

The meeting of the Lake Wales City Commission was held on January 21, 2014 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Eugene Fultz at 6:00 p.m. following the invocation and the Pledge of Allegiance.

INVOCATION

The invocation was given by Fire Chief Jerry Brown.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Michael S. Carter; Betty Wojcik; Christopher Lutton; Jonathan Thornhill; Eugene Fultz, Mayor

COMMISSIONERS ABSENT:

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

[Full staff memos are incorporated into the minutes. Meetings are recorded, but not transcribed verbatim.]

MAYOR

Mayor Fultz read two emails, one complimenting cemetery staff and another commending Jose Perez and the water department for their service.

Agenda Item 5. Proclamations

The Mayor presented a proclamation to Bok Tower Gardens designating the first week in February as Bok Tower Gardens Week in honor of their 85th anniversary.

The Mayor recognized Fire Chief Jerry Brown and Deputy Fire Chief Mike Danford for their years of service as they retire on January 31st.

Kenneth Fields, City Manager, announced that Joe Jenkins will now be Fire Chief and that Perry Daughtry will be Assistant Fire Chief. Leshon Johnson & Aaron Prevatte are now Fire Lieutenants, which fill the Deputy Chief slots that are being vacated. Mr. Fields commented that the Fire Department will be in good hands.

PRESENTATIONS

Agenda Item 6. Bicycle/Pedestrian Advisory Commission – Annual Report by Chairman Noel Phetteplace

Bicycle/Pedestrian Advisory Commission (BPAC) Chair Noel Phetteplace reported on the current status of the BPAC and some of its goals primarily a more bicycle/pedestrian friendly community which will improve the quality of life. There is a need for safe well-maintained sidewalks and bike lanes where possible. Loose dogs are a frequent concern with not many easy answers as Animal Control does what they can. Fencing is an important tool to restrain dogs. They have identified needs for sidewalks in certain areas such as Chalet Suzanne Road and along Buck Moore Road. A concern about ATVs on the Rails-to-Trails is a problem. It is important to keep vehicles off the trails.

Commissioner Carter expressed concerns about missing portions of sidewalks along HWY 60 in hopes this problem can be addressed, and he asked about status of a map of bike routes through the City. Mr. Phetteplace explained that they had previously been working on such a bike map but the member working on that is no longer on the board due to health issues. Commissioner Carter asked about possible bike rack locations around the City. Mr. Phetteplace stated that the board has previously recommended some locations to City Staff.

Kenneth Fields, City Manager, asked if there was a group in locally organizing bike rides. Mr. Phetteplace responded that there are groups in Lakeland and Sebring but not in Lake Wales. Mr. Fields stated that this area would be excellent for bike rides. Commissioner Lutton commented that Bok Tower hosts two bike rides a year.

Mayor Fultz said that they are working to address some of the needs for sidewalks by communicating these concerns to the FDOT and to Polk County but some things take time. Mr. Phetteplace mentioned that they would like to see sidewalks on US HWY 27. Mr. Fields reported that FDOT may include sidewalks south of Hwy 60 when they expand SR 27 again.

Commissioner Wojcik said Mr. Fields should address the loose dogs issue in the next budget.

Mr. Phetteplace introduced members of the BPAC that were present and said the annual reports were a good idea.

Commissioner Carter said we need to review the issues as passed onto the Commission. The Mayor agreed and said the face-to-face conversations help.

Agenda Item 7. PowerPoint Presentation – Polk County’s Public Transportation System by Tom Phillips, Executive Director of Polk Transit and the Citrus Connection

Agenda Item 7 was cancelled and will be rescheduled.

COMMUNICATIONS AND PETITIONS

Nicholas Smith, 1001 Tower Blvd, presented concerns about the Grand Hotel. This project is a failure and no one will invest in it. A past investment by another investor was lost. Mr. Smith recommends taking back the hotel; need to do something or Lake Wales will suffer. He distributed a list of possible actions for review at a later date.

David Smith, President of the Lake Wales Branch of the NAACP, Babson Park, said he was speaking on behalf of Narvell Petersen and the Dr. Martin Luther King Day Committee. He reported that the parade went well and expressed his appreciation to the City Staff and the Police Department for all their help.

Mayor Fultz commended the Dr. Martin Luther King Day Committee for their hard work and for doing a fine job.

CONSENT AGENDA

Agenda Item 8. Approval of Minutes: January 7, 2014, Regular Meeting

Agenda Item 9. Lease of Office Space to Florida House Representative Mike La Rosa

[Begin agenda memo]

SYNOPSIS

Staff is requesting Commission approval to lease office space within the City Administration building to Florida House Representative Mike La Rosa

RECOMMENDATION

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

1. Approve the lease of office space within the City Administration building to Florida House Representative Mike La Rosa.

BACKGROUND

The existing lease with Representative Mike La Rosa will expire on January 31, 2014. Provisions within the current lease allow for two (1) one-year renewals if both parties mutually agree to renew the lease; however, the existing lease is based upon a fixed dollar value only and does not provide the flexibility to add or remove additional office space. The new lease will assign a dollar value for each square foot of office space, should additional office space be requested.

OTHER OPTIONS

Do not approve the lease as proposed.

FISCAL IMPACT

The lease will generate \$2,916 in annual revenue.

[End agenda memo]

Agenda Item 10. Memorandum of Understanding between AAS Foundation and the City of Lake Wales

[Begin agenda memo]

SYNOPSIS

A finding that indemnification is appropriate and is required in order for the City to enter into the previously approved Memorandum of Understanding between the City of Lake Wales and the AAS Foundation.

RECOMMENDATION

That the City Commission make a finding that the prohibition against indemnification may be waived in order for the City to enter into the subject Memorandum of Understanding ("MOS") between AAS Foundation and the City of Lake Wales.

BACKGROUND

This matter came before the City Commission on November 5, 2013, and the MOS was approved unanimously by the Commission subject to an attempt to resolve the requirement that the City provide indemnification to the AAS Foundation and its principals. Section 1-17 of the Lake Wales Code of Ordinances prohibits indemnification unless the City Commission makes a finding that the indemnification

is in the interest of the public in order to receive the benefit of the service to be provided. The service in this instance is a public/private partnership, which results in a donation that will fund a significant refurbishment of the Lincoln Avenue Park. The Foundation, through its legal counsel, was unwilling to waive the requirement for indemnification.

FISCAL IMPACT

As set forth in the agenda Memorandum previously considered and approved.

ALTERNATIVES

None that will facilitate the contemplated public/private partnership as previously approved.

[End agenda memo]

Agenda Item 11. Preliminary Financial Statements for December 31, 2013

[Begin agenda memo]

SYNOPSIS: The preliminary financial statements report revenues received and expenditures made through the end of December 31, 2013.

The unaudited financial statements for the City of Lake Wales for the Period Ending December 31, 2013 are presented to the City Commission for review. At the end of December 31, 2013 the City was 25% into the fiscal year.

General Fund (001), page 2:

The General Fund appears to be materially on target with revenue and expenditure expectations.

Transportation Fund (102), page 7:

The Transportation Fund appears to be materially on target with revenue and expenditure expectations.

CRA Fund (105), page 10:

The CRA fund appears to be materially on target with revenue and expenditure expectations.

Library Fund (110), page 17:

The Library Fund appears to be materially on target with revenue and expenditure expectations.

Utility System Fund (403), page 27:

The Utility System Fund appears to be materially on target with revenue and expenditure expectations.

Airport Authority (404), page 29:

The Airport Authority appears to be materially on target with revenue and expenditure expectations.

[End agenda memo]

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

By Voice Vote:

Commissioner Thornhill "YES"
Commissioner Wojcik "YES"
Commissioner Lutton "YES"
Commissioner Carter "YES"
Mayor Fultz "YES"

The motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

Agenda Item 12. Resolution 2014-01, Supporting TPO Membership Apportionment Plan

[Begin agenda memo]

SYNOPSIS

The adoption of Resolution 2014-01 endorses the TPO Membership Apportionment Plan and authorizes the Mayor to execute an updated Interlocal Agreement for the creation of the TPO upon approval of the Plan by the Governor.

RECOMMENDATION

The recommendation is for the City Commission to take the following action:

1. Adopt Resolution 2014-01, endorsing the Polk Transportation Planning Organization (TPO) Membership Apportionment Plan for submittal to the Governor for review and approval.
2. Authorize the Mayor to execute a new Interlocal Agreement with the TPO upon the Governor's approval of the plan.

The TPO Plan is based on the 2010 Census and consistent with the Federal and State requirements.

BACKGROUND

The Polk Transportation Planning Organization (TPO) is the lead transportation planning agency for Polk County. It develops transportation plans and programs for Polk County as mandated by federal and state legislation, which are designed to meet our community's short and long-term travel needs. Transportation projects, e.g., road widening projects or bus service expansions, are planned and programmed (federal and state funding) by the TPO in cooperation with the Florida Department of Transportation (FDOT), transportation operators and local governments. Staff support is provided by the Growth Management Department of the Polk County Board of County Commissioners.

The TPO provides a forum for cooperative decision-making regarding countywide transportation issues. It is comprised of a 19-member policy board of local elected officials, staff, and advisory committees. The member governments include the Polk County Board of County Commissioners and the cities of Lakeland, Winter Haven, Auburndale, Bartow, Haines City, Lake Wales, Fort Meade, Mulberry, Frostproof, Lake Alfred, Dundee, Eagle Lake, Davenport, Polk City, and Lake Hamilton. Other public agencies such as the Central Florida Regional Planning Council, and the Florida Department of Community Affairs (DCA), Environmental Protection (DEP), and the Florida Department of Transportation (FDOT), are also represented on its advisory committees.

Following each decennial census, it is required that the TPO submit a new Membership Apportionment Plan that is based on the new census and consistent with the federal and state requirements for review and approval by the Governor. The TPO Board formally approved a plan through the adoption of TPO Resolution 2013-06. The TPO is requesting that each member government adopt a resolution endorsing the Plan and authorizing the Mayor to execute a new Interlocal Agreement for creation of the Polk Transportation Planning Organization upon the approval of the plan by the Governor.

OTHER OPTIONS

The City Commission could choose not to adopt Resolution 2014-01 in support of the new Membership Apportionment Plan and discontinue its membership on the TPO Board. The City would lose vital future representation. The Mayor currently serves as a member to the Board.

FISCAL IMPACT

There is no fiscal impact in adopting the resolution.

[End agenda memo]

Clara VanBlargan, City Clerk, read Resolution 2014-01 by title only.

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, ENDORSING THE MEMBERSHIP APPORTIONMENT PLAN FOR THE POLK TRANSPORTATION PLANNING ORGANIZATION AND AUTHORIZING THE MAYOR TO EXECUTE AN UPDATED INTERLOCAL AGREEMENT

Kenneth Fields, City Manager, reviewed this item.

OPENED FOR PUBLIC COMMENTS

There were no comments.

CLOSED FOR PUBLIC COMMENTS

Commissioner Thornhill made a motion to adopt Resolution 2014-01. Commissioner Carter seconded the motion.

By Roll Call:

Commissioner Thornhill	"YES"
Commissioner Carter	"YES"
Commissioner Lutton	"YES"
Commissioner Wojcik	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

Agenda Item 13. Agreement - City of Lake Wales/Lake Wales Professional Firefighters

[Begin agenda memo]

SYNOPSIS

The City Commission will consider ratifying the Collective Bargaining Agreement between the City and Lake Wales Professional Firefighters

RECOMMENDATION

It is recommended that the City Commission ratify the proposed amendments to the agreement between the City of Lake Wales and the Lake Wales Professional Firefighters, Local #3538.

BACKGROUND

On August 20, 2013, the City Commission approved the collective bargaining agreement between the City of Lake Wales and Local #3538, International Association of Firefighters, and "Lake Wales Professional Firefighters" for the period October 1, 2012 through September 30, 2013. The general purpose of the agreement is to provide wages, hours, and other conditions of employment for the employees in the fire department bargaining unit of which all firefighters except the chief, fire marshal, fire captain, fire prevention/ safety specialist and deputy chiefs are members.

Management staff and the Fire Department union representatives have reached an agreement for the period October 1, 2013 through September 30, 2014.

NOTE: The amendments are presented to the City Commission for ratification at this time. The change to the existing agreement is highlighted below:

Proposed Contract Changes

Article 15, Wages

15.4 (a). Effective October 1, 2013 employees shall receive 1% pay increase and any raise in pay or cost of living adjustment provided to other employees during this contract period.

Article 21, Optional Holidays

21.2. The optional holiday shall consist of ~~twelve and one-quarter (12¼) hours~~ twenty – four and one-half hours (24½).

Article 38, Duration of Agreement

38.1. This Agreement shall become effective upon ratification by the bargaining unit members and approval and ratification by the Lake Wales City Commission and shall continue in full force and effect until midnight of September 30, 2013-14.

FISCAL IMPACT

The cost of a 1% increase is \$17,564 with benefits and is included in 13'14 budget. If the Commission approves a 1% increase in April, there will be an additional cost of \$8,782 with benefits. There is no cost to increase the Optional Holiday hours; however, fire department management will need to be careful when approving leave to insure that it does not increase overtime costs. Un-used Optional Holiday hours are not paid out at the end of employment.

OTHER OPTIONS

Do not ratify the contract.

[End agenda memo]

Sandra Davis, Human Resources Director, reviewed the item.

Commissioner Carter asked if the firefighters participated in the 1% increase with the other employees the rest of the year. Ms. Davis responded that no because the contract had to be approved.

Commissioner Lutton asked for an explanation of the Optional Holidays. Ms. Davis explained that it is like a floating holiday to take at any time. This change allows for a full shift to be taken off instead of part of one.

Commissioner Thornhill made a motion to ratify the proposed amendments to the agreement between the City of Lake Wales and the Lake Wales Professional Firefighters, Local #3538. Commissioner Wojcik seconded the motion.

By Roll Call:

Commissioner Thornhill	"YES"
Commissioner Wojcik	"YES"
Commissioner Lutton	"YES"
Commissioner Carter	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

Agenda Item 14. 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 3.1 of the Agreement, "the City Commission shall evaluate the performance of the City Manager no later than 30 days after January 1, 2014. If the City Manager receives a positive evaluation from the City Commission, the City Manager may receive a salary adjustment or a bonus effective with his anniversary date. If the City Manager receives a negative evaluation, the City Manager shall receive no increase or bonus."

Pursuant to the Contract, Mr. Fields' official anniversary date is February 1. His next evaluation will be due February 2015.

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.

[End agenda memo]

Kenneth Fields, City Manager, reviewed this item and explained that this is a 6-month evaluation and that the next one will be a year from now six months before his contract ends.

Mayor Fultz said that the City Manager deserves the top marks he gave him as he spends a lot of time with him and hopes the excellent job continues.

Commissioner Wojcik commended Mr. Fields on how smoothly things are running in the City, the lack of drama, that he is a professional, and that he is doing an excellent job.

Commissioner Thornhill said staff felt like they now had a leader, they know who to answer to and can do their jobs. He has heard positive comments from the community as well. The City is headed in the right direction and is looking forward to the next year.

Commissioner Lutton noted that the average of all scores from all commissioners is 5.05 out of 6 which indicates a well run organization and that we are on a positive track.

Ms. Davis explained that with a positive evaluation, Mr. Fields is entitled to increase in salary up to 5% as all employees are at six months.

Commissioner Carter made a motion to authorize a 1% raise which goes along with the raise all employees received. Commissioner Lutton clarified that this was a request by Mr. Fields. Commissioner Wojcik suggested that if an additional 1% increase is approved later in the year then Mr. Fields should receive that as well. The other commissioners agreed. Ms. Davis asked for clarification if this raise is just 1%. Commissioner Lutton responded that it is 1% now and the second 1% along with the other employees later in the year.

Commissioner Lutton seconded the motion.

By Voice Vote:

Commissioner Carter	"YES"
Commissioner Lutton	"YES"
Commissioner Thornhill	"YES"
Commissioner Wojcik	"YES"
Mayor Fultz	"YES"

Mr. Fields thanked the commission for the positive reviews and said that he has met with each Commissioner and will work on improvements that were mentioned in the comments.

CITY MANAGER

Agenda Item 15. City Commission Tracking Report:

Kenneth Fields, City Manager, said we are moving forward on a number of areas including trying to get funding on the airport expansion.

The playground equipment installation began today. Commissioner Wojcik asked if all else has been done. Teresa Allen, Public Services Administrator, confirmed that yes all the other projects had been done including the pressure washing, cleaning, spring riders and more. She said progress is made and each park will be reevaluated as moved forward. Mr. Fields explained that there is more planned to improve the aesthetics of the park.

The designs are nearly complete on the Trail project, projected costs are a concern but we are hoping for better prices when the bids come in.

Mr. Fields reported that we are soliciting names for the cemetery and we will have preliminary plans hopefully by next commission meeting for review. Commissioner Carter asked if we were on track with a pay-as-you-go Enterprise model for the Cemetery. Mr. Fields confirmed we were still on track.

Commissioner Lutton inquired about the pre-application meeting with SWFWMD Tom Moran, Utilities Director, explained that a conceptual drawing will be presented for review and various environmental aspects will be discussed such as wildlife, soil, ownership, and runoff. After the development the runoff will go to a retention pond, the size of the pond and other aspects will be examined. All these issues are common at a pre-application meeting. Commissioner Lutton asked if the entire retention pond is going in the first five acres. Mr. Moran confirmed that we were because it is easier. Commissioner Lutton was concerned about whether it was the best design as a hole in the front may not look good. The place will be a park and needs to look nice. Mr. Fields stated that the conceptual plan will be ready for review soon so Commissioner Lutton's concerns can be addressed.

Commissioner Lutton asked if there was a date set yet for a Ribbon Cutting for the new Fire Station. Mr. Fields said the ribbon cutting will be middle to late March but will try to get a more definite date.

Mr. Fields reported that there is a forthcoming FDOT open house hearing on the Polk Parkway next week.

Commissioner Lutton inquired about the status of the sewer sliplining project. Mr. Moran responded that there currently is no budget for it and they are looking into what can get done.

Agenda Item 16. City Commission Calendar

Agenda Item 17. Annual Reporting – Boards, Commissions, and Committees

The Depot Commission will present an annual report on February 18th.

CITY COMMISSION COMMENTS

Mayor Fultz announced that the State of the City address, a Chamber event, is on February 21st.

CITY MANAGER COMMENTS

Kenneth Fields, City Manager, announced that our City Clerk Clara VanBlargan was recently elected as President of the Polk County Clerks Association and commended her for it.

Mr. Fields asked the commission for authorization to negotiate for the use of the old Adult Day Care Center next door. Commissioner Carter stated that he was in favor of this. Commissioner Lutton commented that he would like it to be revenue neutral.

Commissioner Carter made a motion to authorize the City Manager to negotiate with Polk County for the Adult Day Care Center. Commissioner Lutton seconded the motion.

By Voice Vote:

Commissioner Carter	“YES”
Commissioner Lutton	“YES”
Commissioner Thornhill	“YES”
Commissioner Wojcik	“YES”
Mayor Fultz	“YES”

Mr. Fields reported that the Small Business Council has requested use of office space. A formal agreement will be worked out to use the Commissioner's Office. The Commission was in favor of this.

MAYOR COMMENTS

Mayor Fultz encouraged everyone to stay positive as moving forward.

The meeting was adjourned at 7:26 p.m.

Mayor/Deputy Mayor

ATTEST:

City Clerk