

A workshop meeting of the City Commission was held on February 18, 2014 at 5:30 p.m. in the Commission Chamber at the Municipal Administration Building. The meeting was called to order by Mayor Eugene Fultz.

**COMMISSIONERS PRESENT:** Michael S. Carter; Betty Wojcik; Christopher Lutton; Jonathan Thornhill; Eugene Fultz, Mayor

**COMMISSIONERS ABSENT:**

**CITY REPRESENTATIVES PRESENT:** Kenneth Fields, City Manager; Clara VanBlargan, City Clerk; Jennifer Nanek, Deputy City Clerk; Albert C. Galloway, Jr., City Attorney

[Full staff memos are incorporated into the minutes. Meetings are recorded, but not transcribed verbatim.]

## **Agenda Item 2. Proposed Preliminary Plans for the New Cemetery**

[Begin agenda memo]

### **SYNOPSIS**

The City Commission will review and provide comments for the proposed design for the new Lake Wales Cemetery and the construction of the first five acres of the new cemetery.

### **RECOMMENDATION**

The recommendation is for the City Commission direct staff to continue moving forward with the design process taking into consideration any comments from the commission.

### **BACKGROUND**

At its meeting on June 18, 2013, the City Commission directed staff to begin the design and engineering phase for the new cemetery.

The City of Lake Wales proposes to construct a new cemetery located at Hunt Brothers Road and Lake Bella Road. The City owns approximately fifty (50) acres of land, north of Hunt Brothers Road, in the vicinity of the Southside Elevated Storage Tank. This land is referred to as "The Billy Allen Groves." The land was purchased in January 2007; additionally the City may set aside up to 5% (2.5 acres) of the property for the location of a water tower. The land is currently under a three (3) year renewable lease (starting in 2012) and is being used for citrus production.

The Willow Lawn Cemetery, approximately ten (10) acres, is at capacity and the Lake Wales Cemetery, approximately twenty eight (28) acres, contains approximately eleven thousand five hundred sixty one (11,561) burial sites and a Mausoleum. This cemetery was recently re-platted to allow for an additional three hundred eleven (311) burial lots.

The City previously developed a conceptual design with the assistance of AMEC Environmental and Infrastructure to convert 20 acres of "The Billy Allen Groves" between Hunt Brothers Road and Ray Martin Road and east of Lake Bella Road into a new cemetery.

The City has asked Metzger & Willard, Inc., who is currently under contract with the City for engineering services, to propose services for the final development of the conceptual and final engineering and design of the cemetery and assist with bidding, permitting and construction services. The understanding is that the City plans to construct the cemetery in four (4) phases of five (5) acres each.

### **FISCAL IMPACT**

Debt issuance funds this project.

## **OTHER OPTIONS**

The City Commission has directed staff to move forward with this project.

[End agenda memo]

Teresa Allen, Public Services Administrator, introduced a representative from Metzger-Willard to review the plans for the new cemetery and answer any questions.

Loren Jones, Senior Project Manager, at Metzger-Willard presented and reviewed the draft plan. The design allows for the 20-acre cemetery to be designed in 5-acre phases. He explained that a retention pond is necessary because of various contaminations from runoff. A landscape artist, Dave Connor, has created visualizations of what the cemetery and the plantings will look like. Commissioner Carter asked about the retention pond, if it is on the left side. Mr. Jones explained there will be five retention ponds, one for each section along the left.

Commissioner Lutton asked if the phases will be overlaid or if pipes will be between them. Mr. Jones responded that the first five acres will be graded and they will discharge off the back side into a common area. It won't collect at the bottom.

Commissioner Wojcik asked what the difference is between detention and retention. Mr. Jones explained that detention is to discharge the water off-site while retention is to keep the water on-site to treat it. Commissioner Wojcik asked how it was treated. Mr. Jones explained that it slows down the flow and dilutes it. These will be mostly dry ponds. Commissioner Carter expressed concern for the rare occasion where the ponds may over flow due to heavy rain. Mr. Jones said it would not go into the road but into the swell on Hunt Brothers Road. Commissioner Carter suggested using this water for irrigation. Mr. Jones said reclaimed water would be used for irrigation, as there is a reclaimed water line there.

Commissioner Lutton asked what the blue and green squares are. Mr. Jones said the blue squares are child lots, green squares are cremation lots. Commissioner Lutton asked if there are mausoleums. Mr. Jones responded no. Commissioner Wojcik asked about the scattering garden. Mr. Jones said that was for ashes to be scattered without having a specific location. Commissioner Lutton asked if it will all be graded flat and the ridge taken out. Mr. Jones confirmed it will.

Commissioner Thornhill asked if family plots would be available. Ms. Allen explained that families can buy a group of adult plots. If a child passes they can be buried at the foot of an adult grave, the ashes can be buried with an adult or they go into a separate section.

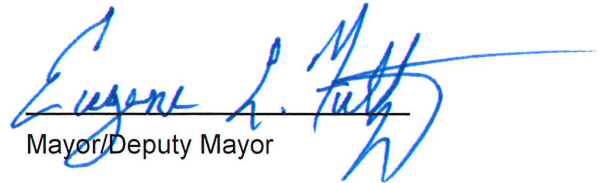
Commissioner Lutton asked about the circles. Mr. Jones said they could be used for landscaping or additional lots. Commissioner Carter asked who can purchase the lots. Ms. Allen said current lots are for residents or those coming back. Commissioner Lutton asked if non-residents can get a space. Ms. Allen explained that the rates will be higher than residents. Because we are trying to be self-sufficient all rates will be higher, but those haven't been established. Possible guidelines will be set in the future as to who can purchase lots. Policies will be established before lots are available for sale. Commissioner Carter suggested caution as we do not wish to run out. Ms. Allen said that with 11,000 lots it was highly unlikely we will run out for many years.

Commissioner Lutton asked about the landscaping. Mr. Jones said viburnums would border the area. Commissioner Thornhill asked about the crape myrtles, that they may not bloom enough. Ms. Allen explained that they would provide color year round. Pictures of the viburnum and crape myrtles were shared with the commission. Commissioner Lutton suggested against live oaks. Commissioner Lutton

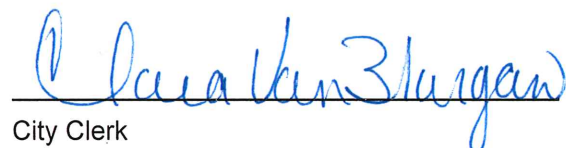
asked about vertical headstones. Kenneth Fields, City Manager, recommended against vertical headstones as flat ones are easier and cheaper to maintain.

Commissioner Lutton recommended improving appearance of the entrance. Mr. Fields said they are open to ideas. The possibility of wall or fencing was discussed. Commissioner Lutton recommended wing walls for the front and wrought-iron fencing, and then hedges. Commissioner Carter asked about parking. Mr. Jones showed where cars can pull off. Commissioner Wojcik suggested flowers. Commissioner Carter asked if the maintenance facility was large enough and Mr. Jones said yes.

The meeting was adjourned at 5:54 p.m.

  
\_\_\_\_\_  
Mayor/Deputy Mayor

ATTEST:

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

The meeting of the Lake Wales City Commission was held on February 18, 2014 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Eugene Fultz at 6:00 p.m. following the invocation and the Pledge of Allegiance.

#### **INVOCATION**

The invocation was given by Dr. Jim Moyer.

#### **PLEDGE OF ALLEGIANCE**

**COMMISSIONERS PRESENT:** Michael S. Carter; Betty Wojcik; Christopher Lutton; Jonathan Thornhill; Eugene Fultz, Mayor

#### **COMMISSIONERS ABSENT:**

**CITY REPRESENTATIVES PRESENT:** Kenneth Fields, City Manager; Clara VanBlargan, City Clerk; Jennifer Nanek, Deputy City Clerk; Albert C. Galloway, Jr., City Attorney

[Full staff memos are incorporated into the minutes. Meetings are recorded, but not transcribed verbatim.]

#### **MAYOR**

Commissioner Thornhill reported on the Ridge League of Cities Dinner in Frostproof, and said it was very enjoyable.

The Mayor introduced the members of the Citizens Police Academy.

The Mayor read a Letter of Commendation for Officer James Hampton who helped with a recent situation at Vanguard.

#### **PRESENTATIONS**

##### **Agenda Item 5. Quarterly Evaluation Report by Lake Wales Area Chamber of Commerce Executive Director Jim Bell on the progress of Economic Development Programs & Activities**

Jim Bell reported on the budget since he was hired and the Economic Development Council (EDC) began on June 25. They have been attracting new members to the EDC, many of whom are excited about things that are happening. The website is close to completion. The next meeting of the EDC is on Thursday. They are doing a "SWOT analysis", Strengths, Weaknesses Opportunities and Threats here in Lake Wales. He commended the City on the partnership with Carl Hadden and the USF Small Business Center. The Longleaf Business Park is the top priority and they want to improve the visibility of the signs. Mr. Bell shared a list of what businesses and projects are forthcoming. He also shared about some upcoming roadway projects. He invited all to attend the State of the City program on Friday.

Kenneth Fields, City Manager, said they have met with the CFDC who are excited about developments over here.

##### **Agenda Item 6. Depot Advisory Commission – Annual Report by Chairman Mimi Reid Hardman**

Mimi Reid Hardman, Depot Advisory Commission and Depot Museum Director, distributed to the Commission a current list of members. She introduced a member of the Depot Advisory Commission

present, Jack Neal who helps maintain the downtown clock. She reported that they are maintaining the museum and that they have 12 exhibits including dollhouses. She described efforts at fundraising and said that they have just volunteers for help. Pioneer Days went well last fall and this year is the 38th year. The museum keeps records of all history and folklore in Lake Wales. They have had good attendance lately including from schools. She invited all to come and visit the Depot Museum.

Commissioner Wojcik asked if some of the members of the Depot Advisory Commission were the same as the Historic Lake Wales Society (HLWS) Board and Ms. Hardman said some are. Commissioner Wojcik asked if the Depot Advisory Commission is needed, as it seems to overlap the HLWS Board. Kenneth Fields, City Manager, responded that we can sunset the board if need be. An ordinance can be drafted for a future City Commission meeting. Commissioner Wojcik confirmed that this board is from when the Depot Museum was under the City and now that the museum is operated by the HLWS, why is there still a Depot Advisory Commission with members appointed by the City Commission. Commissioner Wojcik said that the HLWS Board could come and bring concerns to the City Commission as needed. This causes confusion among both groups. Ms. Hardman expressed concern that the Board is needed to address maintenance concerns to keep things historic. Commissioner Wojcik said the HLWS Board is needed, and can address those concerns. Mayor Fultz agreed that this concern is only about the Depot Advisory Commission. Ms. Hardman listed some maintenance concerns at the Depot Complex. Mr. Fields said some of the major maintenance issues are the city's responsibilities. Ms. Hardman said that she would address those concerns with Mr. Fields.

Commissioner Lutton thanked Mimi Hardman for her years of volunteer help and service in operating the Depot Museum.

### **COMMUNICATIONS AND PETITIONS**

There were no comments by the public.

### **CONSENT AGENDA**

**Agenda Item 7. Approval of Minutes: February 4, 2014, Regular Meeting**

**Agenda Item 8. American Legion Post 71 Special Event Permit Application - Request to close city lot for Carnival**

[Begin agenda memo]

### **SYNOPSIS**

The approval of the Special Event Permit Application will allow the American Legion to host a Kid's Carnival during the Mardi Gras activities, allow for the temporary closing of the City lot located at the intersection of First Street and Tillman Avenue, and grant a waiver of the business tax for the carnival as requested by American Legion Post 71.

### **RECOMMENDATION**

The American Legion Post 71 is requesting that the City Commission to take the following action:

- Approve the Special Event Permit application for the American Legion Post 71 to host a Kids' Carnival beginning Tuesday, February 25 to Saturday, March 1, 2014 between the hours of 10:00 a.m. and 10:00 p.m.
- Approve the temporary closing of the City lot located at the intersection of First Street and Tillman Avenue for the carnival to be set up beginning on Monday, February 24, 2014 through Saturday, March 1, 2014. The carnival will tear down their rides and games on March 2, 2014.

- Approve the waiver of the business tax of \$750.00 for the carnival as the American Legion is non-profit and the tax can be waived by the commission (per Chapter 14, Sec. 14-114, Local business tax receipt required).

## **BACKGROUND**

Ira Anderson, Commander for the American Legion Post 71 submitted a Special Event Permit Application to host the Great Amusement Company's Carnival during the Lake Wales Mardi Gras event. They are requesting the temporary closing of the City lot at the intersection of First Street and Tillman Avenue beginning on February 24, 2014 for the set up of the carnival and continuing until March 2, 2014 when the rides and games will be taken down and removed. The carnival, if approved, will be from 10:00 a.m. to 10:00 p.m. on Tuesday, February 25 to Saturday, March 1, 2014.

The American Legion is also requesting a waiver from the City Commission for the business tax for the carnival (per Chapter 14, Sec. 14-114) for \$750.00 (per Chapter 19, Sec. 19-130). Chapter 14, Sec. 14-114 provides for an exception when the event is sponsored by a local nonprofit civic, professional, educational, or religious organization. The local business tax may be waived with prior approval of the city commission.

City staff has reviewed the application and has found no issues with its approval as long as certain conditions are met as follows:

- The American Legion will be responsible in providing a dumpster and sanitary facilities at the site.
- The American Legion will be responsible in making sure that the Great Amusement Company has the required permit from the State of Florida Division of Hotels and Restaurants and an annual permit from the State of Florida Department of Agriculture Division of Consumer Services.
- A Certificate of Liability insurance is required naming the city as additionally insured.
- The American Legion is responsible in making sure the Great Amusement Company cleans up the trash during and at the end of the day, and that the city lot is cleaned of all trash when the carnival is concluded. The Streets Division will place trash containers at this location, however, the City will not be providing clean up services.

## **OTHER OPTIONS**

Do not approve the carnival, the temporary closing of the city lot or the waiver of the business tax.

## **FISCAL IMPACT**

This event was not budgeted in FY13/14 for in-kind services. The American Legion Post 71 will pay in-kind services that might be provided by the City at 100%.

[End agenda memo]

## **Agenda Item 9. Vendor Selection for Payroll Services and Human Resources Management System**

[Begin agenda memo]

## **SYNOPSIS**

The approval will allow the City to contract with Paycom Payroll, LLC (Paycom) for payroll and human resources management system services.

## **RECOMMENDATION**

The recommendation is for the City Commission to take the following action:

1. Accept the proposal and award the contract for payroll and human resources management system services to Paycom Payroll, LLC.
2. Authorize the City Manager to execute a three-year agreement with Paycom Payroll, LLC, in a form acceptable to the City Attorney.
3. Authorize the City Manager, after a six-month review period, to execute an addendum to the contract for a price lock.

## BACKGROUND

Outsourcing payroll processing and human resources management system services provide cost avoidance and efficiency for the City. Since 2008, the City has contracted with ADP for these services. On December 2, 2013, the City released a request for proposal (RFP), with a due date of January 14, 2014, for payroll and human resources management system services.

The following vendors submitted proposals:

- ADP
- Kronos Incorporated
- Paycom Payroll, LLC

A selection committee, consisting of Sandra Davis, Human Resources Director, and Dorothy Ecklund, Finance Director, reviewed the proposals received based on the following criteria, as outlined within the RFP:

<u>Evaluations Factors</u>	<u>Possible Ranking Points</u>
Qualifications and Experience	35
Client References	15
Vender Technical Ability(per RFP listing)	35
Cost Proposal	15
	<u>100</u>

All applicants scored highly within the areas of qualifications, experience, client references, and technical ability. In the area of cost, there was a significant variance as outlined below:

**Cost Summary Analysis:**

	<u>1st Year</u>	<u>2nd Year</u>	<u>3rd Year</u>	<u>Three Year Summary Total</u>
ADP	65,981	50,281	51,287	167,549
Kronos	62,796	52,293	52,293	167,382
Paycom	36,385	29,601	29,601	95,587

**Note:** Each company included a first year conversion/training fee.

Recommendation from Selection Committee

The Selection Committee recommends that the City Commission award the contract for payroll and human resources management system services to Paycom Payroll, LLC.

Also, the Selection Committee recommends that the City Commission allow staff six months to evaluate services provided before entering into a price lock contract with Paycom. The price lock addendum has a six-month early termination fee should the City terminate service with Paycom before the end of the original three-year contract term.

**FISCAL IMPACT**

The estimated annual cost for one year of service with Paycom is \$36,385 the first year, which includes \$6,785 for payroll conversion and staff training. The second and third year, estimated at \$29,601 per year.

[End agenda memo]

**Agenda Item 10. Sewer Infrastructure Pipe Lining Repair Services**

[Begin agenda memo]

**SYNOPSIS**

The approval will allow the City to piggyback on a contract that Volusia County has with LMR Construction for Sewer Infrastructure Pipe Lining repair.

**STAFF RECOMMENDATION**

The recommendation is for the City Commission to take the following action:

1. Approve an agreement to piggyback on a contract that Volusia County has with LMR Construction for Sewer Infrastructure Pipe Lining Repair.
2. Authorize the City Manager to execute the appropriate documents on the City's behalf.

**BACKGROUND**

Staff seeks approval to utilize a piggyback process established by Ordinance 2013-17 to piggyback on a contract for sewer infrastructure pipe lining repair. The Volusia County competitively bid the service in 2011.



Therefore, staff is seeking commission approval to enter into a contract with LMR Construction for Sewer Infrastructure Pipe Lining Repair.

#### **OTHER OPTIONS**

The City Commission can choose not to piggyback contract with LMR Construction for sewer infrastructure pipe lining repair and have staff to bid out the services, thus requiring staff to seek a consulting engineer to create the bid specifications.

#### **FISCAL IMPACT**

There is no fiscal impact at this time. When such time becomes necessary, action for expenditures will be brought before the City Commission for approval.

[End agenda memo]

#### **Agenda Item 11. Preliminary Financial Statements for January 31, 2014**

[Begin agenda memo]

#### **SYNOPSIS**

The preliminary financial statements report revenues received and expenditures made through the end of January 31, 2014.

The unaudited financial statements for the City of Lake Wales for the Period Ending January 31, 2014 are presented to the City Commission for review. At the end of January 31, 2014 the City was 33% into the fiscal year.

#### **General Fund (001), page 2:**

The General Fund appears to be materially on target with revenue and expenditure expectations.

#### **Transportation Fund (102), page 7:**

The Transportation Fund appears to be materially on target with revenue and expenditure expectations.

#### **CRA Fund (105), page 10:**

The CRA fund appears to be materially on target with revenue and expenditure expectations.

#### **Library Fund (110), page 17:**

The Library Fund appears to be materially on target with revenue and expenditure expectations.

#### **Utility System Fund (403), page 27:**

The Utility System Fund appears to be materially on target with revenue and expenditure expectations.

#### **Airport Authority (404), page 29:**

The Airport Authority appears to be materially on target with revenue and expenditure expectations.

[End agenda memo]

Commissioner Lutton made a motion to approve the Consent Agenda. Commissioner Wojcik seconded the motion.

By Voice Vote:

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

The motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**Agenda Item 12. ORDINANCE 2014-01, FY-2013'2014 Budget Amendment #1 – 1st Reading**

[Begin agenda memo]

**SYNOPSIS**

The City Commission will consider approval of an Amendment to the FY-13'14 Budget adopted on September 17, 2013.

**RECOMMENDATION**

The recommendation is for the City Commission to approve Ordinance 2014-01 after first reading.

**BACKGROUND**

The City Commission adopted Ordinance 2013-12, estimating revenues and appropriating funds for FY-2013'14, on September 17, 2013.

We are presenting for first reading an amendment of Ordinance 2013-12 to modify the estimates of revenues and appropriations budgeted in various funds. Exhibit A & B, and supporting attachments provide the detail for the proposed amendment.

Reasons for this amendment include:

**Changes in Budgetary Beginning Fund Balances:**

- Increase in Transportation Fund Balance of \$23,414.
- Increase in Street Lighting Special Assessment Fund Balance of \$6,488.
- Decrease in CRA Fund Balance of \$105,289, which is mainly due to the \$100,000 held in trust. This is mainly a housekeeping item to clarify the \$100,000 restricted funds.
- Increase in Police Forfeiture Fund of \$10,258.
- Decrease in Debt Service Fund of \$16,317.
- Decrease in Utility System Fund of \$1,215,000. During the prior year budgetary process, restricted funds for the C Street projects and the C Street carry-over items were both included in the original budgetary estimate of beginning fund balance. This was a clerical error. Notification provided to the City Manager and the Utility Director on 10/30/2013. Notification provided to the City Commission on 11/19/2013 that a short deferral of some non-essential capital projects were within FY-2013'14. The notification identified that the City Manager, Utility Director, and the

Finance Director had began discussion relating to the necessary adjustment for FY-2013'14. This is the housekeeping item to correct beginning fund balance relating to this issue.

**General fund revenues and beginning fund balance increased by \$287,341 for the following items:**

- Increase in beginning fund balance of \$108,599
- COP Grant for \$40,742
- Donation from Wal Mart for Christmas gifts for community families of \$1,000
- Donation for refurbishing basketball court in Lincoln Park of \$42,000
- Transfer from Capital Project Fund of \$95,000 for various recreational capital project costs.
- 3,000 – Bleachers at Northwest Recreation Complex
- 20,000 – Parking Lot Expansion at Crystal Lake Park 35,000 – Fencing at Crystal Lake Park
- 10,000 – Play System Shade Cover at Stuart Park
- 7,000 – Monument Sign at Lake Wailes
- 20,000 – Engineering for a community park to be located by the new fire substation

**General fund appropriated expenditures increased by \$338,610 mainly due (\$306,740) from following items:**

- Lake Belle settlement of \$108,000

Recreation capital outlay of \$187,000. These projects include the items listed above plus:

- 30,000 – Second play station at Crystal Lake Park
- 62,000 – Refurbishing of basketball court at Lincoln Park
- Professional services within Willow Lawn Cemetery for ground survey work for \$9,890
- Community service expenditures of \$1,000 relating to the expenditure of the Wal-Mart donation for Christmas gift for community families
- Increase in police operating supplies of \$850 for vest carriers and Bluetooth mobile phone recorder

**Library fund revenues and beginning fund balance increased by \$13,458 for the following items:**

- Decrease in beginning fund balance of \$15,060
- Increase of \$21,018 Polk County Library Cooperative
- Increase of \$4,500 interest income
- Increase in donation of \$3,000 from Raymond James Foundation for the purchase of furniture

**Library fund appropriated expenditures increased by \$24,019 mainly due (\$23,919) from the following items:**

- Increase in salaries of \$7,500 for part time labor

- Increase in operating IT of \$5,300 for (3) desk top PCs and additional bar scanners
- Increase in library books and subscriptions of \$4,000
- Increase in C/O – Library Furniture \$7,119 for children furniture

**Capital Project fund revenues and beginning fund balance increased by \$1,674,319 for the following items:**

- Increase in Capital Project fund of \$1,674,319 is mainly due to the loan for the fire substation and the new cemetery addition (\$1,700,000) being issues on 09/18/2013

**Capital Project fund appropriated expenditures increased by \$145,000 mainly due from following items:**

- Increase of \$25,000 for a master plan for Lake Wailes Park horseshoe/fish pier area
- Increase of \$25,000 for parking improvements in Lake Wailes Park across from Legion Field
- Increase of \$95,000 in transfers out to the General Fund for the following projects:
  - 3,000 – Bleachers at Northwest Recreation Complex
  - 20,000 – Parking Lot Expansion at Crystal Lake Park
  - 35,000 – Fencing at Crystal Lake Park
  - 10,000 – Play System Shade Cover at Stuart Park
  - 7,000 – Monument Sign at Lake Wailes
  - 20,000 – Engineering at N. Park to be located out by the new fire substation

**OTHER OPTIONS**

With the exception of the detailed items listed about this is primarily a housekeeping ordinance to conform the budget to items approved by the City Commission.

**FISCAL IMPACT**

See Exhibit A and Exhibit B attached to Ordinance 2014-01

[End agenda memo]

City Clerk Clara VanBlargan read Ordinance 2014-01 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2013-12 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2013-2014 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.**

Commissioner Wojcik asked about the CRA Fund Balance. Dorothy Ecklund explained that the C Street project amount was put into the estimate twice when it was carried forward from the previous year. Some projects need to wait until later in the year and see how the funds carry forward. Kenneth Fields, City Manager, said that things have been slowed down or deferred but projects are still on schedule.

### OPENED FOR PUBLIC COMMENTS

There were no comments made by the public.

### CLOSED FOR PUBLIC COMMENTS

Commissioner Thornhill made a motion to approve Ordinance 2014-01 after first reading. Commissioner Lutton seconded the motion.

By Roll Call:

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

The motion carried 5-0.

### Agenda Item 13. **ORDINANCE 2014-02, Amendment to Ethics Ordinance City Code Section 1-23(b) – 1<sup>st</sup> Reading**

[Begin agenda memo]

#### SYNOPSIS

Ordinance 2014-02 amends Ordinance 2011-06, which provided for more stringent standards of ethical conduct by a city commissioner, appointed official or officer, or employee.

#### RECOMMENDATION

The recommendation is for the City Commission to approve after first reading Ordinance 2014-02 that will:

1. Allow a city commissioner, appointed official or officer, or employee to accept a gift of a value not exceeding Fifty US Dollars (\$50.00) from a person or entity transacting business with the City; and
2. Require a city commissioner, appointed official or officer, or employee that accepts a gift exceeding the limit of Fifty US Dollars (\$50.00) to file a report with the City Clerk for maintaining such gift(s) received.

#### BACKGROUND

The current Ethics Ordinance 2011-06 (City Code Section 1-23(b)) does not allow a city commissioner, appointed official or officer, or employee to either solicit or demand any gift, or accept "a gift of any value (emphasis added) from a person or entity transacting business with the city," such as bottled water, a cup of coffee, business lunch or meal, or award or gift sponsored by a private business in conjunction with a civic or professional event. This strict prohibition can result in a technical violation, which can sometimes be unavoidable or attempting to be in conformance with the code can impinge on normal business practices and relations.

In the event a gift is accepted exceeding a value of Fifty US Dollars (\$50.00), the recipient must report the gift/s to the City Clerk and on a form provided by her for filing in the official records of the City.

## OTHER OPTIONS

The City Commission could choose not to amend its ethics ordinance and continue to enforce its more stringent standards of ethical conduct for a city commissioner, appointed official or officer, or employee.

## FISCAL IMPACT

There is no fiscal impact.

[End agenda memo]

City Clerk Clara VanBlargan read Ordinance 2014-02 by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2011-06 THAT PROVIDED FOR MORE STRINGENT STANDARDS OF ETHICAL CONDUCT BY AMENDING THE SAID ORDINANCE TO PROVIDE FOR ACCEPTANCE OF MINIMAL GIFTS AND A REPORTING REQUIREMENT FOR GIFTS, WHICH EXCEED THE ESTABLISHED MINIMUM; AND PROVIDING FOR AN EFFECTIVE DATE**

Kenneth Fields, City Manager, reviewed Agenda Item 13.

## OPENED FOR PUBLIC COMMENTS

There were no comments made by the public.

## CLOSED FOR PUBLIC COMMENTS

Commissioner Lutton recommended a time limit for reporting gifts over the \$50 limit. Commissioner Wojcik recommended 30 days.

Commissioner Lutton made a motion to approve Ordinance 2014-02 after first reading with the revision that gifts over \$50 be reported to the City Clerk within 30 days receipt. Commissioner Wojcik seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

**Agenda Item 14                      Resolution 2014-02, Authorizing the Second Phase of Eminent Domain Proceedings to acquire certain interests in real property in the C Street Lift Station 16 area**

[Begin agenda memo]

## SYNOPSIS

The resolution is for property acquisition associated with the need for the second phase of the replacement of sewer lines and a lift station (i.e. "L.S. 16") serving that area of the City in the general

vicinity of "C" Street, South of Florida Avenue, West of the Seaboard Coast Line Railway Line, North of the East-West spur of the Seaboard Coast Line Railway Line and East of "G" Street (the "C" Street – L.S. 16 Area). In approving the resolution, five factors must be considered.

## **RECOMMENDATION**

The recommendation is for the City Commission to adopt Resolution 2014-02.

## **BACKGROUND**

After reviewing the relevant factors, the ranking of the alternatives for this proposed project is Route B first, Route A second. It is Public Works staffs' recommendation that Route B be selected. Presented for your approval is a resolution and authorization of staff to proceed with the necessary easement acquisition through the City's power of eminent domain.

### **A. Alternative Alignments**

There is little flexibility in establishing alternative alignments for replacement sewer lines which are intended to serve an established, or substantially built-out area such as the "C" Street – L.S. 16 Area. This is because the replacement lines must be located close to connection points for the feeder lines that presently extend to the properties being served. There are two alternative routes which are offered for your consideration.

1. Route A – This route as shown on the drawing attached hereto as Schedule "1," is the present right of way. Located in the present right of way is the existing out dated sewer lines. Because there is not much (if any) usable space available, utilization of this route could only occur if the City chose to remove the existing lines prior to construction and installation of the replacement lines. This choice would prevent the existing lines from continuing to provide service to the "C" Street – L.S. 16 Area while the replacement lines are under construction.
2. Route B – This route, as shown in the drawing attached hereto as Schedule "2," requires acquisition of easements across many of the properties being served. This route facilitates ease of connection to pre-existing feeder lines.

### **B. Long Range Planning**

Long range planning considerations were made for each route. Because the replacement lines are intended only for service to the "C" Street L.S. 16 Area, neither route is expected to provide service to new areas. Accordingly, from a long range planning perspective neither route has an advantage. Both are evaluated "average" for long range planning purposes.

### **C. Safety Considerations**

Safety, other than construction safety, is usually not a major concern for pipe line installations. However, any time that a pipe line is constructed in the right of way or close to the roadway there may be a need for road closure and a work safety zone that could put workers or the public at some risk. The same is true with regard to future repairs.

1. Route A – This route is designated as poor for safety because of the amount of construction within the public right of way, the limited amount of usable space in the right of way, and its proximity to the street. Construction here also provides a greater risk to damaging the existing sewer line.
2. Route B – This route is considered excellent for safety because construction will be substantially performed through easement locations that are further distant from existing streets and roadways and therefore away from the general public.

**D. Environmental Consideration**

The routes considered are through previously disturbed property and the presence of wetlands was considered. A full wetland assessment however is not required for either route and no wetlands permitting is required.

1. Route A – This route is considered excellent for environmental considerations. This route is considered excellent because no wetlands would be impacted by the utilization of this route.
2. Route B – This route is considered excellent for environmental considerations. This route is considered excellent because no wetlands would be impacted by the utilization of this route.

**E. Cost Considerations**

**OPINION OF PROBABLE CONSTRUCTION COSTS  
ROUTE A**

*(Roadways)*

ITEM	DESCRIPTION	QTY	UNIT	COST	TOTAL	
<b>GENERAL</b>						
1	MOBILIZATION/DEMOLITION	1	LS	\$ 90,000.00	\$ 90,000	
2	CONSTRUCTION	1	LS	\$ 15,000.00	\$ 15,000	
3	MAINTENANCE OF TRAFFIC	1	LS	\$ 15,000.00	\$ 15,000	
<b>EARTHWORK</b>						
4	CLEARING & GRUBBING	1	LS	\$ 10,000.00	\$ 10,000	
<b>SANITARY SEWER</b>						
5	8" PVC - AT DEPTHS ~ 8'	18607	FT	\$ 32.00	\$ 595,424	
6	8" PVC - AT DEPTHS > 8'	3284	FT	\$ 44.00	\$ 144,496	
7	18" PVC - AT DEPTHS ~ 8'	484	FT	\$ 72.00	\$ 34,848	
8	18" PVC - AT DEPTHS > 8'	1936	FT	\$ 99.00	\$ 191,664	
9	SANITARY SEWER MANHOLE	70	EA	\$ 3,000.00	\$ 210,000	
10	SANITARY SEWER MANHOLE	20	EA	\$ 5,000.00	\$ 100,000	
11	GRAVITY SERVICES	260	EA	\$ 1,000.00	\$ 260,000	
12	REDIRECT SERVICE	145	EA	\$ 1,500.00	\$ 217,500	
13	RECONSTR. L.S. NO. 16 WET	1	LS	\$ 125,000.00	\$ 125,000	
<b>RESTORATION</b>						
14	ROADWAY RESTORATION	44605	SY	\$ 19.45	\$ 867,567	
15	ROADWAY STRIPING	8000	LF	\$ 1.00	\$ 8,000	
16	ALLEY RESTORATION	6262	SY	\$ 18.00	\$ 112,716	
17	MISC (MAILBOX, FENCE, ETC.)	1	LS	\$ 75,000.00	\$ 75,000	
					ENGINEERING & CEI (15%)	\$ . . . . .
					CONTINGENCY (15%)	\$ . . . . .
					<b>TOTAL</b>	<b>\$3,993,880</b>

**NOTES:**

1. The opinion of probable construction costs is based on the experience and qualifications of ENVISORS' staff and its familiarity with the construction industry.
2. ENVISORS has no control over the cost of labor, materials, equipment or services furnished by others.
3. ENVISORS does not guarantee that proposals, bids or actual total construction



- costs will not vary from the opinion of probable construction cost.  
4. OPC does not include costs associated with obtaining utility easements over private property.

**OPINION OF PROBABLE CONSTRUCTION COSTS  
ROUTE B**

*(Easements and Alleys)*

ITEM	DESCRIPTION	QTY	UNIT	COST	TOTAL
<b>GENERAL</b>					
1	MOBILIZATION/DEMOMOBILIZA	1	LS	\$ 70,000.00	\$ 70,000
2	CONSTRUCTION	1	LS	\$ 10,000.00	\$ 10,000
3	MAINTENANCE OF TRAFFIC	1	LS	\$ 10,000.00	\$ 10,000
<b>EARTHWORK</b>					
4	CLEARING & GRUBBING	2.65	AC	\$ 50,000.00	\$ 132,500
<b>SANITARY SEWER</b>					
5	8" PVC - AT DEPTHS ~ 8'	17563	FT	\$ 32.00	\$ 562,016
6	8" PVC - AT DEPTHS > 8'	3099	FT	\$ 44.00	\$ 136,356
7	18" PVC - AT DEPTHS ~ 8'	484	FT	\$ 72.00	\$ 34,848
8	18" PVC - AT DEPTHS > 8'	1936	FT	\$ 99.00	\$ 191,664
9	SANITARY SEWER MANHOLE	70	EA	\$ 3,000.00	\$ 210,000
10	SANITARY SEWER MANHOLE	20	EA	\$ 5,000.00	\$ 100,000
11	GRAVITY SERVICES	260	EA	\$ 1,000.00	\$ 260,000
12	REDIRECT SERVICE	79	EA	\$ 1,500.00	\$ 118,500
13	RECONSTR. L.S. NO. 16 WET	1	LS	\$ 125,000.00	\$ 125,000
<b>WATER MAIN</b>					
14	REPLACE 2" PVC WATER	2500	FT	\$ 12.00	\$ 30,000
<b>RESTORATION</b>					
15	ROADWAY RESTORATION	4258	SY	\$ 19.45	\$ 82,818
16	ROADWAY CURB	6083	LF	\$ 12.00	\$ 72,996
17	ROADWAY STRIPING	8000	LF	\$ 1.00	\$ 8,000
18	ALLEY RESTORATION	8605	SY	\$ 18.00	\$ 154,890
19	MISC (MAILBOX, FENCE,	1	LS	\$ 75,000.00	\$ 75,000
				ENGINEERING & CEI (15%)	\$ 357,688
				CONTINGENCY (15%)	\$ 357,688
				<b>TOTAL</b>	<b>\$ 3,099,965</b>

**NOTES:**

1. The opinion of probable construction costs is based on the experience and qualifications of ENVISORS' staff and its familiarity with the construction industry.
2. ENVISORS has no control over the cost of labor, materials, equipment or services furnished by others.
3. ENVISORS does not guarantee that proposals, bids or actual total construction costs will not vary from the opinion of probable construction cost.
4. OPC does not include costs associated with obtaining utility easements over private property.

[End agenda memo]

City Clerk Clara VanBlargan read Resolution 2014-02 by title only.

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO EMINENT DOMAIN:  
AUTHORIZING EMINENT DOMAIN PROCEEDINGS TO ACQUIRE CERTAIN INTERESTS IN REAL**

**PROPERTY LOCATED IN THAT AREA OF THE CITY IN THE GENERAL VICINITY OF "C" STREET, SOUTH OF FLORIDA AVENUE, WEST OF THE SEABOARD COAST LINE RAILWAY LINE, NORTH OF THE EAST-WEST SPUR OF THE SEABOARD COAST LINE RAILWAY LINE AND EAST OF "G" STREET FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING IMPROVEMENTS RELATED TO THE REPLACEMENT OF SEWER LINES AND A LIFT STATION; AUTHORIZING CONDEMNATION OF THE PROPERTY DESCRIBED HEREIN; AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.**

Albert Galloway Jr., City Attorney, reviewed Agenda Item 14.

Commissioner Carter asked if this is the last of it. Mr. Galloway confirmed that it is. Commissioner Carter asked if we had an associated cost. Mr. Galloway responded that there is but there's no estimate. Costs include legal services and purchase of easements. There is no way to get a clear determination of what the cost is. Carter asked City Manager Kenneth if he had reviewed this and Mr. Fields explained that the project will take awhile and that the cost relative to the rest of the project is not huge.

Commissioner Wojcik asked how the rest of the C Street project is being funded. Dorothy Ecklund, Finance Director, explained that the paperwork for SRF loans had been submitted. We have sufficient funding for all of Phase I. We need the complete package before the loan for Phase II can be approved. Ms. Ecklund said that we are likely to be approved. Mr. Fields said for the next budget year utility rates will be reviewed to see if modifications will be needed to meet current and future needs.

Mr. Galloway emphasized that we need site control before funding can be approved.

#### **OPENED FOR PUBLIC COMMENTS**

There were no comments made by the public.

#### **CLOSED FOR PUBLIC COMMENTS**

Commissioner Wojcik made a motion to adopt Resolution 2014-02. Commissioner Thornhill seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

#### **Agenda Item 15                    RESOLUTION 2014-03, City Issuance of Industrial Development Revenue Bonds for the Edward W. Bok Academy Project – Public Hearing**

[Begin agenda memo]

#### **SYNOPSIS**

The approval will authorize the issuance of Industrial Development Revenue Bonds in one or more series in the principal amount of not to exceed \$4,141,000.

#### **RECOMMENDATION**

The Lake Wales Charter Schools, Inc. requests that the City Commission adopt after public hearing Resolution 2014-03, which:

1. Authorizes the City to issue Industrial Development Bonds Series 2014 in an aggregate principal amount not to exceed \$4,141,000 for the Edward W. Bok Academy Middle School Project; and
2. Authorizes the Mayor to execute a Memorandum of Agreement with the Borrower, the Lake Wales Charter Schools, a not for profit corporation.

## **BACKGROUND**

The Lake Wales Charter Schools, Inc., a not for profit corporation (the "Borrower"), has applied to the City of Lake Wales to issue the Series 2014 Bonds for the purpose of refinancing the Project described below. On February 3, 2014, a Notice of Public Hearing was published in The Lakeland Ledger noticing a public hearing to be held by the City Commission on the date hereof at 6:00 p.m. regarding the issuance of the Series 2014 Bonds.

The Series 2014 Bonds and the interest thereon shall not constitute an indebtedness or pledge of the general credit or taxing power of the City, Polk County, the State of Florida or any political subdivision or agency. The Series 2014 Bonds shall be payable solely from the revenues pledged in the loan and/or financing agreement entered into by and between the City and the Borrower prior to or contemporaneously with the issuance of the Series 2014 Bonds.

## **PROJECT**

The principal purpose of the Series 2014 Bonds is the refinancing of all or a portion of the costs of acquiring and constructing improvements to the Edward W. Bok Academy middle school facility located at 13901 Highway 27, Lake Wales, Florida. No portion of the financing will be used for new construction.

Adoption of the resolution shall not be construed as an approval of any necessary rezoning applications or for any other regulatory permits relating to the Project.

The City's adoption of the resolution shall not be construed to:

- a) Attest to the Borrower's ability to repay the indebtedness represented by the Series 2014 Bonds.
- b) A recommendation to prospective purchasers of the Series 2014 Bonds to purchase the same.
- c) Have waived any right of the City or stopping the City from asserting any rights or responsibilities it may have in that regard.

The bond resolution granting the final authority for the issuance of the Series 2014 Bonds will not be presented to the City Commission for adoption until documents related to the issuance are in substantially final form. The Series 2014 Bonds will not be issued until the County Commission of Polk County, Florida approves the issuance of the Series 2014 Bonds for federal tax purposes.

## **OTHER OPTIONS**

Do not adopt the resolution. The Borrower will have to pursue other refinancing alternatives.

## **FISCAL IMPACT**

The Borrower will pay the bond issuance costs including the City's Attorney and Special Counsel fees and expenses. As previously stated the bond issue does not constitute an indebtedness or pledge of the general credit or taxing power of the City.

The refinancing of the facility will not impact services currently provided by the City (Fire, Police, Streets, Parks, Library, Water and Sewer).

[End agenda memo]

City Clerk Clara VanBlargan read Resolution 2014-03 by title only.

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA AUTHORIZING A MEMORANDUM OF AGREEMENT WITH LAKE WALES CHARTER SCHOOLS, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, WITH RESPECT TO THE REFINANCING OF THE ACQUISITION, RENOVATION AND EQUIPPING OF EDUCATIONAL FACILITIES; PROVIDING FOR THE ISSUANCE OF EDUCATIONAL FACILITIES REFUNDING REVENUE BONDS OF THE CITY OF LAKE WALES, FLORIDA, IN AN ORIGINAL PRINCIPAL AMOUNT NOT TO EXCEED \$4,141,000 FOR THE PURPOSE OF PAYING ALL OR ANY PART OF SUCH COSTS; PROVIDING CERTAIN OTHER DETAILS WITH RESPECT THERETO; AUTHORIZING AND CALLING FOR A PUBLIC HEARING ON THE PROPOSED ISSUANCE OF SAID BONDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Albert Galloway Jr., City Attorney, introduced Monique Spotts representative from the Bond Counsel Firm Bryant, Miller, Olive. There is a TEFRA hearing that needs to take place that she will explain. Ms. Spotts explained that a notice was published calling for public hearing to be held on the issuance of these bonds. The proceeds of these bonds will be loaned to the Lake Wales Charter Schools to refinance some debt at Bok Academy. The public hearing needs to be held before the resolution is adopted and take comments from the public. The hearing is required by federal tax law as these bonds are tax-exempt. Approval of the issuance of the bonds must be approved by the County Commission as the school is outside city limits. On the 4<sup>th</sup> of next month [March] after this public hearing it will go before the County Commission to request approval. Commissioner Wojcik asked for confirmation that there is no liability on the part of the City or County as the Charter Schools must repay the loans. Ms. Spotts confirmed that this is in the Memorandum of Agreement. This process allows for the school to benefit from tax-exempt industrial revenue bonds by the City being the issuer of the debt. Commissioner Wojcik asked if there was a limit on the amount of bonds that could come through the city. Ms. Spotts confirmed that there is a \$10,000,000 limit from the bank as these are qualified bank bonds. Following this restriction allows for a better rate. They will come back with a bond resolution next month which will have more detail on the terms of the bonds, their rate and maturity.

Commissioner Carter asked if this affects our financing for other City projects. Ms. Spotts confirmed that it doesn't. Commissioner Carter asked why this project is going through the City if the school is outside the City. Ms. Spotts said that it's because the school serves the City and is adjacent to the City.

Commissioner Wojcik explained that the Charter Schools came through the City because the City and the Charter Schools are partners and they both want to improve schools to come through the City. Brian Fischer, CFO for the Charter Schools, reviewed the long partnership of the City with the Charter Schools and explained why they continue to do so.

#### **OPENED PUBLIC HEARING**

There were no comments by the public.

#### **CLOSED PUBLIC HEARING**

Commissioner Carter made a motion to adopt Resolution 2014-03. Commissioner Wojcik seconded the motion.

By Roll Call Vote:

Commissioner Carter "YES"

Commissioner Wojcik "YES"  
Commissioner Thornhill "YES"  
Commissioner Lutton "YES"  
Mayor Fultz "YES"

The motion carried 5-0.

**CITY MANAGER**

**Agenda Item 8. City Commission Tracking Report:**

Kenneth Fields, City Manager, reported that the playground installation is moving forward nicely.

Mr. Fields reported on the recent SWFWMD meeting he attended on the Polk Avenue Retention Pond to answer questions on the project. We are requesting funding at the 75% level as per the original grant application. There were positive responses and we are hopeful for approval.

The Scenic Highway resurfacing will start in June. There is some concern regarding landscaping and the removal of some trees. He will raise the issue with FDOT at an upcoming meeting to see if we can keep some of the trees.

Commissioner Carter requested adding the digital sign for the Municipal Administration Building to the tracking report. Mr. Fields said the digital sign was not approved in the budget.

**Agenda Item 9. City Commission Calendar**

Mr. Fields said that rescheduling a meeting in April is unnecessary as there will be no election.

**Agenda Item 10. Annual Reporting – Boards, Commissions, and Committees**

The Citizens and Police Community Relations Board will present an annual report on March 18.

**CITY COMMISSION COMMENTS**

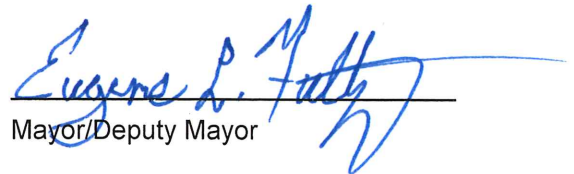
**CITY MANAGER COMMENTS**

**MAYOR COMMENTS**

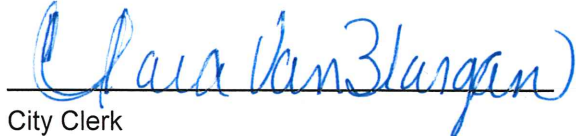
Mayor Fultz announced that Terrye Howell was elected without opposition so no election is necessary.

Mayor Fultz shared that the Annual State of the City Message will be presented at an upcoming Chamber function and will be streamed live and will be posted on the City's website for all those to review who are not able to attend the Chamber function and pay for a meal. He said that in according with the City Charter, the report is to be presented publically and not at a private event, and if he has to present it again, he will.

The meeting was adjourned at 7:22 p.m.

  
\_\_\_\_\_  
Mayor/Deputy Mayor

ATTEST:

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