

The regular meeting of the Lake Wales City Commission was held on May 17, 2011 at 6:30 p.m., immediately following the City Commission Workshop Meeting, in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Michael S. Carter.

#### **INVOCATION**

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

#### **PLEDGE OF ALLEGIANCE**

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

**COMMISSIONERS ABSENT:** None.

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

#### **MAYOR**

#### **Agenda Item 5. PROCLAMATIONS**

Mayor Carter read the following proclamations:

#### **Lake Wales World Champion Day; May 17, 2011 ✓**

Mayor Carter presented those members of the Lake Wales High School Spanish Club who were present with a proclamation for placing first in the World Language Competition.

#### **Library Appreciation Month; May 2011 ✓**

Library Director Tina Peak accepted the proclamation.

#### **✓ Memorial Day; May 30, 2011**

Commander Ed Cameron of the VFW Post #2420 accepted the proclamation.

#### **✓ National Safe Boating Week; May 22-30, 2011**

Flotilla Commander of the Public Affairs Officer for Flotilla 74 of the United States Coast Guard Auxiliary was present to accept the proclamation.

#### **✓ Neurofibromatosis Awareness Month; May 2011**

No one was present to accept the proclamation.

#### **✓ Addendum: Small Business Week; May 15 – 21, 2011**

Commissioner Wojcik accepted the proclamation on behalf of "Small Business Week."

#### **✓ APPROVAL OF MINUTES**

#### **Agenda Item 6. Approval of Minutes: May 3, 2011, Regular Meeting**

Commissioner Howell 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 Rogers.

By Voice Vote:

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

The motion carried 5-0.

## **NEW BUSINESS**

### **Agenda Item 7. Resolution 2011-06 – Land transfer to DOT – Scenic Highway Triangle**

The full staff memo is incorporated into the minutes.

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

## **SYNOPSIS**

Last November, the City Commission agreed to transfer title to a portion of the open space triangle at the Scenic Highway and Lincoln Ave. to the Florida Department of Transportation for a storm water retention area. The preliminary design, which will save some existing trees and create an attractively landscaped retention area, requires about 2,000 square feet more land than originally estimated. The resolution authorizes the Mayor to sign documents to transfer title of up to 12,000 square feet of land area. It also eliminates the requirements for an access easement and maintenance agreement. FDOT will construct, own, and maintain the retention area.

## **RECOMMENDATION**

Adoption of Resolution 2011-06.

## **BACKGROUND**

Construction of a retention area at Lincoln Ave. and the Scenic Highway is proposed by the Florida Department of Transportation (FDOT) as part of the project to resurface the Scenic Highway from Mt. Lake Cutoff to Ray Martin Rd. in 2012-2013. The retention will improve drainage in the area and provide for runoff from new sidewalks.

The City Commission agreed in concept last November to transfer title to a portion of the open space triangle at the Scenic Highway and Lincoln Ave. to the FDOT for the retention area. (Ref. Resolution 2010-25, attached.) FDOT will construct and maintain the retention area.

Since the passage of the resolution, the FDOT has worked with the Planning Department and landscape architect Marshall Whidden on a preliminary design for the retention area and plantings. The design improves the aesthetics of the retention area, allows for the preservation of a group of pine trees, and proposes attractive landscaping and sidewalks. The proposed improvements are shown on the "Roadway Plan Sheet 26," attached.



*The retention pond design allows for the preservation of a group of pine trees. Additional trees will be planted by FDOT as part of the project.*

The portion of East St. along the west side of the triangle will be closed as approved in Resolution 2010-25. The FDOT will remove the pavement and install sod. Some trees will be planted as part of the project, although the number and type have not yet been determined, and the irrigation system will be replaced. It is anticipated that staff will request tree replacement funds for additional trees once the FDOT planting commitment is determined.

There will be sidewalks on all three sides of the triangle. The sidewalks on the Lincoln Ave. and East St. sides of the triangle will be reconstructed, and a new sidewalk will be constructed along the Scenic Highway.

Specifically, Resolution 2011-06 will accomplish the following:

1. Increase the maximum amount of land to be transferred to DOT from 10,000 to 12,000 square feet based on the preliminary design.
2. Authorize the Mayor to sign documents for the transfer of title.
3. Eliminate the requirement for an access easement and maintenance agreement. Access for construction will be via the Scenic Highway and Lincoln Ave. The FDOT will own and maintain the retention area.

Lake Wales will benefit from a number of improvements along the Scenic Highway under the resurfacing project, scheduled for construction in 2012-2013. Over 6,000 feet of sidewalk will be constructed between Mt. Lake Cutoff and Ray Martin Rd. Pedestrian crossings at intersections will be upgraded for safety and handicapped access. In addition, the FDOT has determined that sufficient right-of-way exists for the addition of a turn lane from the Scenic Highway at Florida Ave. as part of the project.

## **OTHER OPTIONS**

Decline to authorize the transfer of additional land and revert to the prior retention area configuration. This option will not allow the use of the plan by Marshall Whidden for an attractively shaped retention area and the preservation of existing trees.

## **FISCAL IMPACT**

Costs to the City for mowing will be reduced; DOT will maintain the retention area. Sidewalks will be constructed by DOT along the triangle at no cost to the City.

[End agenda memo]

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

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, AUTHORIZING THE MAYOR TO SIGN DOCUMENTS FOR THE TRANSFER OF TITLE TO A PORTION OF THE CITY-OWNED TRIANGULAR**

**OPEN SPACE AREA AT THE INTERSECTION OF LINCOLN AVENUE AND THE SCENIC HIGHWAY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION AND MAINTENANCE OF A STORM WATER RETENTION AREA; PROVIDING FOR AN EFFECTIVE DATE.**

Ms. Swanson reviewed Agenda Item 7.

Commissioner Thornhill asked if it was budgeted and Ms. Swanson said it was.

Commissioner Howell asked if the retention area would solve the flooding problem in the nearby trailer park. Ms. Swanson said the retention area would improve the drainage, though they can't guarantee it will never flood there again because the trailer park is in a very low area.

Commissioner Rogers made a motion to adopt Resolution 2011-06. The motion was seconded by Commissioner Howell.

Roll Call Vote:

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

The motion carried 5-0.

**Agenda Item 8. Resolution 2011-07 – Request to Polk County for Sidewalk Construction**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

The resolution requests Polk County to construct certain sidewalks needed "to better serve public facilities and provide safe routes for pedestrians along County Roads." Based on a recommendation from the Bicycle Pedestrian Advisory Commission, sidewalks are requested along portions of 11<sup>th</sup> St. South, Buck Moore Rd., W. Central Ave. (west of US 27), Washington Ave. (east of US 27), Burns Ave., and Chalet Suzanne Rd. The resolution also states a continuing commitment on the City's part to upgrade and extend City sidewalks and offers support to the County on the requested projects as feasible.

**RECOMMENDATION**

Staff recommends the approval of Resolution 2011-07 and its transmittal to the Polk County Commission.

At their meeting on March 3, 2011, the Bicycle/Pedestrian Advisory Commission (BPAC) voted unanimously to recommend that the City Commission make a request to Polk County for construction of sidewalks along several roadways as set forth in the proposed resolution.

**BACKGROUND**

There are a number of County roads within the City limits where there are no sidewalks or there are gaps in existing sidewalks. The resolution is a formal request from the City Commission to Polk County to address specific deficiencies on County Road 17B (11<sup>th</sup> St. S. and Buck Moore Rd.), County Road 17A (Chalet Suzanne Rd. and Burns Ave.) and Washington Ave. west of the City limits.

A sidewalk is also requested on W. Central Ave. (formerly a County road) to provide a safe pedestrian route on the west side of US Highway 27 to the new County Health Department building.

The first three projects (11<sup>th</sup> St. S., W. Central Ave. and Buck Moore Rd.) are the most feasible in the short term. There are difficult issues to be resolved on the other projects. Additional information about each request is attached ("List of Sidewalk Needs, County Roads").

The resolution pledges the City to continuing the expansion and upgrade of its sidewalk system, and to assist the County as feasible, but does not commit to any specific expenditure.

Although the City has limited means to contribute directly toward the projects requested, some funds have been set aside for sidewalks. Developers are required to construct sidewalks within their developments and along exterior frontages or make payments in lieu to the sidewalk fund. These funds are very limited and should be used to address gaps in the system. For instance, there is a gap in the sidewalk along Grove Ave. along the frontages of four houses just east of 11<sup>th</sup> St. South.

At least one contribution to the fund is restricted; there is \$10,000 being held by the City for a sidewalk along the Carlsberg frontage on Chalet Suzanne Rd. This money would cover the cost of only about a quarter of a sidewalk along the frontage, but might be contributed towards sidewalks when the County widens and upgrades Chalet Suzanne Rd.

A number of improvements have been made to City sidewalks in recent years, including the sidewalk along the north side of W. Central Ave. from MLK to US Highway 27 and new sidewalks in the area around the Legion Field. An annual program of sidewalk upgrades has been instituted by the Streets Department.

#### **OTHER OPTIONS**

Make no request to Polk County at this time.

#### **FISCAL IMPACT**

The resolution does not commit the City to any expenditure. However, if the County constructs a sidewalk on W. Central Ave., the City would be responsible for maintaining it.

[End agenda memo]

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

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, REQUESTING POLK COUNTY TO CONSTRUCT SIDEWALKS IN AND AROUND LAKE WALES TO BETTER SERVE PUBLIC FACILITIES AND PROVIDE SAFE ROUTES FOR PEDESTRIANS ALONG COUNTY ROADWAYS AND COMMITTING THE CITY TO PROVIDING ASSISTANCE ON SIDEWALK PROJECTS TO THE EXTENT FEASIBLE.**

Ms. Swanson reviewed Agenda Item 8.

Commissioner Thornhill asked what the width of the sidewalks would be and Ms. Swanson said five feet wide. Commissioner Thornhill asked if that would accommodate bicycle traffic and Ms. Swanson said a five foot wide sidewalk is not considered to be for multi-modal usage and so is not geared for bicycle traffic, though children are allowed to ride on them. Commissioner Thornhill asked if there would be another connection on Buck Moore, south of Sunset to Thousand Roses, and Ms. Swanson said the request was for the east side of Buck Moore Road, from Grant Road at Sunset Pointe subdivision and south to SR 60. The property on the west side is undeveloped but sidewalks will be required whenever it is developed. Commissioner Thornhill said he received complaints that the sidewalk on the west side of Buck Moore was cracked and has shifted, making it difficult for scooters to travel on. Ms. Swanson said

she was unaware of those complaints and would check on them. Commissioner Thornhill asked if the new sidewalks would be reinforced because people will ride bikes on them anyway and there will also be scooter traffic. He said it may be better to pay a little more up front and get something more durable and needing less maintenance.

Commissioner Howell commented that they should try to get a grant from the County to make the entrance to the City on Washington Avenue look nicer.

Commissioner Howell made a motion to adopt Resolution 2011-07. The motion was seconded by Commissioner Wojcik.

By Voice Vote:

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

The motion carried 5-0.

**Agenda Item 9. Resolution 2011-08, Amendment of the City of Lake Wales Local Commercial Rehabilitation Policy**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Harold Gallup, Economic Development Director]

**SYNOPSIS**

Resolution 2011-08 will amend the City of Lake Wales Local Commercial Rehabilitation Policy as adopted on December 16, 2008 by the City Commission to address expenditures for roof repairs on privately-owned commercial property.

**RECOMMENDATION**

City Staff recommends the following motion: "The City Commission authorizes the Mayor to execute Resolution 2011-08 for the purpose of adding "Exhibit B" to allow the expenditure of CDBG funds on the roof of a privately-owned commercial building only after rehabilitation of the façade.

**BACKGROUND**

The City Commission adopted a policy for "Local Commercial Building Façade Program for Community Development Block Grant projects on December 16, 2008. The program has amended some requirements and the language incorporated by "Exhibit B" allows the City to include roofing elements in the funding program after a rehabilitation of a façade is undertaken. This will provide greater flexibility for some future commercial revitalization projects.

**CURRENT FISCAL IMPACT**

None.

[End agenda memo]

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

**RESOLUTION OF THE CITY COMMISSION OF LAKE WALES, FLORIDA, AMENDING THE "LOCAL COMMERCIAL BUILDING FAÇADE PROGRAM POLICY" TO BE USED IN CONJUNCTION WITH FUNDING FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

Mr. Gallup reviewed Agenda Item 9.

Commissioner Howell made a motion to adopt Resolution 2011-08. 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 10. Resolution 2011-09, Qualified Target Industry Tax Refund in a rural area requesting Waiver of Local Financial Support – PalletKraft North America, Inc.**

Full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Harold Gallup, Economic Development Director]

This is a request for a resolution of support for the project as required by Enterprise Florida for securing State Incentives including Industrial Bond Financing for the Project.

**RECOMMENDATION**

City Staff recommends the following motion:

The City Commission approves Resolution 2011-09 recommending that Palletkraft North America, Inc. be approved as a Qualified Target Industry Business to provide for incentives qualification as a Rural Community which would include Industrial Revenue Bonds for the Project.

**BACKGROUND**

This is a project that is considering a number of locations in the United States including Lake Wales, Florida. The State and Polk County have available incentives for finance, employee training, and Qualified Tax Refund for above wage package as part of the overall inducement program for attracting industry. This project, although uncommitted at this writing, has had the first round of project approvals with the County for Industrial Bond Financing. We are working with Central Florida Development Council and Enterprise Florida on the incentive package. The requested Resolution is part of that process for allocation of inducements by the State and County.

**CURRENT FISCAL IMPACT**

At a minimum, we can expect a \$5 million capital investment. In year 1, we can anticipate 60 jobs with a direct payroll of \$3.1 million. By year 3, we can expect 302 jobs with a payroll in excess of \$10 million. The community will experience by year 3 a \$1.4 million general commercial impact in additional goods and services purchased.

[End agenda memo]

Ms. VanBlargan read Resolution 2011-09 by title only.

**A RESOLUTION BY THE CITY COMMISSION OF LAKE WALES, FLORIDA, RECOMMENDING PALLETKRAFT NORTH AMERICA, INC., BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO S.288.106, FLORIDA STATUTES; AFFIRMING THE SITE OF THIS PROJECT IS WITHIN A DEFINED RURAL AREA; REQUESTING A WAIVER OF LOCAL FINANCIAL SUPPORT; PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Gallup reviewed Agenda Item 10.

Commissioner Rogers, after declaring a financial conflict of interest because he represented the buyer, Palletkraft North America, in the transaction, excused himself and left the room.

Commissioner Wojcik asked for a review of the revised changes and Mr. Gallup said the changes were not required text in the City's resolution.

Commissioner Thornhill said he thought it was a good thing.

Commissioner Wojcik asked for confirmation that industrial revenue bonds will not obligate the City for repayment of the debt and Mr. Gallup confirmed and explained the process.

Mayor Carter asked for confirmation that the City was simply saying we support this economic development and Mr. Gallup said they would be endorsing the project, recognizing it as part of the target industry program established by the State.

Commissioner Howell asked for confirmation that the average salary was expected to be \$25.45 an hour and Ms. Delmar asked if that rate included benefits. Mr. Gallup confirmed both. Commissioner Howell asked if they would be filling the positions with Lake Wales' citizens or if they would be bringing people in to fill them. Mr. Gallup said that all but the top five or six people would be generated from Lake Wales and the surrounding cities. Commissioner Howell said it would be great for the community if we could get them here. Mr. Gallup said it would be a worldwide headquarters, that everything they need will be produced in this facility, and all training will be done there. Commissioner Howell asked where Lake Wales ranked among the other competing states and Mr. Gallup said he thought Lake Wales was in good standing and that they will be making their decision within the next 60 days.

Commissioner Wojcik asked if anything else needed to be done that would help Lake Wales' chance. Mr. Gallup said it was up to what incentives Florida can offer and that he thought the logistics were working in our favor.

Mayor Carter asked if Mr. Gallup thought the State of Florida had the tools to be able to offer competitive incentives as compared with states like California and Texas. Mr. Gallup said he was lead to believe we would not come up short.

Commissioner Wojcik made a motion to adopt Resolution 2011-09. The motion was seconded by Commissioner Howell.

By Voice Vote:

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



The motion carried 5-0.

**Agenda Item 11. RFP for Solid Waste Collection/Disposal Service**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Dorothy Pendergrass, Finance Director and Bonnie Hodge, Purchasing Director]

**SYNOPSIS**

Staff is seeking proposals for solid waste collection/disposal service.

**RECOMMENDATION**

It is recommended that the City Commission approve the Request for Proposal #11-335, Solid Waste Collection/Disposal Service.

**BACKGROUND**

Staff has prepared Request for Proposals #11-335 for the City Commission's review. After approval, staff will advertise in Lakeland Ledger and the proposal will be posted on the City's website.

[End agenda memo]

Commissioner Wojcik said Ms. Pendergrass did a good job with the negotiations. She said the City needs to do all it can to encourage residents to recycle more because the less garbage generated, the more the reduction of cost for everyone over time. She added that she liked the provisions in the contract to be able to lower the City's cost due to things like recycling.

Commissioner Thornhill said he was very pleased with the contract and would move to renew.

Commissioner Howell said her main concern was the 7-year term, though she understood that the longer the term, the lower the cost to citizens. She was glad that many of the problems they had in the past with the company were worked out through the negotiation process and she hopes the company will do better in addressing complaints. Ms. Pendergrass said that was their intention. The new system will allow staff to be able to log complaints correctly, track them, and eliminate some of the confusion when customers call saying they have not gotten resolution from Florida Refuse. With the new system staff can go directly into the system and check the progress of the claim without having to deal with calls or emails to Florida Refuse to get the information.

Commissioner Howell said that when they first started the recycling program, they were given a list of recyclable items. She asked if residents could be given a flyer so they can be reminded of what things are recyclable and also gain such information as whether they have to rinse cans and milk jugs out. Mark Talbot, General Manager, said the list has expanded since then and they even recycle things like pots and pans. He said they can do a PR blitz, whether flyers or something more creative.

Ms. Pendergrass said the new contract puts the responsibility for recycling on both parties now. Florida Refuse will make money off of recycling and the City will save money by recycling. As the amount of recycling increases, the tonnage going to the landfill decreases, which results in a lower cost to the City because the contract gives the City the right to negotiate each year to reduce that fee. She also explained the "Pay As You Throw" program and said that at some point this might be considered. Residents would pay less for less trash generated and more for more generated, though this would not change the overall dollars collected for disposal of solid waste.

Mayor Carter asked Ms. Pendergrass what she meant by saying the City could negotiate each year because he thought we would be locked in for the seven years. Ms. Pendergrass explained that she was not talking about negotiating for a term extension but that there is a clause in the contract stating that if the cost of doing business for Florida Refuse goes down, the city has a right to negotiate to lower what it pays. There would be no need for negotiations to prove their savings on tipping fees because staff will know the tonnage used, and there is a set tipping fee. But staff would have to negotiate and work towards a solution on things like, for example, savings from using different types of trucks, because it would be harder to prove.

Commissioner Wojcik asked if they would negotiate things like that on an annual basis. Ms. Pendergrass said the contract does not specify. They can negotiate at any time but she would not want to do it more than annually because there is another clause that says the City can also recap on increased recycling. She said she was going to ask for an update from them because tipping fees have gone up to \$37 per ton and yet the contract still says we can only recapture \$25 per ton on increases in recycling.

Ms. Pendergrass asked if the Commission was referring to Option 2, \$13.07 per resident and it was.

Mayor Carter asked if it was known how many residents would be affected if garbage was not picked up in the alleyways. Ms. Delmar said she did not know off-hand but it would affect the historic downtown core area as they all have alleyways and no alleyways were constructed after 1960. Commissioner Thornhill asked if removing alleyway pick up was negotiable. Ms. Pendergrass said we would get the benefits of the new changes right away but we would be allowed to slowly implement the pickup alleyway changes, though those changes would only apply to residential alleys. She said it won't be a blanket change and they plan on educating and informing citizens affected before any changes are made, to make sure citizens understand. Staff will evaluate each alleyway to determine if there are safety, health or other issues related to removing residential alleyway pickup. For examples, the pickup in areas right next to business districts would not be eliminated because of traffic issues; and neighborhoods on a steep slope, making it difficult for residents to roll their totes out front, may be exempt. She said they may not get it right at first because after the alleyway collection is stopped, they may discover something they did not know, but they definitely will try to understand the affects of the changes before making them. Commissioner Wojcik asked for confirmation that pickup for businesses would remain in the alleyways and Ms. Pendergrass confirmed. Mayor Carter asked for confirmation that Florida Refuse would have the right trucks to get into the alleys where pick-up remains and it was confirmed.

#### **OPENED TO PUBLIC COMMENT**

Christopher Lutton, 4375 Pine Street, made the following comments:

- He did not think it was fair for the general public to subsidize those who get their garbage picked up in the alleys.
- He did not think it was wise to create an educational flyer that will end up in dumpsters or recycling bins. He asked that it be put on the monthly water bill instead. Mayor Carter asked if it was possible to include the notice on the water bill and Ms. Pendergrass said it could be printed on each monthly water bill inexpensively or a flyer could be inserted into the same envelope. She said the more the public is educated as to the actual dollar benefit to them for recycling, the more the public may choose to recycle, which hopefully will lead to the reduction in prices.
- He said Florida Refuse has always been responsive and has given the community good service.

#### **CLOSED TO PUBLIC COMMENT**

Mayor Carter said in response to Mark Talbot's comment at the workshop that there were no other companies in Polk County to provide the service, during the break someone said there were other companies in Polk County that could provide the service. Mr. Talbot explained that his company was the only company in Polk County with commercial rear and front loaders and automated service.

Commissioner Thornhill made a motion to move forward with Option #2, \$13.07 per resident, for Florida refuse. The motion was seconded by Commissioner Wojcik.

By Voice Vote:

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

The motion carried 5-0.

## **Agenda Item 12. Disposal of Surplus Property**

The full staff memo is incorporated into the minutes.

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

### **SYNOPSIS**

Staff is seeking approval to dispose of surplus vehicles and equipment identified on the Schedule of Surplus Equipment and post them for auction on GovDeals.com.

### **RECOMMENDATION**

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

1. Authorize disposal of items identified in Schedule of Surplus Equipment 5/17/2011.
2. Authorize staff to post surplus vehicles and equipment on GovDeals.com.
3. Determine that any items not purchased at Public Auction be considered as having no commercial value and authorize the disposal of these items by sale as scrap or by disposal as deemed appropriate by the City Manager.

### **BACKGROUND**

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

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

Property, the value of which the City estimates to be under five thousand dollars may be disposed of in the most efficient and cost-effective means as determined by the City Commission. In this case, the most practical way to dispose of surplus items will be post the vehicles and equipment on GovDeals.com for auction.

Equipment for which the initial purchase price equals or exceeds \$750.00 is listed on the following schedule:

### SCHEDULE OF SURPLUS VEHICLES & EQUIPMENT 2011

| Asset #  | Year/Description                 | Vin#/Serial #     | Odometer/Hrs | Condition              |
|----------|----------------------------------|-------------------|--------------|------------------------|
| 1210275  | 2000 Ford Taurus                 | 1FAFP55U3YA115170 | 60,264       | Runs                   |
| 2120210  | 1993 Ford Ranger                 | 1FTCR10AXPUD45850 | 127,907      | Runs                   |
| 2120251  | 2000 Ford Crown Victoria         | 2FAFP71W9YX199408 | 117,493      | Runs                   |
| 2120252  | 2000 Ford Crown Victoria         | 2FAFP71WOYX199409 | 127,667      | Runs                   |
| 2120260  | 2004 Ford Mustang                | 1FAFP42X74F185552 | 82,992       | Runs                   |
| 2200712  | 2004 Horton Hauler Trailer       | 5F2B1202241016193 | N/A          | Excellent              |
| 3610331  | 1997 Ford F150                   | 1FTDF1722VNC03673 | 120,142      | Runs                   |
| *3610421 | 1996 Ford F350-XL                | 3FEDF37G9VMA16236 |              | Runs                   |
| 3620336  | 1995 Ford F-150                  | 1FTEF15YXSNB21679 | 105,795      | Runs                   |
| 3620500  | 1998 Crosley Trailer             | CTL820000WS009784 | N/A          | Air brakes need repair |
| 4110324  | 2000 Ford F-150                  | 1FTZF1729YNB27030 | 65,799       | Fair                   |
| 7210020  | 1995 John Deere F725             | MOF725X051959     | 1635         | Does not run           |
| 4110416  | 1983 Ford F-700 Dump Truck       | 1FDNF70HEDVA29483 | 37513        | Runs                   |
| 4110413  | 1985 Ford F-700 Dump Truck       | 1FDNF60H6FVA18426 | 35886        | Runs                   |
| 7210005  | 2001 John Deere 1445             | TC1445DO41360     | 1640 Hrs     | Blown engine           |
| 7210025  | 1993 20' Alamo Mower             | 49026             |              | Runs                   |
| 7210409  | 1985 Ford F-700 Dump Truck       | 1FDNF7041FVA58242 | 118647       | Runs                   |
| 60300    | 1992 Ford Ranger                 | 1FTCR10AXNUC07593 | 72867        | Runs                   |
| 10720    | 1993 500 Gal. Bean Sprayer       | 44845-35          |              | No boom or pump        |
|          | All Terrain Utility Tires/Wheels | Mud Lite          |              | New                    |
|          | 1990 Honda 4 Wheeler             | 478TE1705LA000612 |              | Needs battery, brakes  |

\* The Care Center has an interest in this truck. We are declaring it as surplus and may dispose of it as a donation to the Care Center.

#### FISCAL IMPACT

Proceeds from the public auction will be deposited into the general fund, utilities fund, or transportation fund as applicable.

[End agenda memo]

Ms. Hodge reviewed Agenda Item 12.

Commissioner Howell disagreed with the auctioning off of the 2000 Ford Taurus and the 2004 Mustang and wanted to know why they couldn't be used by another department that needs a vehicle. Ms. Hodge said the auctioning of the Mustang was debatable because it was grant funded and Chief Velasquez is checking to see if it can be disposed of that way. The department heads identified equipment in their departments that were not used anymore. She said she emailed the list to the different departments and she did not know of a department that could use the vehicles. City Manager Judith Delmar asked if those cars had high maintenance costs and Ms. Hodge said the Mustang did. Ms. Howell said that she rode back from Bartow in a pool car not long ago with two city employees and the air-conditioner did not work. Ms. Delmar asked if all the cars had been evaluated for possible replacement of pool cars. Ms. Hodge said no one told her there was an issue with the pool car or she would have had it fixed, but it is mainly used for things like picking up the mail from the post office. Commissioner Howell recommended swapping the pool car with the Ford Taurus because it only has 60,000 miles on it and no one should

have to drive a car without air-conditioning in Florida. Ms. Hodge said she would check the maintenance record on the Taurus and see if it is better than the one being used.

Commissioner Howell asked if the 2004 hauler trailer could be used by the Streets or Parks Departments to haul equipment. Ms. Delmar said this was not that type of trailer. It is a travel trailer and Fire Chief Jerry Brown said it had been a mobile command unit but was not in use anymore. He said it would take a lot of work before another department could use it.

Commissioner Thornhill said that hopefully money will come back to the city from these bids. He thought the truck donation to the Care Center would be a good thing.

Commissioner Howell made a motion to

1. Authorize disposal of items identified in Schedule of Surplus Equipment 5/17/2011 subject to review and substitution, if feasible.
2. Authorize staff to post surplus vehicles and equipment on GovDeals.com.
3. Determine that any items not purchased at Public Auction be considered as having no commercial value and authorize the disposal of these items by sale as scrap or by disposal as deemed appropriate by the City Manager.

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 13. Property & Casualty Insurance Renewal**

The full staff memo is incorporated into the minutes.

[Begin agenda memo, prepared by Sandra Davis, Human Resources Director]

#### **SYNOPSIS**

The Commission will consider renewing the City's Property & Casualty Insurance coverages with Public Risk Management (PRM) and bind coverage by June 17, 2011.

#### **RECOMMENDATION**

Staff recommends that the City Commission take the following action:

1. Accept the renewal proposal and grant permission to bind the Property & Casualty Insurance Program with PRM (Public Risk Management).
2. Authorize the City Manager to execute all applicable contract documents.

## BACKGROUND

Public Risk Management of Florida (PRM) is a risk management and self-insurance pool made up of over 50 governmental entities in the State of Florida. Their objectives are to lower costs, enhance coverage, continue with outstanding claim and loss control services, maintain stability for members, sustain self governance by members and continue professional and timely service.

Staff has received a renewal proposal from PRM representing a 1% reduction in last year's premium. We are asking that the Commission grant approval to renew property & casualty insurance coverage with PRM without going out to bid.

There are factors fueling this request to bind coverage in June instead of later in the year. Mainly, the last thing we want is to shop for property coverage in the middle of hurricane season. According to reports, hurricane season is predicted to be above average in activity. To be exact, 16 named storms, 9 hurricanes, 5 "major" hurricanes (category 3 or above). For that reason, property insurance rates may increase due to hurricanes. We are also told that many insurers have already suffered catastrophic losses in excess of their estimates for the year.

An example of the benefits of participating in an insurance pool is the overall effect of claims. For example, the total loss for PRM's crimes coverage this year is a \$475,000 claim (the City's loss). This resulted in a crimes coverage renewal rate increase of 75% from 20,000 to 35,000. PRM is able to spread this increase throughout the pool instead of the city suffering the entire increase in premium by itself.

PRM offers Workers' Comp coverage that is at a reduced rate over the NCCI (National Council on Compensation Insurance) State rates used by standard carriers, which is where the City would look for quotes on workers' comp if we leave PRM.

The last time the Property & Casualty Insurance was put out to bid, we received two bids and PRM was the low bidder.

### Benefits Provided by PRM

- **Loss Prevention Services:** On site loss prevention services are offered to assist members in setting up safety and loss prevention programs, as well as employment practices.
- **Risk Management Service:** PRM staff reviews contracts, leases, use agreements and certificates of insurance. A Risk Management manual is provided to each member as a resource for the best risk management practices.
- **Educational Seminars:** Are provided to members focusing on the needs of the public sector.
- **Risk Management Information Reports:** Loss reports are provided on a monthly basis to keep members informed about claims activity. They are broken down by type of claim and department.
- **Self Governing By Board:** PRM is self governed by its members. Each member has a representative on the Board of Directors and it is the Board that sets policy for PRM and it is upheld and administered by the Executive Board.
- **Employment Practices Liability Hot Line:** A Pre-Defense Review Service is provided by a recognized law firm for advice and guidelines to prevent possible claims and litigation in labor and employment law issues.
- **Law Enforcement Hot Line:** A Pre-Defense Review Service on a 24-hour basis for law enforcement related critical incident matters. The primary object is to provide police supervisors with immediate loss prevention including the need for on-scene legal advice on all critical incidents. Expert legal counsel on law enforcement matters provides this service.

## **FISCAL IMPACT**

None, at this time. However, it will have a positive impact on next year's budget.

## **OTHER OPTIONS**

Don't accept the renewal proposal from PRM

[End agenda memo]

Ms. Davis reviewed Agenda Item 13.

Commissioner Thornhill said he was amazed that the City could get a 1% reduction in this tight economy.

Commissioner Thornhill made a motion to accept the renewal proposal and grant permission to bind the Property & Casualty Insurance Program with PRM (Public Risk Management); and to authorize the City Manager to execute all applicable contract documents. 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 14. Lease Agreement Extension for Polk Workforce Development Board, Inc. d/b/a Polk Works at the James P. Austin, Jr. Community Center**

The full staff memo is incorporated into the minutes.

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

## **SYNOPSIS**

The extension of the lease agreement will allow Polk Works to continue the Young Leaders program at the James P. Austin, Jr. Community Center until June 30, 2012.

## **RECOMMENDATION**

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

1. Approve an extension of the lease agreement with Polk Workforce Development Board, Inc. d/b/a Polk Works to operate the Young Leaders program at the James P. Austin, Jr. Community Center for a term expiring June 30, 2012.
2. Authorize the City Manager to execute the agreement.

## **BACKGROUND**

Removing obstacles to employment will take a community effort, with representatives from many sectors including churches, government, businesses, education, and job training agencies. The Young Leaders

program provides academic support and employment training to adults between the ages 16 and 21 who reside in Polk County. The program is free to those who qualify and assists youth in gaining the necessary academic and workplace skills needed to become successful as they move into adulthood.

The tenant agrees to use the property for the sole purpose of operating the employment and training program for adults and children. It will operate Monday through Friday. Designated office space shall be utilized from 8:00 a.m. until 5:00 p.m. There is no usage fee required of this tenant. There may be additional fees charged at the regular inside-city rate for any special events sponsored by Polk Works that take place at the center outside of the regular operating hours.

The City Commission approved an annual lease with Polk Works since June 2007.

### **FISCAL IMPACT**

There is no cost to the City if this lease is approved.

### **OTHER OPTIONS**

Deny approval of the lease agreement; however, by not approving the agreement, this organization will need to find another facility to run this program.

[End agenda memo]

Ms. VanBlargan reviewed Agenda Item 14.

Commissioner Howell made a motion to approve an extension of the lease agreement with Polk Workforce Development Board, Inc. d/b/a Polk Works to operate the Young Leaders program at the James P. Austin, Jr. Community Center for a term expiring June 30, 2012; and to authorize the City Manager to execute the agreement. 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 15. Request for \$2500 from Tree Replacement Fund for Soccer Park**

The full staff memo is incorporated into the minutes.

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

### **SYNOPSIS**

Trees were recently planted along the parking lot at the Multi-purpose Sports Complex (Soccer Park) at Hunt Brothers Rd. as an Eagle Scout project by Jarod Edwards. The Parks and Community Appearance Advisory Board recommends that \$2,500 be allocated from the Tree Replacement Fund at Mr. Edwards' request to plant additional trees at the park, along the parking lot and at the playground.

### **RECOMMENDATION**



Staff recommends that \$2,500 be allocated from the Tree Replacement Fund for the purchase of trees to be planted at the Soccer Park on Hunt Brothers Rd. by volunteers organized by Jarod Edwards, with the provision that the planting plan is approved by the Director of Public Works.

The Parks and Community Appearance Advisory Board met on April 25, 2011 and voted unanimously to recommend approval of Mr. Edwards' request.

## BACKGROUND

Jarod Edwards is requesting funding to continue planting trees along the parking lots at the Soccer Park at Hunt Brothers Rd. Mr. Edwards recently completed an Eagle Scout project planting forty-four trees in a buffer between the parking area and the fields. Most of the trees are pines and a half dozen are bald cypress. Picnic tables were also added.



The completed plantings run along the south side of the soccer fields and partway up the east side of the fields. If the funds are approved, trees will be planted along Hunt Brothers Rd. on the south side of the parking area and additional trees will be planted on the east side of the fields. Shade trees are also proposed for the playground area. Approximately 45 trees will be planted with the requested funds.

Mr. Edwards has committed to watering the trees until they are established.

Staff recommends that the funds be contingent upon the approval of the planting plan by Public Works Director, Tom Moran.

There is approximately \$74,000 in the Tree Replacement Fund. Fourteen thousand dollars of that has been approved for two projects:

- \$8,000 for tree planting at Kiwanis Park – to be undertaken this summer
- \$6,000 for tree pruning and protection in conjunction with the tree maintenance grant (\$18,000 for tree pruning in Lake Wailes and Crystal Lake Parks) – quotes are being requested for a contract award in June.

Tree Replacement funds are received from developers in compensation for removing trees for construction and can be used for planting and tree protection/maintenance on public property. The initial funds came from Lowe's. The requirement to replace trees or pay into the fund motivates developers to lay out their site to preserve existing trees.

Other projects accomplished with Tree Replacement funds:

- Urban Forestry grant matching funds (\$4,790) for 30 trees along the Lake Wailes Trail
- Planting of 13 oak trees along Central Ave. between the Scenic Highway and Lakeshore Blvd. (\$4,700)

- Tree inventory, evaluation, and data base for Lake Wailes, Crystal Lake, and North Lake Wailes Parks (\$5,340).

## OTHER OPTIONS

Decline the allocation of the Tree Replacement funds.

## FISCAL IMPACT

There may be an increase in irrigation costs at the Soccer Park if drought conditions continue and the trees need to be watered for an extended period.

[End agenda memo]

Ms. Swanson reviewed Agenda Item 20.

Commissioner Howell made a motion to allocate \$2,500 from the Tree Replacement Fund for the purchase of trees to be planted at the Soccer Park on Hunt Brothers Road by volunteers organized by Jarod Edwards, with the provision that the planting plan is approved by the Director of Public Works. The motion was seconded by 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 16. Appointment – Lake Wales Charter School Board of Trustees, Seat 2

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 voting representative to the Lake Wales Charter Schools, Inc. Board of Trustees, Seat 2.

## RECOMMENDATION

It is recommended that the City Commission appoint a City Commissioner or someone from the Community to serve as the Seat 2 voting member on the Lake Wales Charter Schools, Inc. Board of Trustees for a three-year term beginning July 1, 2011.

## BACKGROUND

The purpose of the Lake Wales Charter Schools, Inc. Board of Trustees is to improve student learning and academic achievement with the use of innovative learning methods in compliance with Section 1002.33, Florida Statute (2002), providing for the establishment of charter schools in Florida.

Membership of the Board consists of the public charter schools within the System. Because of their commitment to Lake Wales Charter Schools, the City of Lake Wales shall select a member for Seat #2 of the Board of Trustees. There are seven volunteer voting members, plus one non-voting teacher member, for a total of eight Trustees. The Board members should have the credibility and respect of the community, reflect the diversity present in the community, and be qualified in terms of training, education, and experience.

Meetings are held annually between May 15 and June 1.

The person appointed by the Commission will take the place of Commissioner Howell who may not serve another term because of the board's term limit rule.

#### **OPTIONS**

If the City Commission chooses not to appoint a representative, the City would not play a vital part of improving student learning and academic achievement of our charter school students.

#### **FISCAL IMPACT**

If the City Commission appoints a City Commissioner to serve as a Trustee member, 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]

Ms. VanBlargan reviewed Agenda Item 16.

Commissioner Wojcik volunteered to serve on this committee because of her involvement with education through her work at the Chamber of Commerce and because of the importance education has to the continued economic vitality of Lake Wales.

Commissioner Rogers made a motion to appoint Commissioner Wojcik to serve as the Seat 2 Trustee member to the Lake Wales Charter School Board of Trustees for a 3-yr term beginning July 1, 2011. The motion was seconded by Thornhill.

By Voice Vote:

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

The motion carried 5-0.

#### **Agenda Item 17. 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 must reauthorize the Citizens Advisory Task Force (CATF) to provide public input for the forthcoming CDBG application. This item was tabled at the May 3<sup>rd</sup> meeting.

## RECOMMENDATION

Staff recommends that the City Commission reauthorize the CATF and appoint at least three persons to serve on the CATF.

## 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. Members at that time were Leon Weech, who no longer lives in the City, 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 whom must be residents of the City. Also, none can be elected officials and no more than one (preferably none) can be a City employee. Citizens who are both eligible and willing to serve are:

|                 |              |                 |
|-----------------|--------------|-----------------|
| Albert Hawkins  | Jerome Mack  | Murray Zacharia |
| Clinton Horne   | Cliff Tonjes |                 |
| Linda Kimbrough | Booker Young |                 |

This was reviewed at the May 3<sup>rd</sup> meeting but tabled to see if there were other interested persons after some publicity. Notices for this committee were placed in both print and social media outlets. With the exception of those named above, no one else has expressed interest.

## OTHER OPTIONS

None.

## FISCAL IMPACT

None

[End agenda memo]

Ms. Nanek reviewed Agenda Item 17.

Commissioner Wojcik made a motion to appoint Jerome Mack, Linda Kimbrough, Cliff Tonjes, Clinton Horne and Murray Zacharia to the Citizens Advisory Task Force.

Commissioner Thornhill recommended appointing all of them because they all volunteered and showed an interest in serving. Mayor Carter said there already was a motion on the floor.

The motion was seconded by Howell.

By Voice Vote:

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

The motion carried 3-2.

**Agenda Item 18.        Pre-Budget Workshop**

The full staff memo is incorporated into the minutes.

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

**SYNOPSIS**

The Commission is asked to schedule a pre-budget workshop to discuss staffing needs, operational priorities and other upcoming budgetary issues.

**RECOMMENDATION**

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

1. Schedule a City Commission pre-budget workshop.

**BACKGROUND**

Mayor Carter requested that the City Manager look into the possibility of setting up an extended workshop or retreat-type meeting where City Commission and staff could discuss staffing needs, operational priorities and other upcoming budgetary issues in an informal setting before work proceeds too far on preparing the budget. The Tourist Club is available for such a meeting on Saturday, June 11<sup>th</sup>.

We should plan to meet for at least three hours, i.e., from 9:00 a.m. until 12:00 noon. If the Commission wishes to meet longer than that, we can continue the meeting after lunch.

A majority of staff and each commissioner has said they can attend a meeting on June 11<sup>th</sup>. The meeting time and place will be published, and public participation will be encouraged.

**FISCAL IMPACT**

There is no facility cost to the City if the workshop is held at the Tourist Club. If the Commission wishes to schedule a morning and afternoon session, we may wish to provide a light lunch (\$50-\$75).

**OTHER OPTIONS**

Schedule the workshop for Saturday, June 18<sup>th</sup> at the Tourist Club. Schedule the workshop on a week night after 5:00 p.m. in Commission chambers.

[End agenda memo]

Ms. Delmar reviewed Agenda Item 18.

Commissioner Wokcik asked why the pre-workshop was to be at the Tourist Club instead of City Hall like all other workshops and Ms. Delmar said they wanted a more informal format to encourage discussion.

Commissioner Wojcik said the directors who could not attend the June 11<sup>th</sup> date could be picked up at a later date and the focus at this meeting could be on those departments that are represented. Commissioner Howell suggested that the directors who cannot attend the June 11<sup>th</sup> meeting should send representatives so there would be only one meeting.

Ms. Wojcik said she thought there was more than one budget workshop and Ms. Delmar explained that this will be a **Pre**-budget workshop and would just lay out concepts. In August they will schedule as many

budget workshops as needed and in September they will have the public meetings. It was also suggested that, rather than going into specifics, long-range plans and general policies should be discussed at the pre-budget workshop.

The consensus was to have the pre-budget workshop on June 11<sup>th</sup> from 9 a.m. to 12:00 p.m. and longer if warranted.

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

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

There were no additions to the Tracking Report.

City Attorney Chuck Galloway announced that the Section 286.011 meeting scheduled to follow the present meeting was extended to June 7<sup>th</sup> following the City Commission meeting and he explained why. For the benefit of the new Commissioner, he explained what Section 286.011 was and how that meeting would proceed.

### **COMMUNICATIONS AND PETITIONS**

There were no comments from the public.

### **CITY COMMISSION COMMENTS**

Commissioner Rogers reported that the insurance check for the lost funds was in the mail. He also commented that the passing of Resolution 2011-09 might help single family mothers and handicapped person in Lake Wales get a good job.

Commissioner Howell asked that the Code Enforcement Department work on making sure that garbage totes are kept behind residential homes except on pickup days. She also commented that future workshops should be scheduled in such a way as not to go past 6 p.m. again because City Commission meetings needed to begin on time. Ms. Delmar said the items for this workshop had already been set before they voted to move the workshop meetings from the second Tuesday of each month to just before each Commission Meeting and from now on only one item would be scheduled for each workshop.

Commissioner Thornhill asked for an update on the state noise ordinance. He explained that the law makes it so law enforcement officers cannot ticket a person for noise in moving vehicles. Police Chief Chris Velasquez said it was disturbing to law enforcement officers. He said he met with the City's attorney to see if the City could use a City ordinance and they are working on a specific statute dealing with noise instead of it being included as just "disturbing the peace". He said he talked with other Police Chiefs who have the same fear; that people will not be able to sleep at night.

Commissioner Wojcik congratulated Chris Velasquez for being hired as Police Chief. She asked Mr. Gallup to explain his plan for Commission tours of the Grand Hotel to take place before the contract deadline, which he did. He explained that he will schedule each Commissioner for either a morning or afternoon tour of the construction site and asked them to give him their time preference.

Mayor Carter asked the Police Chief to tell them what he thinks needs to be done about the loose dog problem in the light of the two recent attacks. Chief Velasquez said he believes the focus should be on educating the public as to their responsibility and liability in owning an animal. He said they need to work closely with Polk County Animal Control because they are trained and equipped to handle any incident and are very responsive. The police will do anything it can to deal with emergencies, and Code Enforcement can seize an animal to turn over to Animal Control, though this will not be their primary responsibility. Mayor Carter asked how citizens would be educated. The Police Chief said they have already started talking with people in public forums and the media has been good about keeping them informed. Commissioner Howell asked how much of a fine a person would receive if their dog bit someone. Chief Velasquez said the dog would be impounded by the County and they have a fee

schedule. Commissioner Howell said many elderly people who walk around the lake are afraid now to do so. She wanted to know if staff could work on a city ordinance making the fine so steep that it works as a detriment to letting their dog loose or walking your dog on a very long leash. City Attorney Chuck Galloway said he would have to check and see if the City is controlled by the County's law.

Jack Neal, 435 E. Central Avenue, complained about bicyclers coming up behind him with no warning while he is walking his dog because he feared his dog may be startled and bite a rider.

Jackie Williams, Bel Ombre Circle, said she was bitten on the Lake Wailes Trail and the owner of the dog was fined \$500. She also said that the Polk County Animal Control Officer told them at the BPAC meeting that a citizen can sign a complaint about a dog that is consistently being let loose and they can give them a warning, if the first time, and after that can give them a stiff citation.

Joey Neas from Babson Park, asked for the City's help with his efforts to raise money to help his best friend's parents pay for funeral expenses after his recent death. He estimated that he needed about \$250 and he received promises of help from Florida Refuse and from the Rotary.

There being no further business, the meeting was adjourned.

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

ATTEST:

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



meeting 5-17-11

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

|  |                       |   |  |
|--|-----------------------|---|--|
| NAME—FIRST NAME—MIDDLE NAME<br><i>Rogers John Paul</i> |                       | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br><i>City Comm.</i>  |  |
| MAILING ADDRESS<br><i>503 S. 9th St</i>                |                       | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:<br><input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |  |
| CITY<br><i>Lake Wales, Fla</i>                         | COUNTY<br><i>Polk</i> | NAME OF POLITICAL SUBDIVISION:<br><i>City of Lake Wales, Fla</i>  |  |
| DATE ON WHICH VOTE OCCURRED<br><i>May 17-2011</i>      |                       | MY POSITION IS:<br><input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE  |  |

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which results to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

2011-288



## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Comm. John Paul Roger, hereby disclose that on MAY 17, 20 11:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

a Real Estate Comm Due to me personally!!

Date Filed

may 17-2011

Signature

John Paul Roger

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OF CIVIL PENALTY NOT TO EXCEED \$10,000.

2011-288A