1,250 in reimbursement for ball field lining,
- Revenues projected within the Special Revenue Fund must be adjusted to reflect an increase of \$14,180 for revenue expected within the Street Lighting Fund.
- Revenues projected within the Debt Service Fund must be adjusted to reflect a decrease of \$18,000 due to reclassification of the FBO credit agreement from the Debt Service Fund to the Airport Fund.
- Revenues projected within the Airport Fund must be adjusted to reflect an increase of \$225 for a transfer from the General Fund to cover operating costs.

**Estimated Expenditures & Revenues Balances:**

- Expenditures projected within the General Fund must be adjusted to reflect a net increase of \$51,411 for expenditure changes realized/expected within several accounts:
  - Finance – increase of \$22,860 for the conversion of a part-time accounting clerk position to a full-time position. Additional duties to be assigned to this position would include internal review procedures relating to utility billing, accounts payable and payroll.
  - Fleet Maintenance - increase of \$2,072 in capital outlay for an air compressor,
  - Police – increase of \$340 in contract services for legal review of IRS technical compliance changes made to the police pension plan.
  - Fire - increase of \$340 in contract services for legal review of IRS technical compliance changes made to the fire pension plan,
  - Fire - increase of \$3,030 in maintenance/repairs to all overhead doors at the Fire Department,
  - Cemetery - increase of \$20,000 in capital outlay for installation of an irrigation system at the Lake Wales Cemetery,
  - Cemetery – increase of \$1,004 in capital outlay for a memorial sign at Willow Lawn Cemetery,
  - Recreation facilities – increase of \$1,000 for ball field lining at the North West Complex (revenue offset of \$1,250),
  - Recreation facilities – increase of \$540 for Hardman auditorium alarm monitoring service,

- Transfer to the airport fund – increase of \$225 for additional airport operating costs associated with annual alarm inspection and sensitivity testing.
- Expenditures projected within the Special Revenue Funds must be adjusted to reflect a net increase of \$17,149 for expenditure charges realized/expected within several accounts:
  - Transportation Fund - increase of \$3,651 maintenance/repair cost for replacement of decorative light damaged at the corner of Central & MLK.
  - Street Lighting Fund – increase of \$13,498 for expected costs associated with Brookshire Street Lighting District (revenue offset of \$14,180).
- Expenditures projected within the Debt Service Fund must be adjusted to reflect a decrease of \$18,000 due to reclassification of the FBO credit agreement from the Debt Service Fund to the Airport Fund.
- Expenditures projected within the Utility System Fund must be adjusted to reflect a net increase of \$120,746 for expenditure changes realized/expected within several accounts:
  - increase of \$1,710 for desktop computers in Utility Billing,
  - increase of 3,636 for reuse monitoring wells carry forward from prior year,
  - increase of 115,400 for booster station carry forward from prior year,
  - increase in WWTP Rehab and decrease in Crooked Lake Park lift station/force main project of \$435,870,
- Expenditures projected within the Airport Fund must be adjusted to reflect a net increase of \$225 for expenditure changes realized/expected within several accounts:
  - increase of \$225 for annual alarm inspection and sensitivity testing,
  - increase in debt service principal-FBO and decrease in transfer to debt service of \$18,000 due to reclassification of the FBO credit agreement from the Debt Service Fund to the Airport Fund.

## **OTHER OPTIONS**

With the exception of the request to convert a part-time accounting clerk position to a full-time position for the ability to add additional internal review procedures within the Finance Department (\$22,860 additional expenditure) and the inclusion of the Street Lighting Fund (\$14,180 additional revenue and \$13,498 additional expenditure), this is primarily a housekeeping ordinance to conform the budget to items approved by the City Commission.

## **FISCAL IMPACT**

See Exhibit A and Exhibit B attached to Ordinance 2011-05

[End agenda memo]

Ms. VanBlargan read Ordinance 2011-05 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2010-19 AS AMENDED BY ORDINANCE 2010-32 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2010-2011 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.**

City Manager Judith H. Delmar reviewed Agenda Item 10.

### OPENED PUBLIC HEARING

There were no comments from the public.

### CLOSED PUBLIC HEARING

Commissioner Carter asked the following questions:

- Commissioner Carter asked Ms. Delmar to explain the net increase of nearly two million dollars. Ms. Delmar said most of that was due to an adjustment to fund balance forward.
- Commissioner Carter said that on page two under estimated revenues in the second bulleted item it says there is an increase of \$35,344.00 but the numbers below that do not add up to that amount. Ms. Delmar said the \$20,000 in cemetery capital improvement revenue was for additional irrigation, which actually is a fund balance item. Commissioner Carter said he would like to meet with her later to look at it.
- Commissioner Carter asked, in regards to damage done to a decorative light pole at the corner of MLK Blvd. and Central Avenue, if the City's insurance would cover that. Human Resource Director Sandra Davis said the City already received payment from the insurance company. Ms. Delmar said that would be reflected as increased revenue as well.

Commissioner Thornhill made a motion to adopt Ordinance 2011-05 after second reading and public hearing. The motion was seconded by Commissioner Carter.

By Roll Call Vote:

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

The motion carried 5-0.

### Agenda Item 11. Ordinance 2011-06, Enhanced Ethics Provisions – 2<sup>nd</sup> Reading & Public Hearing

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Chuck Galloway, City Attorney]

### RECOMMENDATION

That the City Commission consider adoption of the subject Ordinance as revised, to reflect and incorporate comments from the members of the City Commission upon first reading of the proposed Ordinance on March 1, 2011. The subject Ordinance, if adopted, will apply more stringent standards of ethical conduct than the standards found in Chapter 112 of the Florida Statutes.

### BACKGROUND

The City Commission requested that an Ordinance be brought forward for consideration in order to provide for more stringent ethical standards than those found in the Florida Code of Ethics as codified in §§ 112.311 - 112.326, Florida Statutes. Authority for the City Commission to adopt more stringent standards is found in § 112.326. The proposed Ordinance is modeled on like provisions found in the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. If adopted, the Ordinance will



require amendment to provide for enforcement and for authority to interpret and apply its provisions. More input from the City Commission will be required for development of a reasoned approach to enforcement.

#### **FISCAL IMPACT**

None contemplated.

[End agenda memo]

Ms. VanBlargan read Ordinance 2011-06 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, PROVIDING FOR MORE STRINGENT STANDARDS OF ETHICAL CONDUCT THAN THOSE SET FORTH IN §§ 112.311 - 112.326, FLORIDA STATUTES CONCERNING VOTING CONFLICTS, GIFTS, MISUSE OF POSITION, DISCLOSURE OF INFORMATION, DOING BUSINESS WITH ONE'S AGENCY, CONFLICTING EMPLOYMENT, AND ACCEPTANCE OF TRAVEL EXPENSES, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

Mr. Galloway reviewed Agenda Item 11.

#### **OPENED PUBLIC HEARING**

There were no comments from the public.

#### **CLOSED PUBLIC HEARING**

Commissioner Thornhill asked if under the voting conflicts section the wording "commissioner, appointed official, or officer" should have been included as it is in other sections. Mr. Galloway said it was drafted to include only elected officials because only the City Commission holds the City's purse strings.

Commissioner Howell said, though she had no problem with having an ethics policy, this one was still more stringent than was needed for Lake Wales. She asked, in regards to the gift policy, if it would be unethical for the Mayor, who could accept a gift of a \$60 concert ticket because it is under \$100, to accept one also for his wife, even though together the two tickets would be more than \$100. Mr. Galloway said it would be considered unethical because it would benefit the Mayor's family member. Commissioner Howell asked if the Mayor would be sent before a committee if he accepted both tickets. Mayor Van Sickle said he would have to go before a committee that is yet to be formed, who would then dictate a penalty that is yet to be determined. Commissioner Howell said she understood that it would be a conflict of interest to let a business give the Mayor the tickets if the business is working for the City, but asked if it would be alright if a neighbor gave him the tickets. Mr. Galloway said it would not. He added that under the State Ethical Code Chapter 112 the gift of tickets would only have to be reported, but with the proposed language, the Mayor or any Commissioner would not be able to accept tickets of any kind. Ms. Delmar added that they could not receive a gift of any value until they are no longer on the Commission. Commissioner Howell said they could accept it as long as it was under \$100 in value and Ms. Delmar said that in the proposal they cannot accept any gift no matter what the value. Commissioner Howell said she understood the problem of possible bribes but she thought this policy was "over the top" and too much.

Commissioner Rogers said he had wanted the policy to read that a newly elected commissioner could not do any business transaction for 18 months after they left the Commission if it impacted their company or organization. Mr. Galloway said that there already was a prohibition in Chapter 112 against doing business with your own company. Commissioner Rogers asked if a commissioner would be prohibited from voting on business sponsored by a special interest group if the Commissioner was on the committee or a member of that organization. Mr. Galloway said it would not make any difference if they are on a

body lower in stature than the City Commission, because it is only the Commission or the CRA Board that controls the purse strings.

Commissioner Carter said he was in favor of a strong ethics policy but this one was over the top and was not needed in Lake Wales. He said there were still some vague and ambiguous terms.,

Commissioner Thornhill read from the section dealing with gifts where it listed exceptions to the stringent policy of not accepting any gift of any value. Among the exceptions were gifts from relatives or members of one's own household. Commissioner Thornhill said you could not accept gifts, for example football tickets, from a company if you do business with them or they do business through the city, but it does not prohibit accepting tickets given by a family member unless the family member received them from the business. He said this was already in the state policy and in the employee ethics code and the purpose of this ordinance is to put Commissioners under the same restrictions as employees. Ms. Delmar said the state law is embodied in the employee handbook, which is an interpretive document, but the state public employee ethics code pertains to both City Commissioners and employees alike.

Commissioner Howell asked how the appointed committee would determine the penalty and Mr. Galloway said there was not a vehicle in place at present. The City Commission would have to create the enforcement arm and determine what fines can be imposed by the appointed committee, if a violation is determined by them to have occurred. Therefore, the body appointed by the Commission would not be the ones that decide what the penalties would be. Commissioner Howell asked what will happen if violations are found before such time that the enforcement arm is created, and Mr. Galloway said nothing would happen. This was just the first step in the process. Commissioner Howell said that they therefore could accept the tickets until the enforcement arm is set up. Ms. Delmar said they still would not be able to accept gifts valued at more than \$100 because that would be against the state law, or it would have to be disclosed.

Commissioner Rogers asked for confirmation that this proposal did not have to go to Tallahassee for approval and therefore would need only Commission approval and Mr. Galloway confirmed.

Commissioner Thornhill made a motion to adopt Ordinance 2011-06 after second reading and public hearing. The motion was seconded by Commissioner Rogers.

By Roll Call Vote:

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

The motion carried 3-2.

## **NEW BUSINESS**

### **Agenda Item 12. Ordinance D2011-01, Sunset Development Group, LLC – Future Land Use and Zoning Map Amendments – 1<sup>st</sup> Reading & Public Hearing**

The full staff memo is incorporated into the minutes.

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

## **SYNOPSIS**

The ordinance will change the Future Land Use Map designation on 41.27 acres of property on the east side of Buck Moore Rd. south of Bel Ombre Subdivision from LDR-Low Density Residential (max. 3

units/acre) to MDR-Medium Density Residential (6 units/acre). It will also change the Zoning Map designations from R-1B (min. lot 9,000 sf) to R-1C (min. lot 8,000 sf). The change to MDR is requested by the property owner Sunset Development Group of Polk, LLC, and approval is recommended by the Planning and Zoning Board.

## **RECOMMENDATION**

The Planning and Zoning Board held a public hearing on the request at their meeting February 22, 2011 and voted unanimously to recommend approval of the land use changes.

Public notice requirements have been met for a public hearing. If approved on first reading by the City Commission, the ordinance will be submitted to the state Department of Community Affairs for review before adoption.

## **BACKGROUND**

Sunset Development Group of Polk, LLC, has requested a change in the future land use designation to increase the allowable residential density on 41 acres of property located on the east side of Buck Moore Rd. (See Attachment A of Ordinance for location map.)

The land was annexed into the City in 2005. A preliminary plan for a single-family subdivision with 102 units was approved by the City Commission for the property in 2007.

### **Request:**

- Future Land Use Map (Comprehensive Plan) change from LDR-Low Density Residential to MDR-Medium Density Residential, increasing the maximum allowable density from 3 units per acre to 6 units per acre.
- Zoning Map change from R-1B to R-1C Single-family Residential, decreasing the minimum single-family lot size from 9,000 to 8,000 square feet. Both R-1B and R-1C zoning are appropriate for the medium density designation.

In making its recommendation of approval, the Planning and Zoning Board found that the MDR-Medium Density Residential land use designation was appropriate at this location under the policies of the Comprehensive Plan. The property has direct access to a major collector road (Buck Moore Rd.) and is approximately  $\frac{3}{4}$  miles from an arterial highway (SR 60) and the commercial area along SR 60. Between 11<sup>th</sup> St. and Lewis Griffin Rd. along SR 60 is designated as a CAC-Community Activity Center and is one of the City's prime commercial areas.

Under the current LDR designation, a maximum of 124 units is allowed. The MDR land use designation change will enable the owner to develop a maximum of 248 units on the property. Under the R-1C zoning, a single-family subdivision with a minimum lot size of 8,000 sf would be allowed by right. Clustered housing, smaller lot sizes, duplex and multi-family housing could be approved under the planned development process, provided the maximum allowable density is not exceeded.

Development proposals for the property should not be a consideration in deciding upon the land use change because the owner is not bound to what is currently proposed. For informational purposes, however, an assisted living facility has been proposed for the property. A Planned Development Project (PDP) for a 123-unit assisted living facility is under review by the Planning and Zoning Board. It is anticipated that the plan will be presented to the City Commission for approval in April or May. Assisted living is a multi-family use, allowed only if the Commission finds that it is compatible with the neighborhood. According to the owner, a second assisted living facility will be proposed on the property if the land use change is approved; otherwise, no further development will be allowable on the property.

A decision on the land use change should be based on the appropriateness of the requested density for the neighborhood. A typical 8,000 sf R-1C lot would be 75' x 107'. Most existing subdivision lots in Lake

Wales are in the 9,000-12,000 sf range, and most vacant residential land is zoned to require lots in that range. Smaller lots can be approved under the PDP process with commensurate increases in parks and common open space.

Except for the adjacent churches and the Bel Ombre subdivision, most of the surrounding land is proposed, but not yet developed, for single-family residential subdivisions with 9,000-12,000 sf lots. Lots in Bel Ombre are in the 14,000 sf range.

*Surrounding land uses and designations:*

	Current Land Use	Land Use Designation
North	Bel Ombre subdivision	22 lots in the 14,000 sf range – City
East	Florida Rock	LDR/ R1-A – City (min. lot 12,000 sf)
South	Two churches. Further south, proposed single-family subdivision (Estates of Lake Wales).	LDR/ R1-A – City (min. lot 12,000 sf)
West	Vacant land	LDR/ R1-B – City (min. lot 9,000 sf)

**OTHER OPTIONS**

Deny the land use designation change as not in keeping with the Commission's vision for the future of the area. Approve the Future Land Use change to MDR, but retain the R-1B zoning, requiring a minimum lot size of 9,000 sf.

**FISCAL IMPACT**

The density change will increase potential taxable value upon development of the property.

[End agenda memo]

Ms. VanBlargan read Resolution D2011-01 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE LAND USE DESIGNATIONS ON 41.27 ACRES OF LAND LOCATED ON EAST SIDE OF BUCK MOORE ROAD, FROM CITY OF LAKE WALES FUTURE LAND USE DESIGNATION LDR - LOW DENSITY RESIDENTIAL TO LAKE WALES FUTURE LAND USE DESIGNATION MDR - MEDIUM DENSITY RESIDENTIAL AND ZONING DESIGNATION R-1C SINGLE FAMILY RESIDENTIAL; PROVIDING FOR AN EFFECTIVE DATE.**

**OPENED PUBLIC HEARING**

Jackie Williams, 2064 Bel Ombre Circle, requested the tabling of this item so residents living near the proposed site can attend the Planning and Zoning Board meeting and get answers to their questions. She explained that this is the third proposal for this property, and if the plans for the assisted living facility also fall through, a subdivision could be built there with smaller lots because the zoning will have already been changed to the higher density.

Commissioner Carter said he thought this had been recommended by the Planning and Zoning Board. Planning and Development Director Margaret Swanson said this was the first reading of an ordinance to change the density for the property from three units per acre to six units per acre. The Planning and Zoning Board has recommended approval. At the same time the Planning and Zoning Board is reviewing a planned development project that will come before the City Commission for 123 units of assisted living on the site, the total density allowable under the current land use LDR designation. The developer is

asking for an increase in the density so the property can be developed further in the future, possibly with another assisted living center.

Ms. Williams said that the proposed assisted living facility sounded good to the neighbors she talked with, but their concern is what will happen if this plan falls through. She asked again that it be tabled for a month.

Mayor Van Sickle asked Ms. Swanson if this was the same group they met with before that was trying to develop the property. Ms. Swanson said the subdivision had been approved for 102 single-family units in 2007 and the same people have submitted a new proposal.

Dave Schmidt, Representative for the applicant, said they agreed with staff's recommendation at this point.

### **CLOSED PUBLIC HEARING**

Commissioner Howell said another assisted living facility is needed in Lake Wales and she is happy with it, but asked if a subdivision could be built there if the Commission approves the ordinance instead of waiting another month and then the assisted living facility proposal falls through. Ms. Swanson said there is no requirement that they develop what they say they will. If the zoning and land-use designation is changed, they can develop a subdivision with six units per acre instead of the assisted living facility. Commissioner Howell asked for confirmation that the developer could change his plans without question. Ms. Swanson said before anything can be done to the property, the plan would have to be approved by the Commission. If they get approval only for the 123 unit assisted living facility under the present designation, they will not be able to develop the land further. There will be more than 20 acres of undeveloped property left after phase-one is complete that they will not be able to develop under the LDR low density land use classification.

Commissioner Rogers said if the ordinance is passed at the present meeting it would still have to come back to the Commission for the second reading, at which time the public could voice their concerns if they still had disagreements after attending the Planning and Zoning meeting. Ms. Swanson said if the ordinance is approved after the first reading it will have to go to the State Department of Community Affairs for their approval before coming again before the City Commission for the second reading.

Commissioner Carter said he had been concerned with the reduction in lot size because of the adverse affect on the real estate value for the adjacent property. He said he agreed with Ms. Williams that they needed to table this and wait for the Planning Board's recommendation because the assisted living facility was still under review. He said that if they approve the zoning, and then it falls through, the density would then be for 8,000 sq. ft lots when the surrounding area has lots from 9,000 to 14,000 sq. feet. Ms. Swanson informed the Commission that they did not have to change the zoning and it could be kept at 9,000 sq. feet. Ms. Delmar added that zoning changes did not have to go to Tallahassee, only future land use map changes. Commissioner Carter asked if the developer would still want to build an assisted living facility there if the zoning was not changed. Ms. Swanson said that not changing the zoning would only be a concern to the developer if they build a subdivision, but it would not matter if they build an assisted living facility. Commissioner Carter said it seemed to him that they needed to wait until all the information is received before deciding on an ordinance. Ms. Delmar asked Ms. Swanson if there was a downside to delaying the comp plan amendment. Ms. Swanson said there was no downside but delaying it would not guarantee that a single family subdivision would not be built there in the future, nor would it guarantee they will follow through with the assisted living facility even if the plans are approved.

Commissioner Howell asked for confirmation that before they could build the single family subdivision they would have to come before the Commission for approval. Ms. Swanson said the developer has the right to subdivide the property at the allowable density and lot size. Approval is just a formality for the Commission because plans for a subdivision that meets all the requirements cannot be turned down. If the property is zoned for 8,000 sq ft lots, the developer can decide to build a subdivision with 8,000 sq ft lots.

Albert Bustemonte, one of the members of Sunset Development Group of Polk, which has been the owner of the property since 2006, made the following comments:

- The Sunset Development Group has a buyer for the property that is very interested in building the assisted living facility, which he believes will make better use of the property than building a single family subdivision. He said they were proud to bring this plan forward because they feared the land would remain dormant for another decade. With the amount of single family lots in Lake Wales they were beginning to think this was a hopeless situation so they have been able to turn a difficult situation into a plus for everybody.
- The buyer for the project is prepared to execute the contract and their architects have submitted a high level of design, but they are waiting to see if the city is supportive of the project they envision for the site.
- The plans include a two-phased project, but they will not be able to build phase two unless the future land designation is changed and so they may not want to buy the property if they are not sure ahead of time that they also will be able to do phase two.
- They have no problem with the 9,000 square foot lots if the zoning is not also changed.
- They could do phase one as a stand-alone but based on the preliminary feasibility analysis, there is a fair amount of need for another assisted living facility in the community,
- Up to 150 jobs will be created.
- It will be a taxable project.
- It is a matter of timing because if we lose the opportunity to make a business deal now, it may not be here four months from now.

Commissioner Thornhill said it sounded like the project was ready to go, but then it had been ready to go twice before, which was Ms. William's concern. Ms. Williams said her fears had not been eliminated. She said she was not sure if the Commission realized that there was no sewer on the property so sewer lines would have to be run, which the city did not have money to do. Mr. Bustemonte said the developer would be responsible for paying for the sewer lines. Commissioner Thornhill asked why it was going before the Planning and Zoning Board again Tuesday night if they already approved the land use change. Ms. Swanson said the meeting is to review the assisted living facility site plan, which will then come before the Commission with their recommendation. Mr. Bustemonte said they would present the plans to the Commission at the next City Commission meeting but if they would like to see them before that time it could be arranged.

Mayor Van Sickle said the plan was a very good one and would improve the city. He gave the following reason for believing it would be a smart move to approve it:

- It will bring in needed jobs
- It will be taxable property
- It is a service needed by Lake Wales' senior citizens.

Commissioner Carter said the proposal was to change the density from three units per acre to six, doubling the units per acre, and reducing the single family lot size to 8,000 sq. feet. Ms. Swanson reminded him that Mr. Bustemonte stated he was not concerned with changing the zoning so their request is to go from LDR to MDR density so they can build the second assisted living center. Commissioner Carter asked for confirmation that the whole 42 acres will then be for assisted living and Ms. Swanson confirmed that this is what is proposed.

Commissioner Howell said she had no problem with the plan but preferred to wait until residents have time to attend the Planning and Zoning meeting. She asked if it was possible for them to vote on both the first and second reading at the next Commission meeting. Mayor Van Sickle said they would not be able to vote on both because after it passes on first reading it has to go to Tallahassee before they can vote on second reading. Ms. Delmar said that approval at the present meeting would only approve the transmittal of the proposed comprehensive plan amendment to Tallahassee and it could not be adopted until after they review it, find it in compliance with all applicable laws, and give their comments, which will take

approximately 60 days. Then it will come back for the second hearing and possible adoption. Commissioner Rogers said all they were doing at the present meeting was moving it forward.

Commissioner Thornhill made a motion to approve Ordinance D2011-01 on first reading and public hearing. The motion was seconded by Commissioner Rogers.

By Roll Call Vote:

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

The motion carried 4-1.

### **Agenda Item 13. Southside Elevated Storage Tower**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sarah Kirkland, Utilities Manager]

#### **SYNOPSIS**

Staff requests commission approval to award the bid for the Southside Elevated Tank Modifications to Dalyn Corporation and to enter into a contract with Kimley-Horn and Associates for construction administration services.

#### **RECOMMENDATION**

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

1. Approve the award of contract for Southside Elevated Tank Modifications to Dalyn Corporation in the amount of \$56,217.00.
2. Approve Consulting Services Authorization to the Master Consulting Agreement #09-173 with Kimley-Horn and Associates for construction administration services related to the Southside Elevated Tank Modifications project in an amount to be charged on an hourly basis not to exceed \$11,500.00.

#### **BACKGROUND**

At the May 4, 2010 Commission meeting, staff and commissioners discussed in great detail possible options to be taken to correct operating deficiencies with the Southside Elevated Storage Tower. The commission expressed they wanted to see the problem corrected in the most efficient way possible.

City staff, with the aid of the Department of Health, presented recommendations to ensure all issues are resolved, and an option was ultimately selected for corrective action. To accomplish the project, staff received Commission approval at its July 6, 2010 meeting to contract with Kimley-Horn and Associates (KHA) to provide engineering services for design development, permitting, engineering design, and bid administration for the amount of \$28,950.

An Invitation to Bid was issued on January 27, 2011 with a bid opening date of March 3, 2011. There were seven responsive bidders to this request with Dalyn Corporation selected as staff's choice for the award of bid. Although Brock is the lowest bidder, their submittal package was incomplete. Killebrew's

package was the only complete package submitted, but their price exceeds Dalyn Corporation by a considerable amount and the only thing lacking from the Dalyn package is the addendum acknowledgement. (The Dalyn submitted bid form includes the addendum material).

Staff is also seeking commission approval to contact with KHA for construction administration services in an amount to be charged on an hourly basis not to exceed \$11,500. Construction services were not included in the task order the Commission approved in July of 2010. The only services approved in the July 2010 task order were design development, permitting, engineering design, and bid administration.

#### **OTHER OPTIONS**

Do nothing and operate the system manually. Wait for increased demand and the project will be assumed to work as originally intended. The cost associated with this option is staff time and demand on staff time that is already at a point of being dysfunctional due to excess demand of time on certain personnel.

#### **FISCAL IMPACT**

\$168,000 is included in the FY10'11 Budget for the tank correction.

[End agenda memo]

Ms. Kirkland reviewed Item 13.

Commissioner Rogers asked if fault had ever been determined, whether the City's or the contractor, for the water tower being built wrong. Ms. Kirkland said neither was at fault. She said the water tower had been built to serve all the expected development south of SR 60, and because the development never materialized, the water tower could not function as designed. Commissioner Rogers said it was 15 feet short and asked whose fault that was and Ms. Kirkland said the difference of 15 feet had nothing to do with the function of the water tower; it was because there was not enough demand.

Commissioner Rogers made a motion to approve the award of contract for Southside Elevated Tank Modifications to Dalyn Corporation in the amount of \$56,217.00 and approve consulting services with Kimley-Horn and Associates for construction administration services not to exceed \$11,500.00. The motion was seconded by Commissioner Carter.

By Voice Vote:

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

The motion carried 5-0.

#### **Agenda Item 14. CDBG Commercial Revitalization Grant: Award of Contract for Downtown Streetscape**

The full staff memo is incorporated into the minutes.

[Begin agenda memo prepared by Harold Gallup, Economic Development Director and Bonnie Hodge, Purchasing Director]

#### **SYNOPSIS**



Staff is seeking for approval of a contract award to Gomez Construction Company for the Downtown Streetscape project on Park and Stuart Avenues.

## RECOMMENDATION

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

- 1) Approve the award of contract to Gomez Construction Company in the amount of \$342,860 for the Downtown Streetscape project on Central, Park and Stuart Avenues to include the following:
  - a. Lump Sum Bid "Option A" in the amount of \$328,285 to complete the landscaping project as engineered within 60 days, said work to be funded by the CDBG Commercial Revitalization Grant.
  - b. Add Alternate #1 in the amount \$9,576.00 to provide maintenance of landscape work immediately after each area is planted and continue maintenance for a minimum of twelve months after date of Initial Acceptance until Final Acceptance, said work to be funded by monies included in the CRA Economic Development budget.
  - c. Add Alternate #2 in the amount of \$5,000.00 to include removal of an existing planter curb, grates with delivery to the City, removal of one large tree, installation of stabilized roadway base and asphalt pavement at the two site locations to create additional on-street parking spaces on Central Avenue, said work to be funded by monies included in the CRA Economic Development budget.
- 2) Authorize the City Manager to execute the applicable documents.

## BACKGROUND

On September 29, 2008 the City of Lake Wales submitted an application to the Florida Department of Community Affairs for a Community Development Block Grant (CDBG) for Commercial Revitalization. The grant was awarded and subsequently executed on June 23, 2009. Included in this grant is a maximum of \$331,390 budgeted for landscape improvements on Central, Park and Stuart Avenues. This project was delayed due to engineering contract issues and the necessity of redesigning the plan to incorporate changes requested through public input.

On February 12, 2011 staff advertised Invitation to Bid #11-229 for a Downtown Streetscape project on Central, Park and Stuart Avenues with bids due on March 2, 2011. There were ten firms that attended the mandatory pre-bid meeting held on February 22, 2011.

The following proposals were received as Lump Sum Base Bid amounts:

Rodda Construction, Inc.	\$290,661.00
Gomez Construction Company	\$228,284.00
Gibbs & Register, Inc	\$311,198.95

Gomez Construction Company is the lowest responsive bidder on the Lump Sum Base Bids.

Upon evaluation of the proposals by Andy Easton, Grants Consultant for the City, Trey Sisk, GAI Consultants, Harold Gallup, Economic Development Director and Bonnie Hodge, Purchasing Director, staff noticed that Rodda Construction, Inc. did not indicate a bid amount for three of the items on the bid form; i.e., three items were left blank.

Andy Easton contacted the Department of Community Affairs (DCA) for an interpretation of the bid form in question. DCA ruled that this is an incomplete bid form and deemed it unresponsive. In order to use the grant funds awarded for this project, the City is bound by the ruling of the DCA. The DCA reflected that

this is a well-settled issue with the federal government's procurement appeals board. Staff did speak with Rodda Construction, Inc., and they are fully aware of their error.

**Additional Bid Considerations**

Add Alternate #1 increases the scope of work to maintain the new landscaping immediately after each area is planted and to continue maintenance for a minimum of twelve months after date of Initial Acceptance until Final Acceptance. Because CDBG funds may not be expended on landscape maintenance, this work will be funded from money included in the CRA budget for Economic Redevelopment in the Downtown area. Staff is recommending that Add Alternate #1 be approved as a part of the overall project. The extended grow-in period reduces the risk for replacement of the plants that the City otherwise would have to bear. In addition, the City's current maintenance staffing level is inadequate for undertaking such a task and would necessitate reduced maintenance attention to other areas of the city.

Add Alternate #2 increases the scope of work to include removal of an existing planter curb, grates with delivery to the City, removal of one large tree, and installation of stabilized roadway base and asphalt pavement at the two site locations to create additional on-street parking spaces on Central Avenue. This work would also be funded from money included in the CRA budget for Economic Redevelopment in the Downtown area. Staff is recommending that Add Alternate #2 be approved as part of the overall project. The addition of this work will remove unnecessary barriers to sidewalk access, provide several additional street parking spaces, and open up the street line at the intersection of Central Avenue and Scenic Highway and the area a little more than mid-block on Central Avenue.

Also included in the Invitation to Bid was Total Lump Sum Bid "Option A" to complete the project within 60 days. This will allow the City to close out this CDBG grant project in time to apply for the next round of CDBG grants. The dates for the next round have been moved several times, but the latest identified date is an August 2011 application submittal date. This means that the current project would have to be closed out by the end of June or mid-July at the latest.

The following chart summarizes the bids submitted in relation to the additional considerations included in Invitation to Bid #11-229:

	Lump Sum "Option A"	Add Alternate #1	Add Alternate #2	Total Bid	
Rodda Construction, Inc.	290,661.00	1,000.00	7,579.00	299,240.00	(Deemed Unresponsive by DCA)
Gomez Construction Co.	328,284.00	9,576.00	5,000.00	342,860.00	
Gibbs & Register, Inc.	341,198.95	10,000.00	8,000.00	359,198.95	

Gomez Construction Co. is the lowest responsive bidder on Lump Sum Option "A" as it is when Add Alternate #1 and #2 are combined with the bid on Lump Sum "Option A."

It should be noted that any existing landscaping to be removed will be used in other public areas in the city, if it can be saved. Relocation of existing landscaping, if any, will be coordinated through the Planning Department and Public Works.

**FISCAL IMPACT**

CDBG grant funds in the amount of \$331,390 are budgeted in fiscal year 2010/2011 for this project. Funds to cover the cost of Add Alternate #1 and #2 are included in the CRA budget.

[End agenda memo]

Mr. Gallup reviewed Agenda Item 14.

Commissioner Thornhill said that the proposed lump-sum bid of Gomez Construction on page two of the memo was \$228,284 but is \$328,284 on the chart on page three. Mr. Gallup said the correct figure was \$328,284. Ms. Delmar said the first figure in the memo for the lump-sum was incorrect and should read \$288,284 instead of \$228,284.

Commissioner Rogers complimented Mr. Gallup on the fine job he did on the downtown street project and noted that he had been working on the project about a year. Mr. Gallup said it was a team effort with Planning and Development Director Margaret Swanson and her staff spending a lot of time and effort on it as well. He said the project has a 60-day timeline which will assure that the project is completed prior to the CDBG submission date in August.

Mayor Van Sickle said the timeline was critical because the City cannot apply for a CDBG Grant if another CDBG Grant is still open. He said they are planning on applying for a CDBG Grant for the C Street project and are hoping to get rated very high for it. He also complimented Mr. Gallup, Ms. Swanson and her staff.

Commissioner Rogers made a motion to approve the award of contract to Gomez Construction Company in the amount of \$342,860 for the Downtown Streetscape project on Central, Park and Stuart Avenues and authorize the City Manager to execute the 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 15. Lake Wales Economic Development Plan**

The full staff memo is incorporated into the minutes.

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

#### **SYNOPSIS**

The Lake Wales Economic Development Plan was prepared by the Economic Development Partnership created by the City Commission and the Chamber of Commerce. The plan is presented to the City Commission for adoption.

#### **RECOMMENDATION**

It is recommended that the City Commission adopt the Economic Development Plan.

#### **BACKGROUND**

The Lake Wales City Commission and the Board of Directors of the Lake Wales Area Chamber of Commerce met in December 2009, and formed the Lake Wales Economic Development Partnership. The Partnership's mission is to utilize a community approach for planned economic development while supporting the growth of existing businesses and industries.

Partnership members met monthly since January 2010, bringing together representatives from the City, the Chamber and other segments of the business and non-profit community. The result is the preparation of the Lake Wales Economic Development Plan (EDP) which establishes a course of action designed to facilitate a collaborative partnership between the private sector and city government.

The EDP outlines the strengths, weakness, opportunities and threats relating to economic development that were identified by the Partnership members during its review of local economic conditions and major economic development components. It also provides a series of goals, policies and objectives for the current and future economic development efforts of the City in cooperation with the Lake Wales Area Chamber of Commerce and other participating community entities.

The EDP was presented to the City Commission at a workshop on February 8, 2011 by Mike Morrow, President-elect of the Chamber. Following discussion, it was the consensus of the Commission to approve the content of the EDP. On February 17, the EDP was presented to the Lake Wales Area Chamber of Commerce Board of Directors and subsequently adopted by that organization.

The Lake Wales Economic Development Plan is now presented to the City Commission for adoption. If adopted by the City Commission, action steps recommended in the EDP will be prioritized by members of the Partnership and sources of funding will be sought where necessary to implement specific action steps.

Many of the action steps are currently in the process of being implemented, either by the Chamber or the City or a combination of the two organizations. Items of high expense, such as improving the gateways to the city, will require careful design and budgetary planning. The city's gateways are a high priority for the Partnership, and the Chamber will take the lead on this project with support by the City.

It is anticipated that a funding request for gateway improvements will be part of the city's FY11'12 budget process. In both the short term and the long term, however, code enforcement efforts will be focused on eliminating blight at the entrances to the city and along high profile roadways such as the route to Bok Tower.

It should be stressed that the Economic Development Plan is a working document that will be adapted or modified as the economy changes, but one which we will use as a guide in city budgeting and in the allocation of CRA dollars.

[End agenda memo]

Ms. Delmar reviewed Agenda Item 15.

Commissioner Thornhill made a motion to adopt the Economic Development Plan. 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 16. Scheduled Canvassing Board Meetings**

The full staff memo is incorporated into the minutes.

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

## **SYNOPSIS**

In accordance with Section 8-26 of the City Code of Ordinances, the City Commission shall be the Canvassing Board for the 2011 Municipal Election.

## **RECOMMENDATION**

It is recommended that the City Commission appoint the City Clerk to represent the Canvassing Board at the Logic and Accuracy (L&A) testing if at least one member is unable to attend.

## **SCHEDULE OF CANVASSING BOARD EVENTS**

Pursuant to Section 8-26 of the City Code of Ordinances, the City Commission shall be the canvassing board for any City election, except that any commissioner who is the subject of a recall pursuant to F.S. 100.361 shall not participate in the canvassing of that issue. Canvassing Board meetings are open to the public and noticed accordingly.

In accordance with F.S. 101.5612 (1), on Tuesday, March 29, 3:30 p.m. at the Election Headquarters in Bartow, the Elections Supervisor shall conduct the testing of the automatic tabulating equipment to be used for the April 5<sup>th</sup> Municipal Election to make sure the equipment will correctly count the votes cast in the Election. If at least one member of the Canvassing Board is unable to witness the L&A testing the City Clerk should be appointed to represent the Board in their absence. In either case, the City Clerk is required by the Supervisor of Elections to attend.

On April 5, 2011, the Canvassing Board shall meet at the Election Headquarters to canvass absentee ballot envelopes and precinct returns. The meeting time has not yet been scheduled by the Election Headquarters, which will be at 5:00 p.m. or later. All members of the Canvassing Board must be present.

A Canvassing Board meeting has been scheduled for Friday, April 8, 2011 at 1:30 p.m. in the Lake Wales Commission Chambers for the purpose of certifying the results of the April 5, 2011 Municipal Election. The Board shall also meet to randomly select a race that appeared on the Ballot for the purpose of conducting a manual audit (post election audit) of voting systems used in the April 5, 2011 Municipal Election on Monday, April 11, 2011 at 2:30 p.m. A majority of the Canvassing Board must be present.

The Canvassing Board shall meet at the Election Headquarters on Monday, April 11, 2011 at 2:30 p.m. to conduct the Post Election Audit. A majority of the Board must be present until completion of the audit.

Election Headquarters  
Supervisor of Elections  
250 South Broadway Avenue  
Bartow, Florida 33830

## **OPTIONS**

None.

## **FISCAL IMPACT**

None.

## **OTHER OPTIONS**

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

[End agenda memo]

Ms. VanBlargan reviewed Agenda Item 16.

Commissioner Howell asked what meetings they would have to attend. Ms. VanBlargan listed them as follows:

- The night of the elections on April 5<sup>th</sup> at the Election Headquarters in Bartow to canvass absentee ballots
- The following Friday, April 8<sup>th</sup> at 1:30 p.m. in the Commission Chamber to certify the election results (at least a majority of Commissioners must be present)
- The following Monday, April 11<sup>th</sup> at 3:30 p.m. at the Election Headquarters in Bartow, for the Post Election Audit (at least a majority of Commissioners must be present)

Commissioner Howell made a motion to appoint the City Clerk to represent the Canvassing Board at the Logic and Accuracy (L&A) testing on March 29 at 3:30 p.m. 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 17. Appointment - Historic District Regulatory Board**

The full staff memo is incorporated into the minutes.

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

#### **SYNOPSIS**

Appointments fill vacancies due to resignations, expirations of terms, newly established boards, etc.

#### **RECOMMENDATION**

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

#### **BACKGROUND**

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

Historic District Regulatory Board – Members are appointed by the City Commission. The board consists of five (5) members, of which 50% of the members shall reside or own property within the City. Initial terms are staggered. Members shall be chosen to provide expertise in the following disciplines to the extent such professionals are available in the community: historic preservation, architecture, architectural history, curation, conservation, anthropology, building construction, landscape architecture, planning, urban design, and regulatory procedures. (3-year term)

An interview process is necessary for new applicants only. The Chairman of the Historic District Regulatory Board, Robert Delmar, and Planning & Development Director, Margaret Swanson, interviewed Diane Armington and recommend that she be appointed to serve as a member to the Board.

2 vacancies:                                      1 term expires 07/01/12  
   1 term expires 07/01/13

Applying for appointment:                      Diane Armington, city business tax & owns property in city

Vacancies are due to the expiring term of Gerald Benedict and resignation of Curt Koch.

**FISCAL IMPACT**

None. These are volunteer citizen boards.

[End agenda memo]

Commissioner Carter made a motion to appoint Diane Armington to the Historic District Regulatory Board for a term to expire July 1, 2013. 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.

**CITY MANAGER’S REPORT**

**CITY COMMISSION TRACKING REPORT**

City Manager Judith Delmar reported no changes to the tracking report.

**COMMUNICATIONS AND PETITIONS**

Roger Carson, South 5<sup>th</sup> Street, announced that the Masonic Lodge was sponsoring a forum on March 31<sup>st</sup> at 6 p.m. for all candidates running for city office and invited the public to attend. He added that Polk TV would be taping the forum, which will air several times a day until the election. Commissioner Carter asked what the format would be for that forum and Mr. Carson explained that each candidate would have five minutes to talk about the candidacy, followed by question from the public, and ending with two minutes each to summarize.

Mimi Hardman, 300 Lake Shore Drive and Lake Wales Historic Society Board member announced that she would be in Tallahassee for several days lobbying for the Historic Society and offered to bring up any issue the City Manager would like mentioned.

**CITY COMMISSION COMMENT**

Commissioner Carter encouraged the public to vote on April 5<sup>th</sup> and said it was an opportunity for their voices to be heard.

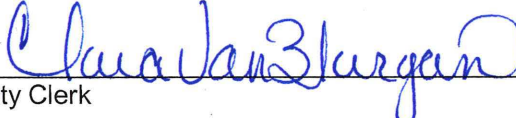
City Commission Meeting  
March 15, 2011

Commissioner Thornhill asked Ms. Swanson to set up a meeting with Jackie Williams and Mr. Bustemonte so Ms. Williams would have an opportunity to discuss her concerns before Tuesday's Planning and Zoning Board Meeting and Ms. Swanson said she would.

There being no further business, the meeting was adjourned.

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

ATTEST:

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