

The meeting of the Lake Wales City Commission was held on April 19, 2016 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Eugene Fultz at approximately 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 Y. Howell; Pete Perez; Christopher Lutton; Eugene Fultz, Mayor

COMMISSIONERS ABSENT: Jonathan Thornhill, Deputy Mayor

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

5. MAYOR

Agenda Item 5.I. Proclamation: Youth Sports Safety Awareness Month; April 2016

The Mayor read a proclamation recognizing April 2016 as "Youth Sports Safety Awareness Month."

Agenda Item 5.II. Proclamation: Aviation Appreciation Month; April 2016

The Mayor read a proclamation recognizing April 2016 as "Aviation Appreciation Month."

6. PRESENTATION/REPORT

Agenda Item 6.I. Presentation By SWFWMD: Hydrogeological Investigation Of The Lower Floridan Aquifer In Polk County

George Schlutermann, SWFWMD, gave a presentation on the Hydrogeological Investigation of the Lower Floridan Aquifer in Polk County. He said this project is a collaborative regional water supply planning effort to protect, develop, conserve and restore central Florida's water resources. The program will include exploring the lower Floridan aquifer to assess its viability as an alternative water supply source, it is approximately a three year testing program, and the aquifer performance tests will be performed on the test production well for aquifer numerical parameter and WQ, The test production well may be a candidate for the Polk Regional Water Cooperative. We will potentially transfer the test production well to them at half the cost, and if the exploratory wells have insufficient permeability or not suitable water quality, the wells will become permanent monitoring wells for the District. The benefits to Lake Wales is that it will identify a potential future water supply source, the exploration is funded by the District, progress updates will be provided to the City, the test production well is evaluated for suitability by the District, City, and the Polk Regional Water Cooperative, and it is close proximity of suitable well to the City.

Mr. Schlutermann said the request from the District is a license to use a certain area of property owned by the City to drill and test at a site up to 5 years, a permanent easement, which is a smaller area within that test area, and if the test production well is transferred to the water cooperative, the District requests a permanent easement at another site for monitoring wells. He pointed out the proposed project area on the Powerpoint and said updates will be provided to the City so it can be involved as we go through the planning process of the project and real-time information of what the results are will be provided. When they are looking at the potential suitability or the transfer of the well to the water cooperative the City will be involved in that process. He said they will be looking at the project from the perspective of the District, City, and the

water cooperative to know the potential use of the test production well. The well will be located in the City limits and could be useful to the City as part of the water cooperative. The wells will be constructed within and if they become full monitoring wells as part of the District then they will keep those. If the test production well used for testing is transferable to the water cooperative they would request that the City provide them a much smaller piece of property like 50' by 100' that they can install monitoring wells on that would be useful for the region to see what is going on within the aquifer systems.

Commissioner Lutton said he wonders why the District is looking to their monitoring wells on the ridge versus surface ridge. Mr. Schlutermann explained that what they are looking at subsurface wise is different than what we are seeing on the surface and showed the locations on the map. There are some confining beds that restrict the flow of water from the lower Floridan aquifer and the upper one that vary in thickness and in length as we go across the county which make everything very complicated which is why we need to the testing to get more information. The flow of how the system works is not fully understood, which he explained.

Commissioner Lutton said they will be pumping water out at a constant rate to see how the wells are acting and ask what would happen if the water is partly brackish at that location. Mr. Schlutermann explained the solutions they came up with for that problem. Mr. Fields said there will be a lot of pumping going on which is usually contained within a building but it would not require a huge amount of space to treat it in that respect. The possibility of an alternative water supply located that close to Lake Wales will be a much lower cost alternative to us. Commissioner Lutton said we would need to manage the impact so that it is not unpleasant.

The City Manager asked the City Commission to consider approving Agenda Item 10.II, the exploratory well item listed under new business that ties into the presentation.

Agenda Item 10.I. Exploratory Well Approval

[Begin Agenda Memo]

SYNOPSIS

Southwest Florida Water Management District (District) would like to place an exploratory well on the City's rib site location to explore the possibility of an alternative water source.

RECOMMENDATION

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

1. Approve for the Southwest Florida Water Management District to come back to the City Commission with an agreement for approval of the installation of an exploratory well to seek out options for an alternative water source.

BACKGROUND

As water becomes a limited commodity in Central Florida, it is going to become necessary to find a more sustainable water supply source to supply all the city's future water needs. It has been handed down by the District that no one city will be able to increase their operating permits to withdraw additional amounts of water from the Upper Floridan Aquifer. As it stands, all the operating permits that have already been issued; have been issued for more than what the Upper Floridan Aquifer can supply.

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The purpose of the exploratory well is to determine whether or not drawing water from the Lower Floridan Aquifer is a viable option as an alternative water source to supplement additional needs. If the water being retrieved is found to be a viable option, it will significantly reduce the cost for the City to participate in District funded alternative water source projects. The installation of this well will be one of three, strategically located in the ridge lakes area.

Staff recommends that the Commission take the following action, approve for the District to take the following steps in preparation to bring back before the commission an agreement for the installation of an exploratory well on the City rib site property.

OTHER OPTIONS

Chose not to approve for the District to install an exploratory well on city property at no cost, and possibly have a more costly option in later years, to test for other viable options to an alternative water source.

FISCAL IMPACT

There is no fiscal impact to the City at this time. All expenses will be covered by the Southwest Florida Water Management District for the installation of the exploratory well.

[End Agenda Memo]

Utilities Director Sarah Kirkland explained Agenda Item 10.II.

Commissioner Lutton made a motion to the Southwest Florida Water Management District to come back to the City Commission with an agreement for approval of the installation of an exploratory well to seek out options for an alternative water source. Commissioner Howell seconded the motion.

By Voice Vote:

Commissioner Lutton	"YES"
Commissioner Howell	"YES"
Commissioner Perez	"YES"
Mayor Fultz	"YES"

The motion carried 4-0.

Mayor Fultz said the Commission can also go on and approve Agenda Item 10.III, selection of City representative and alternate to Polk County Water Cooperative since it has to be do with SWFWMD.

Mr. Fields explained Agenda Item 10.III.

Commissioner Perez volunteered to serve as City representative. Commissioner Howell seconded the motion.

By Voice Vote:

Commissioner Perez	"YES"
Commissioner Howell	"YES"
Commissioner Lutton	"YES"
Mayor Fultz	"YES"

The motion carried 4-0.

Commissioner Howell recommended the Mayor to serve as the Alternate member. The Mayor accepted.

Agenda Item 6.II. Presentation By The Department Of Library And Historic Resources: Update On The Newly Created Department, Museum Progress And Opening, And The Involvement Of The Lake Wales Museum Association

Monica Drake-Pierce, Museum Manager, gave a Powerpoint presentation on the newly created department, museum progress and opening, and the involvement of the Lake Wales Museum Association. Robert Connors and Tina Peak also reported.

7. COMMUNICATIONS AND PETITIONS

8. CONSENT AGENDA

Agenda Item 8.1. APPROVAL OF MINUTES: April 6, 2016, Regular Meeting

Agenda Item 8.II. Grant Application: Pioneer Days Advertising

[Begin Agenda Memo]

SYNOPSIS

A Grant Application with Polk County Sports Marketing to apply for a grant of \$3500 for Pioneer Days Advertising. This grant requires a 1 to 1 Match of which 75% may be documented in-kind services or products. Application deadline is April 28, 2016.

RECOMMENDATION

Staff recommends approval of the Grant application to Polk County Sports Marketing to apply for \$3500 in grant funds to help promote Pioneer Days.

BACKGROUND

The City of Lake Wales applied for this grant the last two years and last year was awarded \$2400 to help with out-of-county advertising for Pioneer Days. The goal of these grants is to increase awareness of and participation in the quality and diversity of arts culture and heritage programs in Polk County, generate incremental overnight stays in Polk County as well as other incremental economic activity in addition to overnight stays.

OTHER OPTIONS

Do not apply for the grant.

FISCAL IMPACT

A 1 to 1 match is required of which 75% may be documented in-kind services or products. The maximum impact would be \$3500. Total cost would be \$7000 for Pioneer Days Advertising.

[End Agenda Memo]

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

By Voice Vote:

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Commissioner Howell	"YES"
Commissioner Lutton	"YES"
Commissioner Perez	"YES"
Mayor Fultz	"YES"

The motion carried 4-0.

9. OLD BUSINESS

Agenda Item 9.IV. Ordinance 2016 - 05, FY15'16 Budget Amendment #2, 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider approval of the first Amendment of FY 15'16 Budget that was adopted on September 15, 2016, modified on February 16, 2016 Ordinance 2016-03.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2016-05 after second reading and public hearing.

The City Commission approved first reading of the ordinance on April 6, 2016. The advertisement requirement for second reading and public reading has been met.

BACKGROUND

Ordinance 2015-09 estimating revenues and appropriating funds for Fiscal Year 2015-16 was adopted by the City Commission September 15, 2015, modified on February 16, 2016 Ordinance 2016-03.

We are presenting Ordinance 2016-05 to modify the estimates of revenues and appropriations budgeted in various funds. This is primarily a housekeeping ordinance to conform the adopted budget to realized or expected changes within the current fiscal year. Explanation of change, for significant items, has been provided on both Exhibit A and B. Detail budgetary changes have been provided in Exhibit C.

OTHER OPTIONS

This is a required budgetary amendment for compliance purposes relating to the City's Charter and Florida State Statute.

Per the Lake Wales City Charter, Section 6.07, upon written request by the City Manager, the City Commission may by ordinance transfer part or all of any unencumber appropriation balance from one department, office or agency to another. Per Florida State Statute, Section 166.241, the budget must regulate expenditures of the municipality. If a budget amendment is required the amendment must be adopted in the same manner as the original budget.

FISCAL IMPACT

See Exhibit A and Exhibit B attached to Ordinance 2016-05

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2016-05 by title only:

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2015-09 AS AMENDED BY ORDINANCE 2016-03 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2015-2016 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.IV.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2016-05 after second reading and public hearing. Commissioner Lutton seconded the motion.

By Roll Call Vote:

Commissioner Howell	"YES"
Commissioner Lutton	"YES"
Commissioner Perez	"YES"
Mayor Fultz	"YES"

The motion carried 4-0.

NEW BUSINESS

Agenda Item 10.I. Resolution 2016-10, Lease Agreement with Lake Wales Aviation at the Lake Wales Municipal Airport

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider approving Resolution 2016-10, entering into a lease agreement with Lake Wales Aviation at the Lake Wales Municipal Airport.

RECOMMENDATION

Staff recommends that the City Commission approve Resolution 2016-10 to enter into a lease agreement with Lake Wales Aviation at the Lake Wales Municipal Airport.

BACKGROUND

On August 19, 2015 the City Manager sent notification to the Fixed Based Operator that the agreement would terminate on October 31, 2015 due to lack of notification of a desire to renew in accordance with the terms of the agreement.

At the September 16, 2015 City Commission meeting the commission voted to extend the current Fixed Based Operator lease agreement by ninety (90) days in an effort to renegotiate the terms of the lease and initiate a "Request For Proposal for a Fixed Based Operator.

On November 4, 2015 the city manager, the city attorney and staff met Betty Hill, the current fixed based operator at the Lake Wales Municipal Airport and her attorney to begin renegotiation discussion. It was determined that Ms. Hill was no longer interested in being the Fixed Based Operator (FBO) at the airport and wanted to discuss continuing her skydiving business (Lake Wales Aviation) at the airport.

In December 2015 the city manager updated the city commission on the renegotiation process and as a result of the meeting with Ms. Hill and her attorney staff suggested that the city take over the operation of the airport since Ms. Hill was no longer interested in being the fixed based operator and requested that the city seek hiring an airport manager. The city manager was given approval by the city commission to begin advertising for an Airport Manager and continue negotiation with Ms. Hill on a lease for her skydiving business (Lake Wales Aviation) at the airport. The airport manager was hired on April 4, 2016 and is working with Ms. Hill to assume responsibility of the day to day operations at the airport as outlined in the lease agreement.

The lease agreement terminates the prior Fixed Based Operator's Franchise agreement dated October 31, 1995 and waives any claim to rent credits, loan balances or any such related claim against the City.

The lease further requires the city to give Lake Wales Aviation (Ms. Hill) no less than thirty (30) days notice of the city's intent to assume responsibility for the operation of the fuel farm, t-hangar and camp ground leases. The lease further allows Lake Wales Aviation to rent a portion of the existing airport building to operate her skydiving business and some additional real property at the airport on which Lake Wales Aviation can construct additional facilities.

FISCAL IMPACT

Implementation of a lease agreement with Betty Hill will generate rental income in the amount of \$3,000.00 monthly, revenue from skydiver jumps, fuel sales, agriculture sprayers leases and the elimination of rent credits.

OTHER OPTIONS

Do not approve Resolution 2016-10

[End Agenda Memo]

City Clerk Clara VanBlargan read Resolution 2016-10 by title only:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY A LEASE AGREEMENT BETWEEN THE CITY OF LAKE WALES AND LAKE WALES AVIATION FOR EXISTING FACILITIES AND REAL PROPERTY AT THE LAKE WALES MUNICIPAL AIRPORT.

Public/Support Services Director Teresa Allen reviewed Agenda Item 10.I. She said the agreement presented is what the City and Ms. Betty Hill came up with. Mr. Fields said Ms. Hill while contributing to the operation of the airport did a lot to grow her business to keep the airport going. He said we are at a verge of whole new age at the airport. The new airport manager is generating lots of new ideas to improve the business out there and take advantage of the land out there. Ms. Hill's business is becoming international and this agreement frees her up from day-to-day operations so she can concentrate on growing her business. Mr. Fields said he sees great things in the future for Lake Wales. His goal is to eliminate the general fund subsidy at the airport and the change will enable that within the next two or three years at the very most in terms of us taking advantage of revenue generating opportunities for the City by taking over fuel and hangars etc. We might make another homerun in our manager choice out there. The Mayor commended Ms. Betty Hill for all she has done at the airport for he is impressed at the work she is doing there in regards to her skydiving business.

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Commissioner Perez commented he was disappointed that he did not receive the final airport lease agreement until today for it is difficult to make good decisions when receiving things at the last minute. He said it was his understanding that the City owed Ms. Hill a 100,000 plus dollars. The City attorney said she agreed to that. Ms. Hill said she is not always happy to give up that amount of money but the time invested at the airport has taken away a lot of quality time to grow her business. She said she can now start with a new slate, she is tired of arguing.

Commissioner Lutton asked about the indemnification clause and the City Attorney explained.

OPENED TO PUBLIC COMMENT

There were no comments made by the public.

CLOSED TO PUBLIC COMMENT

Commissioner Howell made a motion to adopt Resolution 2016-10. Commissioner Lutton seconded the motion.

By Voice Vote:

Commissioner Howell	"YES"
Commissioner Lutton	"YES"
Commissioner Perez	"YES"
Mayor Fultz	"YES"

The motion carried 4-0.

Mr. Fields explained why the lease agreement was presented late and apologized for it.

Commissioner Lutton said they cannot blindly trust everybody because previous city managers have given the commission bad deals.

11. CITY MANAGER

Agenda Item 11.I. City Commission Tracking Report

Mr. Fields commented on the Depot Museum changes and the airport changes. He said the millenniums bring new things to the City. If we want the city to grow and expand we have to attract good quality people in the city.

The City Attorney said the court found the fire fee amendment to be unconstitutional as well as the portion of the amendment that dwelt with having referendum when this body seeks to raise funds. Mr. Bowlin has filed an appeal. It will be months before that second district court of appeal decides it. He does not believe that court will overturn the decision the other judge made. He said would like to seek attorney fees in that action and with the permission of the commission he would like to file a motion to preserve that so when this is over with he can at least ask the court to award fees and see what transpires. The Commission gave consensus for the city attorney to do that.

Commissioner Lutton said he wants to make sure the City is protected when SWFWMD starts to do what they want to do.

Agenda Item 11.II. Other Meetings & Events Calendar

Agenda Item 11.III. City Commission Meeting Calendar

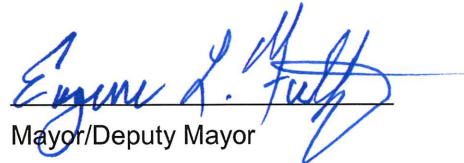
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Agenda Item 11.IV. Information: Boards, Commissions, and Committees

12. CITY COMMISSION COMMENTS

13. MAYOR COMMENTS

The meeting was adjourned at 7:36 p.m.


Mayor/Deputy Mayor

ATTEST:


City Clerk Clara VanBlargan, MMC