

## **City Commission Meeting Minutes February 5, 2019**

2/5/2019 - Minutes

1. INVOCATION

Dr. Jim Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

4. ROLL CALL

**Commission Members Present:** Eugene Fultz - Mayor, Curtis Gibson, Robin Gibson -Deputy Mayor, Flora "Tonya" Stewart, Terrye Howell

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

5. COMMUNICATIONS AND PETITIONS

Mayor Fultz read a letter of thanks from the Howell family for the naming of Howell Family Park.

Borden Deen, resident and Assistant Director of the Lake Ashton CDD, asked about sidewalks on Thompson-Nursery Road that they paid money for. This amount was \$19,000. Kenneth Fields, City Manager, said that this issue was researched. While that segment concerning money for sidewalks was in an earlier version of the agreement it was not in the final version. There is no record of these funds being received. Mr. Deen said he would research this.

Catherine Price, resident, read a letter expressing concerns about the plan for Crystal Lake Park. She said that she does not want a trail around Crystal Lake. She said that more public input is needed and recommended hiring a planning firm to work on this. She suggested that a community Mr. Fields said there were 18 different public meetings on this plan and that Dover Kohl is working with Parlier Crews on their downtown plan which shows that the quality of their work is recognized. Ms. Price said that other members of the community don't like it. Mayor Fultz asked that they come and talk to him about their concerns. Commissioner Curtis Gibson said he likes the idea of a committee to get more input. He asked if the plan was coming back to the Commission. Stephanie Edwards confirmed that this is a conceptual plan and that they have changed it after receiving community input and it will come back to the Commission at another workshop.

Rudy Engholm, resident, said he hadn't known about this as he is not connected to social media. He suggested signs by the area affected. He suggested notices in the water bills. He expressed concern about connectivity to the different trails including the bike trail.

Chris Lutton, resident, said that as the homestead exemption amendment didn't pass in November that we have a tax roll back in the next budget.

Jessica Bray, resident, said she agrees with Catherine that the Crystal Lake Park is a natural area to be protected. She is glad that there will be more public input.

Meryl Reiss, Lake Wales resident, said there was advertisement on the Crystal Lake Wales Plan outside

Tourist Club. She said concerns in the plan were addressed. The path around the lake will be mulch. She said Lake Wales is growing fast. She said that everyone needs their say but be careful of input from all over. This is Parks and Recreation both of which are being addressed.

Mike Carter, resident, asked about the ordinance requiring bids over \$35,000 and some projects go to SEMCO without going to bid. Kenneth Fields explained the Master construction contract with SEMCO did go out to bid and that this is a way to save money and get projects done more efficiently. Mr. Carter asked Mr. Galloway if this was legal. Mr. Galloway said yes.

Grace Engholm, resident, said having more public input in the Crystal Lake Park is a good. She said those nearby property owners should have gotten a mailing.

Deputy Mayor Robin Gibson said we have had good input into the downtown plan. Having Dover-Kohl is a commendable move. He looks forward to the first piece of work which will be two blocks of Park Avenue. They will work in the northwest area into the plan. We can set a standard to go throughout the community including the Crystal Lake Park area. Lets allow this process to go forward.

Al Goldstein, resident, said the water department came out and dug holes out in Lake Ashton which could be hazardous. He said that Sarah Kirkland told them that these holes have to be open. Mayor Fultz said that Mr. Fields will look into the matter.

Wanda Howard, NAACP, reported on the Act-so program and the upcoming Black History program. She invited the commission to attend. She requested a black history month proclamation from the commission next meeting.

## 6. CONSENT AGENDA

Commissioner Curtis Gibson asked for 6.4 and 6.5 to be pulled from the agenda. Commissioner Howell moved to approve the Consent agenda except items 6.4 and 6.5. Deputy Mayor Robin Gibson seconded the motion.

by Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Mayor Fultz "YES"

Motion passed 5-0.

[Discussion of each item pulled is below]

Commissioner Howell made a motion to approve Consent Agenda items 6.4 and 6.5. Deputy Mayor Robin Gibson seconded the motion.

by Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Mayor Fultz "YES"

Motion passed 5-0.

6.I. Minutes - January 15, 2019

6.II. Florida Public Utilities Company Utility/Construction Easement

[Begin Agenda Memo]

**Synopsis:**

The City Commission will consider granting Florida Public Utilities Company a 25-foot permanent easement and a 25-foot temporary easement on the City property located at Airport Road, near the Lake Wales Municipal Airport.

**RECOMMENDATION:**

Staff recommends that the City Commission take the following actions:

1. Grant Florida Public Utilities Company a 25-foot permanent utility easement on the City property located at Airport Road, Lake Wales Municipal Airport (right-of-way).
2. Grant Florida Public Utilities Company a 25-foot temporary construction easement on the City property located at Airport Road, Lake Wales Municipal Airport (right-of-way).

**BACKGROUND**

Florida Public Utilities Company on behalf of Grow Healthy is requesting a 25-foot permanent utility easement to lay, construct, install, operate, maintain, repair and remove a natural gas line through the Lake Wales Municipal Airport property and a 25-foot temporary construction easement to perform the installation as outlined in Exhibit B attached to this memorandum. The proposed easement will not interfere with future airport projects or operations.

**FISCAL IMPACT**

None

**OTHER OPTIONS**

The City Commission may choose not to grant the easement request.

[End Agenda Memo]

6.III. Evoqua Water Technologies Filters Replacement

[Begin Agenda memo]

## **SYNOPSIS:**

Staff recommends commission approve the replacement purchase of filters from Evoqua Water Technologies in the amount of \$68,200.00.

## **STAFF RECOMMENDATION**

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

1. Approve the purchase for filters from Evoqua Water Technologies
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

## **BACKGROUND**

Environmental standards for discharge water, especially from wastewater treatment facilities are being subject to more stringent effluent requirements. Among the requirements is the need to keep systems and facilities up to date with current environmental regulations. These regulations, in many cases, require the addition of Tertiary Treatment to a new or existing Secondary Wastewater Treatment System (extended aeration process) for further reduction of BOD and TSS as required by Federal and Local Authorities.

Pollution Control Systems, tertiary filters, are for filtering the liquid effluent from a secondary wastewater treatment system. Tertiary sewage treatment provides for additional removal of suspended solids from the secondary effluent and a further reduction of the biochemical oxygen demand (BOD). The filtering takes place in two parallel flow filter cells, each containing filter media consisting of a layer of anthracite and a layer of sand through which the liquid flows. This multi-media filter is capable of providing a tertiary effluent quality down to 10 mg/l BOD5 and 10 mg/l SS when properly operated.

Treated non-potable wastewater is being used as a new source of water to promote agricultural and aquaculture production, industrial uses, reclamation uses such as irrigation, wash down and toilet flushing, recreational purposes, and artificial recharge. The reuse of tertiary wastewater treatment effluent increases water sustainability in a way that is friendly to the environment. These such filters are currently installed at the wastewater treatment plant but are in need of being changed out. More solids are getting through than what is environmentally allowed. Evoqua Water Technologies is the manufacturer and distributor of this product. These are the filters that fit into the City's wastewater treatment plant.

Staff recommends commission approve the replacement purchase of filters from Evoqua Water Technologies in the amount of \$68,200.00 and authorize the City Manager to execute the appropriate documents on the City's behalf.

## **OTHER OPTION**

None. The replacement of these filters is necessary. They are essential for the continued operation of the waste water treatment plant.

## **FISCAL IMPACT**

This is an emergency repair. The Finance Director will add this item to the budget with the first budget amendment. The increase in budget will be \$68,200.00.

[End Agenda Memo]

#### 6.IV. Reiss Engineering Task Authorization #15-392 City Of Lake Wales Water Master Utility Plan

[Begin Agenda Memo]

##### **SYNOPSIS:**

Staff recommends commission approval to enter into an engineering contract with Reiss Engineering to perform engineering services related to the study and formation of a water master utility plan in the amount of \$96,140.

##### **STAFF RECOMMENDATION**

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

1. Approve the attached contract with Reiss Engineering in the amount of \$96,140.00 to perform engineering services associated with the formation of the water master utility plan.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

##### **BACKGROUND**

The scope of work under this contract will be to develop a comprehensive water utility master plan that will focus on capital improvements and prioritization of Repair and Rehabilitation. The scope of services describes the specific tasks of gathering information, develop future needs, perform necessary hydraulic analysis, develop costs, report recommendations, and produce a prioritized list of funded needs. The water master plan will focus on capital improvements required to serve existing 5, 10, and 20-year future needs of the utility service area.

Once water master utility plan study is complete, it will be brought back before the commission for review and approval. Staff is recommending that the Commission take the following action; approve entering into an agreement with Reiss Engineering in the amount of \$96,140.00 to perform the engineering services attached and authorize the City Manager to execute the appropriate documents on the City's behalf.

##### **OTHER OPTION**

None. It becomes necessary for a periodic study to be performed to ensure the integrity and the function of the utility system is maintained and expanded, if necessary, at an acceptable level. The last master plan study performed of the water utility system was performed back in 2006. These plans will typically have a useful life of 10 years or until all the suggested upgrades have been completed. Staff is at such point that all useful projects recommend in 2006 are currently under construction or have already been completed.

##### **FISCAL IMPACT**

\$80,000.00 has been placed in the Capital Improvement Budget for year 2018-2019 for the completion of this study. \$80,000.00 was only an estimate, due to this had not been completed since 2006. A budget transfer will be required to ensure there will be enough funds to cover the cost of these services.

[End Agenda Memo]

Commissioner Curtis Gibson asked if the bidding procedures were followed. Mr. Fields said Engineering work can't be bid out by state law. Sarah Kirkland, Utilities Director, explained how engineers are chosen that they go out to bid every three years.

Deputy Mayor Robin Gibson asked for a clarification of the cost if it was higher than anticipated. Sarah Kirkland explained that the total is \$96,000 higher than the estimate of \$80,000 in the CIP. Mr. Fields

reviewed the process for getting costs for Engineering work.

#### 6.V. SEMCO Wastewater Plant Building Upgrades

[Begin Agenda Memo]

##### **SYNOPSIS:**

Staff recommends commission authorize the wastewater plant building upgrades to be performed by SEMCO Construction in the amount of \$37,795.38

##### **STAFF RECOMMENDATION**

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

1. Authorize the wastewater plant building upgrades by SEMCO Construction in the amount of \$37,795.38.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

##### **BACKGROUND**

The existing plant building was built in 1986 when the wastewater treatment plant was relocated to 840 Henry Street. Since that time there have been no changes to improve the functionality of the building.

The building current houses the treatment facility lab, bathrooms, offices, kitchen, and control rooms, for monitoring all the treatment component controls. This building is also the facility that houses utilities emergency personnel in the event the emergency operations center is activated for natural disasters.

The upgrade to the facility is being done in an attempt to improve the functionality of the treatment plant office building, while continuing to improve upon the use of the building for storm events. A more detailed account of work to be performed is outlined on the attached quote. Staff recommends commission authorize the wastewater plant building upgrades by SEMCO Construction in the amount of \$37,795.38 and authorize the City Manager to execute the appropriate documents on the City's behalf.

##### **OTHER OPTION**

The commission could chose not to go forward with these much needed upgrades at this time.

##### **FISCAL IMPACT**

\$40,000.00 was placed in the 2018-2019 Capital Improvement budget for these upgrades.

[End Agenda Memo]

Commission Curtis Gibson asked about the bidding process for this. Ms. Sarah Kirkland said she got this quote under the contracting agreement with SEMCO. Mr. Fields reviewed the benefits of these long term agreements including that they control costs.

#### 6.VI. Special Event Application: Hops, Shop & Stroll

##### **SYNOPSIS**

This is a request by Main Street to have a wine walk event called Hops, Shop & Stroll on Friday, March 22, 2019 from 5:00 p.m. – 9:00 p.m. The event will include alcohol but in the stores and businesses only.

## **RECOMMENDATION**

Staff recommends

1. That the City Commission approve the permit request to allow Main Street to host an event in the downtown between Orange Avenue and Central Avenue and Scenic HWY and First Street to include the serving of alcohol on Friday March 22, 2019 from 5:00 p.m. – 9:00 p.m.

## **BACKGROUND**

Lake Wales Main Street is planning to host a wine walk type of event on Friday March 22, 2019 from 5:00 p.m. – 9:00 p.m. This event, Hops, Shop & Stroll, will include the serving of alcohol inside various businesses only. Attendees will not be walking around outside with alcohol.

Police officers will be present for the event. No streets will be closed.

## **OTHER OPTIONS**

Do not approve the Special Event Permit.

## **FISCAL IMPACT**

None. Lake Wales Main Street will cover the cost of off-duty officers.

[End Agenda Memo]

## **7. OLD BUSINESS**

7.1. Ordinance 2019-01, Adding Section 21-97 Chapter 21 "Utilities" – 2nd Reading And Public Hearing

[Begin Agenda Memo]

### **SYNOPSIS:**

The City Commission will consider approving the proposed amendments to Chapter 21 "Utilities" for the purpose of establishing Stormwater Charges.

### **RECOMMENDATION**

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

1. Adopt Ordinance 2019-01 after second reading and public hearing.

### **BACKGROUND**

A present need exists within Lake Wales to rehabilitate the existing stormwater infrastructure and to construct additional infrastructure to manage stormwater runoff. Currently, stormwater operations are funded out of the City's transportation budget, the same budget that funds street and sidewalk maintenance operations and capital improvement projects. The reality is that local option gas tax revenues are insufficient to fund both transportation and stormwater operations, leaving both operations underfunded. A stormwater fee program will provide a dedicated revenue stream to address the City's stormwater needs while directing all of the local option gas tax revenue back into street and sidewalk projects.

In addition to the transportation fund the general fund is funding some level of stormwater activity as well. Having a dedicated source of revenue for stormwater services will further diversify the City's revenue base and will help to ensure the City's core services are provided regardless of fluctuations in

housing and other markets.

Pursuant to Chapter 166 and section 403 of the Florida Statutes, the City is authorized to construct, reconstruct, repair, improve and extend stormwater management systems and to establish just and equitable rates, fees and charges for the services and facilities provided by the stormwater system.

In October, 2017 the City Commission authorized GSG, Inc. to perform the necessary tasks associated with the development of preliminary assessment rates (Phase 1) and to perform the specific work required to implement a stormwater fee if the City Commission so chose (Phase 2). GSG's work product was presented to the City Commission during the FY19 budget workshop held in August, 2018 and the consensus of the City Commission was for staff to bring forth an ordinance to create a stormwater fee program. The report created by GSG, Inc. is included as an attachment to this memorandum. The first reading of Ordinance 2019-01 was approved by the City Commission during the City Commission meeting held on January, 2 2019.

Ordinance 2019-01 will establish a funding mechanism for activities related to the collection, storage, treatment and conveyance of stormwater within the city of Lake Wales. A stormwater fee will be imposed upon each and every parcel within the city, as classified into three distinct customer categories: (1) Single Family Residential Parcels, (2) Condominium Parcels, and (3) General Parcels.

Parcels with utility connections will be billed for stormwater services with the regular monthly utility bill. Parcels without an established utility account will be billed separately on a determined fixed cycle. Areas within the City that will not receive a direct benefit from stormwater service fees will be exempted from the fee assessment. Areas that receive only partial benefits can be offered credits commensurate with the level of stormwater service benefits actually received.

#### **OTHER OPTIONS**

The Commission may elect to not adopt **Ordinance 2019-01**.

#### **FISCAL IMPACT**

Fees and/or rates associated with Ordinance 2019-01 will established by a separate Resolution of the City Commission.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2019-01** by title only.

#### **ORDINANCE NO. 2019-01**

#### **AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING CHAPTER 21 "UTILITIES" OF THE CODE OF**

**ORDINANCES OF THE CITY OF LAKE WALES, BY ADDING SECTION 21-97 "STORMWATER CHARGES", RELATING TO THE IMPLEMENTATION AND COLLECTION OF STORMWATER UTILITY RATES, FEES, AND CHARGES FOR THE PROVISION OF SERVICES AND CAPITAL FACILITIES FOR STORMWATER MANAGEMENT WITHIN THE CITY OF LAKE WALES; PROVIDING DEFINITIONS AND FINDINGS; ESTABLISHING A STORMWATER UTILITY AND PROVIDING ITS RESPONSIBILITIES; ESTABLISHING A STORMWATER UTILITY FUND; AUTHORIZING THE IMPOSITION AND COLLECTION OF STORMWATER UTILITY FEES TO FUND THE COST OF PROVIDING SERVICES AND CAPITAL FACILITIES FOR STORMWATER MANAGEMENT; PROVIDING FOR ASSIGNMENT OF ERU'S TO CLASSIFICATIONS OF DEVELOPED PROPERTY; PROVIDING CREDIT FOR PRIVATE MITIGATION FACILITIES; ESTABLISHING PROCEDURES AND METHODS FOR THE COLLECTION OF STORMWATER UTILITY FEES; PROVIDING FOR REVISIONS, PROCEDURAL IRREGULARITIES, AND APPLICABILITY; PROVIDING THAT THIS ORDINANCE IS AN ADDITIONAL AND ALTERNATIVE METHOD; PROVIDING FOR ADJUSTMENTS AND APPEALS; PROVIDING NO LIABILITY FOR FLOODING; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING FOR CODIFICATION;**



**AND PROVIDING AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson explained that this ordinance means we are no longer raiding the transportation funds for Stormwater projects. Commissioner Curtis Gibson said that the study was well done.

Commissioner Howell made a motion to adopt **ORDINANCE 2019-01** after second reading and public hearing. Deputy Mayor Robin Gibson seconded the motion.

by Roll Call Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Mayor Fultz "YES"

Motion passed 5-0.

**8. NEW BUSINESS**

**8.I. Resolution 2019-01, Establishing Stormwater Utility Rates**

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider adopting Resolution 2019-01 for the purpose of establishing Stormwater Utility rates.

**RECOMMENDATION**

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

1. Adopt Resolution 2019-01.

**BACKGROUND**

Resolution 2019-01 establishes stormwater utility rates in accordance with Ordinance 2019-01 and Section 21-97 of City Code.

In October 2017 the City Commission authorized Government Services Group (GSG), Inc. to perform the necessary tasks associated with the development of preliminary assessment rates and to perform the specific work required to implement stormwater utility fees. The report created by GSG is included as an attachment to this memorandum and serves as the basis for the recommended fee structure established by Resolution 2019-01.

A stormwater fee will be imposed upon each and every developed parcel within the city, as classified into three distinct customer categories: (1) Single Family Residential Parcels, (2) Condominium Parcels, and (3) General Parcels. Parcels with utility connections will be billed for stormwater services with the regular monthly utility bill. Parcels without an established utility account will be billed

separately on a determined fixed cycle.

Areas within the City that will not receive a direct benefit from stormwater service fees will be exempted from the fee assessment.

The City's stormwater revenue requirements are \$700,774 based on a three-year average of operating expenditures and capital improvement needs. The rates established by Resolution 2019-01 will generate \$700,774 in gross revenue annually, less governmental, institutional, and agricultural buy-downs (\$108,855). The net revenue generated after buy-downs for exemptions is \$591,919.

The proposed stormwater rate structure is established within Resolution 2019-01 as "Appendix B", but is also attached as a separate item to this memorandum for informational purposes.

#### **OTHER OPTIONS**

The Commission may elect to not adopt Resolution 2019-01.

#### **FISCAL IMPACT**

Resolution 2019-01 will generate \$591,919, annually.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2019-01** by title only.

#### **RESOLUTION NO. 2019-01**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, APPROVING AND ADOPTING STORMWATER UTILITY RATES EFFECTIVE FEBRUARY 5, 2019; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Howell made a motion to adopt **RESOLUTION 2019-01** after second reading and public hearing. Deputy Mayor Robin Gibson seconded the motion.

by Roll Call Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Kenneth Fields, City Manager, said that Government Services Group did the study. They also work with us on our fire assessment each year and they did do a good job.

#### 8.II. Purchase Authorization – Asphalt Paving Systems (APS), Inc

[Begin Agenda Memo]

## **SYNOPSIS:**

The City Commission will consider authorizing staff to expend funds for a street resurfacing project.

## **RECOMMENDATION**

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

1. Authorize the piggyback agreement with APS, Inc.
2. Authorize the City Manager to execute the piggyback agreement on behalf of the City.
3. Authorize a budget amendment in the amount of \$360,949.60.
4. Authorize the expenditure of \$560,949.60.

## **BACKGROUND**

The City's Public Services department is requesting Commission approval to expend funds for a street resurfacing project. In accordance with Sec. 2-417(d)(3) of the City's Code of Ordinances, all purchases in excess of Category 1 (\$20,000) require City Commission approval.

City staff contracted Pavement Management Group, Inc. to develop a 6-year pavement management program based on the Pavement Condition Index rating of each street within the City's road network. The streets proposed to be resurfaced in FY19 are listed on "Schedule A" attached to this memorandum. The program and schedule developed by PMG, Inc. were used by APS, Inc. to develop the company's scope of work and proposal for the requested resurfacing project.

The replacement of all pre-existing roadway striping and thermoplastic pavement markings are also included in the scope of the project.

The proposal submitted by APS, Inc. is based on a competitively bid contract with the Lee County BoCC for similar services and staff is requesting approval to piggyback the contract. Section 2-404 of the City Code and F.S. §287.057 exempts the City from competitive sealed bid requirements when piggybacking another public entity's competitively bid contract. APS, Inc. provides pavement preservation and resurfacing services for the Lee County BoCC, the City of Lakeland, and many other municipalities throughout the state.

The City Commission approved \$200,000 in the FY19 capital improvement budget for a street resurfacing project and this project cost exceeds that amount by \$360,949.60. Staff is requesting the City Commission to approve a budget amendment in the amount of \$360,949.60 for the overage. The overage funding will come from the Streets department's operating budget, utilizing unencumbered transportation revenues realized by the creation of a stormwater utility.

## **OTHER OPTIONS**

The City Commission may direct staff to solicit sealed proposals for pavement preservation in lieu of utilizing the piggyback agreement with APS, Inc.

## **FISCAL IMPACT**

The project cost is \$560,949.60. \$200,000 is currently budgeted in the adopted FY19 CIP for street resurfacing. A budget amendment in the amount of \$360,949.60 is requested. The entire project will be funded out of the the City's transportation fund.

[End Agenda Memo]

James Slaton, Assistant City Manager, reviewed this item. Commissioner Howell asked about how

streets were selected. Mr. Slaton said that the company has a formula to get the most streets done for our money. Mr. Fields explained that a survey was done of each road and what was needed for each road. The list was selected by computer no human decisions were involved. Commissioner Howell shared how the process was done in years past.

Commissioner Curtis Gibson made a motion to approve the purchase authorization. Commissioner Howell seconded the motion.

by Voice Vote:

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Commissioner Stewart "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

8.III. ORDINANCE 2019-02 - Repealing The City's Panhandling Ordinance

[Begin Agenda Memo]

**SYNOPSIS:**

On July 21, 2009, the City adopted Ordinance 2009-19 adding a prohibition of panhandling and aggressive solicitation to Chapter 15 of the Lake Wales Code of Ordinances. As you may be aware, Polk County recently rescinded its panhandling Ordinance after receiving correspondence from the ACLU pointing out constitutional deficiencies to the County's Ordinance. I have reviewed a copy of that same correspondence and the City's Ordinance in light of the cited decisions. I believe it prudent for the City of Lake Wales to rescind its similar Ordinance.

**RECOMMENDATION:** That the City Commission adopt **Ordinance 2019-02** to rescind that portion of Ordinance 2009-19 dealing with panhandling.

**FISCAL IMPACT:** None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2019-02** by title only.

**ORDINANCE 2019-02**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE LAKE WALES CODE OF ORDINANCES, CHAPTER 15, MISCELLANEOUS OFFENSES, SECTION 15-14, PANHANDLING, BY REPEALING SECTION 15-14 OF SECTION 1 OF ORDINANCE 2009-19; AND PROVIDING FOR AN EFFECTIVE DATE.**

Albert Galloway, Jr, City Attorney, reviewed this item.

Deputy Mayor Robin Gibson asked if this would be replaced. Mr. Galloway responded that it wouldn't be anytime soon as a version has not been drafted by anyone that avoids the problem of restricting

speech. Commissioner Howell asked if this means anyone can sell stuff on the sidewalk. Mr. Galloway said that those activities must be restricted under other Constitutional Ordinances.

Commissioner Howell made a motion to approve **ORDINANCE 2019-02** after first reading. Deputy Mayor Robin Gibson seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 8.IV. Aviator PPG, LLC Settlement Agreement

[Begin Agenda Memo]

##### **SYNOPSIS:**

The proposed Settlement Agreement and two Ground Lease Modification and Ratification instruments require approval by the City Commission.

**RECOMMENDATION:** Authorize the Mayor to execute the Settlement Agreement and each of the Modification and Ratification instruments.

##### **BACKGROUND:**

Litigation was filed against the City concerning a public records request made by Aviator PPG, LLC ("Aviator"). The Court found that the City had effectively withheld records due to the dispute as to the costs associated with supplying the requested records. The Court announced it would award attorney's fees and costs to Aviator and the City would be entitled to a setoff for costs related to providing the requested documents. Subsequent to the Trial, Aviator proposed reaching agreement concerning Aviator's existing Ground Lease at the Airport which it wished to extend and also sought approval of an assignment of the Ground Lease held by Terry Short Aircraft services, LLC. The proposed Settlement Agreement addresses these matters, as well as matters concerning the location of Aviator's paramotor operations at the Airport. The Agreement provides for the litigation against the City to be dismissed by Aviator, with prejudice.

##### **FISCAL IMPACT:**

Payment to Aviator's attorney in the amount of \$19,031.35 for costs and attorney's fees through trial. Payment to the City for costs in the amount of \$2,102.09.

[End Agenda Memo]

Albert Galloway, Jr, City Attorney, reviewed this item.

Deputy Mayor Robin Gibson explained that this issue was part of the Shade meeting and was fully

discussed by this body.

Deputy Mayor Robin Gibson made a motion to approve the settlement agreement. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 8.V. Polk Regional Water Cooperative - 1st Amendment To The Combined Project Implementation Agreement

[Begin Agenda Memo]

##### **SYNOPSIS**

On March 16, 2017, the Polk Regional Water Cooperative approved the Combined Projects Implementation Agreement (Agreement) following approval by 15 of the 16 member governments. The purpose of the Agreement was to implement the approved water projects (combined projects) of the PRWC as outlined by the Interlocal Agreement that established the Cooperative. The First Amendment to that agreement adds as an additional project the Peace River/Land Use Transition Treatment Facility project to the agreement.

##### **RECOMMENDATION**

It is recommended that the City Commission approve the First Amendment to the Combined Project Implementation Agreement.

##### **BACKGROUND**

The litigation settlement agreement between the Polk Regional Water Cooperative and the Manasota Water Authority and the Southwest Florida Water Management District that was recently approved by the PRWC Board of Directors and by several of the individual member governments has presented the opportunity to elevate a nominated project to the status of approved project. The Peace River/Land Use Transition Treatment Facility project was provided for consideration, at the January 16, 2019 Board of Directors meeting, to be elevated from a nominated to approved project and be included in the Combined Projects through the attached First Amendment to the Combined Projects Implementation Agreement.

The Peace River/Land Use Transition Treatment Facility project includes the construction of a surface water intake, treatment facility, storage facilities and transmission lines along the Peace River and transition of existing agricultural and/or mining withdrawals to public supply. It is estimated that approximately 30 MGD of surface water can be withdrawn from the Peace River and 6 MGD of

groundwater will be made available as a result of land use transitions over a 50-year period. In the Phase 2 Implementation Agreement Engineer's Report dated April 30, 2017, it was estimated that the construction cost for this project would be \$150,232,900 which anticipated that 5 MGD would be available from the Peace River, the actual construction costs will likely be larger, but the unit cost of water from this project should be less than originally estimated.

The scope of work / contract with Team One (Carollo Engineers) will come before the PRWC BOD for consideration at an upcoming meeting. There will be no increase in the Phase 1 fiscal cost for the addition of this project.

In order for this to be complete, the 15 member governments participating in the Combined Projects Implementation Agreement will need to present the First Amendment to their Commission for consideration and approval. Please let me know when you would plan for this item to be on your agenda and if you require any additional information for you backup material.

### **OTHER OPTIONS**

Not approve the First Amendment.

### **FISCAL IMPACT**

There is no fiscal impact on the City of Lake Wales at this time.

[End Agenda Memo]

Kenneth Fields, City Manager, reviewed this item.

Deputy Mayor Robin Gibson made a motion to approve the amendment. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Mayor Fultz "YES"

Motion passed 5-0.

### 8.VI. RESOLUTION 2019-02 - Highway Maintenance Agreement With The Florida Department Of Transportation

[Begin Agenda Memo]

#### **Synopsis:**

The City Commission will consider approving Resolution 2019-02, to continue the highway maintenance for certain State Road Rights of Ways with the Florida Department of Transportation for an additional three (3) year period for an annual compensation of \$27,741.13.

### **RECOMMENDATION**

1. Approve Resolution 2019-02, authorizing an agreement between the City of Lake Wales and the Florida Department of Transportation for maintenance of certain State Road Rights-of-Way.
2. Authorize the Mayor to execute the agreement.

## **BACKGROUND**

The City of Lake Wales and the State of Florida Department of Transportation have entered into agreements to maintain rights-of-way on portions of US27, SR60 and SR17 (Alt. 27) within the jurisdictional limits of the City since the early nineties. Resolution 2019-02, authorizes the mayor to renew the agreement for an additional three (3) years with an annual compensation of \$27,741.13.

## **FISCAL IMPACT**

If we do not renew the agreement, the city will lose annual compensation of \$27,741.13.

## **OTHER OPTIONS**

The City Commission may choose not to renew the agreement.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2019-02** by title only.

## **RESOLUTION 2019-02**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY AN AGREEMENT BETWEEN THE CITY OF LAKE WALES AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF CERTAIN STATE ROAD RIGHTS OF WAY.**

Teresa Allen, Public Services Director, reviewed this item.

Commissioner Curtis Gibson asked how far on 27 this goes. Ms. Allen said this applies to State Road 17 or Alternate 27. Ms. Allen said US 27 is a different agreement that is not renewed on a regular basis. Deputy Mayor Robin Gibson asked about what costs are covered. Ms. Allen explained that FDOT maintains the roads but the City maintains the rights-of-way. Mr. Fields noted that there is a difference between where the City maintains and FDOT maintains. Ms. Allen said we go beyond what is required in the contract.

Commissioner Howell made a motion to approve RESOLUTION 2019-02. Commissioner Curtis Gibson seconded the motion.

Roll Call Vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"



Motion passed 5-0.

8.VII. Board Appointments: Airport Authority, Historic District Regulatory Board, And Police Officers' Retirement Board

[Begin Agenda Memo]

**SYNOPSIS:**

Appointments to the Airport Authority, Historic District Regulatory Board, Police Officer's Retirement Board

**RECOMMENDATION**

**Staff recommends:**

1. The Mayor appoint Herb Gillis to the Airport Authority for a term ending 7/1/2021 and that the Commission consent to the appointment.
2. The Mayor appoint Ronni Wood to a term on the Historic District Regulatory Board ending 7/1/2021 and that the Commission consent to the appointment.
3. The Mayor appoint TJ McKeon to the Police Officers Retirement Board for a term ending 09/30/2022

**BACKGROUND**

There are vacancies on the Airport Authority, Historic District Regulatory Board, and Police Officer's Retirement Board due to resignations and expiration of terms.

Herb Gillis, non-resident, has applied to serve on the Airport Authority. There is a vacancy due to the resignation of Katherine Rogers.

There is a vacancy on the Historic District Regulatory Board due to expiration of terms. Ronni Wood, resident, has applied to serve on this board.

There is a vacancy on the Police Officers' Retirement Board due to the resignation of Anthony Elrod. TJ McKeon has applied to serve on the Board.

The Mayor makes appointments to various citizen advisory and regulatory boards, commissions, committees, and authorities with the advice and consent of the City Commission (City Charter, Sec. 3.06).

**Airport Authority** (City Code Sec. 2-41) – The board consists of seven (7) voting members and one (1) non-voting member who is a City Commissioner. At least two (2) voting members must be qualified electors of the City. The remaining members chosen may be persons owning property located within the City of Lake Wales or persons having a business tax receipt issued by the City of Lake Wales, are airport tenants, or have general aviation experience. (3-year term)

The non-voting City Commission member serves for the duration of his or her term as City Commissioner, unless such Commissioner desires to serve a shorter period of time. In such event, the Lake Wales City Commission shall appoint another city commissioner to serve in the same manner.

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests

Current Vacancies: 1 Vacancy due to resignation of Katherine Rogers

Current Members:

John Lodge, non-resident 10/03/12--07/01/21, P+1  
**Katherine Rogers, resident, chair 09/18/12--07/01/21, 3**  
Clarke Gerard, non-resident 06/05/18--07/01/19, P  
Charles N. Clegg, resident 07/19/16--07/01/19, 1  
Travis Burns, resident 08/21/18--07/01/21, 1  
Robert Ohlinger, non-resident 07/05/17--07/01/20, 1  
Barbara Pelisek, non-resident 12/20/16--07/01/20, P+1  
Commissioner Curtis Gibson, non-voting member 05/02/17 - 05/07/19, 1

Applying for Appointment: Herb Gillis, non-resident for a Term expiring on 7/1/2021.

Historic District Regulatory Board (City Code Sec. 23-208.2) – The board consists of five (5) regular members (appointed in accordance with section 2-26). At least 50% of the members shall reside or own property within the City. Members shall be chosen to provide expertise in the following disciplines to the extent such professionals are available in the community: historic preservation, architecture, architectural history, curation, conservation, anthropology, building construction, landscape architecture, planning, urban design, and regulatory procedures. (3-year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 vacancy, resident or own property in City; 1 expiring term

Current Members:

Lawrence (Larry) Bossarte, business owner 11/01/11 – 07/01/17, 2  
Diane Armington, owns property in the City 07/01/16 – 7/1/2019, 3  
John Turley, resident 12/18/18 – 07/01/21, 1  
Brandon Alvarado, resident 12/18/18 - 07/01/21, 1  
**Christopher Lutton, resident 06/21/2016 – 07/01/18**

Applying for Appointment: Ronni Wood, resident, for a term expiring on 07/01/21

Meetings (City Code Sec. 23-208.3(c)) – The historic board shall hold regular meetings at the call of the chair and at such other times as the board may determine. Special meetings may be called by the chair or vice-chair with twelve (12) hours of notice. No less than four (4) meetings shall be held each year.

Current Meeting Schedule: 3rd Thursday @ 5:30 PM; Commission Chamber  
Functions, powers, and duties (City Code Sec. 23-208.4)

1. To hear and decide upon applications for certificates of appropriateness as required under this chapter;
2. To adopt guidelines for the review and issuance of certificates of appropriateness consistent with the purposes of this chapter, the historic preservation element of the comprehensive plan, and the Secretary of the Interior's standards for historic properties;
3. To make recommendations to the city commission on matters relating to the establishment of historic districts and regulation of such districts;
4. To make recommendations to the planning board and the city commission for amendments to the code of ordinances and the comprehensive plan on matters relating to historic preservation;
5. To make recommendations to the planning board and city commission regarding special permits for properties within an historic district in cases in which the special permit involves work requiring a certificate of appropriateness;
6. To perform any other duties which are lawfully assigned to it by the city commission

Police Officers' Retirement Board – The board consists of five (5) members. Two (2) members must be legal residents of the City and two (2) members must be full-time police officers' employed by the Lake Wales Police Department. Resident members are appointed by the Mayor with the advice and consent of the City Commission; police officer members are elected by a majority of the police officers who are members of the plan. The fifth member is chosen by a majority of the other four members and appointed by the Mayor. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.

- Members are required to file an annual Form 1, Statement of Financial Interests
  - Current Vacancies: 1 resident due to resignation.
- Current Members: Joe Elrod (Police Officer 5th Seat) 2/3/15 – 9/30/19 Partial term  
Robert Plummer (resident) 09/05/18 - 9/30/22 3 terms  
Elrod, Anthony (resident) 4/1/14 – 9/30/18 1 term  
Black, David (police officer) 10/14/16 – 9/30/22 2 terms  
Raebig, William (police officer) 5/5/14 – 9/30/22 2 terms

Applying for appointment: TJ McKeon for a term expiring 9/30/2022

Current Meetings – Quarterly @ 4 p.m.; Fire Department meeting room

[End Agenda Memo]

Commissioner Curtis Gibson reported that the Airport Authority recommended the appointment of Herb Gillis to the Airport Authority Board. Mayor Fultz appointed Herb Gillis to the Airport Authority for a term expiring 7/1/21.

Deputy Mayor Robin Gibson made a motion to confirm the appointment of Herb Gillis to the Airport Authority for a term expiring 7/1/21. Commissioner Curtis Gibson seconded the motion.

By Voice Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Stewart "YES"

Commissioner Howell "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Mayor Fultz appointed Thomas McKeon to the Police Officers Retirement Board for a term expiring 9/30/22.

Deputy Mayor Robin Gibson made a motion to confirm the appointment of Thomas McKeon to the Police Officers Retirement Board for a term expiring 9/30/22. Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Mayor Fultz appointed Ronni Wood to the Historic District Regulatory Board for a term expiring 7/1/21.

Deputy Mayor Robin Gibson made a motion to confirm the appointment of Ronni Wood to the Historic District Regulatory Board for a term expiring 7/1/21 Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 8.VIII. City Attorney Evaluation

[Begin Agenda Memo]

##### **SYNOPSIS:**

Commissioners will discuss the performance evaluation of the City Attorney. 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. This process provides for a yearly review of the City Attorney's performance and summarizes the entire Commission's experience with the Attorney during the past year.

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

[End Agenda Memo]

Deputy Mayor Robin Gibson said he liked the template for the City Manager better than the one for the City Attorney and hopes the former can be used for both next time. He said he likes collective judgement and would like to receive all the comments in the future. He would like to hear what the other Commissioners think.

Commissioner Curtis Gibson recommended going out for RFP's and see what else is out there. The current attorney could also submit an RFP. He was disappointed in the issue concerning information withheld and was blindsighted at the Airport Authority. The Attorney needs to notify the Commission before others.

Mayor Fultz said that he expects improvement in that area and that incident was the only one he fell down on. He doesn't think we should get rid of him based on this issue.

Commissioner Stewart said she has spoken to the City Attorney on this and she expects improvement in this area as well. Failing to notify the Commission of that lawsuit was unacceptable.

Commissioner Curtis Gibson gave examples of other concerns such as his opinion concerning the appointment of Howell and being told when he asks a question that the information will be available at

the meeting. He said there is nothing wrong with getting proposals and looking at options.

Mayor Fultz asked how long Mr. Galloway has been our attorney, his hourly rate and how it compares. Mr. Fields said that he has been here for 25 years, his hourly rate is \$192 which has an escalator each year, and his rate is average or lower than other City Attorneys. Mr. Fields said he relies on his advice and Mr. Galloway stays ahead of the curve on current issues. When he arrived Mr. Galloway was involved in two mitigations and constitutionality of the fire fee. These were handled successfully.

Deputy Mayor Robin Gibson said he has done this job in the past. Our City Attorney has not had the opportunity to demonstrate his ability in a meeting which is why he asked that the attorney be added to the agenda. He was baffled by the issue concerning the public records at the airport. Both the City Manager and City Attorney share blame but they have assured him that it won't happen again. He recommends giving it a year to see how this goes. He gets quick satisfactory responses from the City Attorney when he asks a question. Deputy Mayor Robin Gibson said there were a few areas that he couldn't grade him on. Commissioner Stewart and Commissioner Curtis Gibson agreed.

#### 8.IX. City Manager 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.

[End Agenda Memo]

Kenneth Fields, City Manager, reviewed his evaluation. He noted that he is out in the community and goes to any event he is invited to. He is not out in the community campaigning. The charter designates the Mayor as the face of the City. He suggested that maybe the evaluation form should be revised.

Commissioner Curtis Gibson said that there was no difference between some of the ratings. He would like to review other formats of evaluations. Mr. Fields said we can look at changing the formats next year to ones more tailored to the needs of this commission. Deputy Mayor Robin Gibson reviewed the criteria of the rankings and said that he found the format was helpful.

Mayor Fultz said he goes with Mr. Fields all over the county to different things and sees how he conducts himself and that's why he evaluated him as well as he did.

[Begin Agenda Memo]

##### **SYNOPSIS**

The City Manager's annual review date allows for the renewal and modification of his contract, in

addition to providing for an annual increase and/or bonus. The City Manager is requesting that the contract be extended for two additional years; that there be no change in salary or bonus; that a modification is made in the calculation of the City's retirement contribution and that he be provided the option of a City vehicle or increased car allowance.

## **RECOMMENDATION**

It is requested that the City Manager's contract be amended as requested in light of his past service to the City and his desire to continue his employment relationship into the future.

## **BACKGROUND**

The City Manager's initial contract provided that the City Manager would not be provided with health insurance by the City and the City Manager would not participate in the City General Employee Pension Fund. Instead, the City contributes to its 457 and 401(a) retirement programs on his behalf in addition to the 5% employee contribution required under City policy. Currently the City contributes 5% to the 457 plan and 16.77% to the 401(a) plan as the average of its contributions to the three City pension funds. In addition, the City Manager has made a voluntary deferral to the 457 Plan. However, there is an IRS limit on the contributions that can be made to the 457 plan by the City and the employee. To avoid exceeding this limit, it is requested that the contract be modified to increase the City's contribution to the 401(a) plan to the allowed IRS maximum, and eliminating its contribution to the 457 plan, allowing the City Manager to make a voluntary contribution to the 457 plan and staying within the IRS limit. To offset this increase, the City Manager is requesting no bonus or salary adjustment as stated in the Agreement. The net cost to the City of the increased retirement contribution and elimination of any bonus or salary increase is approximately 2.6%.

In addition, the City Manager is requesting that he have the option of being provided a City vehicle in lieu of an increased monthly vehicle allowance. It is also requested that the contract be extended for two additional years from its current termination date of 2020.

## **OTHER OPTIONS**

Make no change in the current contract. Failure to extend the current contract would result in the termination of the City Manager's current contract in August, 2020.

## **FISCAL IMPACT**

Estimated cost for the fiscal year is approximately \$3,560 or 2.6%.

[End Agenda Memo]

Mr. Fields reviewed the requested amendment to his contract.

Mayor Fultz asked if this vehicle is one that is already accessible. Mr. Fields said it would be a standard city vehicle that would still be here for the next City Manager when he leaves. Mayor Fultz asked what the Cost of Living adjustment for employees was this year. Mr. Fields said it was 2% in addition to a merit increase.

Commissioner Howell made a motion to approve the amendment to the contract with Kenneth Fields. Commissioner Stewart seconded the motion.

Deputy Mayor Robin Gibson said the financial condition of the City has improved greatly since Mr. Fields has been here. Mr. Fields commended the staff for their help in that. He said we can very likely go to roll back rate next year.

Commissioner Curtis Gibson asked Mr. Fields if he's committed to staying in Lake Wales. Mr. Fields said he is committed to staying as long as the Commission wants him to stay. Mayor Fultz said he

agreed with the comments about good staff performance. Deputy Mayor Robin Gibson said that Mr. Fields has made some good hires as well.

by Voice Vote:

Commissioner Howell "YES"

Commissioner Stewart "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## 9. CITY CLERK

### 9.1. 2019 Municipal Election & Canvassing Board Information

[Begin Agenda Memo]

#### **2019 MUNICIPAL ELECTION INFORMATION**

The regular Municipal Election of the City of Lake Wales is Tuesday, April 2, 2019 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 7, 2019. 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.

If the referendum to extend the terms is approved the Mayor will serve a three year term.

The three seats up for election are currently held by the following Commission members:

Seat 1 (At-Large) Mayor Eugene Fultz

Seat 2 (District 19) Commissioner Curtis Gibson

Seat 4 (District 27) Commissioner Flora "Tonya" Stewart

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 11 through 12:00 p.m., noon, Friday, February 15. Candidate packets are available in the City Clerk's office beginning 9:00 a.m., Friday, February 1. 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 15 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 and at the Lake Ashton Clubhouse, 4141 Ashton Club Drive, Lake Wales on Tuesday, April 2, 2019, 7 a.m. to 7 p.m. The City Commission will reschedule its first meeting in April from 6:00 p.m., Tuesday, April 2 to 6:00 p.m., Wednesday, April 3.

Contact the Supervisor of Elections at 863-534-5888 to request an absentee ballot. Voter registration

deadline is March 4, 2019.

## **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 26, 2019; 4:00 p.m.

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

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

### Election Night Canvassing of Ballots

Tuesday, April 2, 2019, 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 4, 2019; 5:00 p.m.

-A Quorum must be present.

### Post-Election Manual Audit

Date & Time to be determined – April 10, 2019 through April 13, 2019

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

-A quorum must be present.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

## 10. CITY ATTORNEY

Albert Galloway Jr., City Attorney, said besides the resolution of the airport litigation he had no other report.

## 11. CITY MANAGER



- 11.I. Tracking Report
- 11.II. Social Media Tracking Report
- 11.III. Commission Meeting Schedule
- 11.IV. Other Meetings & Events Calendar

Kenneth Fields, City Manager, reported that Lake Wales Live will be Friday the 15th and this will be a monthly event.

He also reported on the planned Hops Shop and Stroll sponsored by Main Street in March.

## 12. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson talked about the need for a policy and a vision for our community.

Commissioner Howell asked for Mr. Fields to explain to her a bit better about the purchasing policy sometime later.

Commissioner Howell said that in addition to the evaluations we should set specific expectations for the Attorney and City Manager so that they have something to evaluate them by.

Commissioner Howell said she is glad to have new bleachers in the Kirkland Gym.

Commissioner Curtis Gibson said that he was given a Patriot Award and was nominated by his employee in support of his military service and thanked those in the armed services for their commitment to our country.

## 13. MAYOR COMMENTS

Mayor Fultz said that he is glad we are now having the City Attorney on the agenda so he can have a chance to speak and we can keep moving forward.

Mayor Fultz thanked potential candidates for stepping up to the plate in considering a run for office.

## 14. ADJOURNMENT

The Meeting was adjourned at 8:07 p.m.