

The meeting of the Lake Wales City Commission was held on February 7, 2017 in the Commission Chambers at the Municipal Administration Building. Mayor Eugene Fultz called the meeting to order at approximately 6:02 p.m. following the Invocation and the Pledge of Allegiance.

INVOCATION

Dr. James Moyer gave the invocation.

PLEDGE OF ALLEGIANCE

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

COMMISSIONERS ABSENT:

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

5. MAYOR

Agenda Item 5.1. Certificate of Completion awarded to the Mayor from the John Scott Daily Florida Institute of Government and the Florida League of Cities for his completion of 18 hours of instruction at the Advanced Institute for Elected Municipal Officials in CoCoa Beach, Florida on October 28-29, 2016.

The City Manager presented the Certificate of Completion to the Mayor.

6. PRESENTATION/REPORT

Agenda Item 6.1. Presentation Report by the Lake Wales Museum Association

Robert Connors, Lake Wales Museum Association, presented a PowerPoint presentation report to the Commission on the Lake Wales Museum & Cultural Center. He said they have come a long way and the Museum is now an asset and source of community pride and it will become an educational resource for more than 100,000 local school students and thousands more at area colleges and universities.

Monica Drake-Pierce gave a PowerPoint Presentation report on the Lake Wales Museum & Cultural Center and announced upcoming events and programs. She said people could connect with them through the website, Facebook, Instagram, and Twitter.

7. COMMUNICATIONS AND PETITIONS

Ed Kupka, resident, asked about the project going on near his residence on Burns Avenue. Mr. Fields said it is a mobilization site for the company that is installing a natural gas pipeline northeast of the City. It is a temporary location for them while construction is underway. Although the City did permit them to some degree, it has no control because it is a federally authorized project. Mr. Kupka asked if the rock pit there was lime rock because dust comes up and blows down his street when trucks go by and the wind blows. The dust gets into the lungs. Mr. Fields said that it is the first he is hearing about it and would look into it to see if any type of dust control needed to be provided on the site.

Mr. Kupka asked about the fire assessment and asked if he had to pay it again next year because his income is limited. He has other bills to pay and the fire assessment causes a burden on him. He said it is something the City calls a fire assessment and it has nothing to do with the fire department. It is something the City passed because it went in debt and called it a fire assessment. The Mayor said it is a fire assessment and that all the money goes to the fire department. Mr. Fields explained that the fire

assessment was done about two years ago, it will come up every year as part of the City's budget deliberations going forward, the City was able to reduce the assessment the second year and reduce its millage rate across the board when it was enacted two years ago. Mr. Kupka asked how much of the money went to the fire department and if they got new trucks and a raise. Mr. Fields said all the money goes to the fire department and they did get a new truck and a raise. Mr. Kupka asked how much money was that. Mr. Fields said he did not know. Mr. Kupka asked if the people buying a new home in Lake Wales are told about, the fire assessment and the requirement to pay before buying the property. The Mayor said he would think that is the responsibility of the realtor to let them know. Mr. Kupka said he would contact a realtor and let the City know.

Deputy Mayor Thornhill asked Finance Director Dorothy Ecklund if there was a hardship program for the fire assessment or was that for utilities only. Ms. Ecklund said for utilities only.

Nicolas Smith, resident, said he was there to talk about the City Attorney and the recommendation to him from the Florida Bar Association. He said he would be reading a letter that he addressed to Commissioner Gibson who is an attorney and not tainted by the events of the last three years. Upon completion, no matter how many meetings it took, he will turn over a copy of his letter and all attachments to the City Clerk as a public record. Mr. Smith said for clarity when using the word "you, your, or yourselves" he is referring to the corporate plural "you" meaning "commissioners" past and present. Mr. Smith explained that his letter was in response to the City Attorney's corrupt and unprofessional conduct, defamatory statements, false allegations of theft, falsifying transcripts of messages left with the Chief of Police, barring him from the taxpayer's financed public City buildings without any legal standing, participating in a conspiracy to destroy Society property in violation of a court order, subjecting him to a farcical deposition at the taxpayer's expense in a fruitless attempt to find out about a computer owned by the Historic Society, and preventing his testimony at his deposition from being entered into the public record. He said the City Attorney, City Manager, and City employees under the direction of the City Manager of systematically and repeatedly removed artifacts, personal belongings, pictures, and artwork from the Museum in violation of a court ordered injunction prohibiting the removal of any items. Reading his letter, he said the Florida Bar Association, a private organization familiar to both the Commission and the City Attorney issued a legal determination to him that stated the City of Lake Wales Attorney is the City Attorney. Succinctly, he said the Commission is the client when it involves all City legal affairs that involve the City Attorney including public meetings. The Commission is responsible for the City Attorney's conduct, particularly if it is aware of any corrupt, unethical, or illegal acts perpetrated by the City Attorney, either for the benefit of his friends or for the Commission and its administration. The City Attorney is precluded from discussing City legal affairs with taxpayers or any other City officials without Commission permission. The City Attorney would be violating the attorney-client relationship, which is sacrosanct and privileged in our justice system. The City Attorney is prohibited from communicating City legal business to any outside party, such as his friends, without Commission permission. It would be a conflict of interest and a violation of the rules of professional conduct of the Florida Bar if the City Attorney discussed privileged information without consent. Any decision of the Commissioners regarding City legal business involving the City Attorney is to be discussed openly, in accordance with the Sunshine Law, in a public forum allowing taxpayers an opportunity to express any concerns or thoughts on the matter. He said an example if the City Attorney and the City Manager decided to sue the Historic Society at taxpayer expense to recover a computer belonging to the Society, and that issue was not discussed openly at a commission meeting that would be contrary to the legal determination of the Florida Bar, a conflict of interest, and a violation of the rules of professional conduct of the Florida Bar by the City Attorney, collusion by the City Manager, and a violation of the Sunshine Law. And, the same applied if the City Attorney and the City Manager decided to subject him to a spurious deposition at taxpayer expense regarding a computer belonging to the Society, and that disposition was not discussed openly at a commission meeting.

Courtney Green, resident, said she came because of a concern she had. She observed after the Martin Luther King, Jr. Parade while waiting in the projects area of Seminole Avenue to take her friend's mom home an officer telling a group of guys that they needed to go home. They told the officer they lived there and one of the guys said he was there visiting family from out of town. The officer asked to search him because he was probably selling drugs but after doing so, he found no drugs on him. As the officer was

letting the guy go, the guy was upset and gave the officer an issue. The officer told him to go but to watch who he was selling drugs to. Ms. Green said that bothered her, and she did not know how to address that particular issue. She does not have a child, but she does have nephews and cousins that are at the age where they can come in contact with one of those officers. She wished she had gotten the officers name, badge number, car number or something. It was heartbreaking as a citizen to see that take place. She has been in Lake Wales since she was seven and that is something she would not want to see going in our City. Ms. Green asked what could she do if a situation like that arose again and what could she do as a citizen to help within the City. Mr. Fields said her making the City aware of the issue was the first step and it would have been helpful to have gotten a badge, name or a car number so we could find out what officer specifically was involved. He said we work very hard to make sure our police officers are trained in proper ways to interact with the community and work very hard to make sure they understand that. Treating everybody with respect is basically, the foundation of good policing and you are not going to get the cooperation of the community or get their respect unless you show the same kind of respect in return. We do not have the ability to observe every officer on the street every day and every hour so we rely on feedback. He said the Chief is in the back and suggested she give him a description of the officer involved so he might be able to identify him. If we need to do additional training, mentoring, counseling for an officer to talk about the way he interacted with the community we will quickly do so. The Chief will tell you that the whole foundation of our police department is to be viewed in the community that they are there to protect them, work with them, and make the community understand that we respect them as much as we would like them to respect the police department. Mr. Fields said she could make a formal complaint if she knew the officer involved and she could always file a complaint either with the police department or at City Hall with the Human Resources Department. He said he appreciated the feedback.

The Mayor said we have been working hard to build community relationships with the police department. Commissioner Howell told Ms. Green not to hesitate to come again because we want to keep going forward and not slip back because we want to make sure we are doing what we can to make our community better. Commissioner Gibson said we hear complaints from citizens put forward in a lot of different ways and commended Ms. Green for her civility and courtesy because that is the kind of presentation that gets results.

Mike Carter, resident, thanked Teresa Allen and Beverly, the Utility Department staff. He bought a fifth wheel a while back and while leaving town a few weeks ago some damage was done to it because of some trees that had not been maintained and Teresa and utility department staff took care of the problem in a very positive, respectful, and professional manner.

8. CONSENT AGENDA

Agenda Item 8.I. Approval of Minutes: January 17, 2017, Regular Meeting

Agenda Item 8.II. Visit Florida Marketing Grant

[Begin Agenda Memo]

SYNOPSIS

A grant application to the Visit Florida for \$2,500. The grant requires a 1:1 cash or in-kind match.

STAFF RECOMMENDATION

Staff recommends that the City Commission approve a grant application to the Visit Florida Marketing grant for money that will be allocated to advertisement of the Smithsonian Institute Travelling Exhibit (SITES) "The Way We Worked" and coordinated programming in the fall 2017

BACKGROUND

The Visit Florida administers an Advertising Matching Grant program to publicize the tourism advantages of the State of Florida to assist local government or non-profit corporations located within the boundaries of Florida.

If our application is accepted, the grant money will be used for marketing purposes to promote the SITES exhibit "The Way We Worked" and coordinated programming that is being promoted as part of our Centennial Celebration.

FISCAL IMPACT

The Visit Florida Advertising Matching Grant is a reimbursement grant. Advertising money for the exhibit and programming will need to be upfront. The grant requires a 1:1 cash or in-kind match. The Lake Wales Library Association is prepared to underwrite the cost of the match for \$2,500.

OTHER OPTIONS

Do not apply for this grant.

FISCAL IMPACT

See attached statement. [The fiscal impact statement is part of the agenda item in the February 7, 2017 agenda packet.]

[End Agenda Memo]

Agenda Item 8.III. Special Event Application: Beers with Pioneers – March 18, 2017

[Begin Agenda Memo]

SYNOPSIS

The Lake Wales Museum and the Lake Wales Museum Association are sponsoring a fundraiser event at the Lake Wales Museum called "Beers with Pioneers" on March 18, 2017. This event will include alcohol.

RECOMMENDATION

Staff recommends approval of the special event application for the "Beers with Pioneers" event at the Lake Wales Depot Museum on March 18, 2017 from 4:00 p.m.-8:00 p.m.

BACKGROUND

The special event "Beers with Pioneers" will be held on the grounds of the Depot Museum and will be a ticketed event. As this event will include alcohol a temporary alcohol permit will be required and 2 off-duty police officers will be hired for the event. The Lake Wales Museum Association will also be required to get liability insurance in the amount of \$1,000,000 and must name the City of Lake Wales as additionally insured. They will also be required to designate the boundaries where the alcohol will be served.

OTHER OPTIONS

Do not approve the permit.

FISCAL IMPACT

None - the cost of the 2 off-duty police officers will be borne by the Lake Wales Museum Association.

[End Agenda Memo]

Agenda Item 8.IV. Approve the Purchase of Lawnmowers for Airport, Parks, and Recreation Divisions

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider approving the purchase of three (3) lawnmowers from Deere & Company in the amount of \$57,306.60.

RECOMMENDATION

Staff recommends that the City Commission approve the purchase of three (3) John Deere lawnmowers from Deere & Company through their supplier Fields Equipment Company in the amount of \$57,306.60.

BACKGROUND

The current budget provides for the purchase of lawnmowers for the airport, parks, and recreation departments. The city will purchase three (3) John Deere Z997R diesel lawnmowers utilizing "State Contract" number FL Ag & Lawn Equipment 21100000-15-1 (PG F2), from Deere & Company through their supplier Fields Equipment Company.

FISCAL IMPACT

This is funded in the current fiscal year capital budget.

OTHER OPTIONS

The City Commission may choose not to approve the purchase at this time.

[End Agenda Memo]

END CONSENT AGENDA

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

By Voice Vote:

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

The motion carried 5-0.

9. OLD BUSINESS

Agenda Item 9.I. Ordinance 2017-01, Amending Chapter 18 Streets, Sidewalks, and Other Public Places – 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

Ordinance 2017-01 amends Chapter 18 Streets, Sidewalks, and Other Public Places regarding Newsracks within the city limits of Lake Wales.

RECOMMENDATION

Adopt Ordinance 2017-01 after second reading and public hearing. Public notice requirements have been met.

BACKGROUND

Staff was directed to prepare a new and more comprehensive ordinance regarding Newsrack's in the city of Lake Wales.

The ordinance provides for the amendment of the section numbers reserved in Article III Sidewalks, repeals the existing regulations so that the can be incorporated in to the new ordinance in a manner that provides consistency and clarity.

The ordinance establishes the Park and Stuart Avenue corridor for city provided newsracks; provides for the controlled placement of newsracks elsewhere in the city; provides standards; provides for permitting to include application fee; provides for removal and violation procedures.

The implementation of these regulations will be the responsibility of the Department of Planning and Development Services.

FISCAL IMPACT

The City has already purchased newsracks for installation in the designated area.

OTHER OPTIONS

Not adopt.

[End Agenda Memo]

City Clerk Clara VanBalgan read Ordinance 2017-01 by title only:

(Amendments to Chapter 18 Streets, Sidewalks, and Other Public Places)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 18 STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES; AMENDING RESERVED SECTIONS IN ARTICLE III SIDEWALKS, AMENDING ARTICLE IV PLACEMENT OF NEWSRACKS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE:

Kathy Bangley, Planning & Development Director, reviewed Agenda Item 9.I.

Commissioner Howell asked how much the City paid for the racks and James Slaton, Public/Support Services Director said it was about \$13,000. Commissioner Howell asked if the racks would be leased and Ms. Bangley explained yes. Commissioner Howell asked if there would be a box for something that might only come once a year and Ms. Bangley said no, but we could probably structure the rental policy to prorate it if someone only wanted it in there for 30 days. Because it is seasonal in some fashion, we could certainly make that happen.

Commissioner Gibson asked how long it would take to recover our \$13,000 cost and Ms. Bangley said she would not know until she has done the math. Mr. Fields said the fee must be proportional to the cost of issuing the permits, not the cost of the equipment. Ms. Bangley said we might be able to figure out how long it will take to recoup the costs once the fees are established. It is more based on the administrative process and not what we have spent for the boxes. Mr. Fields said the cost of the boxes is really an investment to cleaning up the downtown. The Mayor said this would definitely bring consistency and some beauty to the downtown by getting rid of all those scattered boxes and getting them into one contained area. Ms. Bangley said the biggest, immediate impact visibly would be in front of the post office and then we hope to see it elsewhere. Those that have bins will be made aware of the coming changes and if they would like to continue having their items in our downtown, they must abide.

OPENED TO PUBLIC HEARING

There were no comments made by the public.

CLOSED TO PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2017-01 after second reading and public hearing. Deputy Mayor Thornhill seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 9.II. Ordinance 2017-02, Dissolving Various Inactive Boards, Committees & Commissions – 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

The City Commission will consider dissolving inactive boards, committees, and commissions that are no longer necessary and have no sunset provision to keep them in existence.

RECOMMENDATION

The recommendation is for the City Commission to adopt Ordinance 2017-02 after second reading and public hearing. The public notice requirement for a public hearing has been met.

BACKGROUND

A comprehensive report on inactive boards, committees, and commissions was presented to the City Commission on January 3, 2017 for discussion. The City Manager provided an overview on each of them and explained why they were no longer necessary and there was no sunset provision to keep them in existence. There are other boards and community programs that serve the same purpose as some of them. Following the discussion, the City Commission agreed that the inactive boards, committees, and commissions needed to be dissolved.

Ordinance 2017-02 was prepared to dissolve the following inactive boards, commissions, and committees as discussed on January 3, 2017:

Chapter 2, Administration, Article II, Boards, Committees & Commissions

- Division 6, Open House Board
- Division 8, Parks and Community Appearance Advisory Board
- Division 9, Parking Authority
- Division 11, Lakes Advisory Commission
- Division 12, Historic Preservation Board
- Division 13, Fire and Building Code Administration Board
- Division 14, Enterprise Zone Development Agency
- Division 15, Bicycle/Pedestrian Advisory Commission

Chapter 2, Administration, Article V, Financial Administration, Division 1, Investment of Public Funds

- Section 2-502, Delegation of Authority; Establishment of Investment Committee

Chapter 2, Administration, Article VII, Program Administration

- Division 1 – Aware Program

Chapter 15, Miscellaneous Offences

- Section 15-10, Drug and Prostitution-related Nuisance Abatement

OTHER OPTION

The City Commission could choose not to dissolve all of the inactive boards, commissions, and committees and modify ordinances creating some of them to allow more people to apply for appointment, etc.

FISCAL IMPACT

The only cost involved in dissolving the inactive boards, committees, and commissions and removing them from the City of Lake Wales Code of Ordinances is the cost in codifying Ordinance 2017-02.

[End Agenda Memo]

City Clerk Clara VanBalgan read Ordinance 2017-02 by title only:

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE LAKE WALES CODE OF ORDINANCES, BY AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE II, BOARDS, COMMITTEES, AND COMMISSIONS BY ELIMINATING DIVISION 6, OPEN HOUSE BOARD; DIVISION 8, PARKS AND COMMUNITY APPEARANCE ADVISORY BOARD; DIVISION 9, PARKING AUTHORITY; DIVISION 11, LAKES ADVISORY COMMISSION; DIVISION 12, HISTORIC PRESERVATION BOARD; DIVISION 13, FIRE AND BUILDING CODE ADMINISTRATION BOARD; DIVISION 14, ENTERPRISE ZONE DEVELOPMENT AGENCY; DIVISION 15, BICYCLE/PEDESTRIAN ADVISORY COMMISSION; AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, FINANCIAL ADMINISTRATION, DIVISION 1, INVESTMENT OF PUBLIC FUNDS, BY ELIMINATING SECTION

2-502, DELEGATION OF AUTHORITY, ESTABLISHMENT OF INVESTMENT COMMITTEE; AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII, PROGRAM ADMINISTRATION, BY ELIMINATING DIVISION 1, AWARE PROGRAM; AND AMENDING CHAPTER 15, MISCELLANEOUS OFFENSES BY ELIMINATING SECTION 15-10, DRUG AND PROSTITUTION-RELATED NUISANCE ABATEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Kenneth Fields reviewed Agenda Item 9.II. He said this is a variety of boards and committees that have been established that are now inactive and no longer in use. Since they do not have a sunset provision, the Commission can eliminate them and move forward.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt Ordinance 2017-02 after second reading and public hearing. Commissioner Gibson seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 9.III. Ordinance 2017-03, Amending Ordinance 2010-27, CRA Citizen Advisory Committee Ordinance – 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS

Ordinance 2017-03 amends Ordinance 2010-27 which also modifies Section 2-73 of the Lake Wales Code of Ordinances, changing the membership criteria for the CRA Citizen Advisory Committee.

RECOMMENDATION

It is recommended that the City Commission adopt Ordinance 2017-03 after second reading and public hearing. The public notice requirement for a public hearing has been met.

BACKGROUND

On November 16, 2010, the City Commission adopted Ordinance 2010-27, establishing a five member CRA Citizen Advisory Committee. Each Commissioner was required to nominate a person that resided, owned property, or operated a business within the voting district represented by the commissioner provided the property, residence, or business of the nominee were within the boundaries of the CRA. When Ordinance 2010-27 was adopted, all four of the City Commission districts contained an area within the boundaries of the CRA so filling vacancies was no problem.

A Charter Amendment approved by the voters in 2011 effective with the 2013 Municipal Election changed the Commission Districts and the way City Government was conducted. The four City Commission districts,

composed of the geographical areas included in Polk County, Florida, voting precinct numbers 19, 122, 27, and 28, changed to four geographical City Commission districts containing population equal as feasible. Because the new Commission District 27 does not contain an area within the CRA boundaries, it is impossible to appoint a qualified person to represent that district. Therefore, it is necessary to change the formation of the membership requirements in Ordinance 2010-27, the CRA Citizen Advisory Committee ordinance to allow the appointment of a fifth member to serve on the CRA Citizen Advisory Committee and to allow the representation of all City Commission members.

If the membership requirements for the CRA Citizen Advisory Committee are changed to conform to that set forth F.S. Section 163.356 (3) (b), it will be possible for five qualified citizens to be appointed to serve on the Committee and allow representation of all Commission members. Citizens would not have to reside or operate a business within the boundaries of the CRA but instead reside or operate a business within the territorial boundaries of the City. Current members serving on the Committee meets the revised membership requirements set forth in Ordinance 2017-03. Section 163.356 (3) (b), F.S., states that any person may be appointed as commissioner to the Community Redevelopment Agency if he or she resides or is engaged in business. This means owning a business, practicing a profession, or performing a service for compensation or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the City. According to AGO 90-19, an area of operation is defined to mean "for a municipality, the area within the corporate limits of the municipality." In contrast, a "community redevelopment area" is defined to mean "a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of a low or moderate income, including the elderly, or a combination thereof which the governing body designates as appropriate for community redevelopment." The area of operation for a municipal redevelopment agency is within the territorial boundaries of the municipality itself, although the community redevelopment area may represent a smaller area within the municipality. Section 163.356 (3) (b), F.S., supra, does not require that the appointed members of the agency reside or engage in business within the community redevelopment area but "within the area of operation of the agency, which shall be coterminous with the area of operation of the.....municipality...."

Current members:

Seat 1 – At-large	Charlene Bennett (05/03/16-07/01/18)	306 Townsend Avenue
Seat 2 – District 19	Mark Bennett (04/21/15-07/01/18)	1106 Voncile Street
Seat 3 – District 122	Narvell Peterson (12/07/10-07/01/17)	Address Exempt
Seat 4 – District 27	Vacant (7/1/17)	
Seat 5 – District 28	Christopher Lutton (5/17/16–07/01/18)	437 S. 9 th Street

A 2011 Charter Amendment approved by the voters effective with the 2013 City Election made it the Mayor's duty to make appointments to the various citizen advisory and regulatory boards, commissions, committees, and authorities. Ordinance 2017-03 makes that change to the CRA Citizen Advisory Committee ordinance.

FISCAL IMPACT

No fiscal impact for this action.

OPTIONS

The City Commission can approve Ordinance 2017-03 as is or approve it with modifications.

[End Agenda Memo]

City Clerk Clara VanBalgan read Ordinance 2017-03 by title only:

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE LAKE

WALES CODE OF ORDINANCES BY AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE II, BOARDS, COMMITTEES, AND COMMISSIONS, DIVISION IV, COMMUNITY REDEVELOPMENT AGENCY BOARD, SECTION 2-73, CRA CITIZEN ADVISORY COMMITTEE, BY AMENDING ORDINANCE 2010-27, ESTABLISHING CRA CITIZEN ADVISORY COMMITTEE; CHANGING THE MEMBERSHIP REQUIREMENTS; CHANGING DISTRICT SEATS IN COMPLIANCE WITH THE CITY CHARTER; AND ALLOWING FOR FILLING AUTHORITY VACANCIES IN COMPLIANCE WITH THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Kenneth Fields reviewed Agenda Item 9.III. He said in the ordinance the seats are assigned by district and because it also required each person reside in the CRA boundaries there is a conflict. One of the Commission districts do not include an area in the CRA boundaries so this cleans that up to avoid that conflict in the future.

OPENED PUBLIC HEARING

There were no comments made by the public.

CLOSED PUBLIC HEARING

Deputy Mayor Thornhill made a motion to adopt Ordinance 2017-03 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"
Commissioner Gibson "YES"
Mayor Fultz "YES"

The motion carried 5-0.

10. NEW BUSINESS

Agenda Item 10.I. Resolution 2017-02

[Begin Agenda Memo]

SYNOPSIS

The City holds title to certain real property which it acquired from the School Board of Polk County, Florida. The school building constructed in 1919 and the cafeteria lie on two parcels which are bisected by a right-of-way identified as Lime Street. The street has never been improved or utilized for access.

RECOMMENDATION

That the City Commission approve the adoption of Resolution 2017-02 which will vacate Lime Street.

BACKGROUND

The property was acquired from the School Board of Polk County, Florida, in June of 1995 for development of a recreation and cultural complex. Several proposals have been advanced over the years since acquisition but none have yet come to fruition. The contemplated action removes a possible impediment which affects title to a portion of the complex. Vacation of the right-of-way will vest title solely in the City.

FISCAL IMPACT

Recording cost for the Resolution is \$10.50.

ALTERNATIVES

There are no alternatives, which operate to vacate the right-of-way and clear it as an impediment to the title to the underlying property.

[End Agenda Memo]

City Clerk Clara VanBalgan read Resolution 2017-02 by title only:

A RESOLUTION CLOSING, VACATING, RENOUNCING AND DISCLAIMING ANY RIGHTS OF THE PUBLIC IN AND TO LIME STREET LYING BETWEEN THIRD STREET AND FOURTH STREET

The City Attorney reviewed Agenda Item 10.I. He said there is a street that has never been opened and never been utilized that lies to the north of the 1919 school building. It separates those two parcels of property. When it is vacated the property vest solely in the City so if there is a need to transfer title in the future, there are no title impediments because the street no longer exists and the title is vested solely in the City.

OPENED TO PUBLIC COMMENT

There were no comments made by the public.

CLOSED TO PUBLIC COMMENT

Deputy Mayor Thornhill made a motion to approve Resolution 2017-02. Commissioner Howell seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 10.II. Resolution 2017-03, Polk Regional Water Cooperative Project Implementation Agreement – Phase 1

[Begin Agenda Memo]

SYNOPSIS

The City of Lake Wales through the Polk Regional Water Cooperative (the "Cooperative" or "PRWC") is being asked to participate in Phase 1 of the development of three potential Alternative Water Supply projects to meet the Cooperative's and the City's projected water supply needs as projected through the year 2035. The proposed agreement governs the management and cost sharing for Phase 1 of these projects through the Cooperative. At the end of Phase 1, the City has the option to continue to participate in

the development of any or all of the proposed projects or to opt out. The PRWC Board approved this agreement on January 24, 2017.

RECOMMENDATION

It is recommended that the City Commission adopt Resolution 2017-03 approving the Polk Regional Water Cooperative Project Implementation Agreement and participates in Phase 1 of the Project development process.

BACKGROUND

In 2006 the Polk County cities and the County agreed to work together and fund the preparation of the Polk County Water Supply Planning Document. This document would serve as a basis for developing proposed regional solutions to help all cities and the County meet future water supply demands. The first phase included an inventory of all the existing and future water supply sources and facilities, projected population and water supply needs over a 10, 20, and 50 year horizon.

In July of 2015 the City Commission approved an Interlocal Agreement with Polk County for funding the development of the Polk County Regional Water Cooperative ("PRWC"). In May of 2016 the City approved a new Interlocal agreement creating the Polk County Water Cooperative along with Polk County and all the other municipalities within the County.

In assessing current water supply sources and projected future demand the Southwest Florida Water Management District (SWFWMD) and the Central Florida Water Initiative (CFWI) has determined that our traditional water supply source, the Upper Floridian Aquifer, will be insufficient to meet future water demand for our region. As a result, Alternative Water Supply (AWS) projects in conjunction with conservation and other initiatives will be needed to meet future water demand and will likely be factored into future water use permits for the City.

Due to the expense of AWS projects, the water management district has proposed to provide fifty percent (50%) of the capital cost of a district approved AWS project that is owned and operated by a regional entity (as opposed to an individual City or utility). As a result of this funding requirement as well as the potential impact to future water use permits, the County and the cities identified the need to establish a regional entity to represent our collective interests.

The PRWC Board has now identified three AWS priority projects with the highest potential for meeting future regional water supply needs. These projects are the:

West Polk County Lower Floridan Aquifer Wellfield
Southeast Polk County Wellfield, and
Peace Creek Integrated Water Supply

While each of these projects may only directly serve the municipalities closest to them geographically, any of them will benefit all utilities within the PRWC by allowing for "virtual pipelines" between utilities within the County. That is, if Lake Wales needed additional water supply but the only project actually operating was the West Polk County Lower Floridan Aquifer Wellfield, the City could purchase water from that project and provide it to the utilities connected directly to the project lowering their normal withdrawals from existing sources and in return, the City could pump an offsetting amount from other non-project sources.

Phase 1 of the implementation of these projects includes:

- Field testing, including test wells and site evaluations
- Yield verification
- Conceptual and preliminary design, including water quality and pressure
- Total project cost refinement
- Rate Analysis
- Phase 2 participant determination

It is estimated that Phase 1 will take up to five years to complete and no decision as to actual construction will be made until Phase 1 is completed for each project.

OTHER OPTIONS

If the City chooses not to become a Project Participant at this time it may become one in the future but will be required to pay a share of any costs the Cooperative has incurred prior to its joining plus such other charges as the Cooperative may choose to assess for not being an initial participant. If it does not participate, the City will not be eligible for any funding from the SWFWMD for any future water supply projects and may not be able to obtain approval for any additional water supply from existing sources. Failure to obtain additional water supply would eventually stop future development of any kind within the city's utility service area and would negatively impact the city's economic development.

FISCAL IMPACT

The currently estimated total cost of Phase 1 of the three priority projects is \$23,000,000. If the PRWC Project Implementation Agreement is approved by SWFWMD, it will fund fifty percent of this cost, leaving \$11,500,000 to be funded by PRWC participants. It is estimated that the City's maximum estimated contribution to Phase 1 with SWFWMD funding will not exceed \$467,520. It is currently expected that the City will have to pay only interest on this amount during Phase 1 as the total will be rolled into any permanent financing arranged for actual construction in Phase 2. Such costs can be absorbed within the City's current rates and utility budget. The impact of actual construction and operation of Phase 2 of any or all of the projects will be determined during Phase 1.

[Begin Agenda Memo]

City Clerk Clara VanBalgan read Resolution 2017-03 by title only:

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF LAKE WALES THE COMBINED PROJECTS IMPLEMENTATION AGREEMENT, AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAKE WALES AND THE POLK REGIONAL WATER COOPERATIVE.

The City Manager Kenneth Fields showed a PowerPoint Presentation that was done two weeks ago on the Polk Regional Water Cooperative summit in Bartow. He said the presentation goal was to provide an understanding of our water quantity needs and described the priority projects that were identified to meet those needs. He gave the background history and said currently, about 68 million gallons of water is pumped per day countywide. We have about 4 million gallons available a day according to the Central Florida Water Initiative. That is a total of about 72 million gallons a day sustainable yield from the current sources and that sustainable yield does not equal the current permitted allocation, which would exceed 72 million gallons per day. The projections right now is that by 2035 Polk County will need about 18 million gallons a day. Subtracting that from the 72 million gallons per day is about 46 million gallons a day deficient. The estimation is that Lake Wales would be short 1.89 million gallons per day and it makes up about 4.06% of the countywide total. Lakeland and the county are the two biggest users of water and they make up the bulk of that deficit but the idea is that we all share in what our future needs will be. We need about another 45 million gallons of water and we are hoping that comes from reclaimed water but it is unclear how much we are going to get from that. The Central Florida Water Initiative will continue to study that. Conservation has been very successful and Lake Wales is one of the leaders in that area. The estimation is that we can probably come up with another 3 to 4 million gallons of water per day through conservation efforts. The way we structure our water rates encourages conservation. Eventually all the governments and all the utilities in Polk County will be doing the same. Beyond 2025, we would have to start looking at other potential projects in the future.

Mr. Fields explained Phase 1 projects and said the total cost for that phase will cost about \$23,000,000: \$9,300,000 for the West Polk deep well field, \$11,800,000 for the Southeast wellfield, and \$1,900,000 for

the Peace Creek integrated water supply. Phase 2, the construction of those projects will cost about \$617,024,000 and none of which are cheap.

Mr. Fields explained the Implementation Agreement, the details, and the costs involved. He said the water management district has already committed \$40,000,000 overall to match whatever the cities and the county puts up through the water coop so out of that \$23,000,000, the water management district will come up with \$11.5 million and the coop will be responsible for the other \$11.5 million. That money will be available October 1, 2017 to begin Phase 2. The application has been submitted and the water management district is waiting for the coop to demonstrate that it has all the players on board and willing to go forward. Other potential sources of funding are available and there are the lobbying efforts of the coop with Polk County going to the legislature pointing out that Polk County is the head waters of five major river systems in this part of the State. Protecting those rivers is important and is a statewide priority and therefore we feel this is justifiable in getting additional assistance from the State over and above the water management district. It is a tough battle in Tallahassee to get funding but with some luck, we will get there. Other sources of funding are a State Revolving Fund loan, private bonds, bond anticipation notes, and local governments participating.

Mr. Fields said the implementation agreement includes all three projects; it governs the projects development, implementation, funding, operation, provides for administration, management, and representation on projects, and provides for weighted votes on decisions involving Phase 1 as it goes forward, and includes Phase 1 cost sharing. Mr. Fields said in demonstrating security the cost share total for Lake Wales is about \$935,040.00 and 50% funding share of Lake Wales is about \$467,520.00 over about a five-year period which is how long Phase 1 is anticipated to run. The largest share is coming from Lakeland and Polk County. The implementation agreement also requires Phase 1 payment even if members withdraw, allows time for Central Florida Water Initiative regulation impacts to be realized, and allows Phase 1 members to opt in or out of Phase 2. If we add up all the current permits, it would exceed what is allowable but at some point the Central Florida Water Initiative which is a State created entity will probably order that all existing permits be cut back some to meet the actual sustainable yield of water coming from the ground. That is not going to happen until during Phase I, and then after Phase I is completed, we can choose whether or not we want to go on to Phase 2, which is actual construction. The Board of Directors of the Water Coop approved the implementation agreement and it is going out now to all member governments for approval. This is a good agreement in terms of balancing cooperation between governments and giving them the flexibility of deciding to be interactive.

Mr. Fields said the conservation implementation agreement and the conservation project agreement are two agreements that govern and the water management district has already made a grant of about \$637,000 to the water coop for conservation projects. It gives incentives to builders to use low flow water supplies, retrofitting low flow water appliances in homes and things of that nature, implementing irrigation conservation methodology. This will assist us, it is matching funds for things we will do locally in the City if we want to participate, and allows us to become part of that process where we would submit anything that we do under these agreements to the water coop, which will then reimburse us 50% for our expenditures on future conservation projects. The conservation implementation agreement allows the coop to act as our representative and then it provides for the project agreement for individual conservation projects.

The Mayor said if we do not approve to be a part of Phase 1 and then we do have a need for water and decide we want to join the cooperative later it will cost us every penny that would have cost us from the beginning in order to get into it at that point. Mr. Fields said they could also charge a makeup charge on top of that.

Commissioner Gibson commended the Mayor and the City Manager for getting involved in this because it is probably the biggest thing, probably bigger than tourism as far as Florida is concerned. We are a skinny peninsula virtually surrounded by salt water and we don't create enough water for our people and it has been that way for a long time. He asked if the people who have put down a well and private utilities would be covered by the county. Mr. Fields said this covers municipal water supplies only and private utilities such as Mountain Lake are not part of this. Private utilities are not part of this. In terms of the coop, they can

probably request access to it but they are not automatically granted access and they are on their own. The total volumes involved are fairly small on a county wide basis and there are not that many private utilities. Agriculture is not part of this for that is separate area all together. This is purely domestic water supplies projected out to 2035. If any one city feels their permit is being unfairly reduced by the water management district the coop agreed that it will support the individual city in fighting the water management district if necessary.

The Mayor said the water they are pumping now is actually coming from the upper floridan aquafer and that is why we see so many sinkholes. They are getting close to pulling from that as much as they can. That is why the new wells are going to the lower floridan aquafer.

Mr. Fields said that Mountain Lake for example is probably fine within their existing permit. One of the reasons we are getting interest from the south side of Hwy 27 and south of SR60 is because to our south it is a private utility that services that area and that private utility cannot make commitments into the future as we might be able to because it is a private utility. Participating in the project is an advantage to us as a municipality.

Commissioner Gibson said this is a well thought out and asked where all the expertise come from. Mr. Fields said in addition to the board of directors, which consists of an elected official from every city, the technical support comes from a technical support group which consists of all the municipal utility directors in the county. There are also engineering firms paid by the county that are a part of this project. Mr. Fields also told other people that are part of it.

Commissioner Gibson said over two years ago, the electorates in the State passed a constitutional amendment overwhelmingly, and its primary focus was on water, particularly springs, which is underground water. Legislative interests and lobbyists, etc. tapped into that. He asked what assurances the City has that the constitutional amendment will indeed go for its intended purpose and what efforts are there in the State including the Polk County Cooperative to see that it is done. Mr. Fields said the cooperative of the county hired a lobbyist specifically to get money allocated for the Polk County Cooperative as a multi-jurisdiction, which is a legislative battle. A lot of people are saying that they were using it for purposes other than what was originally intended and there are some lawsuits going forward based on what the legislature did last year in allocating that water and we are going to have to wait to see what the results of those lawsuits are. The cities will be lobbying intensely during Polk County Day on March 14 in Tallahassee. All the city elected officials are invited and he will be attending along with the Mayor. It is an opportunity to talk to the legislators and lobby on behalf of not just the City but on behalf of the water coop, which is one of our major priorities as a county.

Commissioner Gibson said he would assume that the \$467,000 spread over five years is coming from utilities and which is where it ought to be coming from and Mr. Fields explained so and how the projects would be beneficial to the City. He said we are one of the first beneficiaries to whatever comes out of this effort, which is an advantage to be a participant.

Commissioner Gibson said injection wells concern him and Mr. Fields said it is a way to replenish the aquafer but it does depend on what you are injecting.

OPENED TO PUBLIC COMMENT

Ed Kupka, resident, asked what the consumer would have to pay on these water projects. Mr. Fields said there are no impact for the next five years. Part of Phase 1 is to determine exactly what the new water supply would cost per gallon. We do not know what the cost would be to get it out of the ground, how it would be treated, etc. so that water will probably be substantially more expensive than what it is today. Some type of blended rate will be charged based on the two sources but the alternative is no water. Mr. Kupka said he is on a limited income and the Mayor said the City has an assistance program available to help the low-income people with their utility bills. Mr. Fields said the water rates charged in Polk County are lower than the Statewide average. Commissioner Gibson said everybody now have gone to graduating

rates and when it comes down to basic water needs that will be cheap but then when people start moving up and start watering St. Augustine grass, etc. that will get more and more expensive so that people on fixed income should not be impacted. Commissioner Howell said that is why we will need to make sure that everything is explained in the papers all the time why this is happening, what could cause the water bills to be higher, etc. and that Lake Wales is not the only City charging a higher rates. The Mayor said that will be part of the educational process at that time all over Central Florida.

Commissioner Perez said he has been attending the meetings and he was surprised at the professionalism and the care and concern for the citizens that we have from our elected officials.

CLOSED TO PUBLIC COMMENT

Deputy Mayor Thornhill made a motion to adopt Resolution 2017-03. Commissioner Howell seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 10.III. Resolution 2017-04, Polk Regional Water Cooperative Conservation Implementation Agreement; Polk Regional Water Cooperative Conservation Project Agreement

[Begin Agenda Memo]

SYNOPSIS

As part of its strategy to meet the future water supply needs of Polk County, the Polk County Water Cooperative ("PRWC") is committed to advancing water conservation efforts within its jurisdictions. To this end the PRWC seeks to enter into two agreements with its members to achieve this goal. The first authorizes the PRWC to act on behalf of its members to seek and enter into agreements for water conservation projects; the second specifically authorizes implementation of a \$637,000 grant from the Southwest Florida Water Management District ("SWFWMD") for water conservation programs.

RECOMMENDATION

It is recommended that the City Commission adopt Resolution 2017-04 approving these agreements.

BACKGROUND

Efforts to increase water conservation are a small but vital part of assuring an adequate supply of water for Polk County communities in the future. To that end, SWFWMD provides grant funds to support projects that will lead to lower water usage in the future to regional entities seeking alternative water supplies. At this time, SWFWAMD has available a \$637,000 grant for water conservation projects within Polk County through the PRWC. To utilize this and possible future funding, the City needs to enter into two agreements with the PRWC.

The first agreement, the Conservation Implementation Agreement:

- Allows the PRWC to act as the members representative to seek funding and implement funding agreements;
- Provides for Conservation Project Agreements;
- Provides for administration, management and representation on projects; and
- Provides for contracting and coordination with participants.

The second agreement, the Conservation Project Agreement:

- Implements a \$627,000 DEP Springs Water Funding Grant which provides for
 - Indoor conservation incentive project
 - Outdoor best management practices project
 - Florida Water Star™ standards project
- Provides for a PRWC agreement with SWFWMD for the project funds
- Allows members to manage the three projects and submit for reimbursement requests to PRWC for SWFWMD matching funds; and
- Provides for procedures to implement, record and invoice project activities

OTHER OPTIONS

The City can choose not to enter into the agreements but would then not be able to utilize any grant funds to support increased water conservation efforts.

FISCAL IMPACT

None at this time. The city would be responsible for half the cost of each program it implements, if any, in the future.

[End Agenda Memo]

City Clerk Clara VanBalgan read Resolution 2017-04 by title only:

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF LAKE WALES THE CONSERVATION IMPLEMENTATION AGREEMENT AND THE CONSERVATION PROJECT AGREEMENT, INTERLOCAL AGREEMENTS BETWEEN THE CITY OF LAKE WALES AND THE POLK REGIONAL WATER COOPERATIVE.

The City Manager reviewed Agenda Item 10.III.

OPENED TO PUBLIC COMMENT

There were no comments made by the public.

CLOSED TO PUBLIC COMMENT

Commissioner Howell made a motion to adopt Resolution 2017-03. Deputy Mayor Thornhill seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

11. CITY CLERK

Agenda Item 11.II. 2017 Municipal Election & Canvassing Board Information

[Begin agenda memo]

2017 MUNICIPAL ELECTION INFORMATION

The regular Municipal Election of the City of Lake Wales is Tuesday, April 4, 2017 to elect a Mayor for Seat 1 (At-Large), a Commissioner for Seat 2 (District 19), and a Commissioner for Seat 4 (District 27) to serve a term of two (2) years beginning May 2, 2017. Members of the City Commission must be registered voters and residents of the City of Lake Wales for at least one year preceding their date of election.

The following Commission members currently hold the three seats up for election:

Seat 1 (At-Large)	Mayor Eugene Fultz
Seat 2 (District 19)	Commissioner Jonathan Thornhill
Seat 4 (District 27)	Commissioner Pete Perez

The Mayor elected to Seat 1 must reside in one of the four voting districts in the City of Lake Wales (Districts 19, 27, 28 & 122), the Commissioner elected to Seat 2 must reside in District 19, and the Commissioner elected to Seat 4 must reside in District 27.

The qualifying period for a person to qualify as a candidate is from 12:00 p.m., noon, Monday, February 13 through 12:00 p.m., noon, Friday, February 17. Candidate packets are available in the City Clerk's office beginning 9:00 a.m., Friday, February 3. This packet contains qualifying papers, nominating petitions, and other necessary information and instructions to qualify as a candidate.

At the end of qualifying, the City Clerk must prepare and submit to the Supervisor of Elections Office the approved ballot by 5:00 p.m. A special City Commission meeting has been scheduled for February 17 at 4:00 p.m. for that purpose. The scheduled special meeting date is also listed on the City Commission Calendar located under the City Manager portion of the Agenda.

The Municipal Election will be held at the Municipal Administration Building, 201 W. Central Avenue, Lake Wales on Tuesday, April 4, 2017, 7 a.m. to 7 p.m. The City Commission will reschedule its first meeting in April from 6:00 p.m., Tuesday, April 4 to 6:00 p.m., Wednesday, April 5.

Contact the Supervisor of Elections at 863-534-5888 to request an absentee ballot. Voter registration deadline is March 6, 2017.

CANVASSING BOARD INFORMATION

While the Supervisor of Elections and the City Clerk may perform many of the tasks necessary to conduct the election, the City Commission serves as the Municipal Canvassing Board and has legal responsibilities related to the conduct of the Municipal Election. It is necessary to review the responsibilities well in advance to prevent calendar conflicts because a quorum must be present at all Canvassing Board meetings.

The following rules apply to all members of the Canvassing Board:

No member can serve if he or she is a candidate with opposition in the election being canvassed or is actively participating in the campaign or the candidacy of any candidate who has opposition in the election being canvassed. Actively participating means undertaking an intentional effort to demonstrate or generate public support for a candidate beyond merely making a campaign contribution. Refer to DE 8-10; 09-07.

If a lack of a quorum is created on the Canvassing Board due to this rule or any other unavoidable cause, the City Commission may appoint the city manager, city attorney, or resident/s to serve in the absence of that commission member/s to serve on the Canvassing Board to avoid a possible lack of quorum (Sec. 8-26, Lake Wales Code of Ordinances). The City Clerk will prepare an agenda item for the first meeting in March for the City Commission to appoint additional people to serve on the Canvassing Board.

Per Florida Statute, Canvassing Board members are required to attend the following meetings.

Pre-election Logic and Accuracy Testing of Tabulating Equipment (L&A)

Tuesday, March 28, 2017; 4:00 p.m.

Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880 (behind the Auburndale Speedway).

-At least member of the Canvassing Board must attend the L&A Testing.

Election Night Canvassing of Ballots

Tuesday, April 4, 2017, time to be scheduled by SOE (5:00 p.m. or later)

Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880

-A quorum must be present and must remain until all ballots are tabulated.

Certification of Election

City of Lake Wales Municipal Administration Building

Thursday, April 6, 2017; 5:00 p.m.

-A Quorum must be present.

Post-Election Manual Audit

Date & Time to be determined – April 10, 2017 through April 13, 2017

Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880

-A quorum must be present.

Run-off Election – Same requirement as above - To be held in case of tie vote

Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880

[End agenda memo]

The City Clerk reviewed Agenda Item 11.I.

12. CITY MANAGER

Agenda Item 11.I. City Manager Performance Evaluation

[Begin agenda memo]

SYNOPSIS

Commissioners will discuss the performance evaluation of the City Manager.

On July 19, 2013, the City executed an Employment Agreement with the City Manager. In accordance with Section 3 Paragraph 3.2 of the Agreement states, " the City Commission shall evaluate the performance of the City Manager at least once annually no later than 30 days prior to the City Manager's Anniversary Date. Based upon the results of the annual evaluation, the City Commission may, in its sole discretion, grant a salary increase, bonus and/or grant additional benefits to the City Manager effective with his anniversary date.

Performance evaluation forms were completed by the City Commissioners and returned to staff as requested. Evaluation forms completed by the Commissioners are available for review in the Human Resources Department.

Ratings in the various evaluation categories have been compiled in a chart which is provided with this memorandum.

OBJECTIVES

Mayor Fultz

1. He must continue to dispel the negative perception that he is not approachable. It's sometimes hard to be friend and a boss, but with a smile and a handshake, the lower level employees will begin to see that he is friendly and not stand offish.

Commissioner Howell

1. Continue to work on infrastructure to help our city grow.
2. Strengthen community relations with all groups in the City.
3. Develop a plan for a larger recreational facility and manager.

Commissioner Perez

1. Oversee and encourage beautification of the City.

Commissioner Thornhill

1. Community perception.
2. Continue to look for ways to improve fiscal balance.
3. Continue to lead, and set the example.

Commissioner Gibson

1. Become better known in the community. Good governmental practice is one thing, but being fully acquainted with the community's unique priorities that are different from other places is something else.
2. Guard against unnecessary confrontation and fault-finding with more tact and diplomacy.
3. Capitalize upon and build on achievements of community non-profits to help City achieve goal appearing in City Charter: "to collectively achieve projects that neither the City nor one organization could afford to achieve on its own."

[End agenda memo]

Human Resources Director Sandra Davis said after compiling all the ratings from each Commissioner the overall rating is 4.55.

Mr. Fields said community relationship is important and last year that was an issue too and he has stated publicly that he was willing to come out and speak to any community group that would like him to. Over the course of last year, he attended numerous meetings especially in the area of police community relations and he tries to attend as many special events and Chamber of Commerce events as he can. He does not deliver the annual State of the City as a lot of the City Managers do because our Charter specifically says that is the Mayor's responsibility to address that. It is clear that the Commission wants him to be more heavily involved. It is necessary for him to step out more and not just wait for an invitation and actively seek out opportunities to interact with various community groups and be involved in the community and without overstepping the bounds of his position or taking away from that of the Mayor's position under the City Charter. He said comments heard and accepted and he will attempt to do better over and above the objectives that the Commission put out there for him for the next year in areas other than community relations.

Mr. Fields said that as part of the review he also submitted a request for two contract modifications. One is to extend the contract by two years because the currently term expires this August. His original contract was for two years so he would assume that a two-year extension would be in line with that as in the past. He has also requested a modification to his retirement contribution. When he was hired and in his negotiations with

Ms. Davis in the initial contract, he passed on the City's medical insurance for a higher level of contribution to his retirement plan and at his age that is more important. The problem was that he said he would take what the City contributed to its general employees' pension plan but he did not realize that we were about to go through a reform to the City's pension plan and the market taking off positively and it has a greater impact to City in terms of reducing the City's contribution but it impacted him negatively in reducing what was contributing to his retirement so he requested a modification to his retirement plan area and still tie it into the City's contribution but instead of just to the general employees' pension fund to make a contribution about equal to the three pension funds that the City operates which raises it up. He has been taking a hit for the last three years essentially by the reduction. It is less than half of what it was when first hired here. So, a catch up is what he is looking for in the same regard. It is also at the discretion to vote an increase to his salary at this time. The City employees are getting a 2% salary increase of which 1% was last October and the other 1% is scheduled for April. In the past, he had also requested that the Commission grant him a bonus as a way of saying thank you and keeping him here for the next two years. He said with those things a motion by the Commission would be appreciated.

The Mayor said the Commission would look at the two-year extension first and asked for a motion.

Deputy Mayor Thornhill made a motion to approve the two-year contract extension. Commissioner Howell seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

The Mayor said the second thing Mr. Fields talked about averaging the three pension plan funds and calculating that to his retirement plan since he lost on his first couple of years here. With this, he will be able to pick up some of that loss in his retirement fund.

Commissioner Perez said the only concern he had is that it happened, which is life so that is the only objection personally he has is we are going to compensate the City Manager for something that happened in the past. He has no problem with the 2% for the future but to look at the past he does not see it as rational. Mr. Fields said he suffers the loss if the market goes down. The City's three pension funds are defined benefit plans and employees are guaranteed a certain amount based on their salary going forward. He is not in those pension plans for he is in the City's 401A, which is a defined contribution plan. The improvement in the market was a benefit to the City. It helped the City's pension plans and reduced the City's contribution, which has been a great thing for the City but had a negative impact on him which decreased it to 4.6%. That is about half of what it was when he was hired. The City's gain is his loss in this case. He gave up the health insurance for this. Commissioner Perez responded to the City Manager that it was his choice. Mr. Fields said this is going forward and not retroactive.

Deputy Mayor Thornhill made a motion to approve the averaging of the three contribution plans. Commissioner Perez said in the memo it said this would result in an increase of 16.4% for the current year. Ms. Davis said that is the average of the City's three pension plans. The Mayor said it could be revisited after the two-year extension. Commissioner Howell seconded the motion.

By Roll Call Vote:

Deputy Mayor Thornhill "YES"
Commissioner Howell "YES"

Commissioner Perez "YES"
Commissioner Gibson "YES"
Mayor Fultz "YES"

The motion carried 5-0.

Mr. Fields said the Commission must now provide for the salary increase and the bonus for the upcoming year, which is the discretion of the Commission. Commissioner Gibson asked who is getting what and how much. Mr. Fields said he is requesting a 2% increase and Commissioner Gibson asked effective when and for how long. Mr. Fields said his anniversary is today so it would be effective with the next pay period and it will be for the next year. It will be revisited next February. The Mayor said this is for retention.

Deputy Mayor Thornhill made a motion to approve the 2% salary increase for one-year effective today. Commissioner Howell seconded the motion.

By Roll Call Vote:

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

The motion carried 5-0.

Mr. Fields said over the last the three years the Commission has also vote him a one-time lump sum salary increase as a way of keeping him happy here in Lake Wales. So, he would request that the Commission do that that again at this time at its discretion.

Deputy Mayor Thornhill asked what the bonus was this year and Mr. Fields said it was 2% or 3%. Commissioner Gibson said what we have is a 2% increase on the City Manager's salary and Mr. Fields said 2% of his annual salary is \$2,600. Commissioner Gibson said that is \$2,600 in the way of a percentage increase and now we are talking about a bonus for the same amount and Mr. Fields said that is correct. Commissioner Gibson said the proposal is up to the Commission.

Commissioner Perez made a motion to give a 1% bonus. Commissioner Gibson seconded the motion. The Mayor said this is for retention.

By Roll Call Vote:

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

The motion carried 5-0.

Agenda Item 11.II. City Commission Tracking Report

Agenda Item 11.III. Social Media Report

Agenda Item 11.IV. City Commission Meeting Calendar

Agenda Item 11.V. Other Meetings & Events Calendar

13. CITY COMMISSION COMMENTS

14. MAYOR COMMENTS

The Mayor said in working with Mr. Fields he has known him to be a man of integrity and very knowledgeable in doing the job that we hired him to do and in negotiating some of the things in the City and he has seen him go beyond that.

15. ADJOURNMENT

The meeting was adjourned at 7:39 p.m.



Mayor/Deputy Mayor

ATTEST:



City Clerk Clara VanBlargan, MMC

