

City Commission Meeting
November 15, 2016

The meeting of the Lake Wales City Commission was held on November 15, 2016 in the Commission Chambers at the Municipal Administration Building. Mayor Eugene Fultz called the meeting to order at approximately 6:00 p.m. following the Invocation and the Pledge of Allegiance.

INVOCATION

Dr. James Moyer gave the invocation.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Pete Perez; Terrye Y. Howell; Jonathan Thornhill, Deputy Mayor; Eugene Fultz, Mayor

COMMISSIONERS ABSENT: Commissioner Gibson

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

5. MAYOR

Agenda Item 5.I. Certificate of Appreciation: Candlelight Academy Leadership Team

The Mayor and Public/Support Services Assistant Director Teresa Allen presented a Certificate of Appreciation to Candlelight Christian Academy Leadership Team for their hard work and support during the 2016 Flight for the Cure Breast Cancer Awareness Fun Run at Lake Wales Municipal Airport on October 15, 2016.

Library Director Tina Peak, representing the City on the Tourist Development Council Arts and Culture Committee (TDC), provided an overview of the grants that were distributed during Fiscal Year 2015-2016, the ones received by Lake Wales, and the ones scheduled to be released in the current fiscal year. She said TDC grants are from the bed tax. Mr. Fields said a lot of the sporting events that go on at the airport such as the skydiving events are multiday events and we are starting to go after TDC grants for those events to help with advertising to bring more visitors into town.

6. PRESENTATION/REPORT

7. COMMUNICATIONS AND PETITIONS

There were no comments made by the public.

8. CONSENT AGENDA

Agenda Item 8.I. Approval of Minutes: November 1, 2016, Regular Meeting

Agenda Item 8.II. Special Event Application: Heritage Fest February 11, 2017

[Begin Agenda Memo]

SYNOPSIS

This is a Special Event Permit Application from the Green and Gold Foundation, the Black Entrepreneurs and Leaders Coalition, and Polk State College for a Heritage Fest event to be held on Saturday February 11 2017 from 10am-6pm in downtown Lake Wales.

RECOMMENDATION

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

- Approve the Special Event Permit application for the Heritage Fest event to take place on Saturday, February 11, 2017 from 10am-6pm.
- Approve the request for the temporary closing of Central Avenue between 1st and 2nd Streets and the alley between Central Avenue and Stuart Avenue between 1st Street and Stuart Avenue.
- Authorize set-up of stage, tent and tables at 8 am on Saturday February 11, 2017

BACKGROUND

Heritage Fest is being sponsored by the Green and Gold Foundation, the Black Entrepreneurs and Leaders Coalition, and Polk State College as a Black History Month Celebration. The event will include entertainment, vendors, and other activities. This is the 2nd year for this event.

Set up will begin at 8 am and the event will start at 10 am and continue to p.m.

Sponsors will be responsible for the cost of sanitary facilities and for site set-up and clean-up.

Sponsors will also be required to provide a copy of their liability insurance, get tent permits for tents larger than 10x20, and they will need to distribute flyers 1 week before the event to downtown business owners advising of the closure on Central Avenue on Friday.

OTHER OPTIONS

Do not approve the Special Event Permit.

FISCAL IMPACT

This event has been budgeted for \$202. The sponsor will be asked to cover 25% or about \$51 of the costs.

[End Agenda Memo]

Agenda Item 8.III. Special Event Application: Bonner Mobile Bar Service at Food Truck Invasion

[Begin Agenda Memo]

SYNOPSIS

This is a Special Event Permit Application from Bonner Mobile Bar Service to set up and sell alcohol in conjunction with the Food Truck Invasion that takes place the 1st Mondays of each month from 5:00 p.m. - 9:00 p.m. in Lake Wailes Park.

RECOMMENDATION

It is recommended that the City Commission approve the application from the Bonner Mobile Bar Service to sell alcohol during the Food Truck Invasion event in Lake Wailes Park every 1st Monday of the month beginning December 5, 2016 and continuing until April 2, 2018.

BACKGROUND

In September 2016 a Special Event Permit was issued to Food Truck Invasion to set up food trucks in Lake Wailes Park each 1st Monday of the month beginning on October 3, 2016 and continuing for 18 months until April 2, 2018.

City Commission Meeting
November 15, 2016

Bonner Mobile Bar Service has submitted an application to sell alcohol in conjunction with the food trucks. Conditions of approval include the hiring of 2 off-duty police officers to be on hand during the event and establishing a boundary beyond which the alcoholic drinks may not be taken. Bonner Mobile Bar Service will also be required to check IDs.

OTHER OPTIONS

Do not approve the Special Event Permit.

FISCAL IMPACT

None. The cost of hiring 2 off-duty police officers is the sole responsibility of the sponsor.

[End Agenda Memo]

Agenda Item 8.IV. Extension of Time – Approval of PDP for Serenity at Lake Wales Apartment Community

[Begin Agenda Memo]

SYNOPSIS

This project is not ready move towards construction. Equinox of Florida, LLC, developer, is seeking an extension to the PDP approval as required by code.

RECOMMENDATION

Approval of a one-year extension of time on the planned development project (PDP) plan approval for Serenity at Lake Wales, as shown on the plan titled Serenity at Lake Wales Apartment Home Community PDP plans, dated 09/08/2014.

BACKGROUND

Equinox of Florida, LLC has requested a one-year extension on the referenced project, originally approved by City Commission October 21, 2014. The developer has indicated that financing is still being finalized.

There have been no significant changes in the ordinances pertaining to the type of development proposed or in the conditions of the neighborhood.

A reduced copy of the plan and the conditions of approval are attached for your information. Any change in the plan or conditions would require public hearings for an amendment of the preliminary PDP approval. No changes have been proposed or recommended.

OTHER OPTIONS

Decline to extend the approval. If Equinox of Florida, LLC wishes to proceed with the project, a new PDP plan approval would be required.

[End Agenda Memo]

END CONSENT AGENDA

Commissioner Perez asked that Consent Agenda Item 8.III be pulled for separate discussion and vote. The City Attorney pointed out a typographical error that needed to be corrected in Agenda Item 8.I, the minutes. He said on p. 10 in a quote made by Commissioner Gibson where he said he wanted positions filled with confident people should say that he wanted positions filled with "competent" people instead.

Deputy Mayor Thornhill made a motion to approve the Consent Agenda excluding Agenda Item 8.III and to include the correction to the minutes pointed out by the City Attorney. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Thornhill "YES"
Commissioner Howell "YES"
Commissioner Perez "YES"
Mayor Fultz "YES"

The motion carried 4-0.

Regarding Agenda Item 8.III, Commissioner Perez expressed concern about allowing the sale of alcohol at family events. He said to avoid problems he was opposed to that.

Commissioner Howell said she was not opposed to it but she was shocked that this would be allowing them to serve alcohol there for 18 months. Jennifer Nanek explained that the same stipulations applied to this event as it did with other events such as having a designated boundary for alcohol consumption, hiring two off-duty police officers to be present for the entire event, and checking the ID of anybody alcohol is being sold to. She said City staff would also be present to make sure that would be happening.

Deputy Mayor Thornhill said it seemed as though at every event now we are adding alcohol of some kind. The police had told him that they were okay with it as long as there were no issues. If we do this and any issues do occur, we have to correct them.

Kathy Bangley, Director of Planning and Zoning, said the City of Lake Wales did not allow bars, we only allowed alcohol to be sold along with food. When this came across her desk, she questioned if this situation was the same or we were okay with the rules that we have because it is in conjunction with food. She did not know how constringent the conditions needed to be because a lot of her approvals are with conditions and if we had the ability to condition how this would happen to be sure food is sold in conjunction with the alcohol in this particular scenario. The City Attorney said he did not think we have that in this scenario unless that particular truck is selling food as well and Ms. Bangley said it would not. Mr. Fields said this is a special event permit for food trucks to include this and if no food trucks are there this goes away. Ms. Bangley said the Art Show serves wine and the Orange Blossom Review serves beer and possibly wine so it is something that we have done. She does not know of any situation where we had a huge backlash from the situation where food is sold in the same context, which is important because it is in keeping with the regulations as written.

Mr. Fields said we had two very successful food truck evenings so far and that the organizer of this event requested it. In recent years at events where we have had alcohol, there were no problems. There is alcohol at the Mardi Gras event and that event is pretty well under control. It generates 7,000 people to the downtown, which is one of the successful things we do in terms of bringing people to Lake Wales. He had shared an article today with some of the staff about how important it is to people if they are allowed to drink alcohol in public and serving alcohol at these events seem to draw younger people although they are not necessarily there to drink alcohol. He said it is worth seeing what happens and we can always revoke the permit if we see the need. If this helps bring in the young crowd in addition to the people we are getting now the better off it will be.

City Commission Meeting
November 15, 2016

Deputy Mayor Thornhill said it would not be totally without issues but issues can be contained.

The Mayor commented that the other events have gone well and he did not think people would be coming to get drunk considering the prices they will be charging. So this event will probably be as sane as other events that have taken place.

Deputy Mayor Thornhill made a motion to approve Consent Agenda Item 8.III. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Perez	"NO"
Mayor Fultz	"YES"

The motion carried 3-1.

9. OLD BUSINESS

Agenda Item 9.I. Ordinance 2016-20, FY15-16 Budget Amendment #4 – 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider approval of the fourth amendment of FY 15'16 Budget that was adopted on September 15, 2016, modified on February 16, 2016 Ordinance 2016-03, modified on April 16, 2016 Ordinance 2016-05, modified on August 2, 2016 Ordinance 2016-09.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2016-20 after second reading and public hearing.

The City Commission approved first reading of the ordinance on November 1, 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 February 16, 2016 by ordinance 2016-03, April 16, 2016 by ordinance 2016-05, August 2, 2016 by ordinance 2016-09.

We are presenting Ordinance 2016-20 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.

OTHER OPTIONS

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

City Commission Meeting
November 15, 2016

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 2016-20

[End Agenda Memo]

City Clerk Clara VanBlargan read **Ordinance 2016-20** by title only:

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2015-09 AS AMENDED BY ORDINANCE 2016-03, ORDINANCE 2016-05, AND ORDINANCE 2016-09 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.I. She said it was the final budget amendment for Fiscal Year 2015-2016, State Statutes requires it, and it was mostly a housekeeping item to make sure we stay in compliance with the legal requirements.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Deputy Mayor Thornhill made a motion to adopt Ordinance 2016-20 after second reading and public hearing. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Thornhill "YES"
Commissioner Howell "YES"
Commissioner Perez "YES"
Mayor Fultz "YES"

The motion carried 4-0.

10. NEW BUSINESS

Agenda Item 10.I. Ordinance 2016-14, Firefighters' Pension Plan Amendment – 1st Reading

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider approval of the creation of a Defined Contribution Component ("Share Plan") to the Firefighters' Pension Plan to comply with Ch. 175.351(6) that was passed by the Florida Legislature.

RECOMMENDATION

Staff recommends that the City Commission approve Ordinance 2016-14 on First Reading.

BACKGROUND

Senate Bill 172 substantially amended Florida Statute Chapter 175, which governs the municipal and special district firefighter pension plans operating under these chapters. SB 172 requires that each plan sponsor must create a share plan/supplemental defined contribution plan.

The Firefighters' Pension Board asked staff to bring forward Ordinance 2016-14 for adoption. The proposed amendment will establish a Defined Contribution Component ("Share Plan") to comply with Ch. 175-351(6) that was passed by the Florida Legislature.

The Defined Contribution Component shall consist of an individual Share Plan Account for each member of the Plan, including DROP participants. The Share Plan Accounts shall be funded solely by premium tax revenues as follows: Effective October 1, 2016, fifty percent (50%) of the excess premium tax revenues received by the City shall be allocated to the members' Share Plan Account as provided for by the Ordinance, and the remaining fifty percent (50%) of the excess premium tax revenues received by the City shall be used at the discretion of the City toward current year benefits (either Defined Benefit or Defined Contribution), as an immediate reduction of Unfunded Actuarial Liability ("UAL") balance.

OTHER OPTIONS

Do not approve the amendment

FISCAL IMPACT

According to the attached letter from Foster & Foster Inc., Plan Actuary, they have determined that adoption of Ordinance 2016-14 will have no impact on the assumptions used in determining the funding requirements of the Defined Contribution Component ("Share Plan").

Note: Because the plan has no Excess State Monies (premium tax revenues) as of October 1, 2015 the valuation report will be unaffected. In Fiscal year 2016, the Plan received \$134,241.37 in State Monies. The 2012/2013 amount was \$132,794.51. Therefore, the initial allocation to the Share Plan as of 9/30/2016 is \$723.42, which will be divided equally among 30 firefighters. (Approximately \$24.00 per firefighter) The remaining \$133,517.94 will be used to offset the City's contribution requirement.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2016-14 by title only:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AMENDING CHAPTER 16, ARTICLE III OF THE LAKES WALES CODE, PROVIDING FOR THE CREATION OF A SUPPLEMENTAL RETIREMENT BENEFIT FOR THE FIREFIGHTERS' PENSION PLAN AND TRUST; PROVIDING RULES FOR ADMINISTERING THE SUPPLEMENTAL RETIREMENT BENEFIT, INCLUDING CONTRIBUTIONS, EARNINGS, VESTING, AND DISTRIBUTIONS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Human Resources Director Sandra Davis reviewed Agenda Item 10.I. She said this item brings us in compliance with Senate Bill 172, which amended Florida Statutes Chapter 175, and explained how it would be paid for.

City Commission Meeting
November 15, 2016

Deputy Mayor Thornhill made a motion to approve Ordinance 2016-14 after first reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Thornhill "YES"
Commissioner Howell "YES"
Commissioner Perez "YES"
Mayor Fultz "YES"

The motion carried 4-0.

Agenda Item 10.II. Ordinance 2016-15, Police Officers' Pension Plan Amendment – 1st Reading

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider approval of the creation of a Defined Contribution Component ("Share Plan") to the Police Officers' Pension Plan to comply with Ch. 185 that was passed by the Florida Legislature.

RECOMMENDATION

Staff recommends that the City Commission approve Ordinance 2016-15 on First Reading.

BACKGROUND

Senate Bill 172 substantially amended Florida Statute Chapter 185, which governs the municipal and special district police officer pension plans operating under these chapters. SB 172 requires that each plan sponsor must create a share plan defined contribution plan.

The Police Officers' Pension Board asked staff to bring forward Ordinance 2016-15 for adoption. The proposed amendment will establish a Defined Contribution Component ("Share Plan") to comply with Ch. 185 that was passed by the Florida Legislature.

The Defined Contribution Component shall consist of an individual Share Plan Account for each member of the Plan, including DROP participants. The Share Plan Accounts shall be funded solely by excess premium tax revenues as follows: Effective October 1, 2016, fifty percent (50%) of the excess premium tax revenues received by the City shall be allocated to the members' Share Plan Account as provided for by the Ordinance, and the remaining fifty percent (50%) of the excess premium tax revenues received by the City shall be used at the discretion of the City toward current year benefits (either Defined Benefit or Defined Contribution), as an immediate reduction of Unfunded Actuarial Liability ("UAL") balance.

OTHER OPTIONS

Do not approve the amendment

FISCAL IMPACT

According to the attached letter from Foster & Foster Inc., Plan Actuary, they have determined that adoption of Ordinance 2016-15 will have no impact on the assumptions used in determining the funding requirements of the Defined Contribution Component ("Share Plan").

Note: Because the plan has no Excess State Monies (premium tax revenues) as of October 1, 2015, the valuation report will be unaffected. In Fiscal year 2016, the Plan received \$108,125.24 in State Monies. The

City Commission Meeting
November 15, 2016

2012/2013 amount was \$96,158.75. Therefore, the initial allocation to the Share Plan as of 9/30/2016 is \$5,983.25, which will be divided equally among 46 Police Officers. (Approximately \$130.00 per Police Officer) The remaining \$102,141.99 will be used to offset the City's contribution requirement.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2016-15 by title only:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AMENDING CHAPTER 16, ARTICLE IV OF THE LAKES WALES CODE, PROVIDING FOR THE CREATION OF A SUPPLEMENTAL RETIREMENT BENEFIT FOR THE POLICE OFFICERS' PENSION PLAN AND TRUST FUND; PROVIDING RULES FOR ADMINISTERING THE SUPPLEMENTAL RETIREMENT BENEFIT, INCLUDING CONTRIBUTIONS, EARNINGS, VESTING, AND DISTRIBUTIONS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Human Resources Director Sandra Davis reviewed Agenda Item 10.II and explained how it would be paid for.

Deputy Mayor Thornhill made a motion to approve Ordinance 2016-15 after first reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Thornhill "YES"
Commissioner Howell "YES"
Commissioner Perez "YES"
Mayor Fultz "YES"

The motion carried 4-0.

Agenda Item 10.III. Ordinance 2016-21, Chapter 23 - Amendments to Zoning, Land Use and Development Regulations – 1st Reading

[Begin Agenda Memo]

SYNOPSIS

A few areas of the zoning regulations (Chapter 23, Lake Wales Code of Ordinances) have been identified as needing amendments to address issues that have arisen and provide better clarification and intent of the code.

RECOMMENDATION

Staff recommends the approval of Ordinance 2016-21 on first reading. A public hearing is not required.

BACKGROUND

The Planning and Zoning Board held a regular meeting on October 25, 2016 and voted to recommend various amendments to the Zoning, Land Use and Development Regulations as set forth in the proposed ordinance.

Following are explanations of the proposed revisions.

1. Vacation of public rights-of-way

Recommendation: change from an ordinance to a resolution the action required by Commission to enact the vacation. The City Attorney concurs with this recommendation.

Sec. 23-221.2 Review and approval.

c. City commission.

2. Right-of-way or other dedicated property. The city commission shall determine in light of the planning board's recommendation and public comments whether the vacation is in the public interest. If a positive determination is made, the city commission may enact a ~~ordinance~~ resolution vacating the requested right-of-way or property and reverting said right-of-way or property to all adjacent owners in equal portions.

2. Site Plans / Land subdivision / PDPs

Recommendation: increase the initial approval time from one-year to two-years and specifying extensions may be granted in one-year increments. This is in response to the time it is taking for developers to secure financing. There have been changes in what financial institutions require.

Sec. 23-222.7 Time limit on approval. The approval of the preliminary site plan shall expire ~~one year~~ two years from the date of approval unless an application for a site development permit has been received or a building permit for a principal building has been issued. An extension of time may be applied for (and granted in one-year increments) by the developer by submitting a letter of request to the administrative official and the required fee. (See Table 23-242.) The request for time extension may be approved by the administrative official or the planning board in accordance with the manner in which the original approval was granted.

Sec. 23-223.3.c. City commission action. After receiving the recommendation of the planning board, the city commission shall approve, approve with stated conditions or stipulations, or deny with specific reference to the requirements of this chapter.

1. Concurrency. A preliminary subdivision plat shall not be approved unless the concurrency requirements of this chapter have been met. (See section 23-704.4.c.)
2. Time limit on approval. Approval of the preliminary subdivision plat shall be valid for ~~one-year~~ two years. An extension of time may be applied for (and granted in one-year increments) by the developer by submitting a letter of request to the city commission through the administrative official and a fee per section 23-242.

Sec. 23-224.4 Time limit on PDP plan approval. The preliminary PDP plan approval shall be valid for ~~one (1) year~~ two (2) years, and at the end of ~~the year that time~~, the approval shall expire, along with the reservation of capacity in city utilities, unless a complete application for site development permit has been submitted. One-year extensions may be granted by the city commission upon the recommendation of the planning board, provided the extension is requested prior to the expiration of the plan approval.

3. Fences and Hedges

Recommendation: add the wording "from the property line along" to clarify the positioning of a fence along an alley.

b. Dimensional requirements. Fences and hedges shall be located a minimum of 3 feet from the property line along an alley. Otherwise, they are not subject to setback requirements and may be located anywhere within the property lines, provided the height limitations set forth in Table 23-524 are met.

FISCAL IMPACT

The amendments have no identifiable fiscal impact themselves.

OTHER OPTIONS

None.

[End Agenda Memo]

City Clerk Clara VanBlargan read Ordinance 2016-21 by title only:

(Zoning amendment – Chapter 23 Zoning, Land Use and Development Regulation)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATION AS IT PERTAINS TO SITE PLANS; VACATION OF PUBLIC RIGHTS-OF-WAY; FENCES AND HEDGES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Planning & Development Director Kathy Bangley reviewed Agenda Item 10.III. She said it was a housekeeping ordinance and it addressed a couple of things that have come up over the past several months that they felt were appropriate and then explained the changes in the proposed ordinance.

Deputy Mayor Thornhill made a motion to approve Ordinance 2016-21 after first reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Thornhill "YES"
Commissioner Howell "YES"
Commissioner Perez "YES"
Mayor Fultz "YES"

The motion carried 4-0.

Agenda Item 10.IV. Resolution 2016-23, Joint Participation Agreement-G0G58

[Begin Agenda Memo]

SYNOPSIS

The adoption of Resolution 2016-23 authorizes the execution of an agreement with the Florida Department of Transportation to rehabilitate Taxiway Alpha and to relocate and extend Taxiway Bravo at the Lake Wales Municipal Airport.

RECOMMENDATION

Staff recommends that the City Commission approve the following action(s):

1. Adopt Resolution 2016-23 authorizing the execution of Joint Participation Agreement G0G58 by the Mayor with the Florida Department of Transportation (FDOT) in the amount of \$71,135.00.

BACKGROUND

City staff met with representatives for FDOT and FAA and agreed that this project should be moved up in the funding cycle in an effort to enhance safety on the airfield and comply with FAA regulations relative to runway and taxiway separations, this project will extend the east portion of Taxiway Alpha to the existing runway 6 end and relocate and extend Taxiway Bravo North segment (from Taxiway Alpha to Runway 17) and the South segment (from Taxiway Alpha to Runway 35 end) at the Lake Wales Municipal Airport.

Resolution 2016-23 will provide funding of \$71,135.00 from FDOT for the design phase of this project.

Funding as follows:

City: \$ 23,135.00
FDOT: \$ 71,135.00
FAA: \$150,000.00 (the city will be submitting an application for FAA funding share this November)

Total cost for the design phase: \$244,270.00.

This project will not only enhance safety but also contributes to the completion of the airport infrastructure that will support the continued growth of the airport and the opportunity of funding from FDOT and FAA for t-hangars and road access.

FISCAL IMPACT

Funding to accept this agreement will require a budget amendment.

OPTIONS

The commission may elect to defer this project.

[End Agenda Memo]

City Clerk Clara VanBlargan read Resolution 2016-23 by title only:

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A JOINT PARTICIPATION AGREEMENT (JPA), TEM-SEGMENT-PHASE-SEQUENCE NUMBER (FINANCIAL PROJECT NUMBER): 440357-1-94-01 (REHABILITATE THE EASTERN PORTION OF TAXIWAY ALPHA AND RELOCATED AND EXTEND TAXIWAY BRAVO NORTH SEGMENT FROM TAXIWAY ALPHA TO RUNWAY 17 END AND SOUTH SEGMENT FROM TAXIWAY ALPHA TO RUNWAY 35 END) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ALLOW THEIR PARTICIPATION IN AN AVIATION PROJECT AT THE LAKE WALES MUNICIPAL AIRPORT.

Public/Support Services Assistant Director Teresa Allen reviewed Agenda Item 10.IV. She said staff is meeting with FAA, FDOT and our consultants who have decided to meet once a year to talk about the growth of the airport. At the last visit, we gave our vision of what we wanted to happen with the airport and how quickly we would like it to happen. One of the things that FAA and FDOT stressed was that the infrastructure at the airport needed to be taken care of at airports before starting to look at access to T-hangars and other things of that nature. Both FAA and FDOT agreed for this project to be moved up to help us with completing the infrastructure and so that we can start asking them to help fund road access and t-hangars.

Commissioner Perez stressed concern that he did not always understand or have enough information to approve or reject an item coming before the Commission. He asked if it was against protocol for Commission members to sit in staff meetings where these projects are being discussed before they come before the Commission. Mr. Fields said in a sense it is since the Commission will be voting on it. Commissioner Perez said the Commission would be voting with minimum information. Mr. Fields said we try giving as much information in staff memos as we can, he and staff are always available to answer questions or concerns a Commission member might have, and a Commission member has the right to ask that the vote be deferred and request additional information. Ms. Allen explained that the projects are part of the airport master plan and the importance of them.

Commissioner Perez said he is not saying he would be against it. He would like to know the legality of him attending one of these meetings. Mr. Fields said the City Commission approved the airport master plan some time ago and that is the master policy document that controls the development of the airport and the projects that are going to take place there. Once the Commission approved that master plan, it is staff's responsibility to go forward with the implementation. This is not a policy matter except for the financing part of it. The Commission has to be involved in that. The meetings with FAA and FDOT are administrative meetings and not policy setting meetings unless they are setting policy and telling us what they are going to do. In most cases it would not be appropriate for Commissioners to be directly involved in those kinds of meetings because they are merely administrative in nature. Because the Airport Master Plan was approved so long ago, we should probably come back to the Commission and present the master plan again, especially now that we have taken over the operation ourselves. It would be useful for this Commission to hear what the master plan says, the direction we are headed, and what projects FAA and FDOT are indicating to us that they will fund in the future and in what order. Since a lot of the current Commission members were not involved in the approval of the current master plan it would be good to bring that back to refresh everybody's memory and where we are going with it.

Commissioner Perez said he does not want to delay the issue and the only reason he brought this up is that a lot of things come before this Commission and he has no idea of the details so he finds it disturbing that the protocol is that the Commission not attend meetings. The Commission should have access to anything. The Commission is ultimately the executive branch of the City so organizationally the Commission is superior to the City. He asked again if it was legal for him to attend any of these meetings. The City Attorney said there are two scenarios that come to his mind as part of this. One, we have the Charter provision that says the Commission cannot direct staff so if a Commissioner is there that may chill the staff and their ability to communicate with FAA or FDOT and to the extent that happens then perhaps, you are directing staff. The second thing to be concerned about is that only one Commissioner can attend. The potential that exists is that the persons who work for the City Manager may have some discomfort level with a Commissioner sitting in and not knowing how that can impact what this Commissioner may say to this manager who holds their jobs in their hands, etc. Commissioner Perez said he understood organizationally how things go on, he is just finding it a little disturbing, and he will honor the protocol and not attend the meetings. He would probably become a pain in the neck as things come before this Commission and he has to understand the details of that, which he does not especially when it has to do with highways, sewers, improvements, etc. Mr. Fields explained that if more than one Commissioner would like to attend it creates a public meeting kind of thing, which means it has to be posted, etc. If you are meeting with a vendor, FAA, FDOT or another agency, they sometimes do not know what the manager-commissioner relationship is. It might become very confusing to them as to who is speaking for the City.

Commissioner Perez said if Mr. Galloway tells him that he should not speak at one of those meetings he will not speak for he is capable of sitting and observing the meeting. Mr. Fields said he has no problem with any Commissioner member asking questions on any Commission item. He has told the Commission if they have a question about any of the items on the agenda they could call and speak to the staff person presenting that item or they could call him. If he needed to go back to scheduling agenda briefings to meet with Commission members one on one prior to the meetings he is happy to do that. He takes it personal when a Commissioner says they do not know what is going on. The Commission gets the agenda a number of days before the meeting so there is usually enough time before the meeting to ask questions and talk to him or the staff person involved. It is important for the Commission to be informed on these items so he will

make sure the Commission gets the agenda at least by Thursday before the meeting. The Mayor said he has used that avenue many times to get clarity on an item.

Ms. Allen said since Commissioner Perez sits on the Airport Authority she could have Hoyle, Tanner and Associates to come in and explain the projects, what it is going to do for the airport. They also give us a monthly briefing on it. The details of the master plan and projects are available online and staff is available to explain what is going on with the projects.

Mr. Fields said when we come up on the one-year anniversary of the City taking over the operation at the airport that might be a good time to do an update on the master plan to bring the Commission up to speed on where we see it going in the future. The airport is going to be a very important economic asset to the City. Commissioner Thornhill said it would be good to get an overview for he understood the concerns that Commissioner Perez has because some of these items need a magnifying glass to understand them.

Deputy Mayor Thornhill made a motion to adopt Resolution 2016-23. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Thornhill "YES"
Commissioner Howell "YES"
Commissioner Perez "YES"
Mayor Fultz "YES"

The motion carried 4-0.

Agenda Item 10.V. Resolution 2016-24, Changing the Name of Longleaf Business Park

[Begin Agenda Memo]

SYNOPSIS

The subject Resolution will rename the Longleaf Business Park for purposes of marketing and future development of the property. The change will not affect the aspects of the real estate title.

RECOMMENDATION

Adoption of Resolution 2016-24 as presented.

BACKGROUND

Longleaf Business Park was platted in 2001 and the Park has been slow to develop. A purchase of most of the remaining undeveloped lots is taking place and the investor in the property has suggested that a name change would be beneficial for purposes of marketing and developing the property. City staff, as well as the head of the Lake Wales Chamber of Commerce and the Economic Development Council, agrees with the investor's suggestion. The proposed name is LAKE WALES COMMERCE & TECHNOLOGY PARK.

FISCAL IMPACT

Recording of Resolution 2016-24 will have no direct fiscal impact other than the fee of \$18.50 for recording in the Public Records of Polk County.

OTHER OPTIONS

City Commission Meeting
November 15, 2016

The Commission may decide to decline to make the suggested name change.

[End Agenda Memo]

City Clerk Clara VanBlargan read Resolution 2016-24 by title only:

A RESOLUTION RENAMING LONGLEAF BUSINESS PARK FOR PURPOSES OF MARKETING AND FUTURE DEVELOPMENT AS LAKE WALES COMMERCE & TECHNOLOGY PARK; PROVIDING FOR AN EFFECTIVE DATE

The City Manager said he was pleased to announce that this morning we closed on the sale of the parcels and the options at Longleaf for a grand total of \$967,000 net to the City. It will be in the City's account tomorrow morning. Those properties will now be on the tax roll effective January 1. The cash itself will go to the CRA because those parcels are owned by the CRA and not the City and now be available for future projects that we might want to move forward. The reason this resolution is necessary is that we did retain that title even though it is now in the hands of a private owner. The City Attorney said there are four parcels left that are not under option and explained the locations. Mr. Fields said this is a request by the new owner who owns the majority of parcels there. The name change was originally recommended when we first contracted with Coldwell Banker Realty to assist in marketing the properties. The name change will help market those properties to help get them sold and developed in the future. There is no cost to the City in this. The Mayor said this is somewhat removing a stigma to a certain extent and the City Attorney said, perhaps. Mr. Fields said he would rather say it is a fresh start.

Deputy Mayor Thornhill made a motion to adopt Resolution 2016-24. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Thornhill "YES"
Commissioner Howell "YES"
Commissioner Perez "YES"
Mayor Fultz "YES"

The motion carried 4-0.

Agenda Item 10.VI. Resolution 2016-25, Master Lease Agreement with BB&T Government Financing

[Begin Agenda Memo]

SYNOPSIS

Approval of Resolution 2016-25 will authorize the execution of a master equipment lease agreement with BB&T Government Finance through the Florida League of Cities.

RECOMMENDATION

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

1. Approve Resolution 2016-25 and the 60-month Financing of Emergency Backup Generators for the Lake Wales Police Department
2. Authorize a Budget Amendment in the Amount of \$12,496
3. Classify the Existing Generators as Surplus Property

BACKGROUND

The approval of Resolution 2016-25 will provide a means to replace both of the emergency backup generators at the Lake Wales Police Department. The generators supply backup power for emergency radio, telephone, and computer network communications in addition to providing emergency power to the City's primary Data Center. A loss of power at the Police Department would impair the Department's ability to respond to public emergencies and would cause significant downtime throughout the City's entire computer network.

The current generators are secondhand, reconditioned models manufactured in the 1970's and it is becoming increasingly difficult to find replacement parts for them due to their age. The main generator was inoperable for 30 consecutive days at one point earlier this year as the City struggled to find a vendor to rebuild the damaged components, leaving the Department without backup power. The City has deferred replacing the generators for the last few years due to their significant cost.

Staff recommends financing the replacement of these generators for the following reasons:

- An outright purchase would result in a current-year decrease in cash flow of \$89,529 as compared to only \$12,496 (8 Monthly payments @ \$1,562).
- BB&T's proposal has an APR of 1.8% over the sixty (60) month term with a one (1) dollar residual buyout price.
- As with all purchases, if the City were able to purchase items without the use of financing this would result in the lowest overall cost, but the greatest single annual cash flow decrease. If the City elects to use this financing option, the total interest cost of the five-year financing option is \$4,156 (\$831 annually).

The master lease agreement offered by the Florida League of Cities gives the City the ability to finance future equipment and/or vehicles as well.

Staff solicited proposals for cost comparison purposes and those proposals are as follows:

Company Annual Percentage Rate

FLC/BB&T	1.8%
PNC Equipment Finance/US Bank	3.24%
Mears Motor Leasing/Bancorp	4.1%

MidFlorida Diesel, Inc., the City's contracted generated maintenance vendor will provide the generators, automatic transfer switches, and associated labor. The generators are on the Florida Sheriff's Association contract, #15-13-0904.

If the Commission authorizes the replacement of these generators and classifies them as surplus, staff will auction or scrap the old generators to recoup some of the costs incurred with this project.

OTHER OPTIONS

1. Purchase the generators outright. A full purchase would result in a current year decrease of cash flow of \$89,529.
2. Continue to defer the replacement of the generators.

FISCAL IMPACT

For the remainder of FY17, the lease payments would be approximately \$12,496 with an annual lease obligation of \$18,744 for the remainder of the 60-month term.

[End Agenda Memo]

City Clerk Clara VanBlargan read Resolution 2016-25 by title only:

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT WITH BB&T GOVERNMENT FINANCE SPONSORED BY THE FLORIDA LEAGUE OF CITIES; AUTHORIZING THE LEASE PURCHASE FINANCING OF THE ACQUISITION AND INSTALLATION OF CERTAIN EQUIPMENT HEREIN DESCRIBED; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACQUISITION FUND AGREEMENT; AUTHORIZING THE EXECUTION OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE TRANSACTIONS CONTEMPLATED HEREBY; AND PROVIDING AN EFFECTIVE DATE.

Public/Support Services Director James Slaton reviewed Agenda Item 10.VI. He said this is a non-budgeted item and he started working on it prior to the end of the last fiscal year but did not get it done. The Finance Director is comfortable that we can find the \$12,496 to cover the lease payments for the remainder of the year. He is asking that the Commission classify the existing generators as surplus so we can auction them. This item has been deferred for at least four years in a row. The generators being replaced were purchased refurbished, they have been operational and functional, but it is becoming more of a challenge to get them repaired. If the Commission approves the agreement with BB&T we can use it for future purchases or financing of equipment.

OPENED TO PUBLIC COMMENT

There were no comments made by the public.

CLOSED TO PUBLIC COMMENT

Commissioner Howell made a motion to adopt Resolution 2016-25. Deputy Mayor Thornhill seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"
Deputy Mayor Thornhill "YES"
Commissioner Perez "YES"
Mayor Fultz "YES"

The motion carried 4-0.

11. CITY MANAGER

Agenda Item 11.I. City Commission Tracking Report

The City Manager reported the following:

- He was happy to attend the food truck event this month, it was very enjoyable, and the food was great. Commissioner Howell said she heard good things and said someone had asked her if the event had to be on the first Monday of the month. Mr. Fields said if they do well and do good business they might ask for a second night. Ms. Nanek said the company doing this does these

City Commission Meeting
November 15, 2016

events all over the State of Florida and the first Monday night was the only night they had left on their schedule.

- Mr. Fields said he would be out of the State on vacation starting this Thursday through the Friday after Thanksgiving.

Agenda Item 11.II. Social Media Report

Agenda Item 11.III. City Commission Meeting Calendar

Agenda Item 11.IV. Other Meetings & Events Calendar

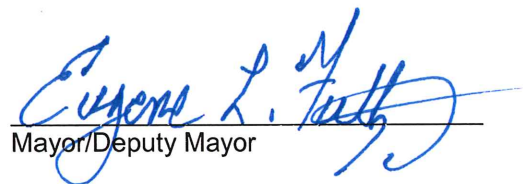
Agenda Item 11.V. Information: Boards, Commissions, and Committees

12. CITY COMMISSION COMMENTS

Commissioner Perez said last Thursday he went to Dillards at 4:30 p.m. and again at 6:00 p.m. and both times the Mall was empty. He does not know if we can do anything about that but the Mall is hurting and that concerns him because in two years we may not have a mall. The Mayor said he talked with management there several times and they too are concerned. At one time, there was a rumor going around that Dillards would be leaving because of the lack of customers but management might have worked out some type of fair arrangement to keep them there. However, that will not keep them there forever. He can talk to management again and see what is going on since he had not talked to them in a while. Mr. Fields said he was there on Saturday and the traffic was fairly large, so it might be the day of week. The reality is that the nature of retail is changing. One of the challenges we are going to face is how are we going to keep all of our retail going. We are getting retail interest along the Hwy. 27 corridor and in the future, the traditional shopping mall model will be switching over to power centers. We have land available in the City for that kind of development and we are going to try attracting retail.

13. MAYOR COMMENTS

The meeting was adjourned at 6:59 p.m.



Mayor/Deputy Mayor

ATTEST:



City Clerk Clara VanBlargan, MMC