

The regular meeting of the Lake Wales City Commission was held on November 6, 2012 at 6:18 p.m. following the invocation and the Pledge of Allegiance in 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.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Christopher Lutton; Jonathan Thornhill; Betty Wojcik; Terrye Y. Howell; Michael S. Carter

COMMISSIONERS ABSENT: None.

CITY REPRESENTATIVES PRESENT: Terry Leary, City Manager; Albert C. Galloway, Jr., City Attorney; Clara VanBlargan, City Clerk; Jacquie Hawkins, Deputy City Clerk;

[Meetings are recorded but not transcribed verbatim]

MAYOR

Agenda Item 5. American Music Month; November 2012

Mayor Carter presented an American Music Month proclamation to Annetta Graham, State Chair, in honor of the importance music plays in the everyday lives of our residents.

National Hospice and Palliative Care Month; November 2012

Mayor Carter presented a National Hospice and Palliative Care Month proclamation to Johnsie McAllister in honor of those who volunteer to help critical patients and their families through the last few months of their lives.

National Home Care Month; November 2012

Mayor Carter presented Administrator Rebecca Tubb with a National Home Care Month proclamation in honor of the home health services recently located in Lake Wales.

CONSENT AGENDA

Agenda Item 6. APPROVAL OF MINUTES: October 16, 2012, Regular Meeting

Agenda Item 7. Approval of Contract for Law Enforcement Services: Lake Wales Housing Authority

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Commissioners will consider approving a contract with the Lake Wales Housing Authority for providing supplemental law enforcement services at the Grove Manor public housing complex.

RECOMMENDATION

It is recommended that the City Commission:

1. Authorize the Mayor to execute a Contract for Services with the Lake Wales Housing Authority for Fiscal Year 2012-2013.

BACKGROUND

Community policing originated in Lake Wales when law enforcement officers were partnered with the Lake Wales Housing Authority to remove crime and disorder from the Grove Manor and Sunrise Park public housing complexes. Working with the Lake Wales Housing Authority and residents, officers not only removed crime and disorder, they forged a partnership that has evolved into the current community policing philosophy of the Lake Wales Police Department. Funding from the Lake Wales Housing Authority for a community policing officer was eliminated some years ago; however, the CRA Board of Commissioners approved funding an additional law enforcement officer position during the 2010/2011 year to provide supplemental law enforcement services to the Lake Wales Housing Authority. In 2011/2012 and 2012/2013 the CRA Board of Commissioners approved funding a law enforcement officer position to direct patrol toward designated CRA areas as well as the Lake Wales Housing Authority, Grove Manor Complex.

In an effort to continue providing dedicated law enforcement services to the Lake Wales Housing Authority, Grove Manor Complex residents, the Lake Wales Police Department seeks approval to enter into a contract for services between the City of Lake Wales and the Lake Wales Housing Authority. The contract for law enforcement services provides for a monthly payment due the City in the amount of \$2,136.00 from the Housing Authority.

[End agenda memo]

Commissioner Howell made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Lutton.

By Voice Vote:

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

The motion carried 5-0.

OLD BUSINESS

Agenda Item 8. Ordinance 2012-21 Amending Ordinance 2001-08 Personnel Administration Policies – 2nd Reading & Public Hearing

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Ordinance 2012-21 is being presented to increase the maximum comp time accrual from 60 hours to 80 hours and to modify the Safety Committee Risk Groups to conform to the requirements of the Florida Administrative Code.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2012-21 upon Second Reading & Public Hearing.

BACKGROUND

Safety Committee

Ordinance 2001-08 was adopted in July 2001 establishing personnel administration policies and procedures. Section 2-226.03 of that Ordinance states that there shall be seven (7) employee representatives, each of whom represents a specific risk group. Each employee representative shall be permitted to vote on matters presented to the Committee. The Florida Administrative Code (FAC) 69A-62.042 requires that we have 2 (two) firefighter employee representatives. Ordinance 2012-21 is presented to bring us into compliance with the FAC. The Risk Groups will be as follows:

Risk Group	Workers' Comp Code	Group Members
One	7720 9410	Police Officers Code Enforcement Officers
Two	7704 9410	(2)Firefighters & Inspectors Building Official & Inspectors
Three	7520 7580 8601	Water Operators, Technicians & Meter Readers Wastewater Operators & Technicians Engineering Manager, Inspector & Specialists
Four	5509 9102 9220	Streets Division - All Field Employees Field Services Division - All Field Employees Cemetery Division - All Field Employees
Five	8380 9015 9410	Fleet Maintenance - All Employees Facilities Maintenance - All Employees Building Official & Inspectors
Six	9016 8810 8840	Recreation Division - All Employees Library - All Employees Museum - All Employees
Seven	8840 8840	Communications Dispatchers All Other Clerical & Administrative Employees

Compensatory Time

The Fair Labor Standards Act (FLSA) requires that most workers receive a minimum overtime pay of 1.5 times the employee's regular pay rate for all hours worked over 40 hours in a seven day workweek. With the supervisor's approval, an employee may request to receive compensatory time off in lieu of money. Compensatory time is accumulated at the rate of 1.5 hours of compensatory time for each overtime hour

worked. Many employees prefer the additional time off to overtime pay, as it gives them more flexibility and contributes to work-life balance.

The existing policy prohibits employees from accruing more than 60 hours of Compensatory Time (Comp Time). Staff would like to increase the maximum Comp Time accrual to 80 hours. This request is in line with the accrual limits that are currently in place for Police Officers (300) and Firefighters (122).

FISCAL IMPACT

There is no cost to the City to make the proposed changes. However, Comp Time is earned at the current rate of pay and could be paid out at a higher rate of pay once an employee leaves the employment of the city.

OTHER OPTIONS

Do not approve the changes.

[End agenda memo]

City Clerk Clara VanBlargan read Ordinance 2012-21 by title only.

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES; AMENDING THE SAFETY COMMITTEE AND COMPENSATORY TIME LIMITS; PROVIDING FOR SEVERALBILITY; PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

There were no comments from the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2012-21 upon second reading & public hearing. The motion was seconded by Commissioner Wojcik.

By Roll Call Vote:

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

The motion carried 5-0.

NEW BUSINESS

Agenda Item 9. Ordinance 2012-22, FY11'12 Budget Amendment #2 – 1st Reading

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The City Commission will consider approval of the second Amendment of FY 11'12 Budget that was adopted on September 20, 2011.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2012-22 after first reading.

BACKGROUND

Ordinance 2011-16 estimating revenues and appropriating funds for Fiscal Year 2010-11 was adopted by the City Commission September 20, 2011 and amended by Ordinance 2012-01 (03/06/12). We are presenting for first reading an amendment of Ordinance 2012-01 to modify the estimates of revenues and appropriations budgeted in various funds. Exhibits A and B and supporting attachments provide the detail for the proposed amendment.

This budget amendment is based on unaudited financial reports for the accounting period ending on 09/30/12. The following is a summary of changes included in the proposed amendment:

Revenues & Balances Fwd	Increase(Reduction)
General Fund	(236,953)
Transportation Fund	60,063
Street Lighting Fund	(1,903)
Library Fund	(48,900)
Law Enforcement Grant Fund	1,945
Debt Service Fund	(25,600)
Airport Fund	17,383
Total Increase(Reduction) of Revenues & Balances Fwd	(233,965)
Appropriated Expenditures & Reserves	
General Fund	-
Transportation Fund	(39,400)
Street Lighting Fund	(1,000)
CRA Fund	1,400
Library Fund	(18,200)
Law Enforcement Grant Fund	1,945
Utility System Fund	95,300
Airport Fund	(1)
Reserves	(274,009)
Total Increase(Reductions) of Appropriated Expenditures & Reserves	(233,965)

The proposed budget amendment increases the City's total budgeted expenditures by \$40,044 and decreases reserves by \$274,009 for a net decrease in appropriated expenditures and reserves of \$233,965 (from \$39,711,373 to \$39,477,408).

Reasons for this amendment include:

Estimated Revenues and Reserve Balances:

- Increase of \$1,097 in the Street Lighting beginning reserve balance due to reconciliation of prior year audited financial statements.
- Increase of \$17,383 in the Airport beginning reserve balance due to reconciliation with prior year audited financial statements.
- Revenues projected within the General Fund must be adjusted to reflect a net decrease of \$236,953 for revenue changes realized/expected within several revenue accounts. A detail listing

of revenue account adjustments has been attached. In summary, these decreases are mainly due to:

- Decrease of \$44,000 for ad valorem taxes,
 - Decrease of \$65,800 for communication service tax,
 - Decrease of \$139,000 for electric franchise fees,
 - Increase of \$8,000 for PILOT – Water Edge
- Revenues projected within the Street Lighting Fund must be adjusted to reflect a decrease of \$3,000 for the Brookshire Street Lighting District.
- Revenues projected within the Transportation Fund must be adjusted to reflect a net increase of \$60,063, mainly due to:
 - Staff recommends a budget transfer from the General Fund to the Transportation Fund of \$77,463 as the transportation fund did not receive sufficient gas tax revenues to pay expenditures within the Transportation Fund during FY 2011'12. The only other options would be to create a due to/due from between these two funds.
 - Staff recommends prior year deferred sidewalk revenue totaling \$10,686 be appropriated for actual sidewalk construction during FY 2011'12.
 - Various gas taxes were decreased by \$27,400 to reflect actual revenues received.
- Revenue projections within the Library Fund must be adjusted to reflect a decrease of \$48,900.
- Revenue projections within the Law Enforcement Fund must be adjusted to reflect an increase of \$1,945 for additional grants awarded during the year.
- Revenue projections within the Debt Service Fund must be adjusted to reflect a decrease of \$25,600 for a reallocation of:
 - Staff recommends a decrease of \$12,000 Electric Utility Tax revenue within this fund as the Series 2003 debt requirement had sufficient funding for the current debt service payments.
 - Decrease of \$13,600 for interest income and impact fee not received during the year.

Estimated Expenditures & Revenues Balances:

- Expenditures projected within the General Fund required various re-allocations between departments. There is neither an increase or decrease in the total expenditures budgeted. This is a required housekeeping amendment that must be approved no later than November 30, 2012.
- Expenditures projected within the Street Lighting Fund must be adjusted to reflect a decrease of \$1,000 due to actual electric expenditures.
- Expenditures projected within the CRA Fund must be adjusted to reflect an increase of \$1,400 for field operation labor costs.
- Expenditures projected within the Library Fund must be adjusted to reflect a decrease of \$18,200, mainly due to:
 - Decrease of \$10,000 salary due to schedule of part-time employees.
 - Decreases in personnel costs of \$3,500, operating costs of \$2,200 and postage of \$2,500.

- Expenditures projected within the Law Enforcement Grant Fund must be adjusted to reflect an increase of \$1,945 due to additional grant funding awarded.
- Expenditures projected within the Utility System Fund required various re-allocations between departments. This is a required housekeeping amendment that must be approved no later than November 30, 2012.

OTHER OPTIONS

With the exception of 1) the transfer from the General Fund to the Transportation Fund of \$77,463 to cover transportation operational costs, 2) the appropriation of \$10,686 deferred sidewalk revenue to be allocated for current year sidewalk repairs, and 3) the reduction of \$12,000 Utility Service Tax within the Debt Service Fund this is primarily a housekeeping ordinance to conform the budget to items approved by the City Commission. This is a required housekeeping amendment that must be adopted no later than November 30, 2012.

FISCAL IMPACT

See Exhibit A and Exhibit B attached to Ordinance 2012-22

City Clerk Clara VanBlargan read Ordinance 2012-22 by title only.

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2011-16 AS AMENDED BY ORDINANCE 2012-01 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2011-2012 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.

Finance Director Dorothy Ecklund reviewed Agenda Item 9.

Mayor Carter asked if transferring the money from the General Fund to the Transportation Fund was something that has been done traditionally in the past. Ms. Ecklund said it was. She explained that the Transportation Fund required a transfer from the General Fund because appropriations within the Transportation Fund exceeded revenues from gas taxes and other sources which are restricted for Transportation Fund expenditures. She then explained the budget amendment request for the approval of use of deferred sidewalk revenues to be authorized for use during FY 2011'12. She then explained the request for the reduction of \$12,000 utility service tax within the Debt Service Fund to remain in the General Fund. All other items within the Budget Amendment #2 were housekeeping items required in order to remain in compliance with the City Charter.

Commissioner Wojcik asked where the City was in relation to the expected fund balances. Ms. Ecklund said the City is \$64,000 shorter than the projected budgetary beginning fund balance and reserve expectations, which she believes is a little early in the year to consider corrective action. She said the Financial Statement will come out in a few weeks for the City Commission to review. The Finance Department will know mid-January how the City stands in relation to ad valorem taxes for the General Fund and also the CRA Fund. The Finance Department will continue to monitor the Transportation Fund.

Mayor Carter asked if Ms. Ecklund had a feel for how we will compare to last year's ad valorem tax and Ms. Ecklund said the property appraiser said it would be down 6% and that was what was budgeted, but they will have to wait and see how the payments come in. Mayor Carter asked if she was concerned and she said she wasn't.

Commissioner Thornhill said that they could discuss revenues at the Strategic Planning session such as the kitchen rental at the James P. Austin Community Center to determine why rental fees have been down.

Commissioner Howell made a motion approve Ordinance 2012-22 after first reading. The motion was seconded by Commissioner Thornhill.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 10. Second Public Hearing for the Community Development Block Grant, Economic Development Category (CDBG-ED) program. Re-submitted application

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The CDBG-ED rules require that the City hold a second public hearing to allow the public to comment on CDBG-ED grant applications prior to being submitted to the grant agency for consideration of funding. A CDBG-ED grant application is proposed that will fund water and sewer line extensions to a proposed ALF so that it can begin operations. The private investment associated with this grant application is \$28 million for development of the ALF facility and the creation of up to 46 new jobs to staff the ALF. A first public hearing was held to obtain comments from the public on the overall community and economic development needs of the City. This hearing was held on October 25, 2012. A Citizen Advisory Task Force meeting was held for October 26, 2012 for review of the application by the Task Force. The application was approved at that meeting.

RECOMMENDATION

Conduct a Second Public Hearing to consider views from the public on the proposed grant application as presented for re-submittal. The following is the recommended agenda procedure:

1. Provide an Overview of the Grant Application

The City of Lake Wales is considering applying for CDBG funds to be used for the construction of 575 LF of road that will be a Minor Collector Road as defined by the City of Lake Wales Development Standards, 1,150 LF of water line extension, 1,912 LF of looped water line and 3,600 LF of sewer line extension to include a lift station and relocation of electrical power poles that are in the path of the sewer line. The project will also involve the acquisition of land from OHC by the City for a small section of the water/sewer lines. This land that will be owned by Heartland and it will need to be conveyed (donated) to the City. Acquisition costs will include surveys, appraisals and a title search. Other project costs include engineering and grant administration. The public infrastructure will serve a proposed Assisted Living Facility (ALF) called ViaVita on the Ridge, which requires the infrastructure so that it can begin operations. The ALF will be owned and managed by One HC – Lake Wales, LLC ("OHC") which is a Florida limited liability company.

The ALF will create at least 46 jobs within 24 months of grant award. At least 51% of the jobs created will be made available to low and moderate income persons. The private investment cost to develop the ALF is approximately \$28,000,000. The cost of CDBG funded public facilities needed to serve the site is estimated at **\$750,000**. The following is the project budget for the grant application.

Project Summary Lake Wales ALF Project (One HC- Lake Wales, LLC)			
	CDBG-ED	One HC - Lake Wales, LLC	Totals
CDBG Grant Administration	\$60,000		\$60,000
CDBG Engineering	\$40,000		\$40,000
CDBG Acquisition	\$30,440		\$30,440
CDBG Construction	\$619,560		\$619,560
One HC - Lake Wales, LLC Project Costs		\$28,165,539	\$28,165,539
Total Project Cost	\$750,000	\$28,165,539	\$28,915,539

2. Request comments from the public on the proposed application
3. Close Second Public Hearing

[End agenda memo]

Economic Development Harold Gallup reviewed Agenda Item 10.

Commissioner Howell said she knew that Heartland was planning to hire many low to moderate income employees and she wanted to know if that would be from Lake Wales or from all over. Mr. Gallup said they plan to hire the low to moderate positions from Lake Wales if they can fill them. If not they will have to look elsewhere.

Mayor Carter asked for the process that will follow and Mr. Gallup explained as follows:

- The documents will be signed by the Mayor
- Documents will be sent to the DEO
- Lake Wales goes back into the queue for funding of \$750,000 for the project.

Grant Consultant Andy Easton conducted the second Public Hearing at 6:41 p.m.

OPENED PUBLIC HEARING; 6:41 p.m.

Jack Neal, 435 E. Central Avenue, said it was his understanding that the City would put up the funds for the sewer and water infrastructure and then Heartland would reimburse the City. Mr. Gallup said the \$750,000 grant, if awarded, will be set up into an account to pay for the engineering and construction. The construction process will be the same scenario as any other construction. The City is not advancing the money. Heartland will have to pay to tie into the system. Mayor Carter asked if there was any direct cost to the City and Mr. Gallup said there was zero cost.

CLOSED PUBLIC HEARING; 6:43 p.m.

Commissioner Howell made a motion to accept the resubmitted application after the second public hearing for the CDBG-ED grant. The motion was seconded by Commissioner Thornhill.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 11. Resolution 2012-18 – Approval of Resolution No. 2012-18

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

The CDBG-ED grant will fund public infrastructure that is needed for the ALF to begin operations. The private investment associated with this grant application is \$28 million for development of the ALF facility and the creation of up to 46 new jobs to staff the ALF. In order to submit the CDBG-ED grant application, the City Commission will need to authorize the Mayor to sign the application by approving Resolution No. 2012-18

RECOMMENDATION

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

Approve Resolution No.2012-18 that authorizes the Mayor to sign and submit a Community Development Block Grant, Economic Development Category (CDBG-ED) application that requests \$750,000.00 for construction of water/sewer line extensions to a proposed Heartland Communities, LCC Assisted Living Facility (ALF). The grant application has been developed at no cost to the City.

BACKGROUND

On June 06, 2012 the City Commission approved the original CDBG Grant request. City staff met with the grant agency staff (Florida Department of Economic Opportunity or DEO) and the approval process was discussed. Heartland LLC was in the process of obtaining the required documentation needed to complete the request. On October 15, 2012 Heartland was not able to file the requisite documents required by DEO due to extended review of elements in the Bond Purchase Agreement required by DEO as proof of project funding. The City had fulfilled all of its requirements to complete the process.

On June 13, 2011 the City Commission was presented with an overview of the ALF project that is being proposed by Heartland Communities, LCC. The project will be developed in phases with Phase I consisting of 123 Units on approximately 15.5 acres for an ALF facility to be located east of Buck Moore Road South of Bel Ombre Circle.

On May 15, 2012, the City Commission approved staff to work with the ALF developers (Heartland Communities, LLC and their local corporation which is named One HC- Lake Wales, LLC) to develop a grant application for consideration by the City Commission for submission to the grant agency.

The grant application has been developed and can be submitted upon approval by the City Commission. The grant application requests \$750,000.00 to construct approximately 3,600 LF of sewer line, 1,150 LF of water line plus 1,912 LF of looped water line and 575 LF of road to serve the ALF. The road will be a Minor Collector Road as defined by the City of Lake Wales Development Standards. Funding is also being requested for miscellaneous land acquisition costs such as survey, title search and appraisal for about .25 acres of land that is needed for the water / sewer lines and road section. The land is or will be

owned by Heartland and it will need to be conveyed (donated) to the City. The budget includes \$619,560 for construction activities, \$40,000 for engineering activities that will include project inspection and construction contract administration. Also \$60,000 is budgeted for CDBG-ED grant administration.

In order to qualify for grant funds the ALF owner will need to invest private funds to construct its facility and create new jobs. At least 51% of the jobs must be made available to low and moderate income persons. The proposed ALF will meet this requirement. For grant scoring purposes, the ALF is committing to create 22 new jobs (but actual job creation is expected to be about 46). Heartland will also invest up to \$28 million which will be used to purchase the land, construct the ALF facility and provide fixtures, furnishings and equipment.

The ALF project is being developed in phases. This is phase 1. The second phase will also result in the creation of new jobs (in the range of 22 to 40 jobs) and the construction of a second ALF building. The total investment for Phase 2 will be about the same as this first phase (\$28 million).

In the event that Heartland fails to meet the job creation requirements, the City shall be held harmless for repayment of the CDBG-ED Grant. This indemnification can be in the form of a security instrument such as a Bond, Letter of Credit, or other instrument that is acceptable to the City. This would be held until the Project is released by CDBG and found in compliance by the grant agency. The security instrument will be needed by the City within the next 90 to 120 days.

The grant can be applied for, but no grant funds will be spent by the City until it has the fully executed security instrument.

OTHER OPTIONS

Do not approve the proposed CDBG-ED grant application.

FISCAL IMPACT

The security instrument (which is needed within the next 90 to 120 days) will protect the City from having to pay back the grant if the participating business fails to perform as described in the grant application. Therefore, approval of the grant application will have no fiscal impact on the City.

[End agenda memo]

Economic Development Harold Gallup reviewed Agenda Item 11.

Mayor Carter asked if the City receives any money for being the conduit. Ms. Gallup said there is a \$55,000 fee for the investment revenue bond in dealing with the bond attorney and project negotiations.

Ms. VanBlargan read Resolution 2012-18 by title only.

RESOLUTION OF THE CITY COMMISSION OF LAKE WALES, FLORIDA, AUTHORIZING THE MAYOR TO MAKE APPLICATION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR APPROVAL OF A COMMUNITY DEVELOPMENT BLOCK GRANT IN THE ECONOMIC DEVELOPMENT CATEGORY SPONSORED BY THE CITY OF LAKE WALES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

OPENED PUBLIC HEARING

There were no comments from the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Resolution 2012-18. The motion was seconded by Commissioner Wojcik.

By Roll Call Vote:

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

The motion carried 5-0.

City Attorney Chuck Galloway said the bond firm BB&T pulled out of the project and Piper Jaffary, the new buyer, requested a TEFRA meeting. Because there is a fourteen day notice requirement Mr. Galloway asked for and received Commission approval for a special ten minute meeting to be held on Wednesday, November 28th at 5:30 p.m.

Agenda Item 12. Request for a Utility Write off - Green & Gold Foundation (B Street Center)

The full staff memo is incorporated into the minutes.

[Begin agenda memo]

SYNOPSIS

Representatives from the Green & Gold Foundation are requesting a utility write off for services received during FY 2011'12 equal to \$2,069.53 for the B Street Center.

RECOMMENDATION

It is recommended that City Commission authorize the Finance Director to issue a utility write off in the amount of \$2,069.53 for the B Street Center for services received during FY 2011'12.

BACKGROUND

On June 7, 2011, the City Commission approved the conveyance of the B Street Center to the Green & Gold Foundation (Foundation). Within the minutes of that meeting the City Commission approved "the continued payment of the utilities and miscellaneous contract services for the B Street Center through the end of FY 2010'11 (about \$350 per month)". A copy of the minutes has been attached.

The Foundation mistakenly assumed **utility services** and **miscellaneous contract services** would cost about \$350 per month during FY 2011'12 based on a statement within the City's minutes. The \$350 referenced in the minutes related to the City's municipal rates for utility services and municipal rates for miscellaneous contract services.

In October of 2011, these **utility services** switched to a commercial rate structure. The Foundation did not realize the significant difference the change in rate structures would cause during FY 2011'12.

The Green & Gold Foundation is requesting:

1. The City Commission to provide a utility write-off of \$2,069.53 for the difference between the commercial rate structure and the municipal rate structure for FY 2011'12.
2. The City Commission allows the B Street Center to begin paying the commercial rate structure for services beginning in October of 2012.

Utility services based on the municipal rates during FY 2011'12 total \$ 2,215.92.

[End agenda memo]

Commissioner Howell excused herself from this agenda item due to her involvement with the Green and Gold Foundation and left the room.

Finance Director Dorothy Ecklund reviewed Agenda Item 12.

City Attorney Chuck Galloway said there is a specific prohibition in the utilities ordinance that says, "No" utility service shall be furnished or rendered free of charge to any firm, person or corporation, institution or organization. He said the City Commission does not have the authority to write-off or wipe-out a utility debt in this fashion. He suggested that the Commission could instead pay the amount from another area of the City's budget in the form of a grant.

Mayor Carter said that he was not in favor of taking money out of another fund to pay this bill and asked that staff find other alternatives or resources. There was consensus that something needed to be done for the following reasons:

- Because the discrepancy was not due to the fault of Green and Gold Foundation, but a communication misunderstanding. When the Green and Gold Foundation took over the B Street Center their water bill was changed from the municipal rate to the commercial rate but this was never disclosed. The Foundation is not asking that the City pay their bill, but only the difference between what was budgeted for the municipal rate and the bill they received with the commercial rate.
- The Green and Gold Foundation provided immensely needed services to the community through the B Street Center.
- The Foundation is limited in funds and it would be difficult for them to make up the difference.

Ms. Ecklund said she would research, meet with the City Attorney to put together a list of other options, and then bring the options back to the Commission for consideration. In the meantime, the Foundation's water will not be turned off for failure to pay the bill, until a solution can be found.

PUBLIC COMMENT

Clinton Horne, 507 E. Polk Avenue and on the Green and Gold Foundation Board, said this was not the fault of the Green and Gold Foundation. He said they know how to budget and they know how to stay within a budget but they had budgeted according to numbers given to them by the City. He said they had requested permission from the City to have the irrigation timer turned off until they could monitor it to make sure it was working properly but the request had been denied. From now on they will not back off but plan to take charge with or without the City's permission and turn off the irrigation timer until they can fix it.

Commissioner Lutton asked if they had one meter or if they had both an irrigation meter and water meter. Mr. Horne said they have both but they were given no keys to the meters and therefore they had no access to them.

ADDENDUM

Agenda Item 13. Acceptance Of a Donation to Replace Two Police Dogs

SYNOPSIS

The City Commission will consider a request to accept a monetary donation from a Lake Wales resident to replace two dogs from the Police Department K9 Unit. The monetary donation will be made in the

amount of approximately \$17,000.00 to the City of Lake Wales for the purpose of purchasing two replacement police dogs.

RECOMMENDATION

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

1. Accept the monetary donation, approximately \$17,000.00, from a Lake Wales resident for the purpose of replacing two Lake Wales Police Dogs.

BACKGROUND

Lake Wales Police Department began its Canine Unit in 1997 with two canine teams. The Police Department quickly realized the value of the canine teams and expanded the canine unit to four canine teams. Having four canine teams made it possible for one canine team to be on each shift giving the Police Department around the clock access to a canine team. The Police Department's four canine teams are regularly used for criminal apprehension, tracking suspects, searching for suspects in buildings, searching for suspects in heavily wooded areas, evidence location, crowd control, narcotic detection, officer safety, public demonstrations, educational purposes in our schools, and occasionally used to track lost/endangered children or elderly people. Each of our canine teams has completed a minimum Police Canine School which is 400 hours of training. Upon successful completion of the basic Canine School each team is required to demonstrate proficiency in all areas of their training in the presence of two state evaluators. The standards set for this evaluation are set by the Florida Department of Law Enforcement and every canine team is required to pass this evaluation to be certified with the State. No canine team will begin working in Lake Wales without first passing this State evaluation.

Deputy Chief Troy Schulze reviewed Agenda Item 13.

Commissioner Wojcik made a motion to accept the monetary donation for the purchase of two police dogs. The motion was seconded by Commissioner Thornhill.

By Voice Vote:

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

The motion carried 5-0.

CITY MANAGER'S REPORT

CITY COMMISSION TRACKING REPORT

Tracking Report Additions: Commissioner Wojcik remarked that there are many times that items of discussion are turned over to city administration, to be brought back later to the Commission. Sometimes weeks and months go by and the Commission loses track of them. She gave the following examples: the pension issue; the Historic Society lease agreement; the PGTV broadcasting; and cost estimates for the gazebo, Little League stands, Tourist Club and the James P. Austin Community Center. She asked if these type things could be added to the Tracking Report, along with infrastructure issues, so that at each meeting they can get an update. Ms. Leary said she wasn't the one who has been doing the Tracking Report but she thought she was familiar enough with what was going on that she could take that responsibility over.

PGTV Broadcasting: Support Services Director James Slaton said he met with PGTV representatives earlier that day and was glad to announce that a press release will be going out. He said they should be on line by the next City Commission meeting on November 20th. Each meeting will be replayed on the TV three to five times, will be available through a link on the City's Website, and will be archived.

Strategic Planning Meeting: Ms. Leary announced that the Strategic Planning session is scheduled for January 12th with a morning session followed by a lunch break and an afternoon session. Because of the acoustics, she said the most appropriate place to have it would be in the Commission Chamber. She said Rich Thompson will be available on that date.

COMMUNICATIONS AND PETITIONS

There were no comments from the public.

CITY COMMISSION COMMENTS

CITY MANAGER EVALUATION:

- Commissioner Howell:
 - Commissioner Howell said that the evaluation form should have been put on the tracking report three years ago when the Commission wanted to change it. Now they don't have the time to do it.
 - Commissioner Howell said it took her a long time to finish the evaluation because many of the things that were asked were the responsibility of department directors and not the City Manager. She therefore felt like she was not really evaluating the City Manager.
 - Commissioner Howell said that she would like to have city employees fill out another survey because then she would be able to see what the concerns were and evaluate Ms. Leary on how she addressed those concerns.

Employee Survey: Ms. Leary inquired about what the employee survey was about. Commissioner Thornhill said the survey was done in 2007 and again in 2008 at the request of the Commission and then it went by the wayside. Human Resources Director Sandra Davis said that it covered things like job satisfaction.

Core Meeting:

Ms. Davis said a monthly Core Committee was put into place instead of continuing the employee surveys. One member is selected to be on the Core Committee from each department so that employees can talk to their representative about anything they want discussed. The minutes to those meetings are distributed to all employees. Core Representatives were tasked with finding out from their departments whether or not the employees wanted to have another survey and what came back was that they didn't.

Commissioner Howell said that was because they didn't think anything was being done about their concerns. She asked if the name of the employee who brought up an issue was named in the minutes and Ms. Davis said that all concerns come through the department representative so the Core Committee does not know who voiced the complaint. The minutes simply list the issues and the resolution, if one can be had because the Core Committee can't do anything about some of the issues brought to them.

Commissioner Howell asked if Ms. Davis thought the Core Committee was working better than the survey had. Ms. Davis explained the survey ended up being a vent for employees that were angry with each other, whereas the Core Committee deals with situations.

Commissioner Lutton said the Core Committee minutes would give him more of a feedback on how the City Manager is managing the staff than having surveys from individuals. He said you got to remember that the boss is not everybody's friend.

Commissioner Howell said we are looking for the friendliness. She would not want the department heads hollering or throwing things at their employees. Ms. Davis said the City Manager evaluates the department heads based on that.

Ms. Davis said that one of the projects the Core Committee did was to have each of the employee reps to go back to their employees and ask if they wanted to do an employee survey and the feedback was "no." Commissioner Howell asked if that was from the majority of the employees and Ms. Davis said yes. It was nothing that went out in writing. It was from their reps that they chose to represent them on the Core Committee. Commissioner Howell said that was because they did not feel as if anything was done from the first survey.

Commissioner Howell said that if she had a complaint that her department head was not being fair, she wouldn't want to tell her representative, whereas the employee survey was completely anonymous by the computer and by hand. She said she thought it must have been mandatory to do the survey because more employees participated in the employee survey than turn in complaints through the Core Committee. Example, complaints like needing more toilet tissue in the bathrooms will not tell her anything about individual concerns.

Employee of the month:

Mayor Carter said that two years ago the Commission passed a budget item to recognize an employee of the month with a \$50 gift certificate and it was never done. Ms. Davis said they give the gift certificate once a year at the Christmas party. Mayor Carter said that though they were very specific that it was to be \$50 a month, the City Manager and Core Committee at that time decided that wasn't going to happen and changed the whole makeup of it. The impression he got was that the City Manager was telling the Core Committee what to do. Ms. Davis said the City Manager does not attend Core Committee meetings. She said they have had an employee of the year twice and they received money. Mayor Carter said his point was that the Commission at that time decided that they wanted to recognize an employee each month with a \$50 certificate and that specifically never happened and to his knowledge that did not happen. He added that he did not fully understand the responsibility or effectiveness of the Core Committee based on that example.

- Commissioner Thornhill said after City Manager Tony Otte left, the Commission wanted to change the evaluation form because it was not as detailed oriented toward the City Manager as they wanted and did not give critical information. It was one of the times that direction was given and nothing was done. He said they should set a policy for the future.
- Mayor Carter suggested the following process:
 - Do the Employee Survey again so employees have the opportunity to discuss concerns they have in their departments, with an outside consultant tabulating the results.
 - When finished and the Commission has a chance to look at the results, have one-on-one meetings with the City Manager
 - Deliver sealed evaluation forms to the City Clerk who will hold them until all the Commissioners have met with the City Manager so the forms won't become public knowledge until after each Commissioner has had a chance to talk with the City Manager about their individual concerns.

- Turn all the evaluation forms over to the Human Resources Director at one time.

City Attorney Chuck Galloway said the evaluation forms become public record the minute they are filled out, even before the forms are turned in. If someone requests to see the forms, they can. Therefore they can't be sealed or kept from public record.

Human Resources Director Sandra Davis said they can have a one-on-one evaluation if they wish but there still has to be a public forum. She said three of the evaluation forms have been turned in so far. She said she can put them in the matrix for the next meeting so they can be discussed with the City Manager.

Mayor Carter called for a consensus as to whether or not they should have another employee survey.

- Mayor Carter was in favor of doing the employee survey again and said the feedback he has received is that employees did want to have an employee survey. He said there is a difference between what the Core Committee does and what a survey does. He said he did not know how they could effectively evaluate the City Manager unless they know what kind of job she is doing on the department level.
- Commissioner Howell was in favor of the Employee Survey because concerns are identified and direction is given. Then, the following year when the survey is done again, Commissioners can see if the department heads and City Manager have addressed those concerns. If the same concerns are repeated in the next survey, the City Manager would get a low score.
- Commissioner Lutton said he did not think it was necessary to have an employee survey because the Core Committee will give them more feedback on how the City Manager is managing employee concerns than surveys from individuals. He asked that the Commission also get a copy of the Core minutes so they can see if things are getting better. Ms. Davis said she would do that.
- Commissioner Wojcik was not in favor of having the employee survey because it sounded to her like the Core Committee was doing the job it was set up to do.

The consensus was 3-2 against having another survey.

Mayor Carter asked for the process of evaluating the City Manager and Ms. Davis said the following:

- Once she gets the two outstanding evaluations they will go on a matrix.
- She will put together an agenda item that shows the ratings
- Then they can have a public discussion.

Mayor Carter asked the City Attorney if they could have a one-on-one discussion with the City Manager. Mr. Galloway said they have the ability to have a one-on-one discussion. He asked if the Mayor was saying he wanted to get the matrix and then meet with the City Manager one-on-one. The Mayor wasn't sure. Commissioner Lutton suggested making a copy of the evaluation, handing the original to Ms. Davis, and simultaneously meeting with the City Manager to discuss the evaluation, if he or she wishes to do so as there is no requirement.

- Ms. Davis asked if the commission would like for her to put something together so they could look at different evaluation forms just in case they would like to change it for the next evaluation. Commissioner Lutton said he would like to do that in January or February before March. Otherwise, they'll be right against the wall again. The budget process starts in April.
- Commissioner Howell said she would like to get copies of all the Core meeting minutes.

The following decisions were made during the meeting.

- No employee survey
- The Commission will start getting the Core Committee minutes
- They will start working on a new City Manager Evaluation form beginning in January.
- They will meet with the City Manager one-on-one if they choose.

Commissioner Lutton said the evaluation form was flawed from the beginning because they set no bars or goals for the City Manager to attain. She therefore is spending the year just handling whatever comes her way without knowing what the five people on the Commission expect for her to do. He said that after the evaluation, each Commissioner should pick out five to ten goals for her to reach. That would be fair to her, making her more effective and productive, and the Commission could evaluate her next year based on what she accomplished.

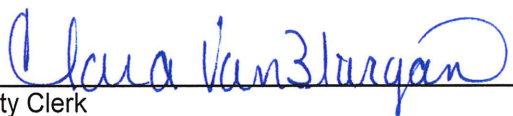
Commissioner Thornhill said that wasn't entirely true because each Commissioner met with Ms. Leary one-on-one when she first came, giving her some direction. Commissioner Lutton said the direction they give needs to be a consensus, not a list by individual Commissioners. Each Commissioner needs to bring to a meeting his or her top five or so directions and then they need to come to some sort of consensus for the top five, or whatever they decide, as direction to the City Manager. He said they were five brains with one mouth and so they need to come up with one set of directions.

The meeting was adjourned at 7:33.



Mayor/Commissioner

ATTEST:



City Clerk

reg. 11-6-12

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

NAME—FIRST NAME—MIDDLE NAME Howell, Terrye Yvette		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS 611 Carver Drive		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY Lake Wales	COUNTY Polk	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED November 6, 2012		NAME OF POLITICAL SUBDIVISION:
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

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

Person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which is 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.

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)

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, Terrye Y. Howell, hereby disclose that on November 6, 20 12:

(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:

I am a board member of the Green and Gold Foundation and B Street Center.

November 12, 2012

Date Filed

Terrye Y Howell

Signature

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, OR CIVIL PENALTY NOT TO EXCEED \$10,000.