

Commission Workshop Meeting Minutes

March 1, 2023

(APPROVED)

3/1/2023 - Minutes

1. CALL TO ORDER & ROLL CALL

Members Present: Mayor Hilligoss, Robin Gibson, Terrye Howell, Daniel Williams, Danny Krueger

Staff Present: James Slaton, City Manager; Jennifer Nanek, City Clerk; Albert C. Galloway, Jr.

Mayor Hilligoss called the meeting to order at approximately 2:00 p.m.

2. ATTORNEY - CLIENT SESSION - In Accordance With §286.011(8), Florida Statutes. The City Commission, City Manager, City Attorney And The City's Special Counsel Will Hold A Meeting Which Is Exempt From The Statutory Public Meeting Requirements

Mayor Hilligoss adjourned the meeting at 2:01 p.m. for the Attorney - Client Session.

Mayor Hilligoss called the meeting back to order at 3:11 p.m.

3. City Manager Comments

James Slaton, City Manager, reported that we hired a grants consultant last year to work on a multi-year grant strategy. He submitted 5 appropriation requests to the state through Senator Burton's office. These projects include additional access road to the Airport, Northwest sidewalk improvements, Park Avenue and reuse extension project which will be a multi-use project.

Mr. Slaton said that Ordinance 2023-11 correcting a scrivener's error will not be on the next agenda. There were issues with the advertising so that item will be postponed.

Albert Galloway, Jr., City Attorney, said the advertising for Development services items were incorrect. They can't be published in legal ads or classifieds. They may start running more ads in the News Sun who can work with us.

Mayor Hilligoss confirmed that it was an attorney for Highland Park that noticed the error. Mr. Galloway confirmed this and said he has met with the Mayor of The Village of Highland Park and is arranging for a tour of the ADS facility. He would like to resolve this matter. Mayor Hilligoss asked if the Commission in Highland Park hired the attorney. Mr. Galloway said the Manager was directed by the Mayor to hire the attorney. Mayor Hilligoss asked if the Commission approved this. Mr. Galloway said he isn't sure. Ellis Hunt has done a public records request on this. Mayor Hilligoss said the delays are coming from this attorney hired by Highland Park. There is a suggestion that the City is doing these delays on purpose. Mr. Galloway said the City is not trying to postpone it on purpose. This issue was discussed. Mr. Galloway said he has been relieved as attorney for Highland Park until this matter is resolved.

Deputy Mayor Gibson said this is a good thing to help us be sure we are doing our ads correctly. We need to get this right.

Commissioner Howell asked if other notices were done incorrectly. Jennifer Nanek, City Clerk, confirmed this. Mr. Galloway said this matter will be fixed.

Deputy Mayor Gibson encouraged full disclosure on this matter. We will get it right. There is no back room deal going on.

4. Mensth Capital, LLC, Redevelopment Of The 143 D Street Parcel

[Begin Agenda Memo]

Synopsis: The City of Lake Wales and the Code Enforcement Lien foreclosure Defendants, Mensth Capital, LLC and Payet Investment Group, LLC, the owners of the subject property (collectively "Mensth"), have negotiated a Redevelopment Agreement for the property located at 143 D Street which incorporates the Memorandum of Understanding ("MOU") for the redevelopment of distressed properties which was previously approved by the City and the Lake Wales Community Redevelopment Agency. Upon approval of the Redevelopment Agreement, the sum of \$7,500.00 will be deposited with the City to be disbursed as redevelopment occurs in accordance with the provisions of the MOU and the Redevelopment Agreement. The City will also be reimbursed foreclosure costs in the sum of \$3,129.74

Recommendation: That the City Commission approve the Redevelopment Agreement and authorize the Mayor to sign it on behalf of the City.

Fiscal impact: Reimbursement of foreclosure costs as previously mentioned. Redevelopment of this distressed property should result in an increase in ad valorem tax revenue.

Alternatives: To continue the foreclosure action which will not result in the anticipated benefits of redevelopment of the subject property.

[End Agenda Memo]

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

Commissioner Howell asked if property owners were notified correctly. Mr. Galloway confirmed this and reviewed the process.

5. Award Of Bid #19-462 For Water Main Replacement Project And Construction Phase Services Contract.

[Begin Agenda Memo]

SYNOPSIS: Award of Bid to Tri-Sure Corporation for \$4,373,295.00 for the removal and replacement of water main in various locations in the city.

RECOMMENDATION It is recommended that Commission take the following action:

1. Award the bid to Tri-Sure Corporation for the removal and replacement of water main in various locations in the city for \$4,373,295.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND The City owns and maintains One hundred seventy-six miles of water main, ranging in size from two inches to twenty-four inches. It becomes necessary from time to time to replace this water main in areas where the original pipe installations are now too small to service the area with sufficient flows and pressures. The pipe staff is seeking to replace are old galvanized lines that have corroded over time and are no longer functioning at peak performance. The streets being affected with this project are Wildabon Ave, Osceola Ave, Hillside Ave, Highview Drive, Tower Blvd, North Lakeshore Blvd, 7th,8th, and 9 th Streets,

Edgewater Drive, Scenic Hwy N, and Lincoln Ave.

The Commission, at its January 12, 2021 city commission meeting approved entering into a contract with Dewberry Engineering for the design and engineering of the water main replacement phase 2 project to take place in various locations throughout the city. The Commission, at its July 19, 2022 city commission meeting, approved submitting an application to acquire the necessary funding from the State Revolving Loan Fund. Staff is now at the stage in the construction process of awarding the bid for construction.

Staff submitted a request for bid for the above referenced project, in which five bidders responded. Of the five bidders, Tri-Sure Corporation was declared the most responsive low bidder after engineer review and evaluation of the bids. Staff recommends the Commission take the following action, approve the award of bid to Tri-Sure Corporation for \$4,373,295.00 and authorize the City Manager to execute the appropriate documents, on the City's behalf.

OTHER OPTIONS The Commission could choose not to approve the contract listed above and direct staff to return the project back out to bid, at the risk of losing the City's funding approval through the State Revolving Loan Fund.

FISCAL IMPACT The 2022-2023 Capital Improvements Plan has budgeted \$3,670,000, to which funding being provided through the State Revolving Fund Loan Program (SRF). While the bids came in higher than anticipated, an amendment will be requested from SRF to provide the additional funding.

[End Agenda Memo]

Sarah Kirkland, Public Works Director, reviewed this item.

Commissioner Howell asked about a water outage for her neighborhood. Ms. Kirkland confirmed that a contractor hit a water line was hit near Janie Howard Wilson Elementary. It has been fixed. Some residents were put on boil water notice. Commissioner Howell expressed frustration finding someone at City Hall to find out what was going on.

6. Compact Vertical Mast Light Towers

[Begin Agenda Memo]

SYNOPSIS: Staff requests City Commission approval to expend funds for \$21,674.00 for two Wacker Neuson LTV6L Compact Vertical Mast Light Towers, utilizing Kelly Tractor Company State Contract # FSA20-EQU18.0.

STAFF RECOMMENDATION It is recommended that the City Commission consider taking the following action: 1. Approve the expenditure of funds for \$21,674.00 to Kelly Tractor Company for the purchase of two Compact Vertical Mast Light Towers utilizing State Contract # FSA20-EQU18.0. 2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND The City, as part of its collection system, owns, operates, and maintains 121 Miles of 8 to 16 inch Gravity Sewer Line, 75 Miles of 2 to 16 inch Force Main, and 41 Lift stations. There are times when staff needs to perform work at night due to broken sewer lines, lift station failures, treatment facility functions and other repairs associated with operating a collection system and a wastewater treatment facility. There are areas, in which the above-mentioned task are performed that are not well lit making repairs difficult and causing a safety concern for the employees to do their jobs.

Staff recommends the Commission approve the following action, expend funds in the amount of \$21,674.00.00 for two Compact Vertical Mast Light Towers from Kelly Tractor Company utilizing pricing from State Contract # FSA20-EQU18.0.

OTHER OPTIONS None. The safety of staff is a priority.

FISCAL IMPACT \$140,000.00 is budgeted in the Utilities FY '22-'23 Capital Improvements Plan Budget for this purpose. Funding source for this purchase are utilities operating revenue.

[End Agenda Memo]

Sarah Kirkland, Public Works Director, reviewed this item.

7. Dewater And Cured-In-Place Piping (CIPP) Lining On Four 4 To 6 Inch Sewer Laterals.

[Begin Agenda Memo]

SYNOPSIS: Staff requests City Commission approval to expend funds in the amount of \$37,120.00 for dewatering and CIPP lining a section that includes 4 sewer laterals up to 24" in length that are leaking in several areas causing infiltration and/or seepage, utilizing Vortex Services, LLC.

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

1. Approve the expenditure of funds in the amount of \$37,120.00 to Vortex Services, for Dewatering and CIPP installation.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND The City, as part of its collection system, owns, operates, and maintains 121 Miles of 8 to 16 inch Gravity Sewer Line, 75 Miles of 2 to 16 inch Force Mains and 6,190 sewer connections. Due to the age of some of the gravity sewer lines, force mains and sewer laterals they will break over time. It has been determined that it is more feasible to CIPP line the laterals then take the system off line and replace them. Once the laterals are slip lined it will prevent any infiltration of ground water or seepage of sewer, maintaining compliance within the sewer system. The four - 4" to 6" sewer laterals that are on Dr. MLK Jr Blvd were inspected for water intrusion and it was determined by city staff that it was leaking in several areas causing ground water intrusion and sand to accumulate in the pipe, which can lead to excessive wear on motors once the sewer has reached the lift stations. Staff contacted Vortex Services and had them assess the condition and provide pricing for the Dewatering and CIPP lining of 4 sewer laterals on Dr. MLK Jr. Blvd. Staff recommends the commission take the following action; approve expending funds for \$37,120.00 for Dewatering and CIPP lining utilizing pricing from Vortex Services, LLC Piggyback with Hernando County.

OTHER OPTIONS None. Maintenance of these wastewater system components becomes necessary from time to time to maintain the integrity of the system

FISCAL IMPACT The Wastewater Department has placed \$200,000.00 in the FY 2022-23.

[End Agenda Memo]

Sarah Kirkland, Public Works Director, reviewed this item.

8. Water Treatment Plant #1 & #2 (WTP#1 WTP #2) Odyssey Chlorine Skid Replacement

[Begin Agenda memo]

SYNOPSIS: The current chlorination system skid at WTP #1 & WTP #2 are at the end of life and in need of replacement.

STAFF RECOMMENDATION It is recommended that Commission take the following action:

1. Authorize the expenditure of \$77,449.00 to Odyssey Manufacturing for the purchase and installation of the chlorination skids located at WTP #1 and WTP #2.

2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND Due to the corrosive nature of various chemicals involved in the water treatment process, it becomes necessary for these chemical systems to require periodic maintenance and replacement to ensure continued operation. The main chemical used in the disinfection of water is sodium hypochlorite (chlorine). The pumps, tubing and various transmission systems tend to corrode over time due to the nature of the chemical and exposure to the elements. The original equipment slated for replacement was installed in 2008. These system components are beginning to show wear and tear. Odyssey Manufacturing currently is the annual contract holder for the supply of sodium hypochlorite and the original installers of the equipment when the City switched to liquid chlorine in 2008. Staff recommends the Commission take the following action, approve expenditures of \$77,449.00 with Odyssey Manufacturing for the purchase and replacement of the chlorination skids located at WTP#1 and WTP #2, and authorize the City Manager to execute the appropriate documents, on the City's behalf.

OTHER OPTIONS The Commission could choose not to approve the expenditure listed above, in turn putting these repairs off to a later date risking system failure.

FISCAL IMPACT \$200,000 was placed in the FY 2022-2023 Capital Improvement budget line item for Chlorination System Rehab. Funding source for this purchase are utilities operating revenue.

[End Agenda Memo]

Sarah Kirkland, Public Works Director, reviewed this item.

9. Rebuilding American Infrastructure With Sustainability And Equity Grant Application For 2023

[Begin Agenda Memo]

SUBJECT: Rebuilding American Infrastructure with Sustainability and Equity Grant Application for 2023

SYNOPSIS: Lee Hale, Hale Innovations, serves as the city grant consultant and has prepared an extensive grant application to submit to the U.S. Department of Transportation a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Program. This is the new name for TIGER program.

BACKGROUND: This grant application is for the Complete Streets redesign of 1st Street, Central Avenue, and Lincoln Avenue. These projects are part of the adopted "Lake Wales Connected: The Downtown Revitalization Plan". The Grant Application seeks a 100% funding for the total project costs of \$24,075,000.

FISCAL IMPACT There is a cost for the consultant to prepare and submit the grant and attend to any follow up on the application. The city is seeking 100% grant for the funding of the Complete Streets as presented in the RAISE Grant Project Budget document. Other impacts will include project management oversight and ongoing O&M when project is complete.

RECOMMENDATION: Authorize city manager to execute the grant application and authorize the consultant to submit the application and supporting documents through the Grants portal.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

Commissioner Krueger asked if there are strings attached to this grant. Mr. Slaton said the one he is aware of encourages contractors to hire local people on the project.

10. Recreational Trails Program Grant Application – Kiwanis Park Looping Trail

[Begin Agenda memo]

SYNOPSIS: Lee Hale, Hale Innovations, serves as the city grant consultant and has drafted an application to submit for a Recreational Trails Program (RP) grant for Kiwanis Park. City staff and the Parks and Rec Commission have reviewed the draft proposal for submitting a grant application to install a 12-foot wide looping trail along the borders of Kiwanis Park.

BACKGROUND

The Kiwanis Park Trail Loop (Project) will install a 12-foot wide multi-use asphalt trail along 2,400 lineal feet of the east, west, and southern borders of Kiwanis Park. It will provide connectivity between the already established "Lake Wales Trailways Trail" (constructed with previous funding through RTP) and the "Lake Wales Trail" - two Florida Greenways and Trails System designated trails. The Project trail will be ADA accessible and provide access to Kiwanis Park's soccer field, and skate park. It will also install a crosswalk with rectangular rapid flashing beacons (RRFB) where the trail crosses N. Lakeshore Blvd. to connect with the Lake Wales Trail to facilitate safe user crossing. Additionally, 817 lineal feet of chain link fence will be replaced along the southwestern quadrant of Kiwanis Park.

The proposal was discussed at a Park and Rec Committee workshop as there was not a quorum. The consensus of those in attendance was to proceed with the proposal. City staff posted a notice of a public meeting to take input on the proposal. That meeting will be held on Monday, February 27th at 5:30.

FISCAL IMPACT Total cost of the proposed project is estimated at \$355,200. It is expected the city would qualify for an 80/20 grant, which would make the city portion \$71,040 and the Grant award \$284,160.

RECOMMENDATION: Authorize city manager to execute the grant application and submit the application and supporting documents to the Florida DEP, who administers the grant.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

Deputy Mayor Gibson asked to confirm where the proposed trail will go. Mr. Slaton said it will connect the Lake Wailes Trail and Rails to Trails through Kiwanis Park.

11. Purchase Authorization – Electro Mechanic Industries, Inc. DBA Vermana.

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider approving the proposal from Vermana for resurfacing the pool at the Lake Wales Family YMCA.

RECOMMENDATION It is recommended that the City Commission take the following action (s): 1. Approve the award of contract subsequent to RFP 23-523 to Vermana. 2. Authorize the City Manager to execute the contract on behalf of the City.

BACKGROUND The City purchased the Lake Wales Family YMCA in March 2020. City staff was notified in 2022 the Health Department was requiring the pool to be resurfaced. City Commission approved \$200,000 in the FY 22/23 Capital Improvement Program budget for YMCA Rehab. The proposed submitted by Vermana is \$6,230 less than budget appropriations.

City Staff advertised a request for sealed proposals (RFP 23-523) and received two proposals. Each firm was independently-evaluated by City staff against the following criteria:

- Price
- Project Approach
- Qualifications of Proposer
- Previous Projects

Proposals were ranked as follows:

The 1st Ranked Firm is: Electro-Mechanic Industries, Inc. BDA Vermana The 2nd Ranked Firm is: USA Construction

OTHER OPTIONS The City Commission may direct staff to re-advertise the Request for Proposals or select an alternate vendor to perform the upgrades.

FISCAL IMPACT \$200,000 is appropriated in the FY 22/23 budget for capital repair projects at the YMCA, of which \$193,770 would be allocated for the pool resurfacing.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

12. Board Appointment To Code Enforcement Board

[Begin Agenda Memo]

SYNOPSIS: Appointments to fill vacancy on the Code Enforcement Board

RECOMMENDATION Staff recommends that the Mayor and Commission make the following appointments and reappointments as deemed appropriate.

1. Appoint Mark Bennett to the Code Enforcement Board to a new term to expire July 1, 2025.

BACKGROUND Code Enforcement Board (City Code Sec. 2-56) – The board consists of seven (7) members. Whenever possible, membership shall include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor. Members must be residents. (3-year term) 2 alternates can also be appointed.

- 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 alternate seat There is a vacancy on the Code Enforcement Board due to resignation.

Current Members:

Dwight Wilson, resident 07/01/21 – 07/01/24 2

Courtney Schmitt, resident 07/01/21 – 07/01/24, 1

Curtis Gibson, resident 07/01/2022 – 07/01/2025, 1

Ralph E. Marino, resident 07/01/22 – 07/01/2025

Bruce Austell, resident 02/04/2022 – 07/01/2025 P+1

Julia Paul, resident, 02/18/20 – 07/01/23 P

Sara Jones, resident 07/01/21 – 07/01/2024 1

Bueford "Bud" Colburn (alternate) 07/01/22 – 07/01/25 1

Rodney Cannon 07/01/22-7/1/2025

Applying for Appointment: Mark Bennett has applied to serve and staff recommends that he be appointed to serve as an alternate for a term to expire July 1, 2025.

FISCAL IMPACT None. These are volunteer boards

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

13. Appointment Of Alternate Canvassing Board Members

[Begin Agenda Memo]

SYNOPSIS: It is necessary for the Commission to appoint alternate members to serve on the City of Lake Wales Canvassing Board.

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

1. Appoint residents Al Goldstein, Jennifer Anderson-Leeks and Eugene Fultz to serve as alternate members to the Lake Wales Canvassing Board.
2. Designate the City Clerk and/or Deputy City Clerk to represent the Canvassing Board at the Pre-election Logic and Accuracy Testing of Tabulating Equipment (L&A) on Tuesday, March 28, 2023 at 3:30 p.m. The City Clerk is required to attend the L&A Testing but if unavailable it is necessary to authorize a person to attend on behalf of the City Clerk if a Canvassing board member is unavailable to attend the L&A Testing.

BACKGROUND

The City Commission serves as the Canvassing Board and has legal responsibilities related to the conduct of the Municipal Election. However, there are legal rules that apply. No member can serve if they are 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.

There are two seats up for election and one of the Commission members is running in the election so those members do not qualify to serve on the Canvassing Board. Three members are necessary for a quorum. Even with four members it is still necessary for the Commission to appoint alternate members to serve on the Canvassing Board if a lack of a quorum is created on the Canvassing Board due to the legal rules that applies or any other unavoidable cause. In accordance with Sec. 8-26, Lake Wales Code of Ordinances, the City Commission may appoint the city manager, city attorney, or a resident/s to serve as a member to the Canvassing Board in the absence of the Commission member creating the lack of quorum.

Al Goldstein, Eugene Fultz, and Jennifer Anderson Leeks have served as canvassing board members

previously and on other City boards. The City Clerk recommends their appointment.

Per Florida Statute, Canvassing Board members are required to attend the following meetings. Pre-election Logic and Accuracy Testing of Tabulating Equipment (L&A) Tuesday, March 28, 2023; 3:30 p.m. Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880 (behind the Auburndale Speedway).

-At least 1 member of the Canvassing Board or representative must attend the L&A Testing.

Election Night Canvassing of Ballots Tuesday, April 4, 2023, time to be scheduled by SOE (5:00 p.m.) Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880

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

Certification of Election City of Lake Wales Municipal Administration Building Thursday, April 6, 2023; 5:00 p.m.

-A Quorum must be present.

Post-Election Manual Audit Date & Time to be determined – Tuesday April 11, 2023 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.

14. Rescheduling First City Commission Meeting In April

[Begin Agenda memo]

SYNOPSIS: It is necessary for the City Commission to reschedule its first meeting in April due to the April 4, 2023 Municipal Election

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

1. Reschedule the first City Commission meeting in April from 6:00 p.m., Tuesday, April 4, 2023 to 6:00 p.m., Wednesday, April 5, 2023 due to the April 4, 2023 Municipal Election.

BACKGROUND Pursuant to authority provided by F.S. § 100.3605, the City adopted the first Tuesday in April as the date for all regular city elections to fill the office of city commissioner. The City's election this year is on Tuesday, April 4, 2023, which is the same day as the first regular scheduled Commission meeting in April. It is necessary for the Commission to reschedule its first Commission meeting in April from 6:00 p.m., Tuesday, April 4, 2023 to 6:00 p.m., Wednesday, April 5, 2023.

OTHER OPTIONS The Commission could choose another date.

[End Agenda memo]

Jennifer Nanek, City Clerk, reviewed this item.

15. CITY COMMISSION AND MAYOR COMMENTS

Deputy Mayor Gibson said he agreed with comments at the previous meeting saying the decision about the ADS plant should come to the Commission and not go to staff. Can it come to the commission? Albert

Galloway Jr., City Attorney, said it won't whether its a permitted use or special exception use. James Slaton, City Manager, said this discussion will come back. Mayor Hilligoss said the issue in Ordinance 2023-11 is just correcting error. Mr. Galloway confirmed this. Deputy Mayor Gibson asked if this process can be changed. He said we need to be clear with the public on why the issue won't come before the commission. This was discussed.

16. ADJOURN

The meeting was adjourned at 3:53 p.m.

Mayor

ATTEST;

City Clerk