

The regular meeting of the Lake Wales City Commission was held on November 1, 2011 at approximately 6:02 p.m. in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Michael S. Carter following the Invocation and Pledge of Allegiance.

INVOCATION

The invocation was given by Dr. Jim Moyer.

PLEDGE OF ALLEGIANCE

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

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; Terry Leary, incoming City Manager.

[Meetings are recorded but not transcribed verbatim]

MAYOR

Mayor Carter welcomed the new City Manager, Terry Leary, to city staff and to the city.

Agenda Item 5. Proclamation: American Music Month; November 2011

Mayor Carter read a proclamation proclaiming November 2011 as "American Music Month." No one was present to receive the proclamation.

Agenda Item 6. Discussion of workshop topics

[Begin workshop discussion memo prepared by the Mayor]

DO NOT RESPOND TO THIS LETTER IN WRITING.

To all Lake Wales City Commissioners,

I would like for us to discuss what topics we want to have on future work shop agendas. Below are my thoughts, in priority order. Please think about what you would like to discuss so we can collectively ask staff to include the topics we all want to talk about for future workshop agendas. Thank you.

1. Long term financial plan – how are we going to pay for the 5 year CIP? How do we view debt? How do we feel about raising or lowering taxes and user fees? What's our view on leasing versus borrowing?
2. Economic Development Council (EDC) – is the current method of economic development working for Lake Wales? Should we consider a public/private partnership, an EDC? This discussion should include an update by the Lake Wales Economic Development Partnership stakeholders and time line.
3. Airport – what's going on, or more specifically, why is nothing going on?

4. Police and Fire pension funding – this is the fastest growing item in the city's budget. The city cannot continue funding at this level.
5. City Attorney Evaluation Process – I would like to see us each prepare a written evaluation on the City Attorney, which I understand has never been done in Lake Wales. This would provide an opportunity for commissioners to make recommendations to the City Attorney in areas we feel need to improve.
6. Sign ordinance – do we agree with the recent recommendation of the Economic Development Partnership to not change the current sign ordinance and, specifically, not allow digital signs.
7. Grants – what is our policy on pursuing grants? Included in this discussion, if the commission wants to pursue grants, is allocating money for staff training.
8. Consistent Bid Evaluation procedure. When the commission is presented a bid form for outside contract work, there is never a consistent format. I would like for us to discuss the implementation of a common, consistent bid evaluation form. Something each department head prepares the same way each time so staff has a consistent method to evaluate bids, and the commission has a consistent model for evaluation.
9. Police cars – what is the cost to provide each police officer with their own police car? This discussion would include each car being used by several officers and probably none available to be taken home.
10. Streamlined business permitting process – the Economic Development Partnership, in conjunction with the city, is working on this. What are our thoughts?

DO NOT RESPOND TO THIS LETTER IN WRITING.

[End discussion memo]

Commissioner Rogers requested that any discussion on the airport be postponed until after the airport litigation is settled. He asked City Attorney Chuck Galloway when that settlement would take place. Mr. Galloway explained that he expects the suit to be filed in mid November, there will be a 45 day response time for our attorney, a response time for them, and then four or five months for the court to consider it. At that stage the Commission could schedule a strategy meeting to bring them up to date.

The following workshops were scheduled for the following topics.

December 2011 – Police and Fire Pensions: Commissioner Rogers said the Florida League of Cities plans to introduce a bill regarding Police and Fire Pensions so the Commission needs to stay abreast of the issue. Mayor Carter said legislation was coming from Tallahassee on the subject but it is the opinion of the Florida League of Cities that something can be done locally. He said he was putting together a report that he will share with the Commissioners before the December workshop. Ms. Delmar said the Commission would not be in a position to make any decisions at that time so it would be simply a discussion.

January 2012 - Long Term Financial Planning: Viewing existing debt and discussing future policy on debt. Mayor Carter said this was the most critical topic on the list because the decisions they make will define what Lake Wales looks like in five to ten years.

February 2012 – Economic Development Council, Sign Ordinance, and the permitting process: Commissioner Wojcik suggested inviting the EDC council members to that workshop.

APPROVAL OF MINUTES

Agenda Item 7. October 18, 2011 Regular Meeting

Commissioner Howell made a motion to approve the minutes for the October 18, 2011 regular meeting. The motion was seconded by Commissioner Rogers.

By Voice Vote:

Commissioner Thornhill	“YES”
Commissioner Howell	“YES”
Commissioner Wojcik	“YES”
Commissioner Rogers	“YES”
Mayor Carter	“YES”

The motion carried 5-0.

OLD BUSINESS

Agenda Item 8. Ordinance 2011-28, Chapter 21, Utilities – 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Staff is recommending amendment to the Code of Ordinances for utility services.

RECOMMENDATION

It is recommended that the City Commission adopt Ordinance 2011-28 after second reading and public hearing.

BACKGROUND

On June 21, 2011, staff presented the City Commission with recommendations for changes to utility service fees. Staff recommendations included the following items:

1. A “non-payment” fee of \$25.00 to be charged to all customers scheduled for disconnection due to non-payment. The new fee would be charged to customers with a past due balance in excess of \$30.00 who have either not paid or made payment arrangements by the disconnect date provided on their utility bill.
2. The elimination of the current reconnect fee of \$25.00 during business hours or \$35.00 if after business hours.
3. An increase in the number of extension agreements a customer can request within a six month period.
4. A lowering of the minimum amount a customer is required to pay on a monthly installment agreement from \$50.00 to \$25.00.

A survey of non-payment, disconnect procedures for surrounding cities is provided within Attachment A.

FISCAL IMPACT

The implementation of a "non-payment fee" compared to the existing "reconnect fee" is expected to result in fewer delinquent utility customers. Under the current fee schedule, the City routinely has an average of 265 monthly customers scheduled for disconnection. Generally, only 20% incur the reconnection fee. Annually, the City collects an average of \$22,200 from reconnection fees.

Due to multiple variables, such as timely payment of utility bills, assessment criteria for the non-payment fee, and policy changes to extension/installment agreements, staff is unable to provide a reasonable assumption value for the projection of monthly delinquent customers.

However, based on historical payment patterns:

If monthly 265 customers remain delinquent by the disconnect date, annually the non-payment fee would result in \$79,500.

If monthly 74 customers (28% of 265 = 74) remain delinquent by the disconnect date, annually the non-payment fee would result in \$22,200.

If monthly 66 customers (10% of 74 = 66) remain delinquent by the disconnect date, annually the non-payment fee would result is \$19,800.

[End agenda memo]

Ms. VanBlargan read Ordinance 2011-28 by title only.

AN ORDINANCE OF CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 21, UTILITIES, PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.

Finance Director Dorothy Pendergrass reviewed Agenda Item 8.

OPENED PUBLIC HEARING

There were no public comments.

CLOSED PUBLIC HEARING

Mayor Carter asked that the Commission get a quarterly update on how this is working out.

Commissioner Howell made a motion to adopt Ordinance 2011-28 after second reading and public hearing. The motion was seconded by Commissioner Rogers.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 9. Ordinance 2011-29, Chapter 21 Amendment, Solid Waste Deposit – 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Staff is recommending amendment to the Code of Ordinances for solid waste services to include a deposit requirement.

RECOMMENDATION

It is recommended that the City Commission adopt Ordinance 2011-29 after second reading and public hearing.

BACKGROUND

Staff recommends that solid waste customers be required to pay a deposit equal to two months of service at the time that service is initiated. This requirement shall not apply to accounts existing when the ordinance is adopted provided the account remains in good standing.

FISCAL IMPACT

N/A

[End agenda memo]

Ms. VanBlargan read Ordinance 2011-29 by title only.

AN ORDINANCE OF CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 17, SOLID WASTE, PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.

Finance Director Dorothy Pendergrass reviewed Agenda Item 9.

OPENED PUBLIC HEARING

There were no comments from the public.

CLOSED PUBLIC HEARING

Commissioner Thornhill made a motion to adopt Ordinance 2011-29 after second reading and public hearing. The motion was seconded by Commissioner Howell.

By Roll Call 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 10. Ordinance 2011-30, FY2010-2011 Budget Amendment #5 – 1st Reading

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The Commission will consider adoption of the fifth and final amendment of the FY10'11 Budget that was adopted on September 21, 2010.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2011-30 after first reading.

BACKGROUND

Ordinance 2010-19 estimating revenues and appropriating funds for Fiscal Year 2010-11 was adopted by the City Commission September 21, 2010 and amended by Ordinances 2010-32, 2011-05, 2011-07, and 2011-14. We are presenting for first reading the final amendment of Ordinance 2010-19 to modify the estimates of revenues and appropriations budgeted in various funds. Exhibits A and B and supporting attachments provide the detail for the proposed amendment.

This budget amendment is based on preliminary unaudited financial reports for the fiscal year ending on 9/30/10. As can be seen in the following chart, with the exception of an adjustment in the Special Revenue Funds, there is neither an increase nor decrease in the total revenues and expenditures budgeted. This is because all amendments outside the Library Fund are accomplished by reallocating surplus appropriations in some departments to cover shortfalls elsewhere.

Revenues & Balances Fwd	Increase(Reduction)
General Fund	0
Special Revenue Funds	52,860
Debt Service Fund	0
Capital Projects Fund	0
Airport Fund	0
Utility System Fund	0
Total Increase(Reduction) of Revenues & Balances Fwd	52,860
Appropriated Expenditures & Reserves	
General Fund	0
Special Revenue Funds	54,702
Debt Service Fund	0
Capital Projects Fund	0

Airport Fund	0
Utility System Fund	0
Reserves	(1,842)
Total Increase(Reduction) of Appropriated Expenditures & Reserves	52,860

The proposed budget amendment increases the City's total budgeted expenditures by \$54,702. Because there is an offsetting increase in revenue of \$52,860, reserves are reduced by only \$1,842. Thus, there is a net increase in appropriated expenditures and reserves of \$52,860 (from \$42,561,708 to \$42,614,568).

Items adjusted in this amendment include:

Police Dept - increasing M&R Radios (+1,120) and IT Equipment (+7,771) for repairs due to lightning damage	8,891
Recreation Facilities - increasing Capital Outlay for grant-funded lighting improvements on Little League fields	198,327
Various General Fund Departments - reducing surplus appropriations (reappropriating to departments with excess expenditures)	(335,079)
Various General Fund Departments - increasing appropriations to cover excess expenditures	127,861
Special Rev Fund - Library - increasing appropriations to cover excess expenditures; primarily in relation to insurance-funded roof repairs due to storm damage (+35,186) and impact fee-funded library material purchases (+11,582)	52,566
Special Rev Fund - CRA - reducing surplus appropriations in Community Policing (-6,500) and Code Enforcement (-2,944), reappropriating to departments with excess expenditures	(9,444)
Special Rev Funds - CRA - increasing appropriations to cover excess expenditures in Community Development (+6,500) and Transfers (+2,944)	9,444
Special Rev Funds - Law Enforcement Grants - increasing appropriations to cover additional grant-funded expense (+1,655) and transfer to Forfeiture Fund 106 (+481)	2,136
Utility Fund - Water Division - increasing M&R IT for repairs due to lightning damage	1,883
Various Utilities Fund Departments - reducing surplus appropriations (reappropriating to departments with excess expenditures)	(31,883)
Various Utilities Fund Departments - increasing appropriations to cover excess expenditures	30,000
Total Expenditure Amendment	54,702

OTHER OPTIONS

None. This is a required housekeeping amendment that must be adopted no later than November 30, 2011.

FISCAL IMPACT

See Exhibit A and Exhibit B attached to Ordinance 2011-30.

[End agenda memo]

Ms. VanBlargan read Ordinance 2011-30 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2010-19 AS AMENDED BY ORDINANCE 2010-32, 2011-05, 2011-07 AND 2011-14 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2010-2011 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Judith Delmar reviewed Agenda Item 10.

Mayor Carter asked the following questions:

- He asked if the city's insurance covered the lightning damage at the Police Department, and Ms. Delmar said it did.
- He asked if general fund departments increase appropriations to cover excesses over \$127,000. Ms. Delmar directed him to the worksheet included in the agenda packet which she said indicated what was reduced or added in each department, some being payroll, some operating expenses etc.

Commissioner Thornhill made a motion to approve Ordinance 2011-30 after first reading. The motion was seconded by Commissioner Howell.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 11. Ordinance 2011-31, Disposal of Surplus Library Books and Materials – 1st Reading

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The City Commission will consider establishing a method for disposing of surplus library materials.

RECOMMENDATION

Staff recommends that the City Commission approve, after first reading, Ordinance 2011-31 establishing a method for disposing of surplus library materials.

BACKGROUND

The Lake Wales Public Library strives to serve the community with a current and relevant library collection, including materials in all formats. Under the guidelines of the Lake Wales Public Library's Collection Development Policy, librarians select and add new materials while discarding outdated, damaged or unpopular items.

The Lake Wales Public Library's city budget provides approximately 65% of their annual books and materials funding. The Lake Wales Library Association, (friends of the library), a 501(c)3 non-profit organization established in 1957 to support the effort of the Lake Wales Public Library provides 35% of the library's annual materials budget.

The Lake Wales Library Association's financial support includes funds collected from members and income from trust accounts established to support their efforts. Additionally, this group accepts donations of books and materials to benefit the Lake Wales Public Library.

Donations are evaluated by librarians to determine their worth in the collection; donations not accepted into the Lake Wales Public Library's circulating collection remain the property of the Lake Wales Library Association and are sold in their used book store.

In an effort to codify the disposition of outdated, damaged or unpopular items purchased with city funds, this ordinance would allow professional library staff to withdraw materials that meet the guidelines established in policy and donate these withdrawn items to the Lake Wales Library Association for sale in their used books store.

FISCAL IMPACT

Proceeds from the sale of discarded library materials will be donated by the Lake Wales Library Association to the Lake Wales Public Library.

OTHER OPTIONS

None. The other options for disposal that are authorized by city code do not specifically apply to the disposition of library books and materials, nor do they address the use of proceeds from the sale of such materials.

[End agenda memo]

Ms. VanBlargan read Ordinance 2011-31 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE IV. PROCUREMENT OF PROPERTY AND SERVICES, TO ESTABLISH A METHOD FOR DISPOSING OF SURPLUS LIBRARY MATERIALS; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Carter asked if this was how it was done in the past. Library Director Tina Peak said it was and explained that this was a housekeeping item as there was nothing in writing allowing it. Ms. Delmar said it was covered in the ordinance by saying that any item less than \$5,000 could be disposed of in the most efficient and cost effective way, but this would specifically allow it.

OPENED PUBLIC HEARING

There were no comments from the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve Ordinance 2011-31 after first reading. The motion was seconded by Commissioner Rogers.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 12. Request for City Sponsorship of the NAACP ACT – SO 2012 Project

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The City Commission will consider sponsorship of the NAACP ACT-SO 2012 Project so that the ACT-SO Team may use the Austin Community Center for project purposes at no charge.

RECOMMENDATION

It is recommended that the City Commission approve city sponsorship of the ACT-SO 2012 project in Lake Wales.

BACKGROUND

The Afro-Academic, Cultural, Technological and Scientific Olympics (ACT-SO) is an initiative of the National Association for the Advancement of Colored People (NAACP). Founded in 1978 by Vernon Jarrett, renowned author and journalist, ACT-SO provides a forum through which African American youth can demonstrate the same prowess, expertise and recognition often reserved only for entertainers and athletes.

The ACT-SO objective is to prepare, promote and recognize African American youth who exemplify scholastic and cultural excellence. The ACT-SO goals:

- To mobilize the adult community for the promotion of classroom and after-school excellence.
- To recognize academic achievement among youth in a manner comparable to the recognition awarded athletics.
- To provide and assist African American students with the necessary skills and tools to establish goals and acquire the confidence and training to make a successful contribution to society.

ACT-SO conducts annual academic competitions for students in grades 9 through 12 in NAACP branches and youth councils throughout the country. Participating units hold local competition in 26 categories. The top winners then compete with the winners from other cities at the national ACT-SO finals during the NAACP national conventions.

ACT-SO was designed to recruit, stimulate, improve and encourage high academic and cultural achievements among high school students so that academic and cultural achievers receive the same recognition as athletic heroes. ACT-SO recognizes that while gold, silver and bronze medals are effective incentives to excellence, awards are not the primary goals. The ACT-SO vision centers on the mobilization of communities for the continuous promotion of academic and artistic excellence among

African American students.

The Lake Wales NAACP is preparing for the local ACT-SO 2012 project. This will be the 2nd annual competition for Lake Wales students. The local competition will be conducted around the time of the high school spring break in 2012. Students will have the opportunity to attend enrichment workshops to gain information to help with their projects. Local winners will attend the Florida Showcase in Orlando and compete to attend the 33rd Anniversary & National Competition in Houston Texas.

To honor the community contribution of former mayor and commissioner James Austin, the local ACT-SO team is requesting the use of the James P. Austin Jr. Community Center as the venue for the ACT-SO 2012 project. The building will be used from 3:00 p.m. to 5:00 p.m. on the following dates:

- November 21, 2011
- December 27, 2011
- January 23, 2012
- February 20, 2012
- March 14 – 16, 2012

The City's facility use ordinance requires payment of rental fees in the amount of \$125.50 for each use of the facility plus a \$157.00 damage deposit. Although the damage deposit can be refunded, rental fees will total \$878.50 for the ACT-SO 2012 project.

The ACT-SO team has requested waiver of the fees and deposit requirement. There is no authority in the ordinance to waive these fees; however, a city-sponsored event may use the facility at no charge. We are recommending, therefore, that the City Commission serve as a sponsor of ACT-SO 2012 so that the program may be held in the James P. Austin Jr. Community Center at no charge.

OPTIONS

Do not approve city sponsorship of ACT-SO 2012.

FISCAL IMPACT

The workshops and competition will be held during hours when city staff is regularly on the premises, so there will be no additional staff cost incurred. If the City does not serve as an ACT-SO sponsor, the ACT-SO team will be required to pay \$878.50 for use of the facility.

[End agenda memo]

City Manager Judith Delmar reviewed Agenda Item 12.

Mayor Carter said he certainly thought they should waive the facility usage fee, as is done for any non-profit organization, but said he was concerned with waiving the damage deposit as it might be setting a precedent.

Commissioner Rogers said staff would be at no additional cost to the city because the facility will be used during normal business hours. He supported giving recognition to students for superior achievement in things other than sports, such as excelling in math. As staff will be present during that time, he didn't think damage would occur. He recommended waiving the damage deposit also.

Commissioner Howell said she liked the project and was in favor of it as written.

Commissioner Thornhill asked if it was a onetime damage deposit or if they would have to put down the deposit again with each use. Ms. Delmar said it is normally for each use but it is refunded after each use if there is no damage. She added that staff did not expect there to be risk but if damage should occur, she

was sure they could work with the NAACP to resolve the problem. Commissioner Thornhill said if the deposit ends up being required, he would donate the deposit sum.

Commissioner Wojcik asked the organization to clean up afterwards. Leroy Smith, 527 Lemon Street, said they do not expect any damage as the children are all honor students.

Commissioner Thornhill made a motion to approve city sponsorship of the ACT-SO 2012 project in Lake Wales. The motion was seconded by Commissioner Rogers.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 13. Amend and Renew Contract for Annual Sidewalk Repair and Replacement

The full staff memo is incorporated into the minutes.
[Begin agenda memo]

SYNOPSIS

The City Commission will consider amending the Grove Construction contract for annual sidewalk repair and replacement to add a renewal clause that was omitted due to a scrivener's error and approving the renewal of the contract.

RECOMMENDATION

Staff recommends that the City Commission approve the following actions:

1. Amend the contract with Grove Construction for annual sidewalk repair and replacement to include a renewal clause for two (2) additional one year terms contingent upon annual appropriations.
2. Approve the renewal of the annual sidewalk repair and replacement contract with Grove Construction for a one year period beginning October 1, 2011 and authorize the City Manager to execute the contract.

BACKGROUND

February 1, 2011 the City Commission awarded Grove Construction the contract for annual sidewalk repair and replacement.

Due to a scrivener's error in the term and pricing section of the contract, the "option to renew clause" was omitted. It is the City's practice to include a renewal option in our contracts for services. Grove Construction will honor the cost schedule outlined in the original agreement.

Grove Construction was awarded the contract for annual street striping and remarking in May, 2011. Amending the current contract with Grove Construction for annual sidewalk repair and replacement will save on mobilization cost by coordinating sidewalk and street repair projects together.

FISCAL IMPACT

The current fiscal year 11'12 budget has \$128,888.00.00 for sidewalk and road repair work.

OTHER OPTIONS

Do not amend the current contract.

[End agenda memo]

Public Services Administrator Teresa Allen reviewed Agenda Item 13.

Commissioner Wojcik asked if that was the way the renewal clause was normally done and Ms. Allen said it was.

Mayor Carter said that he did not see in the contract any specification that things like curb-work had to be ADA compliant. Ms. Allen said the contract states it has to be FDOT compliant, and FDOT requires it to be ADA compliant. She said she would make sure the ADA requirement is specifically included in the contract.

Commissioner Rogers recommended having these type projects go out for bid instead of renewing them because with the low economy there are people looking for work and we may be able to get a lower bid than what this company is offering, which would be good for the taxpayer. He also stated that contracts need to be written in such a way that there is no question as to what the City wants. He recommended not renewing contracts in the future because he did not think that was a good policy.

Ms. Delmar asked how many bids had been received last year and Ms. Allen said they received three. Commissioner Thornhill said they had been shocked at the time, with the economy the way it was, that there were so few bids. He recommended going out for bid in the future, making sure the ADA compliance requirement was stated specifically in the contract, and including an option that the city does not have to renew.

Ms. Delmar said a clause in the contract states they have to follow all laws, codes and regulations of any Federal, State, County or other government and the ADA compliance regulation would be one of those.

Mayor Carter said some of the recently repaired sidewalks in the city did not meet the ADA requirement such as the one at 4th Street and Seminole Avenue and on 1st Street. He explained how the lack of curb cuts causes problems for citizens in power-chairs. He said staff needs to expect compliance from our contractors and we need to inspect the work to make sure they do comply. Commissioner Howell asked if sidewalks were inspected afterwards and if the contractor would have to redo the work if it was deemed by staff to be out of compliance. Ms. Allen concurred. She explained that many sidewalks are out of compliance because they were built before the ADA requirement. Instead of requiring cities to remove all non-compliant sidewalks to make them comply, the regulation said that new sidewalks and those being replaced must be ADA compliant, and if a substantial portion of a sidewalk was being repaired, it would have to comply. She said she was not aware that the sidewalk on 4th Street and Seminole Avenue, which was a new sidewalk, was out of compliance and she would check on that, but the one on 1st Street was a sidewalk installed prior to the rule. Ms. Delmar added that many of the old sidewalks were put in by city staff but more recently the work has been contracted out.

Commissioner Rogers asked if 1500 or 2500 pound concrete was specified and if not what it should be. Public Works Director Tom Moran said they require fiberglass meshed reinforced concrete, which is much better. The sidewalks are 5 feet wide and poured at a 4" depth.

Commissioner Howell made a motion to

1. Amend the contract with Grove Construction for annual sidewalk repair and replacement to include a renewal clause for two (2) additional one year terms contingent upon annual appropriations.

2. Approve the renewal of the annual sidewalk repair and replacement contract with Grove Construction for a one year period beginning October 1, 2011 and authorize the City Manager to execute the contract.

The motion was seconded by Commissioner Wojcik.

By Voice Vote:

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

The motion carried 5-0.

Agenda Item 14. Purchase of 3 Martel DC3 Digital In-Car Video Systems

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The City Commission will consider the purchase of 3 digital in-car video systems using Edward Byrne Justice Assistance Grant funds.

RECOMMENDATION

It is recommended that the City Commission approve the purchase of 3 Martel DC3 Digital in-car video systems from Sharp Communication, Incorporated for \$10,749.00 using grant funds.

BACKGROUND

The Lake Wales Police Department is committed to providing quality law enforcement services to our community. To accomplish this goal it is beneficial to capture information using digital in-car video systems prior to, during and after incidents. In-car video systems provide for the safety of our law enforcement officers, accountability, video evidence and protection against complaints. The police department recently received 4 police vehicles through an equipment transfer with the Polk County Sheriff's Office. These vehicles were fully equipped with the exception of in-car video cameras.

If this purchase is approved, 3 of the police vehicles we received will receive digital in-car video systems. In the near future, another grant application will be forthcoming in which the department will seek additional camera systems. The additional cameras will be used in patrol vehicles that either do not have a system or require a more reliable system.

The City's Information Technology Department has obtained three quotes for price comparison purposes, although Sharp Communication, Inc. is the authorized Martel distributor for the South Eastern region of the United States. Sharp Communication submitted the lowest quote at \$10,749.00, LegalTek quoted \$11,142.00, and Martel Electronics, Inc quoted \$11,139.00.

OPTIONS

The City Commission may vote not to approve this purchase.

FISCAL IMPACTS

The Police Department proposes to use funds from the Edward Byrne Justice Assistance Grant (2012-JAGC-POLK-1-C4-047) for this purchase. This grant was previously approved by the City Commission to purchase in-car Video systems.

[End agenda memo]

Police Chief Chris Velasquez reviewed Agenda Item 14.

Commissioner Howell said that having cameras in police cars to protect both police and citizens do no good unless they are kept in working order and are turned on. She asked for reassurance that this would be done. The Police Chief gave his assurance.

Commissioner Howell made a motion to approve the purchase of 3 Martel DC3 Digital in-car video systems from Sharp Communication, Incorporated for \$10,749.00 using grant funds. 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. Appointments – Boards & Commissions & Committees Board

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The appointments will fill vacancies due to resignations, expirations of terms, newly established boards, etc.

RECOMMENDATION

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

Historic District Regulatory Board – Members are appointed by the City Commission.

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

By Voice Vote:

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

The motion carried 5-0.

OTHER VACANCIES

Staff received no applications to fill the vacancies on the following boards, committees & commissions:

Bicycle/Pedestrian Advisory Commission
Board of Zoning Adjustments and Appeals
Depot Advisory Commission
Drug & Prostitution-Related Nuisance Abatement Board

Historic Preservation Board
Lakes Advisory Commission
Police Officers' Retirement Board

Board Applications are considered for appointment by the City Commission at various times of the year. Regulatory Boards require an interview process for all new applicants before being considered for appointment by the City Commission.

Applications are available from the City Clerk, Municipal Administration Bldg., 201 W. Central Avenue or can be obtained on the City's website at www.cityoflakewales.com.

FISCAL IMPACT

None. These are volunteer citizen boards.

OTHER OPTIONS

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

[End agenda memo]

CITY MANAGER'S REPORT

City Commission Tracking Report:

Ms. Delmar reported no changes to the tracking report.

Economic Development Director Harold Gallup made two announcements:

- **Infomercial:**

The Kirkland Gym and Hardman Hall arts center is scheduled to be used by the film industry to shoot two infomercials on December 3rd through 8th regarding exercise equipment. The company, operating out of Orlando, will be sending a film crew and the actors are well known stars in the industry. He announced that they plan to have the gymnasium opened to the public during Thanksgiving vacation, but then closed again from December 6th through the 8th for this purpose. The city will receive compensation of six to seven thousand dollars, which will be earmarked for the unforeseen repair costs they have encountered and/or future gym repairs. The company will be hiring off-duty police, and will be using local restaurants for the catering, an

indirect boost to the economy. He hopes this venture will lead to bigger and better opportunities by putting us on a location selection list.

- **Fire Substation:**

Mr. Gallup said they will be acquiring land on Chalet Suzanne Road through dedication or donation for the fire substation, rather than the 50/50 a year lease they thought they would have to use. Though there will be no acquisition cost, under \$25,000 will be needed for legal fees, title insurance and taxes. The Fire Chief will get what he needs, and the city will own the property rather than having to lease it. Mr. Gallup said he will seek a grant for the construction of the fire station.

COMMUNICATIONS AND PETITIONS

David Smith, NAACP, thanked the Commission for allowing them to use the James P. Austin Community Center free of charge and assured them there will not be any damage to the city's property.

Wanda Howard announced that a new book entitled "Bridging the Gap" is on the market. She read a section featuring James Austin who in 1963 served as the first black mayor in Lake Wales.

CITY COMMISSION COMMENTS

Commissioner Wojcik announced that she was contacted by the Oprah Winfrey casting department about the possibility of taping a match-making show in Lake Wales. Commissioner Wojcik encouraged Lake Wales' singles of all ages to apply on the website "Love Town USA", or pick up an application at the Chamber of Commerce, if they are looking for a "love connection" because if chosen, a lot of money will be spent locally to broadcast the show. The amount of local response will determine if Lake Wales will be selected.

Commissioner Thornhill thanked Mimi Hardman, Jennifer Nanek, and all those involved over the weekend for pulling off what, to many citizens, was the best Pioneer Days ever.

Commissioner Rogers thanked Judy Delmar for her years of service and for being an inspiration to many people in Lake Wales. He said he enjoyed working with her as she has always been honest and fair. He wished her luck in her future endeavors and welcomed Terry Leary to Lake Wales.

Mayor Carter announced that a reception was planned for Thursday, November 3rd from 4:30 to 6:00 p.m. in the lobby of City Hall to give the public a chance to meet the new city manager and welcome her to our great city.

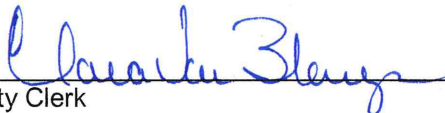
Economic Development Director Harold Gallup announced that a 50% scaled replica of the proposed Spook Hill monument is being displayed in the lobby at City Hall.

There being no further business, the meeting was adjourned at 6:57 p.m.



Mayor/Commissioner

ATTEST:



City Clerk