

The meeting of the Lake Wales City Commission was held on December 16, 2014 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor 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: Terrye Howell; Jonathan Thornhill, Betty Wojcik; Christopher Lutton, Deputy Mayor; Eugene Fultz, Mayor

COMMISSIONERS ABSENT: None

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

ANNUAL REPORT

PRESENTATIONS

Agenda Item 5. Status of Veterans Projects - American Legion Memorial Post #71

Ira Anderson, Commander of the American Legion Post #71, presented some of the history of the American Legion and gave a report on their projects and activities including upcoming events.

Agenda Item 6. Christmas Tree/Decorations Safety Presentation – Joe Jenkins, Fire Chief

Fire Chief Jenkins gave a presentation of safety tips concerning Christmas trees and decorations.

COMMUNICATIONS AND PETITIONS

Cesar Guerra, 851 Hillside Avenue, requested that they maintain Washington Avenue and not rename it Barack Obama Avenue. Mayor Fultz explained that a vote has not been taken yet, this will happen after the upcoming public hearing.

CONSENT AGENDA

**Agenda Item 7. APPROVAL OF MINUTES: November 18, 2014, regular meeting
December 2, 2014, regular meeting**

Agenda Item 8. Communications Site Lease Agreement – Amendment #2

[Begin Agenda Memo]

SYNOPSIS

Staff requests commission approval of the signing of the MetroPCS Networks Florida, LLC cell site lease second amendment.

STAFF RECOMMENDATION

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

1. Accept the Amendment to the MetroPCS Networks Florida, LLC cell site lease second amendment.
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

BACKGROUND

On November 27, 2006, the City of Lake Wales entered into a site lease agreement with the MetroPCS Networks Florida, LLC provider allowing the corporation to construct and install cellular antennae and a control building at the location of 1051 5th Street North. MetroPCS Networks Florida, LLC now wishes to amend the original agreement to allow for the upgrades of its network system. There will be no additional equipment added.

The Water Division staff and Utilities Director have pre-determined that the proposed replacement and upgrade of equipment will not interfere or hamper any of its daily operational activities.

OTHER OPTIONS

Choose not to allow the Cell provider the opportunity to upgrade its facilities.

FISCAL IMPACT

This provider currently pays an annual lease of \$27,186.00.

[End Agenda Memo]

Agenda Item 9. Modification of the Official Traffic Map

[Begin Agenda Memo]

SYNOPSIS

Staff is requesting a modification to the Official Traffic Map for the purpose of designating "no parking" zones along S. 4th Street at the request of First Baptist of Lake Wales.

RECOMMENDATION

It is recommended that the City Commission take the following action(s):

1. Designate South 4th Street, from East Tillman Avenue to East Central Avenue, as No Parking. Place and display official traffic control devices as required.

BACKGROUND

First Baptist of Lake Wales has requested the designation of "no parking" zones on South 4th Street, from East Tillman Avenue to East Central Avenue. They are concerned with the safety of pedestrians crossing this street between the parked vehicles lining the street bordering the church. First Baptist has adequate parking space available in their parking lots located on East Tillman Avenue and South 4th Street to accommodate the vehicles now parking along the roadside.

The members of First Baptist will be the only citizens affected by the proposed "no parking" designation as the entire street frontage in the proposed area belongs to First Baptist of Lake Wales.

The Lake Wales Police Department has reviewed the proposed modification of the Official Traffic Map and supports the request by First Baptist of Lake Wales.

All of the locations contained in this proposal are within the Corporate Limits of the City of Lake Wales. Section 316.006 (2) (a) Florida Statutes, provides that "Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads". The City Commission is empowered by Charter to make changes as necessary to the Official Traffic Map of the City.

OTHER OPTIONS

The City Commission may choose not to make the requested changes to the Official Traffic Map.

FISCAL IMPACT

There is no fiscal impact as First Baptist of Lake Wales will incur all costs associated with this request.

[End Agenda Memo]

Agenda Item 7. 2015 Lake Wales Mardi Gras Celebration, Parade, and 5K Run Event

[Begin Agenda Memo]

SYNOPSIS

Approval of the Special Event Permit Application will allow for the Lake Wales Mardi Gras Celebration, Parade and 5K Run on Friday and Saturday, February 13-14, 2015.

RECOMMENDATION

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

- Approve the Special Event Permit application for the 2015 Lake Wales Mardi Gras Celebration to take place on Friday evening, February 13, 2015 and on Saturday, February 14, 2015.
- Approve the temporary closing of the Marketplace parking lot beginning on Thursday, February 12, 2015 at 7:00 a.m. for the set up of the tent, the sanitary facilities and dumpster. The parking lot would remain closed until the tent, dumpster and sanitary facilities are removed on Monday, February 16, 2015.
- Approve the request for the temporary closings on Friday, February 13 and on Saturday, February 14, 2015 of the following: the Marketplace, S. Market Street between Central Avenue and Stuart Avenue and N. Market Street between Park Avenue and Orange Avenue. These areas would be closed beginning Friday morning until 11:00 p.m. and again on Saturday beginning at 6:00 a.m. until 10:00 p.m. for food vendors, craft vendors, a beer garden and musical entertainment.
- Approve the Mardi Gras 5K Run to be held on Friday evening, February 13, 2015 from 6:00 p.m. to 7:00 p.m. and approve the temporary closing of Park Avenue from N. Market Street to Lakeshore Boulevard for the event.
- Approve the request for the temporary closing of the two city lots located on East Stuart Avenue on Friday, February 13, 2015 at 7:00 a.m. for additional vendors, extra sanitary facilities and kids activities. The lots would reopen Monday February 16, 2015.

- Approve the temporary street closings on Saturday, February 14, 2015 between the hours of 2:00 p.m. and 5:00 p.m. for the Mardi Gras parade:

Central Avenue from Dr. Martin Luther King Jr. Blvd. to SR17 (Scenic Hwy), SR17 from Central Avenue to Stuart Avenue, East Stuart Avenue from SR17 to North First Street, North First Street to Park Avenue, East on Park Avenue from North First Street to Third Street.

BACKGROUND

Mr. Bill Ouellette, President of the Lake Wales Mardi Gras, submitted a Special Event Permit Application for the 2015 Lake Wales Mardi Gras Celebration, Parade and 5K Run to be held Friday, February 13, 2015 and Saturday, February 14, 2015. This application includes a request to hold a 5K Run on Friday evening from 6:00 p.m. to 7:00 p.m. and for the temporary closing of several streets and city parking lots in the downtown area.

Activities for the 2015 Lake Wales Mardi Gras are proposed as follows:

1. Friday evening, February 13, 2015, 6:00 p.m. to 11:00 p.m. - food vendors along S. Market Street and N. Market Street, a beer garden and musical entertainment in the Marketplace parking lot. The beer garden will be enclosed within the white fencing belonging to the City. Set up of the tent, dumpster and sanitary facilities would begin on Thursday, February 12, 2015 at 7:00 a.m. with the fence installation on Friday.
2. Friday evening, February 13, 2015, 6:00 p.m. to 7:00 p.m. – 5K Run beginning at the Clock on Park Avenue traveling east on Park Avenue to Lakeshore Boulevard, crossing Lakeshore to the Bike Path, traveling south on the bike path 1.55 miles and heading back the same route to the Marketplace where awards will be presented under the tent.
3. Saturday, February 14, 2015 - the activities will continue in the downtown area beginning at 10:00 a.m. with craft vendors in the Marketplace, food vendors on S. Market Street and a portion of N. Market Street. Kids' activities will be set up on the two city parking lots on East Stuart at SR17. Musical entertainment will continue in the Marketplace parking lot beginning around noon in addition to the beer garden. These activities will conclude at 10:00 p.m.
4. Saturday, February 14, 2015 - the main event will begin at 3:00 p.m. with the Mardi Gras Parade which will start on the east side of the City Administration Building and make its way through the downtown area concluding at Park Avenue and Third Street at approximately 5:00 p.m.

The parade route involves the following streets:

Central Avenue from Dr. Martin Luther King Jr. Blvd. to SR17 (Scenic Hwy), SR17 from Central Avenue to Stuart Avenue, East Stuart Avenue from SR17 to North First Street, North First Street to Park Avenue, East on Park Avenue from North First Street to Third Street.

The Police Department, VOICE, and the Streets Division will coordinate control of vehicular and pedestrian traffic for the parade. The Streets Division will handle all street closings. Trash barrels with bags will be placed along the parade route and in the areas of the pre-parade and after parade activities in the Marketplace. Sanitary facilities, dumpsters, site set up, tent permits, certificates of liability insurance, FDOT road closing permits and the alcohol beverage permit from the Department of Alcohol Beverage & Tobacco will be the responsibility of the Lake Wales Mardi Gras Executive Committee. Off duty police officers will be scheduled for the street crossings for the 5K Run and these costs will be paid by the Lake Wales Mardi Gras.

OTHER OPTIONS

Do not approve the two day event, 5K Run or street and parking lot closings.

FISCAL IMPACT

In-Kind services from the City were budgeted in the FY2014/2015 budget in the amount of \$8,147. The Lake Wales Mardi Gras is responsible for 25% or \$2036.75. Any off duty police officers requested will be paid at 100% by the sponsor.

[End Agenda Memo]

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

By Voice Vote:

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

The motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

Agenda Item 11. BCR Clean B Services Contract with BCR Environmental

[Begin Agenda Memo]

SYNOPSIS

The approval of the contract will allow an alternative biosolids management solution to reduce the cost and risk associated with biosolids management by odors, improving regulatory compliance, reducing energy consumption, and providing a long term, sustainable disposition strategy.

RECOMMENDATION

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

1. Approve the services contract with BCR Environmental.
2. Authorize the City Manager to execute the appropriate documents on the City's behalf in regards to this service.

BACKGROUND

The City of Lake Wales currently operates one wastewater treatment plant (WWTP) with a DEP permitted capacity of 2.19 mgd. The average daily flow, based on a three (3) year average is approximately 0.97 mgd with an annual biosolids production of nearly 240 dry tons per year. Currently, the City processes the waste activated sludge (WAS) through two digesters. The sludge is aerated using both blowers and mixers in an energy-intensive process. The sludge is dewatered on a daily basis through a screw press which achieves approximately 12% solids. Lake Wales has contracted AMS to provide hauling and disposition services.

AMS reconstitutes the sludge into a liquid, adds lime to achieve Class B standards, and then land applies the treated biosolids. Unfortunately, land application of lime stabilized material is becoming increasingly restricted by FDEP. Furthermore, existing residuals management facilities in Florida are shutting down and/or becoming increasingly unreliable and landfill sludge disposal costs continue to rise. These factors all combine to create a very uncertain future for biosolids disposition in Florida.

BCR Environmental proposes an alternative biosolids management solution that would reduce the cost and risk associated with biosolids management by eliminating odors, improving regulatory compliance, reducing energy consumption, and providing a long term, sustainable disposition strategy. BCR's recommended solution consists of treating the biosolids with a CleanB system at the plant and then hauling the material to BCR's Haines City NuTerra Facility for conversion to a Class AA premium compost product under a cost effective, 5-year service agreement. Installation of a CleanB™ system at the WWTP would allow the City to repurpose the existing aerated sludge holding tank as additional storage or an additional step in the biological treatment process to achieve Enhanced Nutrient Removal. Repurposing the digesters would also allow for the elimination of the blowers and mixers that currently alternate use throughout the day. The BCR solution can therefore deliver immediate operational cost savings based on a reduction in energy usage. Furthermore, the CleanB™ system improves the dewaterability of the biosolids, thus reducing hauling and disposition costs by decreasing the volume of residuals.

BCR will disinfect and deodorize the City's biosolids in approximately 10 minutes of processing time, achieving odor free Class B™ material on site. And by doing so, the City would gain access to BCR's Haines City NuTerra Facility. BCR's proposal will provide a long term, sustainable biosolids disposition solution that will turn Lake Wales' Class B biosolids into highly desirable and marketable Class AA/EQ biosolids compost product.

Within the Whole Solution Service Package, BCR will provide a fully installed CleanB™ unit under a 5-year lease agreement. The City would incur an operational fee that would cover the treatment equipment and operational cost, hauling, and disposition at the Haines City NuTerra Facility. BCR will also provide a full parts and labor warranty over the course of the 5 year term.

OPTIONS

Choose not to approve the contract for bio-solids services and run the risk of a much costlier solution at which time the mandate comes down from FDEP that the current method of disposal is no longer allowed.

FISCAL IMPACT

The fiscal impact is to be cost neutral. The city is trading one type of biosolids disposal for another. The new biosolids disposal would more ecologically friendly.

[End Agenda Memo]

Sarah Kirkland, Utilities Projects Administrator, reviewed the item. She introduced Kevin Dunlap with BCR who is available for questions.

Mayor Fultz commended this endeavor. Kenneth Fields, City Manager, reviewed the benefits of this technology, that this is more environmentally friendly and eliminates risk for the City.

Albert C. Galloway Jr, City Attorney, explained that the memo omits that there is indemnification provided in this contract and our Section 1-17 of the Code of Ordinances prohibits indemnification from the City unless we requested that they remove it which we did. They tailored it down, but did not remove it completely. The City Commission has to decide that this is in the public interest before moving forward with the contract including this provision in order for this to be a valid adoption.

Commissioner Lutton asked for clarification on this. Mr. Galloway said that the indemnification language as included is if there is an act on our part that leads to liability then we have to indemnify them. The initial limitation of liability included was unacceptable so it was removed. There is a mutual indemnification provision in the contract that is the best we can get it in the city's favor. The commission has to be aware that it is there. Commissioner Lutton asked for an example. Mr. Galloway said if something happened at the plant. Mr. Fields said if there is a major spill that is our fault but involves their equipment in some way then we would indemnify them if sued.

Commissioner Howell made a motion to approve the BCR Clean B Services Contract with BCR Environmental in addition to the indemnification and said that it is in the public interest to enter into this contract. Commissioner Wojcik seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

CITY MANAGER

Agenda Item 13. City Commission Tracking Report:

Kenneth Fields, City Manager, reported that all projects are on schedule. The trail is nearing completion and airport project is underway. We are in final stages of the C Street project and will soon apply for phase 2. There was a delay in the cemetery project, a mistake made by the contractor that they will rectify.

Mr. Fields said that the Orange Blossom BBQ went well and had good attendance. He hopes this will be an annual event.

Mr. Fields explained that he was notified by Republic Services of minor reroutes in the City and will notify affected households a few weeks in advance.

ADDENDUM

Request from City Manager Kenneth Fields - City Commission to provide Consensus for City Staff to begin Fire Protection Assessment Fees Process

Mr. Fields explained that the County has notified the City that they are cancelling the OPA agreement with the City which will result in a loss of about \$246,000 of revenue to the City. To replace that revenue he would like to begin the process updating the fire assessment study last done in 2008. He has contacted a firm that has done work in the county already and can offer a discounted rate. The assessment has a number of required steps, and would like to have this as an option for next year's budget. A final decision on fire assessment fees does not have to happen until May or June.

Commissioner Wojcik asked what the OPA agreement is. Mr. Fields responded that it is Outside Protection Agreement where the City provides fire protection to nearby areas in the county such as Florida's Natural and Bok Tower. The county will take responsibility for the county areas. Commissioner Lutton asked about the cost. Mr. Fields said the cost would be \$20,000 and will bring the contract back to the commission at a later date. Commissioner Wojcik asked who would be assessed. Mr. Fields said all properties would be assessed at a cost cheaper than the county. Implementing a fire assessment could possibly allow a millage decrease.

Mr. Fields asked for a consensus from the City Commission to allow City staff to begin the Fire Protection Assessment Fees process.

ACTION TAKEN: Unanimous Consensus Provided by the City Commission

Agenda Item 14. City Commission Calendar

Next commission meeting is January 6th.

Agenda Item 15. Annual Reporting – Boards, Commissions, and Committees

CITY COMMISSION COMMENTS

Commissioner Thornhill thanked the city staff for a tremendous year, he has gotten fewer complaints and more compliments this year than previous.

Commissioner Wojcik asked about the status of the Family Dollar store. Mr. Fields said that the developer is looking at all options.

CITY MANAGER COMMENTS

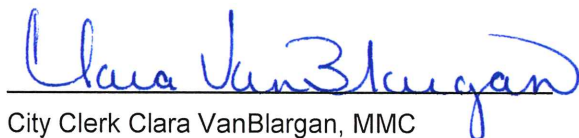
MAYOR COMMENTS

Mayor Fultz noted that the old Perkins was torn down making way for O'Reilly Auto Parts. He noted that the new McDonald's is open. Commissioner Wojcik said that the appearance of East 60 is much improved.

The meeting was adjourned at 7:08p.m.


Mayor/Deputy Mayor

ATTEST:


City Clerk Clara VanBlargan, MMC