

City Commission Minutes
March 3, 2020
(APPROVED)

3/3/2020 - Minutes

1. INVOCATION

Dr. Jim Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

4. ROLL CALL

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

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

5. COMMUNICATIONS AND PETITIONS

Christopher Lutton, resident, spoke regarding raising caps on the pension funds. He recommended reviewing past records on why caps were put in place. this was done to protect he accounts.

Greg Massey, resident, requested revisiting zoning laws in Chapter 23 to alleviate Lincoln Avenue to let something happen there. He would like to have businesses with alcohol there such as a bar. A blind eye is turned to the northwest area.

Dan Frodge, lives on Alturas Road, spoke in opposition to Gay Pride Week. It is a transgression of God's law.

Reverend Joe Kennedy, pastors a church in Golfview Park, spoke against alcohol in the City. He read a petition against alcohol at City events. He shared statistics about alcohol use in our country. The City should not sponsor events with alcohol as it destroys lives.

Pedro Vogel shared some of his past struggles with alcohol and drugs. He has been clean 22 years. He is new to the area. He might be locked up had he not changed his ways. He engaged in criminal activity for a time to support his habits.

Virgil Ullom, non resident, spoke against alcohol. He shared destructive effects of alcohol.

Pete Perez, resident, said he is concerned about keeping up with growth as far as having enough first responders.

6. OLD BUSINESS

7. NEW BUSINESS

7.I. 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 7, 2020 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 7, 2020 to 6:00 p.m., Wednesday, April 8, 2020 due to the April 7, 2020 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 7, 2020, 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 7, 2020 to 6:00 p.m., Wednesday, April 8, 2020.

OTHER OPTIONS

The Commission could choose another date.

FISCAL IMPACT

There is no fiscal Impact.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

Commissioner Howell made a motion to change the April 7th meeting date to April 8th. Commissioner Curtis Gibson seconded the motion.

by Voice Vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

7.II. Resolution 2020-05 - C Street Lift Station 16 Sewer Replacement Fiscal Sustainability Plan

[Begin Agenda Memo]

SYNOPSIS: Staff is recommending that the City Commission adopt Resolution 2020-05 C Street Lift Station Sewer Replacement Fiscal Sustainability Plan

STAFF RECOMMENDATION

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

1. Adopt Resolution 2020-05 Adopting the C Street Lift Station 16 Sewer Replacement Fiscal Sustainability Plan.

BACKGROUND

The C Street Lift Station 16 Sewer Replacement Fiscal Sustainability Plan has been prepared as a result of the City of Lake Wales using State Revolving Funds provided by the Florida Department of Environmental Protection to complete the replacement of gravity sewer mains, manholes, and all associated appurtenances for the above referenced project area. Modifications to the Clean Water Act enacted in 2014 (section 603 (d)(1)(E)) now requires the recipient of a loan for a project that involves the repair, replacement, or expansion of a publicly owned treatment works to develop and implement a Fiscal Sustainability Plan. Certification that the requirement has been met is required prior to the loan closing and administrative close out of the project. All construction has been completed for this project and the final disbursement request has been made. An official resolution for adoption is required as the final step in preparation of the final close out of the project. If an official resolution is not made, there

will be a delay in the final disbursement, the finalizing of the contract, and the administrative close out. Staff recommends the Commission take the following action; adopt Resolution 2020-05.

OTHER OPTION

None. The adoption of the Fiscal Sustainability Plan by resolution is a requirement set forth in the State Revolving Loan contract documents.

FISCAL IMPACT

None.

[End Agenda memo]

Jennifer Nanek, City Clerk, read **Resolution 2020-05** by title only

RESOLUTION 2020-05

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES APPROVING AND ADOPTING THE FISCAL SUSTAINABILITY PLAN FOR THE C STREET LIFT STATION 16 SEWER REPLACEMENT PHASE 3

Sarah Kirkland, Utilities Director, reviewed this item.

Commissioner Howell made a motion to adopt **RESOLUTION 2020-05**. Deputy Mayor Robin Gibson seconded the motion.

By Roll Call vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

7.III. Ordinance 2020-05, Amendments To Purchasing Ordinance 2019-07, Chapter 2, Administration – 1st Reading

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider approving the proposed amendments to the current Purchasing Ordinance.

RECOMMENDATION

It is recommended that the City Commission approve Ordinance 2020-05 after first reading.

BACKGROUND

Ordinance 2020-05 amends our current Purchasing Ordinance, 2019-07. The proposed amendments update language in the City's existing ordinance through:

1. Exempting the procurement of goods and services from competitive bid requirements through competitively bid cooperative purchasing agreements. Cooperative purchasing agreements allow agencies to capitalize on cost savings through economies of scale; both locally and nationally.

These agreements also allow government agencies to obtain goods and services through vendors previously vetted through the competitive bidding process; effectively saving time and money while expediting the procurement process.

2. Increasing the simple acquisition threshold from \$500 to \$1000. As per purchasing ordinance, simple acquisitions are exempt from informal competitive bidding and require department head approval. Staff conducted a survey of simple acquisition thresholds throughout our neighboring agencies and the results were:

- City of Bartow: not to exceed \$499.99
- City of Lakeland: not to exceed \$1,500
- City of Winter Haven: not to exceed \$4999.99
- City of Haines City: not to exceed \$5,000
- City of Auburndale: not to exceed \$1,000

Based on the data, staff is confident that raising the simplified acquisition threshold from \$500 to \$1000 is in line with the average threshold of our neighboring agencies. The amendment would also increase efficiency in workflow, acquisition and overall productivity for our City's departments.

3. Amending the threshold language pertaining to procurement of professional services through the "Consultants' Competitive Negotiation Act" (CCNA) so that City ordinance will match thresholds stipulated by state statute.

OTHER OPTIONS

The City Commission may choose not to adopt Ordinance 2020-05.

FISCAL IMPACT

No fiscal impact is associated with adoption of Ordinance 2020-05.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-05** by title only.

ORDINANCE 2020-05

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES, AMENDING RULES AND PROCEDURES FOR THE PROCUREMENT OF COMMODITIES OR CONTRACTUAL SERVICES UTILIZING COOPERATIVE PURCHASING CONTRACTS; ESTABLISHING AN INCREASED SIMPLE ACQUISITION THRESHOLD FOR PURCHASES NOT EXCEEDING THE THRESHOLD AMOUNT FOR CATEGORY TWO; REVISING THE LANGUAGE REGARDING THE PROCUREMENT OF PROFESSIONAL SERVICES TO COMPLY WITH THE APPLICABLE PROVISIONS OF FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE.

Drew Buckner, Support Services Manager, reviewed this item.

Commissioner Curtis Gibson asked about the \$1000 purchase level. Who oversees this? Mr. Buckner said we will still issue Purchase Orders and Mr. Fields will approve them. Mr. Fields confirmed that he will still be approving purchase orders. Commissioner Goldstein asked if this makes the process more efficient. Mr. Buckner says it does as Department Heads will not have to get quotes for purchases over \$500.

Deputy Mayor Robin Gibson asked about the continuing contracts with multiple phases. Is this the same issue as the Continuing Contract with SEMCO? Deputy Mayor Robin Gibson reviewed the issue of continuing contracts that was a concern a few months back. James Slaton said they decided to bid everything out over \$35,000. It may be less efficient but the delay is fine if the Commission and citizens are more comfortable with it. Deputy Mayor Robin Gibson said this issue was supposed to come back and it hasn't. He is in favor of improved efficiency. Mr. Slaton said we have not had projects that costly lately. They are considering a Construction Manager at-risk for those so we have a third party to help sort through those. Deputy Mayor Robin Gibson asked if that was better. Mr. Slaton said no but it will be helpful and will increase transparency. Mr. Fields said it may cost more as far as staff time. This way is not as efficient but more transparent to our citizens. Mr. Slaton said this Ordinance is referring to professional contracts which has to be bid in a certain way. Mr. Fields said these professionals, CCNA, refer to architects and engineers. This allows for one engineer through a multi-phase project such as the C Street project. Mr. Slaton said the fixed price in our Ordinance hasn't been updated. Deputy Mayor Robin Gibson asked what the fixed amounts are currently. Mr. Buckner said for single projects its \$325,000 for construction, \$35,000 for planning. For continuing contracts currently it is \$1,000,000 for construction and \$65,000 for study activity. Mr. Slaton said we want to remove the dollar amounts and tie our ordinance to the state so it changes when the state's do. Deputy Mayor Robin Gibson said he would have liked to follow the original plan where they determine what was the best way to do contracts.

Commissioner Goldstein said he was confused. he is more for efficiency than staff doing more work. Mr. Buckner said this Ordinance refers to RFQs for CCNA and is not related to the bidding for construction. Mr. Fields said these were two different issues that are being discussed.

Commissioner Howell made a motion to approve **ORDINANCE 2020-05** after first reading.
Commissioner Curtis Gibson seconded the motion.

By Roll Call vote

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

7.IV. Ordinance 2020-09: Updating The Current Fats, Oils, And Grease (FOG) Ordinance

[Begin Agenda Memo]

STAFF RECOMMENDATION

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

1. Approve Ordinance 2020-09, Updating the City's Fats, Oils, and Grease Ordinance section 21-52 in the City's Code of Ordinances.

BACKGROUND

In 2013, the City Commission approved the first FOG ordinance to be established by the Utilities Department. It becomes necessary from time to time to review and update these ordinances which sets the guidelines and procedures for ensuring the city is adhering to the current state and federal regulations. These changes allow for new technical updates and allows staff to make adjustments as necessary. New requirements by regulatory agencies have a strong influence as to how often changes are required.

The changes being to Section 21-52 at this time are represented by highlighting and strike through. The highlighted areas represent content that is being added on the Section 21-52 and the strike through is representative of what is being deleted. The summation of changes being made at this time is to allow for the smaller waste generators, to have the ability to pump their grease traps themselves, with the provision that the grease trap be completely pumped at least once a year by a licensed special waste hauler. The smaller waste generators will still have their schedule pumping determined by the FOG Administrator.

Nothing would change in determining the frequency, they now would have the option to pump it themselves if they meet the standard to fall under that scheduling. Staff recommends the Commission take the following action; approve Ordinance 2020-09, updating section 21-52: Fats, Oils and Grease, an ordinance of the City of Lake Wales, Polk County, Florida amending Lake Wales Code of Ordinances Chapter 21 Utilities, amending the Fats, Oils, and Grease Ordinance ; providing for an effective date.

OTHER OPTION

Choose not to approve these updates to the FOG program, thus not allowing for the FOG Administrator to allow for smaller waste generators to have the option of pumping their own grease traps if they are under a certain size.

FISCAL IMPACT

None. These changes set out what is required of the FOG hauler and procedures for turning in documentation.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-09** by title only.

ORDINANCE 2020-09

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 21 UTILITIES, AMENDING THE FAT'S, OIL'S AND GREASE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Sarah Kirkland, Utilities Director, reviewed this item. Mr. Fields said this allows us to work with smaller downtown restaurants.

Commissioner Howell made a motion to approve **ORDINANCE 2020-09** 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 Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

8. Appointments - 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 resident Pete Perez to serve as an additional member of the Canvassing Board.
2. Appoint residents Jacque Hawkins and Christopher Lutton to serve as alternate members to the Lake Wales Canvassing Board.
3. Designate the City Clerk and/or Deputy City Clerk to represent the Canvassing Board at the Preelection Logic and Accuracy Testing of Tabulating Equipment (L&A) on Tuesday, March 31, 2020 at 4:00 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 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.

There are two seats up for election and two of the Commission members are incumbents in the election so those members do not qualify to serve on the Canvassing Board. One Commissioner has excused himself for scheduling reasons. Three members are necessary for a quorum. Even with three 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.

Jacquie Hawkins, Christopher Lutton and Pete Perez have served on the Canvassing Board in the past and have volunteered to serve again this year. 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 31, 2020; 4:00 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 7, 2020, 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 9, 2020; 5:30 p.m.

-A Quorum must be present.

Post-Election Manual Audit
Date & Time to be determined – April 13, 2020 through April 15, 2020
(Maybe Monday the 13th at 5pm?)
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.

Commissioner Howell made a motion to approve the recommendations for the canvassing board.
Commissioner Goldstein seconded the motion.

by voice vote:

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, said there was no threatened or pending litigation that he was aware of.

10. CITY MANAGER

Kenneth Fields, City Manager, reviewed steps staff is taking concerning the growing threat of the Coronavirus and monitoring the situation.

Mr. Fields said that there are more construction activities taking place requiring more staff time so they are stretching thin but they continue to be as responsive as possible.

10.I. Tracking Report

10.II. Social Media Tracking Report

10.III. Commission Meeting Calendar

10.IV. Other Meetings And Events

11. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson discussed his dual role as a Commissioner and as attorney for the Charter Schools. He has consulted with the State Ethics committee. Because the City will now be doing business with the Charter Schools he has to resign from one or the other. He discussed the difficulty of this choice. He has resigned his position of general counsel for the Charter Schools. This resignation is effective March 15.

Commissioner Howell asked about the status of lights in Lake Wales. Zaillet Suri, Deputy City Clerk, reviewed some of the steps taken thus far including new LED bulbs on the Lake Wales Trail and other areas. She is working with a VOICE member on a list and with Duke Energy to get more lights.

Commissioner Howell asked about the pink signs in a neighborhood. Does that mean a house is about to be demolished? Who makes that decision? Mr. Fields said that is up to the Code Board. Commissioner Howell said there are some buildings and neighborhoods that don't have pink signs and others do. Mr. Fields said the Estes building was in court. Mr. Galloway said the Code Board gave the owner more time. Mr. Fields said that some buildings may be unsafe but not ready for demolition. Commissioner Howell asked if other buildings won't be demolished until that one is. Mr. Galloway explained that different parcels are on their own track. Mr. Fields said the Code board decides on different buildings. Commissioner Howell said there are pink signs in some areas and not in others. Mr. Fields said he would get more information on the Code Enforcement process to the Commission and a map of where code issues are. Commissioner Goldstein said that the Estes building needs to come down. A magistrate might be a better option for code enforcement actions.

Commissioner Curtis Gibson said he is glad the City is growing. He heard that a Planet Fitness is going into the old Toys are Us Building. Mr. Fields confirmed this.

Commissioner Goldstein said he is excited about growing. We need to think about our services and think like a big city. He is concerned about Emergency Vehicles in Lake Ashton. Does the CDD have authority to make streets have one side street parking or is that City Commission. Mr. Galloway said he has to look into it but he believes that is a CDD issue.

Commissioner Goldstein asked about the possibility of a light at the Lake Ashton entrance. Mr. Fields said that's a county road and a county decision. The county was not aware of upcoming development and are moving up the expansion of Thompson Nursery Road. They are looking at ways to improve this process and

ease traffic at the intersection of 27 and Thompson-Nursery Rd. Mr. Fields said they will bring up the request for a light to county officials. The county needs to put some transportation impact fees in our area.

12. MAYOR COMMENTS

The Mayor announced that the State of the City address is Monday at 11:30 a.m. at Vanguard School.

13. ADJOURNMENT

The meeting was adjourned at 7:20 p.m.

Mayor/Deputy Mayor

ATTEST:

City Clerk