

The regular meeting of the Lake Wales City Commission was held on April 19 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:** Michael S. Carter; Jonathan Thornhill; John Paul Rogers; Mayor L. Jack Van Sickle.

**COMMISSIONERS ABSENT:** Terrye Y. Howell

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

## **MAYOR**

Mayor Van Sickle moved Agenda Item 6 to the front.

**Agenda Item 6. Presentation: Lego Land Community PowerPoint Presentation – Mark Jackson, Polk County Director of Tourism and Sports Marketing**

Mr. Jackson gave a PowerPoint presentation on Lego Land.

Commissioner Carter said he was impressed with the approach Lego Land was taking because it knows not only what needs to be done, but how to do it. He asked Mr. Jackson how they planned to promote Lake Wales to the people living south of Lake Wales, especially those from Miami and Ft. Lauderdale, who will have to travel through Lake Wales to get to Lego Land. Mr. Jackson said that Lego Land's primary business model for the first few months is within a couple of hours drive from Lego Land. Their massive in-state campaign will include everything from current media, electronic media, TV ads, and radio, to trade shows. They are also working with FDOT and the Polk County Transportation Department to get signs and billboards on SR 60 and US 27. He said there would also be direct air commercial flights from places like Buffalo to bring Canadian passengers to Lakeland as well as from other points across the US.

Commissioner Carter asked if there were specific things the City could be doing to make Lake Wales more visible for people passing through or to promote the City to those either going to or coming from Lego Land, such as with signage. Economic Development Director Harold Gallup said the sign package was still in the development stage and so it would be hard to say at the present time what exactly will be done without the FDOT and Polk County Transportation guidelines they are expecting soon. When they receive the guidelines they will make a decision as to what will be needed and a budget request will be submitted at that time. He said they don't want to put the signage up too early as people would come looking for Lego Land before it is open for business. He said he is working with the mall, hotels, and restaurants to create packages for potential customers. Commissioner Carter asked if they were considering putting up billboards or other advertisement south of Lake Wales on US 27 and east of Lake Wales on SR 60 and Mr. Gallup said that would be a 2011/2012 budgetary decision.

Commissioner Thornhill asked Mr. Jackson if he could arrange for a group to come to Lake Wales to suggest improvements at our entry points. He added that many of the entrances are part of the County so the City may have to get with them also. He asked if any consideration was being made for future bike trails between here and Lego Land. Mr. Jackson said that because the area is so spread out, the primary Lego Land customer will be coming by car after flying in to Lakeland and Tampa, or by local citizens

coming by car. He said he would be providing a lot of free help and opportunities and his staff, especially Director of Marketing Faye Downing, would be more than happy to work with city staff. He suggested that city staff and Commissioners try to attend the April 29<sup>th</sup> workshop being coordinated through the Chamber of Commerce that will begin at 8 AM at the Charter School building, but added that if the Commission wanted to schedule his staff to come talk to city staff he would be happy to arrange it.

**Agenda Item 5. Proclamation: Volunteer Week in Lake Wales, Florida; April 25-29, 2011**

Mayor Van Sickle said the Volunteer Week proclamation would be read at the Lake Wales Medical Center's volunteer event.

**Proclamation: Municipal Clerks Week; May 1-7, 2011**

Mayor Van Sickle presented the "Municipal Clerks Week" proclamation to Clara VanBlargan, City Clerk; and Jacquie Hawkins, Deputy City Clerk.

**APPROVAL OF MINUTES**

**Agenda Item 7. A. April 6, 2011, Regular Meeting  
B. April 5, 8, 11, 2011, Canvassing Board Meetings**

Commissioner Thornhill made a motion to approve the minutes for the April 6, 2011 regular meeting and April 5, 8, and 11<sup>th</sup> Canvassing Board Meetings . The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

The motion carried 4-0.

**OLD BUSINESS**

**Agenda Item 8. Ordinance 2011-07, FY10'11 Budget Amendment #3 – 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**

The City Commission will consider adoption of the third Amendment to FY10'11 Budget that was adopted on September 21, 2010.

**RECOMMENDATION**

It is recommended that the City Commission adopt Ordinance 2011-07 after second reading and 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 and March 15, 2011. We are presenting for second reading a third 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 01/31/11. The following is a summary of changes included in the proposed amendment:

Revenues & Balances Fwd	Increase(Reduction)
General Fund	
Special Revenue Fund	75,000
Debt Service Fund	
Capital Projects Fund	
Utility System Fund	566,855
Airport Fund	
Total Increase(Reduction) of Revenues & Balances Fwd	641,855
Appropriated Expenditures & Reserves	
General Fund	20,149
Special Revenue Fund	719,105
Debt Service Fund	-
Capital Projects Fund	-
Utility System Fund	566,855
Airport Fund	-
Reserves	(664,254)
Total Increase(Reductions) of Appropriated Expenditures & Reserves	641,855

The proposed budget amendment increases the City's total budgeted expenditures by \$1,306,109 and decreases reserves by \$664,254 for a net increase in appropriated expenditures and reserves of \$641,855 (from \$41,804,009 to \$42,445,864).

Reasons for this amendment include:

**Estimated Revenues and Reserve Balances:**

- Reserved bond proceeds from the CRA Fund (Series 2007) will be transferred to the Transportation Fund (\$75,000 Orange & Market Parking Lot project) and Utility Fund (\$566,855 asbestos/cement pipe removal project) for construction projects. These projects were budgeted in FY09'10 but were not completed before the end of the fiscal year and it is necessary to carry the respective budget appropriations forward to the current fiscal year.

**Estimated Expenditures & Revenues Balances:**

- Expenditures projected within the General Fund must be adjusted to reflect a net increase of \$20,149 for expenditure changes realized/expected within several accounts:
  - We are relocating the Code Enforcement Division to the General Fund with supervisory responsibility assigned to the Planning and Development Department. This necessitates the reclassification of \$104,966 in budgeted code enforcement expenditures from the

- CRA Fund to the General Fund, however the expense will be allocated to the CRA Fund for this fiscal year as originally budgeted.
- An increase of \$20,149 for six months funding for an additional code enforcement officer. Code Enforcement, until recently located under the Police Department, had a detective assigned to provide code enforcement services and supervision of the existing code enforcement officer. Due to departmental restructuring, code enforcement services is being moved under Planning & Development. This will allow the detective to return to providing more traditional law enforcement services and will permit a closer link between community planning and code enforcement services. The restructuring creates the need for an additional code enforcement officer. During FY2010'11, this position will be funded by reallocating surplus appropriations in the police department freed up as a result of reduced personnel costs due to vacant positions. During subsequent years, additional recurring revenue will need to be appropriated to continue funding for this position.
- Expenditures projected within the CRA Fund must be adjusted to reflect a net increase of \$644,105 for expenditure changes realized/expected within several accounts:
  - Transfer of reserved bond proceeds to the Transportation Fund (\$75,000) for parking lot improvements at Orange & Market.
  - Transfer of reserved bond proceeds to the Utility Fund (\$566,855) for asbestos/cement pipe removal.
  - Correction of a budgetary error (\$2,250) relating to community redevelopment contract services. During the final budget hearing, the City Commission directed staff to reduce Kimbrough & Associates contract by 10%. Due to a misstatement of the prior year's contract fee, the fee for this fiscal year was understated by \$2,250.

## **OTHER OPTIONS**

Do not approve reclassification of code enforcement expenses from CRA Fund to the General Fund. Either way, this will result in no monetary increase or decrease to the CRA Fund or the General Fund. Staff is making the recommendation for the reclassification to prepare for next year's budget with the expectation that code enforcement services will be funded mainly through General Fund revenues in future years.

Do not approve appropriation of \$20,149 for an additional code enforcement officer. Staff believes this would result in insufficient resources to be able to provide effective code enforcement services.

The re-budgeting of \$75,000 for the Orange & Market St parking lot improvements and \$566,855 for asbestos/cement pipe removal is a housekeeping necessity because these projects were budget in FY09'10, but not completed by 09/30/10. By charter, capital appropriations remain in place for three years; however, the appropriations must be reflected in the budget. In regards to the asbestos/cement pipe removal project, the work is nearing completion.

Do not approve the appropriation of \$2,250 for community redevelopment contract services. This would result in under-funding the contract as originally intended by the City Commission during adoption of the 2010'11 budget.

## **FISCAL IMPACT**

**SEE EXHIBIT A AND EXHIBIT B ATTACHED TO ORDINANCE 2011-07**

[End agenda memo]

Ms. VanBlargan read Ordinance 2011-07 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING  
2011-214**

**ORDINANCE 2010-19 AS AMENDED BY ORDINANCE 2010-32 and 2011-05 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.**

**OPENED PUBLIC HEARING**

There were no comments from the public.

**CLOSED PUBLIC HEARING**

Commissioner Thornhill made a motion to adopt Ordinance 2011-07. The motion was seconded by Commissioner Rogers.

By Roll Call Vote:

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

The motion carried 4-0.

**Agenda Item 9. Ordinance 2011-08, Cemetery Ordinance – 2<sup>nd</sup> Reading & Public Hearing**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Teresa Allen, Public Services Administrator]

**SYNOPSIS**

The City Commission will consider approving Ordinance 2011-08 amending the Code of Ordinances by establishing a six-month time limit on the receipt of insurance proceeds from a funeral home to cover the costs of a burial and to provide authority for collection of payment when insurance proceeds are not remitted.

**RECOMMENDATION**

Staff recommends that the City Commission take the following action:

1. Adopt Ordinance 2011-08 after second reading and public hearing.

**BACKGROUND**

Ordinance 2011-08 went before the City Commission on April 6<sup>th</sup> and was approved after first reading.

In cases of extreme financial hardship, city code section 2-616 authorizes the city manager or his designee to accept an assignment of life insurance proceeds in lieu of a cash payment for the purchase of a burial space. In the event that the life insurance policy is invalid or insufficient to cover the cost of the burial space, all costs incurred by the city become the responsibility of the funeral home.

Recently the receipt of insurance proceeds in some cases has gone from two to six months to over twelve months. Currently the ordinance has no time limit established for the receipt of payment for a burial space from insurance proceeds, and this hampers the ability of staff to pursue collection action.

Ordinance 2011-08 amends the Code of Ordinances by establishing a six-month time limit on the receipt of insurance proceeds from the funeral home to cover the cost of a burial. In the event that insurance proceeds are not remitted to the City within six months after the date of the burial, all costs incurred by the City will be the responsibility of the funeral home, and city staff shall be authorized to take whatever action is necessary to obtain payment for such costs.

**FISCAL IMPACT**

There is no monetary affect to the City's budget if this action is approved.

**OPTIONS**

Do not adopt Ordinance 2011-08

[End agenda memo]

Ms. VanBlargan read Ordinance 2011-08 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 2, ARTICLE VI, CEMETERY ADMINISTRATION, TO PLACE A SIX-MONTH LIMIT ON THE REMITTANCE OF INSURANCE PROCEEDS TO COVER BURIAL COSTS; TO PROVIDE AUTHORIZATION FOR COLLECTION OF PAYMENT FOR BURIAL COSTS WHEN INSURANCE PROCEEDS ARE NOT REMITTED TO THE CITY; PROVIDING FOR AN EFFECTIVE DATE.**

**OPENED PUBLIC HEARING**

There were no comments from the public.

**CLOSED PUBLIC HEARING**

Commissioner Thornhill made a motion to adopt Ordinance 2011-08. The motion was seconded by Commissioner Rogers.

By Roll Call Vote:

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

The motion carried 4-0.

**NEW BUSINESS**

**Agenda Item 10. Polk County Urban Program**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

The City of Lake Wales has been invited to participate in the Polk County Urban County Community Development Block Grant Program for Fiscal Years 2012, 2013, and 2014. This program would replace the Small Cities CDBG Program.

## **RECOMMENDATION**

It is staff's recommendation that the City Commission take the following action:

1. Direct the City Manager to decline the invitation to resume participation in the County's CDBG program; and,
2. Authorize the continued participation in the Small Cities Program for the next 3-year cycle.

## **BACKGROUND**

The Polk County Board of County Commissioners has invited the City of Lake Wales to participate in the Polk County Urban County Community Development Block Grant Program for Fiscal Years 2012, 2013, and 2014. To participate, the City of Lake Wales must authorize the County to carry out community development and housing activities which would require the execution of an Urban County Cooperative Agreement between the City and the County.

If Lake Wales participates, then Lake Wales would not be eligible to apply for the Small Cities CDBG Program for the next 3 years. Plans have been discussed at previous commission meetings to apply for funding in the amount of \$750,000 to assist with C Street area sewer repairs.

The Community Development Block Grant Program provides federal funding assistance for housing and neighborhood revitalization projects and for economic development projects. Cities have potential access to this funding through two programs, the CDBG entitlement program and the Small Cities Program.

The CDBG entitlement program allocates annual federal grants to larger cities and urban counties. In the case of a grant to an urban county, grant funds are then distributed between unincorporated areas of the county and cities who participate in the county's program. In the state-administered Small Cities Program, the states are given federal funds to award as grants to smaller cities on the basis of state-determined funding priorities. A city can obtain funds only from one of these two programs during any 3-year cycle.

Between 1978 and 2002, the City received about \$2.4 million in CDBG funds as a result of our participation in the Polk County Urban County CDBG program. Toward the end of that period, the City was receiving about \$105,000 per year. The funds were spent to purchase playground equipment, build and upgrade recreational facilities, and construct improvements that included a parking lot at Lincoln and B St. and the Lincoln Avenue Streetscape. It should be noted that the county's program also provided city residents with the B Street Center; however, this funding came in addition to the annual funding allocation, and the building construction was handled by county staff.

In 2002, the City Commission voted to leave the County program for the following 3-year cycle and compete in the statewide Small Cities Program. Subsequently, the City was awarded a \$750,000 Neighborhood Revitalization grant for drainage and other infrastructure improvements in the Minnesota St. & Grove Ave. area. In 2005, the City Commission voted to decline re-entry into the County program and again competed in the statewide Small Cities Program. The City was awarded a second Neighborhood Revitalization grant in the amount of \$750,000, this time for improvements in the vicinity of Dr. J. A. Wiltshire Blvd. In 2008, the City Commission voted to decline re-entry into the County program and again competed in the statewide Small Cities Program. The City was awarded a Commercial Revitalization grant in the amount of \$750,000, this time for improvements in the downtown as well as Lincoln Avenue. These projects are in process and nearing completion.

This 3-year cycle in the Small Cities Program is now almost completed, and it is again time to determine if the City will stay in that program or resume participation in the County's program for Fiscal Years 2012,

2013, and 2014. We are required to notify the County in writing by May 6 if the City Commission votes to resume participation, after which we will be required to execute an Urban County Cooperative Agreement with the County.

Our grant consultant, Andy Easton, believes we have a good chance of receiving a Neighborhood Revitalization grant during the next 3-year cycle of the Small Cities Program. If the Commission chooses to remain in this program, one of the commission meetings in June will include a vote to approve a grant category for the next application.

#### **OTHER OPTIONS**

Accept the invitation to participate.

#### **FISCAL IMPACT**

If we participate in the County's program, we will receive some portion of whatever funds the County is awarded. Currently, it is assumed that the City will receive less than it has received in the past, i.e., about \$71,946.00 per year.

The Small Cities Program is a risk, since funding is not assured; however, the amount of available funding is much greater –up to \$750,000 per grant. With a larger grant, we can substantially fund a project that resolves an existing problem in our low-to-moderate income neighborhoods or in our core commercial districts.

[End agenda memo]

City Manager Judith Delmar reviewed Agenda Item 10 in the absence of Ms. Nanek.

Mayor Van Sickle said that it made sense to stay with the Small Cities Program because there was a good chance to be awarded ten times more than if we stayed with the county's program.

Commissioner Rogers said he would go along with the staff recommendation for the Small Cities Program because we can use all the help we can get on the C Street project.

Commissioner Carter said he thought going with the Small Cities Program was the right way to go and Commissioner Thornhill agreed.

Commissioner Thornhill made a motion to direct the City Manager to decline the invitation to resume participation in the County's CDBG program; and authorize the continued participation in the Small Cities Program for the next 3-year cycle. The motion was seconded by Commissioner Carter.

By Voice Vote:

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

The motion carried 4-0.

#### **Agenda Item 11. Memo of Understanding: GovDeals, Inc**

The full staff memo is incorporated into the minutes.

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



## SYNOPSIS

Staff has met with GovDeals, Inc. regarding the disposal of surplus vehicles and equipment. Commission approval of this Memo of Understanding will allow staff to advertise vehicles and equipment for sale on their website.

## RECOMMENDATION

Staff recommends the Commission take the following actions:

1. Approve the Memo of Understanding with GovDeals.com and designate Flexible Pricing Option B1 (7.5% seller fee – 5% buyer premium)
2. Authorize the City Manager to execute said document.

## BACKGROUND

Each year the City has surplus vehicles and equipment to dispose of. In fiscal year 2009/2010 surplus was taken to Garner Auctioneers in Mulberry and auctioned. Prior to that time, auction of surplus vehicles and equipment was handled by staff with the services of a contract auctioneer.

Recently, staff was contacted by GovDeals, Inc., a company specializing in online sales of government surplus equipment. Staff met with their representative last week.

GovDeals, Inc. provides services to various government agencies that allow them to sell surplus and confiscated items via the internet on [www.GovDeals.com](http://www.GovDeals.com), a website that is similar in concept and operation to eBay. Only government agencies may sell items on this site, but anyone may buy items listed on the site. Each participating agency has its own auction criteria, rules and regulations that conform to their own state laws and local ordinances. GovDeals, Inc. provides training for staff, help desk support and marketing services at no additional charge.

Garner Auctioneers charges a commission of 6% of each sale; however, using Garner Auctioneers incurs labor and fuel costs for city staff to transport vehicles and equipment to Mulberry.

GovDeals, Inc. charges a commission of 7.5%, but vehicles and equipment are sold "as is, where is" meaning buyers pick up their purchases from us and we will incur no delivery costs. Staff labor costs are comparatively minor in that a staff person must take photos of the item to be auctioned, upload the photos to the website, set the parameters for the bidding, and monitor the bids.

The City has the option of choosing from the following alternative flexible pricing plans:

Option A. City staff collects from the buyer

- Option A1 7.5% Seller fee – 0% Buyer premium
- Option A2 0% Seller fee – 7.5% Buyer premium (all of seller's fee is passed on to buyer)

Option B. GovDeals collects from the buyer and remits proceeds to City; GovDeals charges a 5% "premium" (administrative fee) to the buyer

- Option B1 7.5% Seller fee – 5% Buyer premium
- Option B2 5% Seller fee – 7.5% Buyer premium (2.5% of seller's fee is passed on to buyer)
- Option B3 2.5% Seller fee – 10% Buyer premium (5% of seller's fee is passed on to buyer)
- Option B4 0% Seller fee – 12.5% Buyer premium (all of seller's fee is passed on to buyer)

Option B is preferred by most clients of GovDeals, Inc. because GovDeals handles the complete financial transaction and remits the proceeds to the seller with a detailed accounting of the transaction. All administrative costs for handling the financial transaction in this manner are paid by the buyer; thus, there is no cost to the seller for this service. Further, GovDeals, Inc. covers all credit card fees. If the buyer decides he does not want to make the purchase and cancels the purchase with his credit card company, GovDeals, Inc. takes all responsibility.

According to GovDeals, Inc., Option B1 is the most frequently utilized option by their clients. The City of Tampa, Tallahassee and many other government agencies use this method. Client experience has shown that if the client's fee is added to the buyer's premium (B2 through B4), the buyer tends to lower the bid on the item being considered in order to cover the higher premium he is going to have to pay.

At the time the Memorandum of Understanding (MOU) is executed, the client must designate no more than one flexible pricing option. The client must utilize the designated option for the following 12-month period. At the end of twelve months, a different option may be selected for the next 12-month period if the client chooses to do so.

The City Attorney has reviewed the MOU and has approved it as to form. He concurs that part of the value of this relationship is the willingness of GovDeals, Inc. to collect all fees and then remit final payment to the City.

This Memo of Understanding is not exclusive. The City, at any time, may utilize other means of disposing of surplus vehicles and equipment.

#### **OTHER OPTIONS**

Do not enter into the Memo of Understanding with GovDeals, Inc. and dispose of surplus vehicles and equipment through other means.

#### **FISCAL IMPACT**

The City will pay GovDeals, Inc. a 7.5% commission on each piece of surplus sold. Proceeds from the auction will be deposited into the general fund, utilities fund or other fund, depending on the original source of funding for the equipment or vehicle.

[End agenda memo]

Ms. Hodge reviewed Agenda Item 11.

Commissioner Carter said he read recently in the newspaper that Bartow had a lot of success with this company. He said he was impressed with the fact that people all over the world look at it and so our buyer could be from anywhere instead of only from those who could get to the auction site. He asked for confirmation that this was sold on an "as is" and "where is" basis and Ms. Hodge confirmed. He believed this would save staff a lot of grief and stress.

Commissioner Thornhill said he thought it was a great step into the future.

Commissioner Rogers said Ms. Hodge told him before the meeting that more should be recovered from the City's surplus through this program, so he thoroughly endorsed it.

Mayor Van Sickle commented that last year when staff had to spend a great deal of time hauling cars to the auction site, several cars stalled along the highway and had to be recovered. He endorsed the recommendation.

Commissioner Carter made a motion approve the Memo of Understanding with GovDeals.com, designate Flexible Pricing Option B1 and authorize the City Manager to execute the document. The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

The motion carried 4-0.

**Agenda Item 12. RFP #11-331A: Remarking and Striping of Central Avenue, First Street and School Crosswalks**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, Bonnie Hodge, Purchasing Director]

**SYNOPSIS**

The Commission will consider approval of a Request for Proposals to remark and stripe Central Avenue from Highway 27 to Scenic Highway, First Street from Highway 60 to Central Avenue, and school crosswalks at all elementary schools and the middle school.

**RECOMMENDATION**

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

1. Approve the Request for Proposal #11-331A, - Remarking and striping of Central Avenue, First Street and School Crosswalks.

**BACKGROUND**

In fiscal year 2010/2011 \$101,721 is budgeted for road maintenance and repairs which include remarking and striping of the following:

- Central Avenue from Highway 27 to Scenic Highway
- First Street from Highway 60 to Central Avenue
- Crosswalks at Polk Avenue Elementary, Roosevelt Academy, Spook Hill Elementary, McLaughlin Middle School, Janie Howard Wilson Elementary and Hillcrest Elementary schools.

The scope of work will include remarking turn lanes, stop bars, curb painting, parking spaces and reflective pavement markers. All workmanship and materials will be done in accordance with the Standard Specifications for Road and Bridge Construction, FDOT Design Standards and FDOT "Greenbook".

Staff has prepared Request for Proposals #11-331A for the City Commission's review. If approved, staff will advertise the RFP in the Lakeland Ledger, and the RFP will be posted on the City's website. The bid document will be sent to qualified vendors on the City's vendor list.

[End agenda memo]

Ms. Hodge reviewed Agenda Item 12.

Commissioner Thornhill asked if the crosswalks would just have the single stripe that goes across or would they have the connecting lines or bars. Ms. Hodge said they had to go by FDOT standards, which would include the slot bars, parking spaces, and curb painting.

Commissioner Thornhill made a motion to approve the Request for Proposal #11-331A. The motion was seconded by Commissioner Carter.

By Voice Vote:

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

The motion carried 4-0.

**Agenda Item 13. RFP #10-218 – Wastewater Collection System Rehabilitation Master Plan**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sarah Kirkland, Utility Projects Manager]

**SYNOPSIS**

Staff is seeking commission approval to begin negotiations with Kimley-Horn to provide engineering services in relation to preparing a Wastewater Collection System Rehabilitation Master Plan.

**RECOMMENDATION**

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

1. Authorize staff to begin negotiations with Kimley-Horn to provide engineering services related to preparation of a Wastewater Collection System Rehabilitation Master Plan.
2. Authorize staff to begin negotiations with the second- and third-ranked firms, in that order, in the event that negotiations with Kimley-Horn are unsuccessful.

**BACKGROUND**

Among the first public works efforts completed by the City of Lake Wales was the installation of a central sewer system, constructed as a special assessment project during the period 1926 to 1928. This was a large-scale project that provided sanitary sewer service to the downtown area and the residential neighborhoods which were growing up along Scenic Highway and around Lake Wailes to the hospital. In the 84 years since construction began on the original system, commercial and residential development throughout the city has added nearly two hundred miles of gravity sewer lines and 39 lift stations to the wastewater collection system.

While lift stations have been upgraded over time and have been well-maintained in recent years, comparatively little work has been done on manholes and lines except in response to problems such as line breaks or blockages. As the system continues to age, we can expect problems to occur on an increasingly frequent basis, particularly in those areas where old clay lines still exist; i.e, the areas served by the original sewer system.

Every ten years or so and as recently as 2008, a Master Wastewater Facility Plan is completed that provides guidelines for expansion of the system in response to the needs of current and future growth in the area. However, no master plan has ever been formulated for the upgrade or rehabilitation of the existing collection system. City staff has been forced to react to problems as they occur because we lack the knowledge that we need to plan for and acquire the resources to fund the rehabilitation and routine maintenance that will prevent problems before they occur.

We have discussed this concern with the City Commission at various workshops, and it has seemed to be the consensus that we need to find a way to determine the scope of work and the amount of money that will be required in the short-term and the long-term to rehab our existing system and maintain it at an acceptable standard in the future.

Accordingly, a Request for Qualifications (RFQ) to develop a Wastewater Collection System Rehabilitation Master Plan for the rehabilitation of the existing mains and manholes was issued. The overall tasks of the master plan have been identified below.

The Consultant will prepare a plan for the rehabilitation, repair and/or replacement of the gravity sewer mains and manholes. This work effort shall include but not be limited to the following tasks:

- Survey of the collection system to provide the following:
  - a. Manholes locations
  - b. Rim and invert elevations and adjacent ground elevation
  - c. Pipe type and size
  - d. Direction of flow
- Preparation of a Wastewater Collection System Rehabilitation Master Plan to include the following:
  - a. Evaluation of the condition of the mains and manholes
  - b. Recommendations for rehabilitation or replacement
  - c. Cost estimates for rehabilitation or replacement
  - d. Financial analysis for the collection system improvements
  - e. Public communication and awareness program during construction activities

Fourteen Engineering firms responded to the RFQ. The RFQ packages were reviewed by a City team; Tom Moran (Public Works Director), Dorothy Pendergrass (Finance Director), Sarah Kirkland (Utilities project Administrator), Ted Long (Wastewater Supervisor) and Randell Britt (Collection system supervisor). The following table provides the team ranking of the firms:

1	Reiss	86.36	8	CPH	77.1
2	Kimley- Horn	85.92	9	Civil Services	74.7
3	PBS&J	85.2	10	Hoyle Tanner	73.24
4	ECON	80.8	11	Chastain	72.06
5	URS	79.6	12	Modus	69.8
6	Envisors	78.8	13	JSK	65.16
7	Hazen/Sawyer	77.72	14	Metro	60.6

The top three (3) firms were afforded the opportunity to give the team a visual/oral presentation of the response to the RFQ. After the presentations were completed, the team developed the following ranking:

- 1 Kimley- Horn
- 2 PBS&J
- 3 Reiss

Staff is presently requesting authorization to negotiate a contract with the first-ranked firm, Kimley-Horn. Should negotiations between the City and Kimley-Horn fail to produce a reasonable cost to develop a Wastewater Collection System Rehabilitation Master Plan, staff would begin negotiations with the second-ranked firm, PBS&J. Likewise, if negotiations with PBS&J were unsuccessful, staff would begin negotiations with Reiss, the third-ranked firm.

#### **FISCAL IMPACT**

Cost to develop the master plan is not known at this time. Engineering services are covered by the Competitive Consultants Negotiation Act (CCNA) and must be negotiated after selection of the consultant.

Cost to prepare the most recent Wastewater Facility Master Plan was close to \$135,000; however, developing a collection system master plan may potentially be more costly because of the fact that so much surveying work will be necessary to identify the scope of rehabilitation required.

#### **OTHER OPTIONS**

Do not develop a Wastewater Collection System Rehabilitation Master Plan.

[End agenda memo]

Ms. Kirkland reviewed Agenda Item 13.

Commissioner Carter asked for confirmation that this was only the collection system and it had nothing to do with the water once it gets to the treatment plant and Ms. Kirkland confirmed. Commissioner Carter said it was a much needed step.

Commissioner Thornhill said he thought it was great that staff will be able to address problems before they occur. He read the part of the memo that said city staff has been forced to react to problems as they occur instead of being able to do routine maintenance to prevent them from occurring in the first place so he was happy for the change.

Commissioner Carter asked if the money was in the budget for this and Ms. Kirkland said they were going into negotiations to find out how much it will cost so they can put it in next year's budget.

Commissioner Carter made a motion to approve RFQ 10-218. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 4-0.

Ms. Delmar asked for the motion to be repeated and said the motion needed to be to authorize staff to begin negotiations with Kimley-Horn to provide engineering services related to preparation of a

Wastewater Collection System Rehabilitation Master Plan and authorize staff to begin negotiations with the second and third-ranked firms, in that order, in the event that negotiations with Kimley-Horn are unsuccessful.

Commissioner Carter made a motion to approve staff recommendation. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 4-0.

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

#### **CITY COMMISSION TRACKING REPORT**

Ms. Delmar said there were no additions to the tracking report.

Commissioner Thornhill asked for an update relating to the cyber theft of city funds. Human Resources Director Sandra Davis said the City hired a forensic expert and then the insurance company hired their own forensic expert. According to the last correspondence the City received from the insurance company a couple of weeks ago, they received their forensic report and so the City is hoping to hear from them very soon.

#### **COMMUNICATIONS AND PETITIONS**

David Smith, Babson Park, referring to the recent incident involving two pit bulls attacking a walker on the Lake Wailes Bicycle Trail, said something needed to be done to keep it from happening again. He said the other day a kid was mauled by a dog, and he has seen pedestrians who have had to get off the sidewalk and cross the street to avoid Pit Bulls on chains. Ms. Delmar said we do not have an ordinance that addresses Pit Bulls or other dangerous dogs but do have in the ordinance that dogs have to be on leashes, which follows state and county laws.

Mayor Van Sickle said that Polk County Animal Control is the one who comes out, and the last time he called them, he had been told it would be hours before they could come. He said he remembered this came up a couple of years ago and the City now has a holding pen at the Police Department to put animals in while awaiting pickup from the County, along with a trained police officer. Ms. Delmar said the problem with response time from the County is that it is having the same staffing problems as the cities so we probably need to increase our ability to address the problem and use the holding cell. She asked Officer Foy if the holding pen is used. Officer Foy said the holding pen was built for the K-9 dogs, but they do have a dog pole and a cage that can be utilized, as they had done earlier that morning when they found another Pit Bull running loose.

Noel Phetteplace, resident and Chairman of the Bicycle Pedestrian Advisory Committee (BPAC) said the recent incident was just a symptom of a bigger problem, that dogs run loose. He had called the former Police Chief, Herb Gillis, about six months earlier who told him the Police Department was short-staffed. Mr. Phetteplace said the reason we have laws is because we identify a danger to the community. He said unless those who permit their dogs to run loose are cited and then penalized in some way, you might as well not have the law at all. If it is more convenient to disregard the law, they will. He said that this issue would be discussed at their next BPAC meeting on May 5<sup>th</sup> and invited those interested to attend. Ms. Delmar asked that someone from the Police Department attend that meeting. She said they may need to

meet with Polk County Animal Control to see how enforcement efforts can be stepped up, and Code Enforcement may have to get involved.

Commissioner Carter said he believed the City holds some liability if it does not get this problem fixed. He agreed that they need to take another look at the city's ordinance to see if it is meaningful and current. He asked Officer Foy if he thought the police department had the right training and tools to be able to react to such situations. Officer Foy said they have not been trained to handle dogs nor do they have the proper equipment to do so, but they haven't been trained to handle alligators either and they do that too.

Commissioner Carter asked if the ordinance covers when a dog leaves the owner's property unattended. Officer Foy said it would not be a criminal violation but there would be civil liability with a civil penalty if a dog does some kind of damage and someone takes them to court. City Attorney Chuck Galloway said these ordinances do not give rise to liability on the part of the City and the fact that Polk County can't get to Lake Wales quickly enough does not constitute liability on them or the City.

Commissioner Thornhill agreed from an insurance standpoint that the owner is liable for anything his dog does.

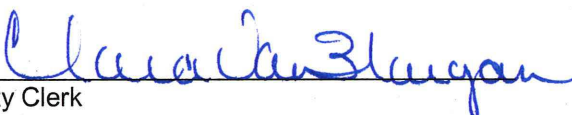
Mayor Van Sickle said staff needed to make sure it contacted the Sheriff's Department so they can come up with a smart solution.

**CITY COMMISSION COMMENT**

There being no further business, the meeting was adjourned.

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

ATTEST:

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