

The regular meeting of the Lake Wales City Commission was held on May 3, 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 Commissioner Thornhill.

### **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. PROCLAMATIONS: National Music Week; May 1-8, 2011**

No one was present to accept the proclamation.

### **APPROVAL OF MINUTES**

**Agenda Item 6. Approval of Minutes: April 12, 2011, Workshop Meeting; April 19, 2011, Regular Meeting**

Commissioner Rogers made a motion to approve the minutes for the April 12, 2011 workshop meeting and April 19, 2011 regular meeting. The motion was seconded by Commissioner Howell

By Voice Vote:

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

The motion carried 5-0.

City Manager Judith Delmar announced that she has appointed Interim Police Chief Chris Velasquez as Chief of Police for the following reasons:

- Chris Velasquez has become a key member of the organization having a positive attitude and a willingness to be part of a team.
- Chris Velasquez has satisfactorily handled his responsibilities over the last three months as interim Police Chief by managing a complex organization that had been suffering serious morale problems and by remedying the problems,
- Chris Velasquez has excellent law enforcement educational credentials with a Bachelor's degree in Criminology, a Master's Degree in Public Administration, and is a graduate from the FBI Academy.
- Chris Velasquez has served Lake Wales for 17 years.
- Chris Velasquez has a good personal relationship with leaders of all segments of the community and has earned a great deal of respect.
- Feedback from top ranking State and County law enforcement officials has been positive regarding Chris Velasquez's commitment to law enforcement and his ability to lead the Department.

- Chris Velasquez will be a strong leader and role model for the Police Department as well as all the citizens of the community, and especially the young people.

**CITY CLERK**

**Agenda Item 7. OATH OF OFFICE: Commissioner Betty Wojcik  
Mayor Michael S. Carter**

**Commissioner Betty Wojcik**

City Clerk Clara VanBlargan administered the Oath of Office to Commissioner Betty Wojcik.

**Mayor Michael S. Carter**

City Clerk Clara VanBlargan administered the Oath of Office to Mayor Michael S. Carter

**MAYOR**

**Agenda Item 8. ROLL CALL**

**COMMISSIONERS PRESENT:** Terrye Y. Howell; Jonathan Thornhill; John Paul Rogers; Betty Wojcik; Mayor Michael S. Carter.

**COMMISSIONERS ABSENT:** None.

**Agenda Item 9. APPOINTMENT OF VICE MAYOR**

Commissioner Wojcik made a motion to appoint Commissioner Howell as Vice Mayor. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

Commissioner Wojcik	"YES"
Commissioner Howell	"YES"
Commissioner Thornhill	"NO"
Commissioner Rogers	"NO"
Mayor Carter	"YES"

The motion carried 3-2.

**Agenda Item 10. AWARD OF PLAQUE: Lloyd Jack Van Sickle**

Mayor Carter presented a plaque on behalf of Lake Wales and its citizens to Lloyd Jack Van Sickle to thank him for the dedicated service in making this a better community. Mr. Van Sickle served as City Commissioner from 2007 – 2011, during which time he served as Vice-Mayor from 2008 – 2009 and Mayor from 2009 – 2011.

Jack Van Sickle said that during his term in office, revenue and property value diminished and yet they managed to lower the millage rate for three consecutive years. He said the foundation of a City is its personnel and without them it cannot function so he challenged the Commission to evaluate staff and move people to areas like Streets and Parks where they are short staffed.

**Agenda Item 11. Orientation: "The Sunshine Law/The Law in Plain English," Video Training by Cliff Shepard, Esq.**

The City Commission viewed training video called "The Sunshine Law/The Law in Plain English," by Cliff Shepard, Esq.

City Attorney Chuck Galloway was asked if he had anything to add about the Sunshine Law and he said it was what he has said all along; they need to guard against the appearance of impropriety.

## **NEW BUSINESS**

### **Agenda Item 12. Resolution 2011-05 Citizens and Police Community Relations Committee**

The full staff memo is incorporated into the minutes.

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

## **SYNOPSIS**

This resolution is proposed for the purpose of establishing a community relations committee that will provide a forum for respectful discussion that will lead to a greater partnership and stronger working relationship between all community members and the police department.

## **RECOMMENDATION**

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

1. Approve the establishment of the Citizens and Police Community Relations Committee by passing Resolution 2011-05.
2. Approve the committee appointments made by the mayor.

## **BACKGROUND**

Proposed Resolution 2011-05 is the outcome of discussions between the (then) mayor-elect, the interim police chief, and police staff for the purpose of developing a forum in which citizens may express concerns, discuss issues, and gain a greater understanding of police procedures and policies. The goal of all concerned is to improve the relationship between the community and the police department.

The main provisions of the proposed resolution are as follows:

- A three-member Community Relations Committee will be created. Two citizen members will be appointed by the mayor with the approval of the commission, and one police officer member will be appointed by the police chief.
- The committee will regularly meet once a month in the Municipal Admin Building, but any member of the committee may call a special meeting if one is deemed to be necessary. The committee and its members will be subject to the Sunshine Law and other applicable state laws and city ordinances.
- The committee will provide a forum in which citizens can express opinions or concerns and positively resolve issues they may have with police policies or procedures.
- The committee will not serve as a means to circumvent the Police Officers Bill of Rights by providing a forum for discussion of complaints regarding officer misconduct.

If proposed Resolution 2011-05 is passed by the City Commission, Mayor Carter will provide the names of two citizens that he will appoint to serve on the Community Relations Committee. The mayor's appointments will require the approval of the other commissioners.

## OTHER OPTIONS

Do not establish the Citizens and Police Community Relations Advisory Committee as proposed in Resolution 2011-05.

## FISCAL IMPACT

There will be minor staff costs involved if overtime is required for such things as attending meetings and transcribing minutes.

[End agenda memo]

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

## **A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, ESTABLISHING THE CITIZENS AND POLICE COMMUNITY RELATIONS ADVISORY COMMITTEE.**

Mayor Carter asked Ms. VanBlargan to also read the "Where as" portion of the resolution, which she did.

Mayor Carter gave a brief history of how the idea for forming this committee was born. He said the Police Department had a hand in drafting it with the support of City Staff. Though it may not be the final answer, it was at least a first step. He said that the ordinance was not created to be a venue for citizens to file a complaint against the Police Department or to supersede the existing procedures already in place for that purpose. It simply will be a forum available for citizens to have respectful discussions with the Committee and get answers to legitimate questions, concerns or issues the citizen is involved in before it gets to a point where they feel they need to file a formal complaint.

Police Chief Velasquez said he and his staff support the formation of the Advisory Committee and consider it a well structured and controlled opportunity to allow the department to move to an even greater level of progress. He said it would not become a forum for citizens to gripe, but would be an equally beneficial avenue for citizens to come to a better understanding of police policy and for the Police Department to gain a better understanding of why citizens respond the way they do, which may affect the way the Police Department handles their operations.

Commissioner Wojcik said she thought it was a great step forward and would provide the public an opportunity to discuss more general issues. She said that, at the present time, citizens can only address their concerns by speaking at a City Commission meeting, which can cause problems if the complaint is too specific because Commissioners would only be hearing one side of the issue, and because there are laws that control how police officers can respond in public.

Commissioner Thornhill said it would be a very beneficial step to take.

Commissioner Howell said she liked the resolution but asked the following questions:

- Commissioner Howell asked for confirmation that both citizens and the police Committee member would have only two-year terms. Ms. Delmar said they could possibly have two, two-year terms. Mayor Carter said there would not be a time limit on the police committee member because of the amount of awareness and education that tenure will bring about.
- Commissioner Howell wanted to make sure that the appointed officer would not be one that has been in question or part of the problem in the past, or even one that has been perceived to have been part of the problem. She wanted a guarantee that the chosen officer would be one that is respected by all citizens. Ms. Delmar said the resolution only states that the police member would be appointed by the Police Chief, but that such criteria could be added to the resolution. Commissioner Howell said she did not want criteria added but was asking her, as the City Manager, to make sure that the appointee would not initiate controversy. Police Chief Velasquez

asked Commissioner Howell to give him a chance, and then gave his word that he would choose the right officer and make responsible decisions as the Chief.

- Commissioner Howell questioned the use of overtime pay for police officers. Ms. Delmar said police officers would not be paid overtime, but the secretary or law enforcement clerk may have to be paid overtime if she is required to work more than forty hours a week, if the meeting is scheduled after city operational hours. That would only occur if citizen board members could not attend a meeting scheduled during the day because they are employed. She assured Commissioner Howell that if that became the case, the cost would be nominal. Mayor Carter added that the time and place of the meeting had not been established yet.

Commissioner Rogers said he was not in favor of this Committee and saw no need for it at this time as citizens already have many avenues to express their concerns including the Communications and Petition part of the City Commission meetings, filing a complaint at the Police Department, and filing a complaint with the State Attorney General's Office or the FBI. He said he thought the present Police Department was doing a great job, and though he did not want the police to mistreat its citizens, he did not want citizens to be able to mistreat the police and he thought this committee would provide opportunity for a witch hunt.

### OPENED TO PUBLIC INPUT

NAACP Representative David Smith asked if the people present who wanted to speak at this Commission meeting would still be allowed to do so if this committee was approved, or if they would have to go first before the appointed committee. Mr. Smith said that if a citizen comes to him with a complaint, usually about excessive force, he as the NAACP representative wanted to discuss it with the City Manager and not with a committee. Mayor Carter said the option to discuss it with the City Manager would still be available if he felt he had an obligation to do so. The new committee will not replace the policies and procedures now in place, nor will it replace the Police Bill of Rights. It will simply be an added opportunity for citizens to discuss issues or incidents so that both sides can become more educated. Commissioner Wojcik said a citizen could come before the Committee to talk about the general issue of excessive force, but not about a specific incident. Commissioner Howell said it would be more like a brainstorming avenue. Ms. Delmar added that they could discuss how the Police Department is perceived by citizens and maybe the Police Department could then adjust its policy.

David Smith asked how a citizen would go about coming before the new Board. Mayor Carter said the details have not yet been decided and therefore the first thing the Committee will do is establish procedures, but he thought a citizen would probably contact one of the board members so it can be scheduled for the next meeting, which would most likely be once a month with an option that a special meeting can be called by any member who felt it was warranted.

Chief Velasquez announced that the Citizens Police Academy, an avenue for citizens to learn more about the Police Department and a great way to get answers to their questions, will begin on May 10<sup>th</sup>. He said many citizens have participated in this event in years past and the department is working to make it even more dynamic and informative.

Commissioner Thornhill made a motion to adopt Resolution 2011-05. The motion was seconded by Commissioner Howell.

#### Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"NO"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 4-1.

Mayor Carter appointed Nathan Minton and Dave Conner to the Citizens and Police Community Relations Committee. Commissioner Howell made a motion to approve the nomination. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Thornhill	"YES"
Commissioner Rogers	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

Police Chief Chris Velasquez appointed Officer Joseph VanBlarcom to the Citizens and Police Community Relations Committee.

**Agenda Item 13. Southeast Wellfield – Letter of Intent**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

Polk County Utilities Division is requesting the City's support in the development of the Southeast Wellfield Permit Application Submittal by the signing of the Southeast Wellfield Letter of Intent.

**STAFF RECOMMENDATION**

It is recommended that the City Commission authorize the Mayor to sign the Southeast Wellfield Letter of Intent.

**BACKGROUND**

Based on the growing potable water demand and the current surface water recovery strategies being implemented to increase minimum flow levels in many of the primary alternative water sources within Polk County, the development of the Polk County Regional Water Supply Plan identifies and develops potential future water sources for each city to use as growth generates the need for additional water.

To meet these needs, Polk County, in a cooperative effort with the Southwest Florida Water Management District and the South Florida Water Management District, selected Reiss Environmental to aid in the development of the comprehensive Water Supply Plan to identify and quantify viable additional public water supply sources, particularly alternative water supply sources, as needed to meet the future potable water and non-potable water needs of various public utility systems within Polk County. This process included investigation of multiple water resources including ground water, surface water, reclaimed water, storm water, and other means of providing adequate water services to future residents within Polk County. The final plan set forth several projects and strategies which would materially provide new water supplies for targeted public utilities.

The City Commission at its September 9, 2009 City Commission meeting, approved Resolution 2009-11 expressing support for the 2009 Polk County Comprehensive Water Supply Plan and approval of the future water supply project listing. The County began investigating the lower Floridian Aquifer to

determine its feasibility as a future water supply source. Following the substantial hydrogeological investigations conducted over the last three years, Polk County is proposing a new regional wellfield in southeast Polk County, east of US 27 and south of State Road 60. It is staff's understanding that the anticipated average annual day production of the wellfield and its associated facilities for public supply is projected to be as much as 30 million gallons per day (MGD). An advanced treatment process is proposed to treat the water quality as determined by hydrogeological testing. Also considered in the project is a major transmission system to deliver the new regional water supply to individual Polk County municipalities that wish to participate. It is anticipated that the City of Lake Wales will have the benefit of up to 3 MGD of additional water supply to meet future demands.

Residing in an inland county, staff understands that the non-traditional water supply options are limited in number and in magnitude of supply. Staff is seeking commission approval to support Polk County's efforts to identify and develop non-traditional water supplies in order to meet future regional needs and proactively participate with Polk County to research, identify and plan for future non-traditional water supplies as documented in the 2009 Polk County Comprehensive Water Supply Plan.

## **OPTIONS**

The City's participation in this study and permit application submittal requires no cost on the city's part. The entire study was funded by the Southwest Florida Water Management District in an effort to assist the surrounding municipalities in their efforts in long range plans for growth. If the city chooses not to participate in the Southeast Wellfield Project, staff would be required to absorb the entire cost associated with an alternate source for water supply.

## **FISCAL IMPACT**

There is no immediate cost for the City's approval of support as expressed in the Southeast Wellfield Letter of Intent. The City has the option at any time not to participate in any future projects proposed in the 2009 Polk County Comprehensive Water Supply Plan if those projects do not fit into the City long range plans for water supply.

[End agenda memo]

Ms. Kirkland reviewed Agenda Item 13. She introduced Robert Beltran, Hydro Solutions County Engineering consultant, and Gary Fries, Polk County, Director Utilities Division, who were available to answer questions.

Commissioner Thornhill asked if this was just basic and Mr. Fries said it was more than that. He said that through their Master Plan they identified four regional projects that would provide water to Polk County, the Southeast Wellfield being the second one. That project would consist of trying to withdraw 30 million gallons per day out of the aquifer just east of Frostproof, bringing the water up to the surface, treating it, and, in the first phase, transferring the water along the ridge. Because the well is within their district, a permit application is being prepared to submit to SFWMD, which will include the demand for all the communities interested in participating or potentially interested in participating in the future. He added that the project won't begin for 20 to 40 years but they are talking about it now so they can start identifying water sources, getting them committed to the public supply. If they don't, those sources will be lost. He gave an example of an industrial user in Osceola County who put in for a permit that, if it goes through, could seriously impact Polk County's ability to get water in the future. Peace River is a source option, but the most expensive option because a reservoir would have to be built and pipes put in. Mr. Fries felt that the Southeast Wellfield was the more viable option and so he was asking for support from all cities along the US 27 corridor.

Mayor Carter asked if there was a written document for the City's long range water supply. Ms. Kirkland said it was the Cooperative Water Supply Plan and that staff has identified the projects that could possibly benefit Lake Wales. Mr. Fries added that their Master Plan was accepted by SFWMD. He pointed out on the chart display a projected 1.2 million gallons a day deficit for Lake Wales in 2030 and the almost 3

million gallons a day deficit by 2050 and said they were looking to the future to make sure water will be available for that demand.

Mayor Carter asked if anything was being done on the County level to further conserve water such as water restrictions. Mr. Fries said that a big part of their plan is conservation. They have identified several areas that can play a critical role in the conservation arena. Polk County is leading a countywide conservation program to have an independent contractor check irrigation systems where approximately half the water is being used, and make suggestions for improvements. Southwest Florida Water Management District will assist in the funding and is interested in participating in other conservation projects. The County's goal is to trim back irrigation usage by eliminating waste and still have nice looking yards. Various cities are looking at other individual projects such as toilet replacements with low-flow usage. It is in everyone's best interest to conserve so there will be more water for the future. Mayor Carter asked Ms. Delmar if Lake Wales is on water restrictions and she said it was. She added that the City also set up a water rate structure whereby citizens pay a higher fee for higher usage, which has caused a reduction in consumption. Mayor Carter asked if there was a minimum charge and Ms. Delmar said there used to be but not anymore. She said there was a base charge but it wasn't based on consumption and every gallon used has a rate.

Commissioner Wojcik asked for confirmation that, if this was approved, the municipalities would be notified long in advance how much money they will need so they will have the opportunity to do long-range budgeting. Mr. Fries said absolutely and that once they find out how much water is permitted, they can go to the individual cities to discuss need and cost, but that all they were asking for at the present meeting was the City's support. Ms. Delmar said it will be put on the City's Finance Director's ten-year "to do" list and the 5-year CIP so it can be budgeted well in advance.

Commissioner Howell made a motion to authorize the Mayor to sign the Southeast Wellfield Letter of Intent. The motion was seconded by Commissioner Rogers.

By Voice Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

**Agenda Item 14. Sole Source Procurement – Little League Lighting**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

The Commission will consider a recommendation from the Governor's office to apply for sole source exemption from the bidding process for procurement of lighting for the Little League Lighting Project.

**RECOMMENDATION**

In accordance with the recommendation from the Governor's office, staff requests that the City Commission authorize the City Manager to request sole source exemption from the bidding process for the Little League Lighting Project.



## BACKGROUND

On February 2, 2010, the City Commission approved Resolution 2010-05 authorizing the City to apply for a grant of \$200,000 to pay for new lighting on two Little League Fields, Barnes and Barranco. This lighting would meet current Little League standards and be more energy efficient.

The grant was awarded to the City of Lake Wales in October of 2010. Due to time constraints, staff decided to wait until the current Little League Season was complete before going out to bid.

Staff from the Governor's Office has since recommended applying for sole source exemption from the bidding process for this brand of lighting known as the "Sports Cluster Green Lighting System" which is available only from Musco Lighting. Other communities, such as Seminole City, have done likewise as they have determined that Musco Lighting is the only source for the "Sports Cluster Green Lighting System." This would speed up the contract process and allow the project to be completed in a more timely manner. Staff from the Governor's Office has provided us with a copy of the letter from Seminole City and suggested that Lake Wales use this letter as a model in requesting sole source exemption.

Musco Lighting has installed lighting on other Little League Fields and the Multi-Purpose Complex for the City of Lake Wales. Musco Lighting has also bid competitively on projects in Clay County and elsewhere illustrating that they are competitively priced.

## OTHER OPTIONS

Do not apply for the sole source exemption and go out to bid.

## FISCAL IMPACT

There is no City Match for this project.

[End agenda memo]

Ms. Nanek reviewed Agenda Item 14. Ms. Nanek corrected the memo explaining that the term is single source and not sole source.

Ms. Delmar said this option was available and they needed to act on it while the funding still existed. Commissioner Rogers asked if the City was in danger of losing the grant and Ms. Delmar said they did not know how things would turn out with the budget in Tallahassee. Commissioner Howell asked if they could do the same for Frazier Field and Ms. Nanek said that when the state energy grant becomes available again, she would apply for it to be used at Frazier Field.

Commissioners Thornhill and Wojcik said they thought it was a good idea.

Commissioner Rogers made a motion to authorize the City Manager to request single source exemption from the bidding process for the Little League Lighting Project. The motion was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Rogers	"YES"
Commissioner Howell	"YES"
Commissioner Thornhill	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

**Agenda Item 15. Discussion: City Commission Workshop Meeting Date Change**

For the City to be more business friendly, Commissioner Wojcik requested that the Commission Workshop be changed from the second Tuesday of each month so as not to conflict with the Chamber of Commerce's "Business After Hours." After much discussion, the consensus was to schedule shorter workshops before every City Commission meeting, starting at 5:30 unless posted otherwise, but the first workshop, on May 17<sup>th</sup>, will have to begin at 5 PM because the items have already been set including: the Florida Refuge contract, which may entail a lengthy discussion; a presentation on a tennis program grant, which is on a timeline and has a speaker coming in from Tallahassee; and a presentation by the Parks and Community Appearance Board.

Commissioner Howell made a motion to schedule the workshops before regular City Commission meetings at 5:30 PM unless changed with public notice. The motion was seconded by Commissioner Wojcik.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Wojcik	"YES"
Commissioner Thornhill	"YES"
Commissioner Rogers	"NO"
Mayor Carter	"YES"

The motion carried 4-1.

**Agenda Item 16. Appointment – Polk Transportation Planning Organization (TPO) Board**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

The Commission is asked to appoint a City Commissioner to serve on the TPO Board.

**RECOMMENDATION**

It is recommended that the City Commission appoint a City Commissioner to serve on the Polk Transportation Planning Organization (TPO) Board for the duration of his/her City Commission term. This appointment will take the place of former Commissioner L. Jack Van Sickle.

**BACKGROUND**

The Polk Transportation Planning Organization (TPO) is the lead transportation planning agency for Polk County. It develops transportation plans and programs for Polk County as mandated by federal and state legislation, which are designed to meet our community's short and long term travel needs. Transportation projects, e.g., road widening projects or bus service expansions, are planned and programmed (federal and state funding) by the TPO in cooperation with the Florida Department of Transportation (FDOT), transportation operators and local governments. Staff support is provided by the Growth Management Department of the Polk County Board of County Commissioners.

The TPO provides a forum for cooperative decision-making regarding countywide transportation issues. It is comprised of a 19-member policy board of local elected officials, staff, and advisory committees. The member governments include the Polk County Board of County Commissioners and the cities of

Lakeland, Winter Haven, Auburndale, Bartow, Haines City, Lake Wales, Fort Meade, Mulberry, Frostproof, Lake Alfred, Dundee, Eagle Lake, Davenport, Polk City, and Lake Hamilton. Other public agencies such as the Central Florida Regional Planning Council, and the Florida Departments of Community Affairs (DCA), Environmental Protection (DEP), and the Florida Department of Transportation (FDOT), are also represented on its advisory committees.

To be a part of this vital decision making process, the City Commission is asked to appoint a City Commissioner to serve as a member to the TPO Board.

### **OPTIONS**

If the City Commission chooses not to appoint a City Commissioner to serve on the TPO Board, the City would not be a part the cooperative decision-making regarding countywide transportation issues.

### **FISCAL IMPACT**

If the City Commission appoints a City Commissioner to serve on the TPO Board, the appointee will incur travel expense to attend meetings. This expense is reimbursable at the state-mandated mileage reimbursement rate if an expense report is filed with the City Clerk.

[End agenda memo]

Commissioner Howell made a motion to remove Commissioner Thornhill from the Lake Wales Economic Development Partnership (EDP) and appoint him to serve as a member to the Polk Transportation Planning Organization (TPO) Board for the duration of his City Commission term. The motion was seconded by Commissioner Rogers.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Thornhill	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

### **Agenda Item 17. Appointment – Polk Transit Authority Board of Directors**

The full staff memo is incorporated into the minutes.

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

### **SYNOPSIS**

The Commission is asked to appoint a City Commissioner to serve on the Polk Transit Authority Board of Directors.

### **RECOMMENDATION**

It is recommended that the City Commission appoint a City Commissioner to serve on the Polk Transit Authority Board of Directors for the remaining term of former Commissioner Van Sickle ending February 27, 2012.

## BACKGROUND

On June 27, 2007, Governor Crist signed legislation forming the Polk Transit Authority. One goal of the Authority is to relieve the county and cities of annual requests for general funds to support transit services. The City Commissioner member will play a vital role in the achievement of that goal and the establishment of a countywide transit system.

## OPTIONS

The City Commission could choose not to appointment a City Commissioner to serve on the Polk Transit Authority Board of Directors. The appointment does not obligate the City Commission to contribute any future general funds to support transit services.

On September 10, 2010, the City Commission renewed an Interlocal Agreement with Polk County securing the fair-share funding for the Winter Haven area Transit System in the amount of \$5,433.0 for Fiscal Year 2010/2011.

## FISCAL IMPACT

If the City Commission appoints a City Commissioner to serve on the Polk Transit Authority Board, the appointee will incur travel expense to attend meetings. This expense is reimbursable at the state-mandated mileage reimbursement rate if an expense report is filed with the City Clerk.

[End agenda memo]

Commissioner Rogers said he noticed in the memo that the City was going to start reimbursing Commissioners for travel. Ms. Delmar said Commissioners always had that option and simply had to submit a travel expense report. She highlighted it in the memo to make sure the Commissioners were aware of this option.

There were questions about what the PTA Board duties were and if it went along with the PTO Board. Former Commissioner/Mayor Jack Van Sickle said it was a newly created board to deal with how public transportation can be continued, for example with a millage increase, because federal funding is going away and the only bus service the County will have will be in Lakeland, because part of their millage rate is earmarked for that. The Winter Haven Transit System will soon go away leaving no public transportation in our area for people without cars to get to work and school etc. A meeting for all mayors, city commissioners, and county commissioners to look at the issue has been scheduled for May 25<sup>th</sup>. He said whoever was appointed to this board needed to be very interested in public transportation and dedicated to finding solutions. Mayor Carter asked if Mr. Van Sickle recalled when the present system would end and he said federal funding will end in a year.

Commissioner Howell made a motion to appoint Commissioner Thornhill to serve as a member to the Polk Transit Authority Board of Directors for the remaining term of former Commissioner Van Sickle ending February 27, 2012. The motion was seconded by Mayor Carter.

By Voice Vote:

Commissioner Howell	"YES"
Mayor Carter	"YES"
Commissioner Rogers	"YES"
Commissioner Thornhill	"YES"
Commissioner Wojcik	"YES"

The motion carried 5-0.

**Agenda Item 18. Appointment – Lake Wales Economic Development Partnership (EDP)**

2011-238

The full staff memo is incorporated into the minutes.

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

### **SYNOPSIS**

The Commission is asked to appoint a City Commissioner representative to the Lake Wales Economic Development Partnership (EDP).

### **RECOMMENDATION**

It is recommended that the City Commission replace Commissioner Thornhill with Commissioner Wojcik as the City's representative on the Lake Wales Economic Development Partnership.

### **BACKGROUND**

On December 9, 2009, a joint workshop meeting was held between the Lake Wales City Commission and the Lake Wales Area Chamber of Commerce to discuss current economic issues and the formation of a joint-committee or partnership with the City. Few decisions that are made with regard to growth and development are without some economic impact. Because of this, the City and the Chamber felt it important to gain a better understanding of the local economic conditions and consider the future economic impact of growth management decisions. The goal was to have members on the committee from the Chamber, the City, and each of the business segments represented in the community. The purpose of the Committee is to identify the goals, objectives, and policies that will aid in the City's economic growth and to ensure that the government remains a positive economic force in the City.

As a result of the joint workshop meeting, the Lake Wales Economic Development Partnership (EDP) was formed in January 2010. The Committee has been meeting monthly on the fourth Tuesday, 8:00 a.m. at the Lake Wales Area Chamber of Commerce.

Commissioner Jonathan Thornhill is currently the commission member serving on the EDP, and City Manager Judith Delmar and Economic Development Director Harold Gallup are the city staff members. Because Commissioner Wojcik is the Lake Wales Area Chamber of Commerce executive director, her participation on the committee is essential. It will be a violation of the Sunshine Law, however, if both Commissioner Thornhill and Commissioner Wojcik attend the meetings. Therefore, the City Commission is asked to replace Commissioner Thornhill with Commissioner Wojcik as the City's representative on the EDP.

### **OPTIONS**

None.

### **FISCAL IMPACT**

None.

[End agenda memo]

Commissioner Thornhill made a motion to appoint Commissioner Wojcik to serve as a member to the Lake Wales Economic Development Partnership (EDP) in the place of Commissioner Thornhill. The motion was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

**Agenda Item 19. Appointment – General Employees’ Retirement Board**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

The appointments will fill a vacancy due to an expiring term of a City Commissioner.

**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.

**General Employees’ Retirement Board** – A City Commissioner member is appointed by the City Commission. The board consists of five (5) members. Two (2) members must be employees who are members of the plan, two (2) members must be a resident of the City, own property in the city or have an occupational license issued from the City of Lake Wales, and one member is a voting City Commissioner.

The next scheduled quarterly meeting of the Board is Wednesday, May 25, 8:30 a.m. in the City Manager’s conference room. The Board secretary is Katie Kinloch, City Manager’s administrative assistant.

This appointment is for a City Commissioner member.

**FISCAL IMPACT**

The appointee will incur no expense in relation to membership on this board.

**OTHER OPTIONS**

None.

[End agenda memo]

Mayor Carter asked for the names of current commissioners and members on this board. Katie Kinloch, current secretary for that board and the Administrative Asst. to the City Manager, said that Jack Van Sickle was the current Commissioner, the citizen members are Linda Kimbrough and Violet Salud; and the elected employee representatives are Sarah Kirkland and Melissa Mayer.

Commissioner Thornhill made a motion to appoint Commissioner Rogers to serve as a member to the General Employees' Retirement Board for the duration of his term as City Commissioner. The motion was seconded by Commissioner Howell.

By Voice Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Rogers	"YES"
Commissioner Wojcik	"YES"
Mayor Carter	"YES"

The motion carried 5-0.

**Agenda Item 20. Reauthorization of Citizens Advisory Task Force (CATF)**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

The City Commission needs to reauthorize the Citizens Advisory Task Force (CATF) to provide public input for the forthcoming CDBG application.

**RECOMMENDATION**

Staff recommends that the City Commission reauthorize the Citizens Advisory Task Force to meet and review the proposed CDBG Grant application. Staff also recommends reviewing the members of the CATF to see if there should be any changes.

**BACKGROUND**

In 2006, the City Commission authorized the CATF to review the CDBG grant application and to provide input. The last meeting was held in September 2008. Those members consisted of Leon Weech, Cliff Tonjes, Jerome Mack, Linda Kimbrough and Booker Young. In order to apply for a CDBG grant in August, this task force must be reauthorized. This group would meet in July to review and comment on the proposed application.

The CATF must have at least 3 members, all of which must be residents of the City. Also, none can be elected officials and no more than one (preferably none) can be a City employee.

**OTHER OPTIONS**

Do not reauthorize the CATF or authorize different members for the CATF.

**FISCAL IMPACT**

None.

[End agenda memo]

Ms. Nanek reviewed Agenda Item 20.

Ms. Delmar said that this board meets for approximately 30 minutes once every three years during the grant cycle and Linda Kimbrough, a current board member, explained that they basically look at the City's application to make sure it agrees with CDBG terms. Ms. Delmar said, in years past when they were part of the county program, there was a public hearing to review the grant application, which sometimes resulted in substituting projects. This CDBG application, made after months of discussion on the C Street and vicinity sewer project, is to help the City with funding for this project. This Task Force review of the grant application is to formally say that this is indeed what we want to do with it, but without any project substitutions.

Ms. Delmar said the names listed in the memo were the citizens who attended the meetings in the past and have shown a willingness to continue doing so. Commissioner Carter said there might be other people interested in serving on this board that they were unaware of. Ms. Delmar said that these were the ones who responded in the past to the public notice but she added that the more people on the board the better. Commissioner Howell agreed and Commissioner Wojcik suggested that the Lake Wales News might run something in the newspaper.

Commissioner Wojcik made a motion to table this item until the next scheduled meeting so the Commissioner will have a chance to seek other interested parties for the Citizens Advisory Task Force to meet and review the proposed CDBG Grant application; and to review the members of the CATF to see if there should be any changes.

Mayor Carter asked if postponing it would affect the grant schedule and Ms. Nanek said it would not.

Commissioner Rogers asked if delaying their vote would in any way delay the beginning of the C Street project and Ms. Delmar said they had until July to appoint the members to this committee.

Commissioner Thornhill asked that it be advertised and Ms. Nanek said she would put a notice in the paper and post it on Facebook and the City website.

Mayor Carter said there was a consensus to table this until the next meeting.

**Agenda Item 21. Discussion of Preliminary Financial Statements for March 31, 2011, Fiscal Year to Date**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

The preliminary financial statements report revenues received and expenditures made through the end of March 2011. Revenues were slightly below target in the General Fund and slightly above target in the Utility Fund. Expenditures in the General Fund and the Utilities Fund were slightly below target.

The unaudited financial statements for the City of Lake Wales for the Period Ending March 31, 2011 are presented to the City Commission for review. At the end of March the City was 50.00% into the fiscal year. Thirteen of twenty-six Payrolls (50.0%) have been expensed through March 31.

**SUMMARY**

The following chart gives a brief summary of overall operating revenue and expenditure performance as of March 31, 2011. Capital expense funded by CRA bond or loan proceeds is excluded from the analysis.



Fund	Budgeted	Actual at 03/31	Target at 03/31	Actual at 03/31 Over (Under) Target	Over (Under) as percentage of target
General					
Revenues <sup>1</sup>	\$10,295,175	\$6,008,658	\$6,067,040	(\$58,382)	-0.6%
Expenditures <sub>3</sub>	\$10,944,846	\$5,432,125	\$5,472,423	(\$40,298)	-0.4%
Special Revenue					
Revenues <sup>1</sup>	\$2,123,549	\$65,824	\$1,771,047	(\$1,705,223)	-80.3%
Expenditures <sub>3</sub>	\$4,596,136	\$1,281,509	\$2,298,068	(\$1,016,559)	-22.1%
Debt Service					
Revenues <sup>3</sup>	\$2,206,126	\$1,604,461	\$1,103,063	\$501,398	+22.7%
Expenditures <sub>2</sub>	\$2,261,722	\$1,984,106	\$1,984,064	\$42	+0.0%
Utilities					
Revenues <sup>1</sup>	\$6,372,500	\$3,193,708	\$3,129,324	\$64,384	+1.0%
Expenditures <sub>3</sub>	\$6,913,092	\$1,830,798	\$3,456,546	(\$1,625,748)	-23.5%
Airport					
Revenues <sup>3</sup>	\$105,908	\$42,605	\$52,954	(\$10,349)	-9.8%
Expenditures <sub>3</sub>	\$105,908	\$53,909	\$52,954	\$955	+0.9%

<sup>1</sup> Revenue target = prior year performance at same point in fiscal year

<sup>2</sup> Expenditure target for Debt Service Fund = actual YTD expenditure because we are paying off debt in accordance with set schedules

<sup>3</sup> Target = 1/12 of budgeted amount multiplied by the number of months since the start of the fiscal year (October 1); i.e. at the end of March we are 6/12 or 50.00% into the fiscal year. This method assumes a relatively even distribution of expense or revenue from month to month.

In general, most operating revenues are about where we would expect them to be at this point in the fiscal year.

Revenues from water and sewer charges at the end of March 2011 were \$104,425 ahead of where they were in March, 2010 (water, 71,976; sewer, 32,448). If we use 50.0% of the fiscal year as the target level, however, water revenues were \$10,882 under target and sewer revenues were \$8,056 over target. This is a combined deficit of \$2,826 compared to the budget.

Due to the ratio of budgeted pay-as-you go capital to the amount currently paid for those projects, expenditures in the Utility Fund are 23.5% below the target level. This variance will lessen as projects are completed and vendors are paid. Expenditures in the operating departments are at 46.4% of budget or 3.6% below target level at the end of March.

Operating expenditures in the General Fund are running .4% below target (\$40,298). Operating expenditures in the other Funds are running at or behind target levels.

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

	9/30/2008	3/31/2011	Difference
Pool/Tax Anticipation Account	\$1,037,822	\$1,062,635	\$24,813

The City's overall cash position at the end of March 2011 decreased over the cash position at the end of March, 2010 (-1,575,818) In order to make a more accurate comparison, the following adjustments are made:

	prior year	current year	Difference
Total Cash & Investments	7,992,129	6,416,311	-1,575,818
Due to Other Governments	-703,984	-6,005	
Insurance Proceeds & Other Airport Cash	0	-41	
Deferred Revenues*	-407,068	-391,184	
Cash & Investments Net of Adjustments	6,881,077	6,019,081	-861,996

\*reflected in cash but restricted to a specific future expenditure (grant project, tree replacement fund, etc),

At which time revenue will be recognized

After excluding cash that was collected on behalf of other governments and deferred revenues, the City's overall cash position at the end of March 2011 was \$861,996 lower than its March 2010 level. Ad Valorum Tax collection in the General Fund is \$177,300 less in March 2011 than March 2010. The county tax increment in the CRA is \$339,826 less than in March of 2010. Transfer from the CRA to the Debt Service fund is \$486,920 more than in March of 2010.

In comparison to the total cash and investments at February 28 of \$6,893,883 the March cash and investments position decreased by \$877,802. We received \$126,655 in ad valorum tax revenue during the month of March.

[End agenda memo]

Ms. Pendergrass reviewed Agenda Item 21.

Commissioner Wojcik asked Ms. Pendergrass for an explanation for the large difference between the budgeted Special Revenue on the chart and the actual on March 31<sup>st</sup>. Ms. Delmar said there was a scrivener's error on the chart and explained the error. Ms. Pendergrass said that the details for restricted funds used for a specific purpose depend on the percentage completed within a given year. Some projects will finish faster than others; some projects are funded by grants; the expenditures on some projects may already be spent and yet the City did not receive the grant proceeds as of yet; and it may depend on how much of the CRA money has come in. Because of all these variables, they usually try to determine if the project is on target relating to its completion and the timing of when the grant money comes in, whether before or after the work is done. Mayor Carter asked that a copy of the changes with the correct figures be placed in their mail slots.

Commissioner Thornhill asked if that would be the same for the Debt Service under target or actual and Ms. Delmar said we know what our debt service outgo is so we are very close to budget.

Ms. Pendergrass said she wanted to update them on several issues as follows:

- **Collection of Insurance proceeds:** The City received confirmation that full reimbursement had been approved, less the \$1000 deductible, for a total of \$379,181.00. There is a clerical form that needs to be signed between the two insurance companies and then they will issue the check. She said she will let the Commission know when it is received.
- **Water's Edge:** At the last City Commission meeting she had been asked to negotiate with Water's Edge, and those negotiations are now complete. At the next City Commission meeting

she will be bringing the pilot agreement forward to ask for an amendment to be made. During the negotiations, Water's Edge agreed to make a good faith payment so, whether the Commission votes to amend the pilot agreement or accept it as it stands, the City will be collecting some of the payments.

- **Solid Waste Negotiation Packet:** As promised at the City Commission meeting on May 17<sup>th</sup>, Ms. Pendergrass said she would bring to them the solid waste negotiation packet, a seven page packet inclusive of all topics that need to be discussed. Commissioners will be getting the packet the following afternoon and Ms. Pendergrass said she would like to answer questions they may have before the next meeting because of the amount of topics in the packet. Mayor Carter asked if the procedure for getting their questions answered was to schedule a one-on-one appointment with her and she concurred. Ms. Delmar said the reason Ms. Pendergrass would like to answer the questions ahead of time was due to the rescheduling of the workshop a week later and the fact that they are on a tight clock, if the Commission should decide to go out for bid, because the contract ends on September 30<sup>th</sup>. Ms. Pendergrass said the agenda item for the bid document is on the next City Commission meeting agenda just in case the Commission decides to go out for bid, and if they decide to negotiate further on the present contract it can be pulled.

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

Ms. Delmar reported no changes to the City Commission Tracking Report.

Mayor Carter asked if he could get some updates and completion dates on the following projects:

- **Cemetery Irrigation Project:** Public Works Director Tom Moran said the project was 75% complete with a completion date of mid-May.
- **Elevated Storage Tank:** The project has begun with only the tie-in to the line on Scenic Hwy remaining. He said that in two weeks they will be doing the operational test to make sure it works and if so it should be in operation by the end of May.

### **COMMUNICATIONS AND PETITIONS**

David Smith, Babson Park reported work that needed to be done on Washington Avenue due to the work on water lines cutting the road in four locations, and rain making large holes very rough to drive on. Utilities Manager Sarah Kirkland said they had to cut Washington Avenue to tie in the water line from the south to the north areas. She said they filled in the rough roads yesterday morning but will repave the road once the project is complete. Ms. Delmar asked for a timeline for completion and Ms. Kirkland said within the next couple of weeks. Commissioner Howell said after the last rain it was very rough so she had called Ms. Kirkland who got right on it and it is now much better. She said signs would help because even if you are going 25 mph, and you are not paying attention, it catches you by surprise. Ms. Delmar asked that hazard signs be placed in those areas so residents will know to slow down for a rough road and if it rains before the project is finished to keep on top of re-patching it.

### **CITY COMMISSION COMMENTS**

All the Commissioners took a few moments to thank Jack Van Sickle for his service to the community.

Commissioner Howell asked if the problem with garbage totes would be discussed at the May 17<sup>th</sup> workshop during the Florida Refuse Contract discussion. She had asked Ms. Pendergrass if there was an ordinance requiring residents to keep their totes in the back of their homes except on collection day. Ms. Pendergrass said she talked with Public Service Administrator Teresa Allen who said there was not an ordinance requiring that but it was the "good neighbor" concept. City Manager Judith Delmar said there is an ordinance that requires citizens to follow the terms of the solid waste contract, but if the ordinance needs to be modified to address the problem, it could be done. Ms. Pendergrass said she would add this item to the list for discussion at the workshop on May 17<sup>th</sup>.

Commissioner Thornhill said, referring to the incident at the Women's Club where a teenager was shot and killed and another wounded, that citizens he spoke with think the Women's Club is a city building and he wanted to make sure people know it is not, and therefore the City does not control what goes on in it. He asked if there was anything they could do about it. Police Chief Chris Velasquez said that after the incident in question, they spoke with a Women's Club Representative and Captain Quinn has scheduled a meeting with them tomorrow to talk about police concerns, make sure they understand their liability and the potential issues that can arise from that incident, and for them to understand that they are responsible for what goes on in their building. He said the line has to be drawn because that kind of activity cannot be allowed to happen again. Commissioner Howell said the feedback she has been receiving is that people were grateful the police were there to try to bring some kind of order from the chaos. Chief Velasquez said some people may be happy with them and others may not be, but the Police Department is going to make sure the homicide investigation is done right, which he said was the most important thing.

Commissioner Wojcik said she was looking forward to serving the people of Lake Wales and working with the other Commissioners to help move the City forward.

City Attorney Chuck Galloway said the litigation shade meeting, James Simms Vs the City of Lake Wales, which is not under the Sunshine Law, is scheduled to follow the May 17<sup>th</sup> Regular City Commission meeting regarding medical insurance coverage.

Mayor Carter asked if the review of the dog ordinance relating to the dog attack on the bicycle path could be added as an agenda item for the next workshop. He said it was not only the ordinance that needs to be discussed but also if the police department has the equipment and training to deal with that type of situations, if the response time from Animal Control is adequate, and if Lake Wales can be put on a routine ride-by schedule. Ms. Delmar said BPAC was addressing the same issues at their regular meeting on May 5<sup>th</sup> at 5:30 in the Commission Chamber and Lake Wales Police Officers will be present.

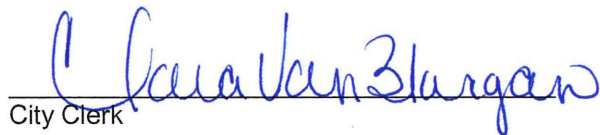
Jack Neal, 435 E. Central Avenue, said that the Polk County Animal Patrol comes through Lake Wales between 4:30 and 5:00 p.m., and has been here almost every afternoon since the dog attack. Ms. Delmar said she has seen Animal Control on Scenic Highway but she did not know their patrol route. The Mayor said maybe we can find out where their route goes and the frequency. Mr. Galloway said that Code Enforcement Officer Angella O'Connor told him that Animal Control is very responsive to her when she contacts them and is here in less than 30 minutes.

There being no further business, the meeting was adjourned.



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

ATTEST:



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

City of Lake Wales  
**COMMISSIONER'S OATH**

"I, Betty Wojcik, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida;

that I am duly qualified to hold office under the Constitution of the State;

and that I will well and faithfully perform the duties of Commissioner for the City of Lake Wales in the office of which I am now about to enter,

So help me God."



A handwritten signature in blue ink, appearing to read "Betty Wojcik", is written over a horizontal line.

Betty Wojcik, Commissioner  
May 3, 2011



City of Lake Wales  
**MAYOR'S OATH**

"I, Michael S. Carter, do solemnly swear that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida;

that I am duly qualified to hold office under the Constitution of the State;

and that I will well and faithfully perform the duties of Mayor for the City of Lake Wales in the office of which I am now about to enter,

So help me God."



A handwritten signature in blue ink, reading "Michael S. Carter", is written over a horizontal line.

Michael S. Carter, Mayor  
May 3, 2011