

City Commission Meeting Minutes
December 3, 2019
(Approved)

12/3/2019 - Minutes

1. INVOCATION

Dr. Jim Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

Mayor Fultz called the meeting to order at approximately 6:00 p.m. after the invocation and the pledge of allegiance.

4. ROLL CALL

Commission Members Present: Eugene Fultz - Mayor, Curtis Gibson, Terrye Howell, Al Goldstein, Curtis Gibson

Commission Members Absent: Robin Gibson

Staff Present: Kenneth Fields, City Manager; Albert C. Galloway, Jr., City Attorney; Jennifer Nanek, City Clerk

5. PROCLAMATIONS AND AWARDS

5.I. Recognition - James Slaton, Deputy City Manager

Mayor Fultz recognized James Slaton, Deputy City Manager, for completing a 2 year leadership program conducted by the International City Manager's Association.

6. COMMUNICATIONS AND PETITIONS

Catherine Price, resident, spoke about the memo of understanding regarding Crystal Lake Park. She asked if there would be additional opportunities for input on the design as many have not been made aware of the project. Kenneth Fields, City Manager, reviewed the item on the agenda. Signing the agreement locks up the money. The design process has not begun. They want to be sure the design is consistent with the downtown plan.

7. CONSENT AGENDA

Commissioner Howell made a motion to approve the consent agenda. Commissioner Curtis Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 4-0.

7.I. Minutes - November 19, 2019

7.II. Special Event Application: Farmers Market 2020-2022

[Begin Agenda Memo]

SYNOPSIS:

Approval of the Special Event Permit application will allow Main Street to continue holding the "Farmer's Market" on the second and fourth Saturday of each month, for a period of three years in the Downtown Marketplace.

RECOMMENDATION:

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

1. Approve the Special Event Permit application from Lake Wales Main Street to hold the "Farmer's Market" on the second and fourth Saturday of each month between the hours of 9:00 a.m. and 2:00 p.m. with set-up at 8:00 a.m.
2. Approve the request for a three year permit which would begin on January 11, 2020 and end on December 31, 2022.
3. Approve the temporary closing of the Marketplace, Marketplace Parking lot, alley between Stuart Avenue and Park Avenue and a portion of South Market between Central Avenue and Stuart Avenue for each event.

BACKGROUND

Ms. Karen Thompson, Director of the Lake Wales Main Street Inc. has submitted a special event permit application for Main Street to continue holding the "Farmer's Market" in the downtown area on the second and fourth Saturday of each month between the hours of 9:00 a.m. to 2:00 p.m. This application includes a request from Main Street for a three year permit which would begin on January 11, 2020 and end on December 31, 2022.

This will be the 4th long term permit for the Farmer's Market. The Farmer's Market has been going on since 2011.

Lake Wales Main Street is also requesting the temporary closing of the Marketplace, Marketplace parking lot, alley between Stuart Avenue and Park Avenue and the closing of a portion of South Market Street between Central Avenue and Stuart Avenue. The temporary closings will allow for the set-up of the various vendors and allow for entertainment.

City departments have reviewed the application and find no issues or concerns with recommending approval of their request. If at any time during the permit time period changes or modifications are made to the event activities, a new Special Event Permit application will be required and must be approved prior to the event being held. Main Street will be responsible for meeting all requirements for site preparation, site clean up, and vendor licensing where necessary.

Certificate of liability insurance will be provided as required.

OTHER OPTION

Do not approve this special event permit application, the request for a three year permit or the temporary closings.

FISCAL IMPACT

There is no cost to the City for this event.

[End Agenda Memo]

7.III. State Revolving Fund Agreement: Loan (SRF) WW530350 Amendment 1 Rehabilitation Of Reuse System

[Begin Agenda Memo]

SYNOPSIS:

Amendment 1 is to modify the original State Revolving Fund Loan Agreement WW530350 to reflect the additional funding needed to cover the entire cost of construction and construction phase services for the upgrade and modifications of the reuse pump station located on Ray Martin Road in the amount of \$1,154,241.00.

RECOMMENDATION

It is recommended that Commission take the following action:

1. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

BACKGROUND

The City owns, operates, and maintains Fifteen miles of reuse distribution mains, ranging in size from six inches to twenty-four inches, a one million gallon reuse ground storage tank, pumps and appurtenances necessary for the system to operate. It becomes necessary from time to time to replace and upgrade system components as the need arises to expand the system. This project consists of the replacement of 3 pumps with an addition of a fourth pump, revisions to piping, electrical modifications, tank repairs and upgrades, and a new 18" fill line into the existing storage tank (approximately 600 linear feet).

The Commission, at its October 17, 2017 city commission meeting approved entering into a contract with Kimley-Horn for the design and engineering for the reuse pump station modifications. The **Commission**, at its December 4, 2018 city commission meeting approved submitting an application to acquire the necessary funding from the State Revolving Loan Fund. The Commission at its June 4, 2019, city commission meeting approved the award of bid contract for construction and the construction phase services contract. Now that all anticipated costs have been submitted to SRF, an amendment to the original agreement is now order.

Staff recommends the Commission take the following action, approve the Mayor signing the Amendment 1 to contract WW530350-Rehabilitation of Reuse System for an increased amount of \$368,841.00. This would bring the contract loan amount from the original amount of \$785,400.00 to 1,154,241.00.

OTHER OPTIONS

The Commission could chooses not to approve Amendment 1 to SRF contract WW530350. This would create insufficient funding for the completion of the project and an additional funding source would need to be found.

FISCAL IMPACT

The 2019-2020 Capital Improvements Plan has budgeted \$1,000,000.00 to be funded through the State Revolving Fund Loan Program. Now that all contracts for construction and construction phase services are in, the State Revolving Fund Loan agency has amended the agreement to reflect those amounts. All earlier amounts given to the State Revolving Fund Loan agency were estimates and are not set until the

bid opening.

[End Agenda Memo]

7.IV. Meter Reading Base Station Replacement

[Begin Agenda Memo]

SYNOPSIS:

Staff is seeking commission approval to expend funds in the amount of \$54,000.00 for the replacement of the two base stations which collect meter reading data for the City's billing system.

RECOMMENDATION

It is recommended that Commission take the following action:

1. Authorize the expenditure of funds in the amount of \$54,000.00 to Core and Main, LTD for the purchase and replacement of the two meter reading base stations.
2. Approve for the budget amendment, which will be brought before the Commission at a later date by the Finance Director, to cover cost of the purchase.

BACKGROUND

The reading of meters is a crucial city function. In the past history, the work involved visiting every water meter once every month and recording the reading. Over the years there have been technological improvements; rather than writing the readings down in a book and bringing the book back to City Hall at the end of the day to have the readings posted in City records to produce a bill, the water meter readers now carry computerized, hand-held units that bring each customers' name and address on the route. The meter reader then enters the reading into the unit. At the end of the route the reader brings in the unit, which plugs into another computerized device that automatically downloads the data and prepares the monthly bills.

The use of computerized devices avoids the need to re-enter the reading data from the old route books used in the past; however, it still required the reader to punch in the read numbers, which on occasion is a source for error. In addition, meter readers must still open boxes and sometimes wipe dirt off of the meter register in order to read it; and during winter are sometimes greeted with a snake or other animal seeking warmth from the cold air.

In addition, water meters tend to slow down over time and give inaccurate readings. In the recent past the City has budgeted in the order of \$30,000 per year to replace old, worn out water meters. Staff has been successful in replacing 7,480 of the 11,578.

There is now new technology available to improve the inaccuracy and efficiency. At the time of the conversion from manual reading of meters to electronic metering, the Staff members discussed several options with vendors involving switching to an automatic meter reader system.

1. A "touch read" system, that allows the meter reader to simply touch the meter with an electric wand to record the reading; or
2. A "radio frequency" system, which involves a small transmitter being installed on each meter to send the reading via radio signal to an antenna and then on to the computer to record the reading.

The base station for the two tower antenna locations were originally installed with the start of the radio read system in 2008. Staff had planned on replacing both base station at the advisement of the IT department and the meter reading vendors in 2020-2021 budget year, due to the systems approaching the end of its useful life. When staff went to upload the meter reading for the November billing, about

half of the reading were missing and not transmitting. Technical support was sent to the base station locations and discovered that one of the base station's not functioning and realized the station needed to be replaced immediately, if the City wanted the system to back on line for December billing. In Budget year 2018-2019 the servers were rendered obsolete and the Sensus Flexnet reading system was upgraded to the cloud based application, Sensus Analytics. The replacement of the base stations is just one more step in upgrading the electronic meter reading system. The radio read system consist of two radio read antennas: one on the north side of town using the water tower at Eagle Ridge Mall; and one antenna on the south side of town, using the water tower built near the intersection of Scenic Hwy and Hunt Brothers Rd.

Staff recommends the commission consider taking the following action, approve the expenditure and budget amendment to follow of the funds in the amount of \$54,000.00 with Core & Main, LTD for the purchase and replacement of both meter reading base stations. Sensus Metering Systems is considered a sole source in this situation in that they are the original manufacturer of the meters and software and they us Core & Main, LTD, as their sole subcontractor.

OTHER OPTIONS

The Commission could chose not to approve the replacement of both base stations and set the meter reading system back. Without the base stations the meters would have to be manually read.

FISCAL IMPACT

Funds to replace both meter reading base stations were placed in the 2020-2021 Capital Improvement Budget. The assumption was that the city would possibly be able to get one more year out of the equipment and keep to the schedule of the systematic upgrading of the system. This issue was discussed with the Finance Director, and she has indicated that funds are available in this budget year for the purchase of the equipment for the replacement. A budget amendment was recommended to cover the cost of replacement and adjust budgeted amounts.

[End Agenda Memo]

8. OLD BUSINESS

9. NEW BUSINESS

9.I. RESOLUTION 2019-22 Lake Ashton II CDD Recreation

[Begin Agenda Memo]

SYNOPSIS:

The Lake Ashton golf course lies within two Community Development Districts ("CDDs") located in both the City of Lake Wales and the City of Winter Haven. The CDD lying in Winter Haven (Lake Ashton II CDD) has entered into a Contract to purchase that portion of the golf course lying in the Lake Wales CDD in order to consolidate and manage the golf course for the benefit of both communities as a recreational amenity. Section 190.012(2), Florida Statutes, requires that the Lake Ashton II CDD must be given the consent of the City as the local general-purpose government to exercise the special powers given to the Lake Ashton II CDD by the cited statutory provision. Consent for the Lake Ashton II CDD to exercise these statutory powers related to recreational facilities within the City of Lake Wales is in no way an approval of the Contract or the contemplated future management of the golf course.

RECOMMENDATION: Approve passage and adoption of Resolution 2019-22.

FISCAL IMPACT: None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read Resolution 2019-22 by title only.

RESOLUTION NO. 2019-22

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, GRANTING AUTHORITY TO THE LAKE ASHTON II COMMUNITY DEVELOPMENT DISTRICT TO EXERCISE SPECIAL POWERS RELATED TO RECREATION; MAKING FINDINGS IN SUPPORT THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Michael Eckert, non-resident, a representative of the Lake Ashton II CDD, reviewed this item. Commissioner Goldstein said this will unite the Lake Ashton community and supports it. Commissioner Howell said the divide out there between Winter Haven and Lake Wales is confusing. Mr. Goldstein agreed but this will go a long way to uniting the community.

Commissioner Howell made a motion to adopt **RESOLUTION 2019-22**. Commissioner Goldstein seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.II. Resolution 2019-23 - Vacation Of Argos R-O-W

[Begin Agenda Memo]

SYNOPSIS

Peterson & Myers, P.A., agent for Argos Ready Mix, LLC and Florida Rock Industries, Inc., has petitioned for the vacation of an unopened and unmaintained right-of-way which extends through their property just west of North Scenic Highway.

BACKGROUND

The right-of-way was part of a platted subdivision and is now located in the middle of a developed property. Resolution 2019-16, recorded in September 2019, closed a portion of this right-of-way but the legal description inadvertently excluded the portion of 6th Avenue also intended for closure.

RECOMMENDATION

Staff recommends approval of Resolution 2019-23 to vacate the right-of-way. No properties will be deprived of public access by its vacation. Documentation of approval from public and private utilities has been provided. A public hearing is required and notice requirements have been met.

OTHER OPTIONS

None

FISCAL IMPACT

None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read Resolution 2019-23 by title only.

RESOLUTION 2019-23

A RESOLUTION CLOSING, VACATING, RENOUNCING AND DISCLAIMING ANY RIGHTS OF THE CITY AND THE PUBLIC IN AND TO A PORTION OF RIGHT-OF-WAY LOCATED WITHIN PARCELS 272935876500017000; 27293587650018010; 272935876500016000; 272935876500015011 (COLLECTIVELY "THE PROPERTY") AND OWNED BY ARGOS READY MIX LLC AS SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN.

Autumn Cochella, Development Services Manager, reviewed this item.

Commissioner Howell made a motion to adopt **RESOLUTION 2019-23**. Commissioner Curtis Gibson seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.III. Resolution 2019-24 Authorization Of Loan To Purchase YMCA

[Begin Agenda memo]

SYNOPSIS:

The City Commission will consider adopting Resolution 2019-24 for the purpose of authorizing the issuance of a capital improvement revenue note (Series 2019) that will be utilized for the acquisition and rehabilitation of the Lake Wales Family YMCA facility.

RECOMMENDATION

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

1. Adopt Resolution 2019-24.

BACKGROUND

In October 2019, the City, with the assistance of PFM Financial Advisors, issued a Request for Proposals to solicit lenders for a tax-exempt, fixed rate, bank-qualified term loan at the lowest overall borrowing cost to fund the purchase and rehabilitation of the Lake Wales Family YMCA facility.

Of the six proposals received, CenterState Bank's proposal of a 2.59% interest rate with no pre-

payment penalties is the most advantageous to the City. BB&T also proposed a 2.59% interest rate, but the proposal did include pre-payment penalties. Staff recommendation is to adopt Resolution 2019-24 and accept CenterState Bank's proposal.

The remaining proposals received include:

Lender	Interest Rate
BCI Capital	3.00%
Citizen's Bank	2.79%
First Horizon	2.796%
Key Government Finance	2.849%

The City will borrow \$900,000 for a 15-year term, of which \$43,500 is the cost of issuance, leaving a balance of \$856,500 in the project fund. The purchase price of the YMCA facility is \$565,000, providing \$291,500 for capital improvements and reimbursements for funds advanced during the due diligence phase of the acquisition. Most of the due diligence work is complete at this point and staff expects to bring forward a sale contract, along with the finalized lease and operating agreements later in December.

OTHER OPTIONS

1. The City Commission may choose a qualified proposal other than what is recommended by staff.
2. The City Commission may elect to defer this project.

FISCAL IMPACT

The average annual debt service equals \$73,774.29

[End Agenda Memo]

Jennifer Nanek, City Clerk, read Resolution 2019-24 by title only.

RESOLUTION NO. 2019-24

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA; AUTHORIZING THE ISSUANCE OF A CAPITAL

IMPROVEMENT REVENUE NOTE, SERIES 2019 OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$900,000 TO FINANCE A PORTION OF THE COST OF ACQUISITION, CONSTRUCTION, REHABILITATION AND EQUIPPING OF VARIOUS CAPITAL IMPROVEMENTS OF THE CITY, INCLUDING WITHOUT LIMITATION, A YMCA FACILITY AND PAYING ASSOCIATED TRANSACTIONAL COSTS; PROVIDING THAT THE NOTE SHALL BE A LIMITED OBLIGATION OF THE CITY PAYABLE FROM NON-AD VALOREM REVENUES BUDGETED, APPROPRIATED AND DEPOSITED AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNER OF THE NOTE; MAKING SUCH DETERMINATIONS AS ARE REQUIRED TO AFFORD SUCH NOTE "BANK QUALIFIED" STATUS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

James Slaton, Deputy City Manager, reviewed this item.

Kenneth Fields, City Manager, clarified that the purchase documents and other documents related to the operation of the YMCA will come forward later.

Mayor Fultz said that the YMCA will actually run the operations at the Y.

Commissioner Goldstein asked how much total the City owes in loans. Dorothy Abbott, Finance Director, said its about \$30 million for Utilities projects, Fire Station, Cemetery and others. Mr. Fields said we are within limits of acceptable debt. Recreation Impact Fess can be used for debt on expanding recreation projects. Commissioner Curtis Gibson asked Ms. Abbott if she was comfortable with this. Ms. Abbott said that the revenue streams are there to support this debt if the Commission chooses to. Commissioner Howell asked about when payments are due. A representative from Center State Bank reviewed how the payments are done.

Commissioner Curtis Gibson made a motion to adopt **RESOLUTION 2019-24**.
Commissioner Curtis Howell seconded the motion.

By Roll Call Vote:

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.IV. Grant Agreement - Recreation Trails Program For Phase 2 Of Downtown Trail.

[Begin Agenda Memo]

SYNOPSIS:

This agreement is to accept \$200,000 of grant funds from the Florida Department of Environmental Protection for the design and construction of Phase 2 of the Downtown Trail from the Library through Crystal Lake Park to Lake Wailes Park.

RECOMMENDATION

Staff recommends approval of the Grant Agreement with the Florida Department of Environmental Protection for the design and construction of Phase 2 of the Downtown Trail from the Library through Crystal Lake Park to Lake Wailes Park.

BACKGROUND

In December 2017 staff submitted an application to the State of Florida, Department of Environmental Protection, Office of Greenways and Trails for eligible project costs totaling \$400,000 to construct a trail from Crystal Avenue where phase 1 ends to the Lake Wailes Trail. A required City match contribution will consist of 50% of the project costs or \$200,000 of cash and in-kind services.

Paragraph 18 of Attachment 1 deals with Indemnification, which is limited to sovereign immunity. The City Code has a provision against indemnification. This provision will not be waived which was affirmed by DEP. The City Commission may waive the prohibition by approval of the Grant Agreement if it finds that the Grant Agreement is in the best interest of the public.

In the budget approved by the City Commission for the 2019-2020 fiscal year the funding for the design of the trail only was included. This agreement expires 2 years after execution so the construction can be done in the 2020-2021 fiscal year.

OTHER OPTIONS

Do not approve the Grant Award Agreement.

FISCAL IMPACT

The city must match the grant with \$200,000 in cash or in-kind services. The fiscal impact statement is attached.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

Commissioner Curtis asked about the trail width. Kenneth Fields said they will do a wider trail. James Slaton said that the trail and Recreation Master Plan will be done along with Dover Kohl Plan. Mr. Slaton said that as they do the Recreation Master Plan which will include the trail there will be opportunities for public input.

OPENED FOR PUBLIC COMMENT

Catherine Price, resident, said she would prefer to leave the area as is but if a trail is constructed she would like public input and for it to be well planned out.

CLOSED PUBLIC COMMENT

Commissioner Curtis Gibson made a motion to approve the grant agreement. Commissioner Howell seconded it.

By Voice Vote:

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 4-0.

10. CITY ATTORNEY

Albert Galloway Jr., City Attorney, said there is nothing pending.

11. CITY MANAGER

Kenneth Fields, City Manager, asked if it was okay to close City Hall on Christmas Eve at noon. The Commission consented to this.

11.I. Tracking Report

11.II. Social Media Tracking Report

11.III. Commission Meeting Calendar

Kenneth Fields, City Manager, said that there is a CRA Meeting on Wednesday December 11, 2019 at 6:00 p.m..

11.IV. Other Meetings And Events

Kenneth Fields, City Manager, reviewed upcoming special events in December.

12. CITY COMMISSION COMMENTS

Commissioner Curtis Gibson reported on his conference with National League of Cities in San Antonio, Texas. They have a senior recreation center. Something we might consider in the future.

Commissioner Curtis Gibson asked the City Manager to compare Commission salaries in other cities. Mr. Fields said he would get that information. Mr. Fields said that any change that is decided on wouldn't take effect until after the 2021 election. Commissioner Goldstein suggested we review per diem reimbursements for travel out of town.

Commissioner Curtis Gibson reported that the Airport Authority would like to keep the campground with temporary stays not permanent residents. This is a source of income for the Airport. Mr. Fields said they will work on that as part of the master plan. A temporary campground would be a good idea for the airport.

Commissioner Goldstein said the tree lighting was a good event. He expressed support for our fire and police departments.

Commissioner Curtis Gibson said that we need to look at the round-a-bout for Burns and Scenic Hwy.

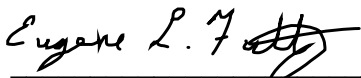
Commissioner Howell said it is dark in many areas around town. Mr. Fields said if she knows of specific areas to get that information to Zaillet and that Duke Energy will only install LED lights. Commissioner Gibson said that Burns Avenue past the YMCA is dark. Mr. Fields said we will look at that area.

13. MAYOR COMMENTS

Mayor Fultz reviewed certain issues that will be before the legislature during the upcoming session. He encouraged citizens to be advocates.

14. ADJOURNMENT

The meeting was adjourned at 6:51 p.m.



Mayor/Deputy Mayor

ATTEST

City Clerk