

City Commission Meeting Minutes

April 6, 2022

(APPROVED)

4/6/2022 - Minutes

1. INVOCATION

Rob Quam gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

4. ROLL CALL

Commission Members Present: Terrye Howell, Jack Hilligoss, Deputy Mayor Robin Gibson, Daniel Williams, Mayor Eugene Fultz

Commission Members Absent:

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Water Conservation Month

Mayor Fultz proclaimed April as Water Conservation Month. The proclamation was presented to Nancy Hernandez, Utilities Support Manager.

6. COMMENTS AND PETITIONS

Al Goldstein, resident, thanked the City for coming out to vote yesterday. Our City is growing and we got good people elected.

Nancy Gossard, resident, asked questions and made suggestions on water conservation. Recommended conservation measures for new construction and providing rain barrels. The City should truly focus on conservation.

7. CITY CLERK

7.I. Report Of Election Results

Jennifer Nanek, City Clerk, reviewed the Election Results from the April 5, 2022 election.

[Begin Election Results]

TOTAL VOTES	%	VBM	ED
PRECINCTS COUNTED (OF 2)	2	100.00	
REGISTERED VOTERS · TOTAL	9.827		
BALLOTS CAST · TOTAL	2.587	1.481	1.106
BALLOTS CAST · BLANK	0	0	0
VOTER TURNOUT · TOTAL	26.33		
VOTER TURNOUT · BLANK			

Lake Wales Mayor Seat 1. At-Large

(VOTE FOR) 1

	TOTAL VOTES	%	VBM	ED
Curtis Gibson	621	24.13	382	239
Jack Hilligoss	1,126	43.75	533	593
Tammy James	827	32.13	559	268

Lake Wales City Commissioner Seat 4, District 27

(VOTE FOR) 1

Daniel Krueger	1.314	51.88	690	624
James Loydd	1.219	48.12	760	459

[End Election Results]

Ms. Nanek reminded Jack Hilligoss and Danny Krueger they are now under the sunshine law.

Mayor Fultz congratulated the winners.

7.II. Board Appointments - Recreation Commission

[Begin Agenda Memo]

SYNOPSIS: Appointment to fill a vacancy on the Recreation Commission

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

1. Appoint Keri Hunt to the Recreation Commission to a term to expire July 1, 2024.

BACKGROUND

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).

Recreation Commission (City Code Sec. 2-161) – The Recreation Commission consists of thirteen (13) members from Community Organizations providing a recreation program for the Community and three citizen members representing the citizens at large. A Quorum shall consist of 6 members (3-year term)

- There is no interview 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: 2 Citizen Vacancies

Current Meeting Schedule is the third Mondays of the month at 12:00 p.m. noon in the City Manager's Conference Room.

Current Members: **Keri Hunt, Citizen, 07/01/2017-07/01/2020, 3**

Jim Reddick, Citizen, 05/07/2019 – 7/1/2021, P

Laura Donaldson, Citizen 07/01/2021-07/01/2024, P+1

Curtis Reddick, Lake Wales Boys and Girls Club

Scott Blackburn, Lake Wales Little League

Burney Hayes, Lake Wales PAL

Patty McKeeman, Lake Wales Pram Fleet

Kara Wiseman, Lake Wales Public Library

Robbie Shields, Lake Wales Soccer Club

Jeanne Ward, Lake Wales Steelers

Eileen Farchmin, Webber International University

Vacant – Tennis

Vacant – Lake Wales YMCA

Vacant - Polk County School Board

Vacant – Lake Wales Charter Schools

Applying for Appointment: **Keri Hunt for a term to expire July 1, 2024.**

The Recreation Commission at its last meeting recommended her appointment although a quorum was not present.

OPTIONS Do not appoint those that have applied.

FISCAL IMPACT None. These are volunteer boards.

[End Agenda Memo]

Mayor Fultz appointed Keri Hunt to the Recreation Commission for a term to expire July 1, 2024.

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

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Hilligoss "YES"

Mayor Fultz "YES"

motion approved 5-0.

8. CONSENT AGENDA

Deputy Mayor Gibson made a motion to approve the Consent Agenda. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Hilligoss "YES"

Mayor Fultz "YES"

Motion passed 5-0.

8.I. Minutes - December 10, 2021, March 1, 9, 15, 2022

8.II. Special Event Application - Leashes For Change October 1, 2022

[Begin Agenda Memo]

SYNOPSIS: Approval of this Special Event Application will allow the Oscars Cause organization to sponsor a Leashes for Change Community Pet and Music Fest on October 1, 2022

RECOMMENDATION Staff recommends that the City Commission consider taking the following action:

1. Approve the Special Event Permit Application for the Leashes for Change event on Saturday October 1, 2022 from 6:30 a.m. – 6:00 p.m.
2. Approve the request to allow alcohol within designated boundaries during the event.

BACKGROUND The Oscars Cause Organization has applied to host a festival type of event in Lake Wailes Park on October 1, 2022. The event will include alcohol.

OTHER OPTIONS Do not approve the event

FISCAL IMPACT No In-kind services were budgeted for this event. Costs will be paid at 100% by Oscars Cause.

[end Agenda memo]

8.III. Olmsted Day In The Park – Lake Wales Heritage Inc Special Event Permit Application

[begin Agenda memo]

SYNOPSIS:

Approval of this Special Event Application will allow the Lake Wales Heritage organization to sponsor an Olmsted Day at the Park on April 30, 2022

RECOMMENDATION Staff recommends that the City Commission consider taking the following action:

1. Approve the Special Event Permit Application for the Olmsted Day at the Park event on Saturday April 30, 2022 from 9:00 a.m. – 7:00 p.m.
2. Approve the request to allow alcohol within designated boundaries during the event.

BACKGROUND The Lake Wales Heritage Inc. has applied to host a festival type of event in Lake Wailes Park on April 30, 2022. The event will include alcohol.

OTHER OPTIONS Do not approve the event

FISCAL IMPACT In-kind services were budgeted for this event. Costs will be paid at 25% by Lake Wales Heritage Inc.

[End Agenda Memo]

8.IV. Award Of Bid #22-501 Force Main Extension With Septic To Sewer Conversion

[Begin Agenda Memo]

SYNOPSIS:

Award of Bid #22-501 to Cobb Site Development in the amount of \$2,933,232.94 for the construction of the forcemain extension with a septic to sewer conversion component.

RECOMMENDATION

It is recommended that Commission take the following action:

1. Approve the award of bid #22-501 to Cobb Site Development for construction services for the installation of the forcemain extension with a septic to sewer conversion component for

\$2,933,232.94.

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

BACKGROUND

The City of Lake Wales authorized Kimley-Horn and Associates, Inc. to prepare construction plans and specifications to extend a force main, design a new pump station and bring sanitary sewer to an unsewered area within the City limits of Lake Wales. The project went out to bid on January 11, 2022, with a bid open date of February 15, 2022. There were four responsive bidders, with Cobb Site Development presenting with the lowest responsive bid. Kimley Horn and Associates made contact with the contractor's references and is recommending Cobb Site Development for the award of bid.

Staff recommends the Commission take the following action, approve entering into a contract with Cobb Site Development for \$2,933,232.94 to perform the construction installation and to authorize the City Manager to execute the appropriate documents, on the City's behalf.

OTHER OPTIONS

The Commission could chooses not to approve the contract listed above, in turn putting the septic to sewer conversion off to a later time and delay further expansion of the City's sewer system.

FISCAL IMPACT

The project was placed on the State Revolving Loan Fund (SRF) February 2022 funding list for funding. Once staff has received the final contract from SRF, it will be brought back before the commission for approval.

[End Agenda Memo]

8.V. Award Of Bid #22-503 Northwest Water Main Extension

[Begin Agenda Memo]

SYNOPSIS:

Award of Bid #22-503 to MG Underground in the amount of \$2,188,072.00 for the construction of the water main extension and approve construction phase services to be performed by CHA for \$54,079.00.

RECOMMENDATION It is recommended that Commission take the following action:

1. Approve the award of bid #22-503 to MG Underground for construction services for the installation of the northwest water main extension for \$2,188,072.00.
2. Approve construction phase services to be performed by CHA for \$54,079.00 for bid #22-503.
3. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

The City of Lake Wales authorized CHA Engineering to prepare construction plans and specifications to extend a larger water main to the Northwest section of town. The project will consist of the installation of approximately 5,450 LF of 12" C900 PVC Water Main between East Sessoms Avenue and the intersection of Washington Avenue and E street areas. The water main will be parallel to N 1st Street,

Dr. JA Wiltshire, B Street and Washington Avenue. The purposes of this water main extension is to replace existing water main that has reached the end of its useful service life and to improve fire flow capabilities in the area.

The project was sent out to bid on January 25, 2022, with a bid open date of February 28, 2022. There were four responsive bidders, with MG Underground presenting with the lowest responsive bid. CHA made contact with the contractor's references and is recommending MG Underground for the award of bid. Staff recommends the Commission take the following action, approve entering into a contract with MG Underground for \$2,188,072.00 to perform the construction installation, approve the agreement for construction phase services, to be performed by CHA Engineering, and to 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, in turn putting the northwest water main extension project off to a later date and delaying the improvement to the water system.

FISCAL IMPACT The project was placed on the State Revolving Loan Fund (SRF) February 2022 funding list for funding. Once staff has received the final contract from SRF, it will be brought back before the commission for approval.

[End Agenda Memo]

8.VI. Pilot Services Agreement – Kayaks And Paddleboards

[Begin Agenda memo]

SYNOPSIS: The City Commission will consider approving the Pilot Services Agreement with Rent.Fun for Kayaks and Paddleboard Rentals.

RECOMMENDATION It is recommended that the City Commission take the following action(s): 1. Approving the Pilot Services Agreement with Rent.Fun. 2. Authorize the City Manager to execute the agreement on behalf of the City.

BACKGROUND

City Staff is continuously looking for opportunities to bring additional recreational activities to the community.

Rent.Fun is a company that provides self-service equipment rentals that activates communities and open spaces. This agreement is for the installation of an eight (8)-unit locker system that will have six (6) sit on top kayaks and two (2) stand-up paddleboards, with associated paddles and life jackets. Rent.Fun will provide maintenance personnel who will visit the site to perform general maintenance and cleaning of all equipment. Rent.Fun will be responsible for all minor maintenance issues that are a result of normal wear and tear resulting from rentals of the equipment - which includes cleaning and repair of all watercraft, paddles, and safety equipment; replacing missing equipment; adjusting locker doors, locks, and door hinges to achieve alignment. In the event a safety or maintenance issue is discovered on any equipment available for rent, the equipment will be made unavailable to users and be removed or repaired before it is put back into service. The proposed site for this locker system is at the boat ramp on Lake Wailes Lake.

OTHER OPTIONS The City Commission may choose not to enter into this agreement.

FISCAL IMPACT The Activation Fee for this system is \$15,000. The City shall receive 80% of the gross rental revenue received from watercraft rentals until the City recoups the Activation in full. After the City recoups the Activation Fee, the City shall receive 20% of program revenue for the duration of

the contract.

[End Agenda Memo]

8.VII. 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

1. Authorize the City Manager to execute a piggyback agreement with Asphalt Paving Systems, Inc. on behalf of the City.
2. Authorize the expenditure of \$257,311.20.

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 (\$20,000.00) require City Commission Approval. The proposal submitted by Asphalt Paving Systems, Inc. is based on a competitively bid contract with the Sumter 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. Asphalt Paving Systems, Inc. provides pavement preservation and resurfacing services for the Sumter County BOCC and in 2019 the City Commission approved an agreement with Asphalt Paving Systems, Inc. to begin the pavement management program for streets in the City's road network. This agreement and expenditure continues the pavement management program for streets in the City's network.

OTHER OPTIONS The City Commission may direct staff to solicit sealed proposals for pavement preservation in lieu of utilizing the agreement with Asphalt Paving Systems, Inc.

FISCAL IMPACT Funds are available for this service in the adopted FY 21/22 budget

[End Agenda Memo]

8.VIII. Watershed Management Structure Survey

[Begin Agenda Memo]

SYNOPSIS: Kimley Horne and Associates is preparing a Watershed Management Plan that will address problematic areas of flooding and water quality. As a part of this plan, approximately 100 structures have been identified for which survey information is needed. Staff recommends the Commission approve expending funds to Cypress Land Surveys for \$28,750.00

RECOMMENDATION It is recommended that Commission take the following action: 1. Approve expending funds for survey services with Cypress Land Surveys in the amount of \$28,750.00 2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

The City currently operates Stormwater management facilities and programs within the incorporated

city limits. To address flood protection for the city's residents, the City seeks to identify and address critical issues through the creation and implementation of a Watershed Management Plan.

A thorough Watershed Management Plan identifies water quality problems in a designated watershed, proposes solutions, and creates a strategy for putting those solutions in action. Watershed Management Plans take a long-term, comprehensive approach, which has proven to be successful in a number of watersheds. In order to formulate an effective watershed plan, information like invert elevation and direction of flow is needed, therefore requiring approximately 100 stormwater structures to be surveyed.

Staff recommends the Commission take the following action, approve expending funds to Cypress Land Surveys for \$28,750.00 to perform surveying according to the scope of services provided and authorize the City Manager to execute the appropriate documents, on the City's behalf.

OTHER OPTIONS The Commission could chooses not to approve the contract and to expended funds, which would result in incomplete information and would produce an incomplete watershed management plan.

FISCAL IMPACT \$58,000.00 has been placed in the 2021-2022 Stormwater Contract Services other budget line item for this expense.

[End Agenda Memo]

8.IX. Wastewater Manhole Rehabilitation

[Begin Agenda Memo]

SYNOPSIS:

Staff recommends the City Commission approve expending funds to Engineered Sprayed Solutions, LLC for \$74,744.00 to epoxy coat fifteen manholes using the polyurethane coating method.

STAFF RECOMMENDATION It is recommended that the City Commission consider taking the following action: 1. Approve Engineered Sprayed Solutions, LLC to complete manhole rehabilitation on fifteen manholes using the polyurethane coating method for \$74,744.00.

BACKGROUND The City, as part of its collection system, owns, operates, and maintains 121 Miles of 8 to 16 inch Gravity Sewer Line and 75 Miles of 2 to 16 inch Force Mains. The collection system is connected by a series of manholes which aid in the transportation of the collected waste to the wastewater treatment plant for processing. Due to the corrosive nature of raw sewage gases, it becomes necessary to perform periodic maintenance on these manholes to ensure they continue to function as intended. On July 7, 2020, the Commission approved piggybacking Sarasota's contract with Engineered Sprayed Solutions, LLC for manhole and structure rehabilitation. Engineered Sprayed Solutions, LLC will spray coat fifteen manholes with epoxy. Staff recommends the commission authorize the expenditure of funds for \$74,744.00 to rehabilitate fifteen manholes with epoxy coating by the polyurethane coating method.

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 \$75,000.00 for manhole rehabilitation in the M&R Manholes FY 21'-22' annual budget for this maintenance item.

[End Agenda Memo]

8.X. Wastewater Lift Station Rehabilitation: Stations 1, 6, & 24

[Begin Agenda Memo]

SYNOPSIS: Staff recommends the City Commission approve expenditures for \$89,995.00 to Engineered Sprayed Solutions, LLC for the rehabilitation of 3 lift stations.

STAFF RECOMMENDATION It is recommended that the City Commission consider taking the following action: 1. Approve the expenditure of funds for \$89,995.00 to Engineered Sprayed Solutions, LLC for rehabilitation of lift stations 1, 6, & 24.

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, hundreds of manholes, and approximately 40 lift stations. The collection system is connected by a series of manholes, which aid in the transportation of the collected waste to the wastewater treatment plant for processing. When gravity flow is not an option, it becomes necessary to have lift stations in the system to help facilitate the flow to the wastewater treatment plant for processing.

On July 7, 2020, the Commission approved piggybacking Sarasota's contract with Engineered Sprayed Solutions, LLC for manhole and structure rehabilitation. Engineered Sprayed Solutions, LLC will rehabilitate three stations, lift stations 1, 6, and 24. Lift station 1 is one of the city's largest lift stations and one of the main stations that sends waste to the treatment plant. Staff recommends the commission authorize the expenditure of funds for \$89,995.00 to complete the rehabilitation of the three lift stations referenced.

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 Division has placed \$250,000.00 in the FY 21'-22' Capital Improvements budget for lift station rehabilitation.

[End Agenda Memo]

9. OLD BUSINESS

9.I. ORDINANCE 2022-08 2nd Reading And Public Hearing, Establishment Of A Tree Advisory Board

[Begin Agenda Memo]

SYNOPSIS: The Lake Wales City Commission will consider adopting Ordinance 2022-08 after 2nd Reading and Public Hearing, creating the Lake Wales Tree Advisory Board.

RECOMMENDATION It is recommended the City Commission take the following action(s): 1. Adopt Ordinance 2022-08 after second reading and public hearing

BACKGROUND It is the City's goal to become an officially recognized "Tree City" by the Arbor Day Foundation. To qualify for this designation, the City is required to have a tree board or department. The Lake Wales Tree Advisory Board will meet quarterly and provide analysis & recommendations to the City's Horticulturist. Responsibilities include providing analysis & recommendations for the following:

- a. Inventory of trees on city maintained property
- b. Development and maintenance of a written plan for the care, preservation, pruning, planting, replanting, removal of trees in parks, in city ROW and other public areas.
- c. Promote awareness of the city's tree canopy and develop educational programs to communicate the benefits of trees

- d. The beautification of the City through maintenance of the city's trees
- e. Aide the City in its goal to achieve membership in organizations such as Tree City USA, and America in Bloom
- f. Aide the City in pursuit of relevant grant opportunities
- g. Advise city Horticulturist on matters concerning trees and related resources
- h. Keep abreast of current trends in urban forestry through appropriate training and development

OTHER OPTIONS The City Commission may direct staff not to move forward with Ordinance 2022-08.

FISCAL IMPACT Significant fiscal impact is not anticipated. Minor expenses related to Tree Advisory Board members may be incurred.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-08** by title only.

ORDINANCE 2022-08 AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, CREATING THE "LAKE WALES TREE ADVISORY BOARD" ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2022-08** after 2nd reading and public hearing. Deputy Mayor Gibson seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Hilligoss "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion approved 5-0.

- 9.II. ORDINANCE 2022-07 Annexation – 2nd Reading And Public Hearing 15.98 Acres Of Land North Of State Road 60 East And East Of Evergreen Drive

[Begin Agenda Memo]

SYNOPSIS:

Ordinance 2022-07 proposes the voluntary annexation of approximately 15.98 acres of land located north of State Road 60 East and east of Evergreen Drive, and contiguous to the incorporated City limits.

RECOMMENDATION Staff recommends adoption after second reading of Ordinance 2022-07, following a public hearing. Public Hearing notice requirements have been met. Commission approved Ordinance 2022-04 at first reading on March 15, 2022. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

BACKGROUND Trinity Baptist Church of Lake Wales Inc, owner, petitioned annexation into the corporate city limits of Lake Wales on January 11, 2022. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its southern boundary.

OTHER OPTIONS Decline to annex the property.

FISCAL IMPACT The approval of the annexation would allow the applicant to sell a portion of their property for potential development in the city limits. The entire property is currently valued at \$2,455,040, which would bring in additional property taxes upon subdivision of the lot which will add to the City's tax roll.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-07** by title only.

ORDINANCE 2022-07 (Annexation – 15.98 acres of land north of State Road 60 East and east of Evergreen Drive) Parcel ID: 283005-000000-044020 AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 15.98 ACRES OF LAND, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2022-07** after 2nd reading and public hearing. Deputy Mayor Gibson seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion approved 5-0.

9.III. ORDINANCE D2022-05 2nd Reading And Public Hearing - Future Land Use For 29.94 Acres Of Land South Of Old Scenic Highway And East Of Scenic Highway North

[Begin Agenda Memo]

SYNOPSIS: Story Family Limited Partnership, LLC., owner, requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on the above-mentioned parcel of land totaling approximately 29.94 acres.

RECOMMENDATION Adoption at second reading, following a public hearing to reassign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on February 22, 2022: Current Land Use: Polk County A/RR Proposed Land Use: MDR At first reading, City Commission approved the request to reassign land use at a regular meeting on March 15, 2022.

BACKGROUND The subject property is located south of Old Scenic Highway and east of Scenic Highway North. This parcel is south of Mountain Lake Estates and east of Al's Place.

The property owner petitioned annexation into the corporate city limits of Lake Wales on November 22, 2021 and was officially annexed on February 1, 2022. The Planning and Zoning Board had recommended approval of reassigning the land use designation at a regular meeting on February 22, 2022. The request to reassign land use was approved at first reading by City Commission at a regular meeting on March 15, 2022.

This parcel will become part of a residential development; however, development plans have not yet been submitted to the City. Plans would need to be presented to the Planning & Zoning Board for recommendation of approval to City Commission for a Planned Development Project.

A Land Use designation of MDR is compatible with the surrounding area and serves as a transitional land use from commercial to residential.

CODE REFERENCES AND REVIEW CRITERIA The City Commission assigns future Land Use designations by ordinances upon a recommendation from the Planning & Zoning Board. The adopted ordinance is transmitted to the state's Department of Economic Opportunity (DEO) for review. The DEO reviews the designations as appropriate with reference to the City's Comprehensive Plan.

FISCAL IMPACT Re-assignment would enable the redevelopment of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-05** by title only.

ORDINANCE D2022-05

(Small-Scale CPA/Future Land Use Map Amendment for approximately 29.94 acres of land south of Old Scenic Highway and east of Scenic Highway North)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON APPROXIMATELY 29.94 ACRES OF LAND LOCATED SOUTH OF OLD SCENIC HIGHWAY AND EAST OF SCENIC HIGHWAY NORTH, FROM COUNTY DESIGNATION AGRICULTURAL/RURAL RESIDENTIAL (A/RR) TO CITY OF LAKE WALES DESIGNATION MDR MEDIUM-DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE D2022-05** after 2nd reading and public

hearing. Deputy Mayor Gibson seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion approved 5-0.

9.IV. ORDINANCE D2022-08 2nd Reading And Public Hearing - Zoning For 29.94 Acres Of Land South Of Old Scenic Highway And East Of Scenic Highway North

[Begin Agenda Memo]

SYNOPSIS: Story Family Limited Partnership, LLC., owner, requests approval of City Commission to amend the Zoning Map on the above-mentioned parcel of land totaling approximately 29.94 acres.

RECOMMENDATION Adoption at second reading, following a public hearing, to re-assign the following Zoning designations, as recommended by the Planning and Zoning Board at a regular meeting on February 22, 2022: Current Zoning: Polk County A/RR Proposed Zoning: R-3 At first reading, City Commission approved the request to reassign zoning at a regular meeting on March 15, 2022.

BACKGROUND The subject property is located south of Old Scenic Highway and east of Scenic Highway North. This parcel is south of Mountain Lake Estates and east of Al's Place.

The property owner petitioned annexation into the corporate city limits of Lake Wales on November 22, 2021 and was officially annexed on February 1, 2022. The Planning and Zoning Board had recommended approval of reassigning the zoning designation at a regular meeting on February 22, 2022. The request to reassign zoning was approved at first reading by City Commission at a regular meeting on March 15, 2022. The reading of the zoning amendment is held in contingency with the land use approval.

This parcel will become part of a residential development; however, development plans have not yet been submitted to the City. The development plans would need to go through the Planned Development Project procedure to be approved by Planning and Zoning Board and City Commission.

A Zoning designation of R-3 is compatible with the surrounding area and serves as a transitional zoning from commercial to residential.

CODE REFERENCES AND REVIEW CRITERIA The City Commission assigns Zoning designations by ordinances upon a recommendation from the Planning & Zoning Board.

FISCAL IMPACT Re-assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk read **ORDINANCE D2022-08** by title only.

ORDINANCE D2022-08 (Zoning Map Amendment for approximately 29.94 acres of land south of Old Scenic Highway and east of Scenic Highway North)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 29.94 ACRES OF LAND LOCATED SOUTH OF OLD SCENIC HIGHWAY AND EAST OF SCENIC HIGHWAY NORTH, FROM COUNTY DESIGNATION AGRICULTURAL/RURAL RESIDENTIAL (A/RR) TO CITY OF LAKE WALES DESIGNATION R-3; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE D2022-08** after 2nd reading and public hearing. Deputy Mayor Gibson seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion approved 5-0.

10. NEW BUSINESS

10.I. ORDINANCE 2022-10, 1st Reading - League Background Checks

[Begin Agenda memo]

SYNOPSIS:

The City Commission will consider adopting an Ordinance to require background check for organizations utilizing City-owned facilities.

RECOMMENDATION It is recommended that the City Commission approve Ordinance 2022-10 after first reading.

BACKGROUND

The City of Lake Wales makes many of its recreational and other facilities available for use by outside organizations to provide recreational and/or educational opportunities for minor children. The purpose of this policy is to ensure the safety of the participating minors by providing criteria for background checks of the coaches and other persons involved in the administration of these recreational/educational activities who have or may have contact with the participating minors.

Prior to approval for the use of any City-owned facility, all requesting organizations will submit to the City's Recreation Department evidence of completion of the required background checks for all applicable persons.

Background Check Criteria will include: All Sex Offenses Violent Felonies Violent Misdemeanors (includes Domestic Violence and Battery Offenses) (within the last 10 years) Misdemeanor or Felony Drug offenses including sale, delivery, and distribution Misdemeanors related to children

Proposed Ordinance 2022-10 was presented to the current members of the Recreation Advisory Board for review and discussion on March 21, 2022. The members recommend that the City Commission adopt this ordinance.

OTHER OPTIONS The City Commission may choose not adopt Ordinance 2022-10 or modify the language.

FISCAL IMPACT None.

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-10** by title only.

ORDINANCE 2022-10

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE V, USE PERMITS – RECREATION FACILITIES, BY ADDING SEC. 18- LEAGUE BACKGROUND CHECKS ; PROVIDING FOR AN EFFECTIVE DATE.

James Slaton, City Manager, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE 2022-10** after 1st reading and public hearing. Deputy Mayor Gibson seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion approved 5-0.

- 10.II. ORDINANCE 2022-11 Amending Chapter 16, Pension & Retirement – General Employees' Pension Plans – First Reading

[Begin Agenda memo]

SYNOPSIS:

The City Commission will consider adopting Ordinances 2022-11, 14 & 15 to allow for the coordination of benefits between the 401(a) (defined contribution plan) and the City's defined benefit plans.

RECOMMENDATION It is recommended that the City Commission adopt Ordinance 2022-11, 14 & 15 on first reading.

BACKGROUND

The City sponsors multiple retirement systems, including a Defined Benefit Plan and a Defined Contribution plan. Ordinance 2022-11, 14 & 15 are being presented to provide for coordination of benefits with the 401(a) Plan.

In 2013 the City established a \$75,000 maximum annual benefit cap for all City employees. Once an employee reaches the \$75,000 Cap, the employee and City contributions are discontinued. Coordination of benefits with the 401(a) Plan (Defined Contribution Plan) will enable employees who reach the \$75,000 maximum annual benefit cap to join the 401(a) Plan. This will allow the city to contribute 16.5% of an individual's payroll costs, which is the average of the current pension plans, and is determined by the actuary for the Defined Benefit Plans, subject to applicable IRS limits. As a result of establishing the pension cap, some employees may reach the cap prior to reaching normal retirement age. Allowing employees who've reached the cap to transition into the 401(a) Defined Contribution plan is the most cost effective solution, compared to making changes to the actual pension plans as it is outside the pension plan and has no impact on the City's Unfunded Actuarial Liabilities.

OTHER OPTIONS

1) Increase the pension cap, however the Costs to the City will be exponentially higher as it will increase the Unfunded Actuarial Liabilities.

2) Do nothing.

FISCAL IMPACT There are currently two employees who have reached the \$75,000 maximum annual benefit cap. To make contributions on their behalf into the 401(a) Plan will impact the FY 21'22 budget \$18,161.74 and approximately \$37,000 annually until the end of employment.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-11** by title only.

ORDINANCE 2022-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES AMENDING THE CITY OF LAKE WALES GENERAL EMPLOYEES' PENSION PLAN AND TRUST; CREATING SECTION 16- 66(a) TO PERMIT COORDINATION OF BENEFITS WITH THE CITY'S DEFINED CONTRIBUTION PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

OPENED PUBLIC COMMENT

CLOSED PUBLIC COMMENT

Commissioner Howell asked if this is one item. James Slaton, City Manager, said it is one item. But there are three items that are the same.

Deputy Mayor Gibson asked Mr. Slaton to review this item. Mr. Slaton reviewed this item. This will assist our Police Chief and Fire Chief with their retirements. Deputy Mayor Gibson expressed support as inflation is a concern and we can afford this.

Mayor Fultz said this is a cost effective way to address the issue.

Commissioner Howell asked about the next people in line and about the cost to reimburse these funds. Mr. Slaton said with this change there will be no more retro payments. The item to reimburse the funds for the 2 employees will be voted on another time.

Commissioner Hilligoss made a motion to approve **ORDINANCE 2022-11** after 1st reading. Commissioner Howell seconded the motion.

by roll call vote:

Commissioner Hilligoss "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion approved 5-0.

10.III. ORDINANCE 2022-14 Amending Chapter 16, Pension & Retirement – Lake Wales Municipal Firefighter's Pension Plans – First Reading

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider adopting Ordinances 2022-11, 14 & 15 to allow for the coordination of benefits between the 401(a) (defined contribution plan) and the City's defined benefit plans.

RECOMMENDATION It is recommended that the City Commission adopt Ordinance 2022-11, 14 & 15 on first reading.

BACKGROUND The City sponsors multiple retirement systems, including a Defined Benefit Plan and a Defined Contribution plan. Ordinance 2022-11, 14 & 15 are being presented to provide for coordination of benefits with the 401(a) Plan. In 2013 the City established a \$75,000 maximum annual benefit cap for all City employees. Once an employee reaches the \$75,000 Cap, the employee and City contributions are discontinued. Coordination of benefits with the 401(a) Plan (Defined Contribution Plan) will enable employees who reach the \$75,000 maximum annual benefit cap to join the 401(a) Plan. This will allow the city to contribute 16.5% of an individual's payroll costs, which is the average of the current pension plans, and is determined by the actuary for the Defined Benefit Plans, subject to applicable IRS limits. As a result of establishing the pension cap, some employees may reach the cap prior to reaching normal retirement age. Allowing employees who've reached the cap to transition into the 401(a) Defined Contribution plan is the most cost effective solution, compared to making changes to the actual pension plans as it is outside the pension plan and has no impact on the City's Unfunded Actuarial Liabilities.

OTHER OPTIONS

1) Increase the pension cap, however the Costs to the City will be exponentially higher as it will increase the Unfunded Actuarial Liabilities.

2) Do nothing.

FISCAL IMPACT

There are currently two employees who have reached the \$75,000 maximum annual benefit cap. To make contributions on their behalf into the 401(a) Plan will impact the FY 21'22 budget \$18,161.74 and approximately \$37,000 annually until the end of employment.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-14** by title only.

ORDINANCE 2022-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES AMENDING THE CITY OF LAKE WALES FIREFIGHTERS' PENSION PLAN AND TRUST; CREATING SECTION 16-187(a) TO PERMIT COORDINATION OF BENEFITS WITH THE CITY'S DEFINED CONTRIBUTION PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE 2022-14** after 1st reading. Commissioner Hilligoss seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion approved 5-0.

10.IV. **ORDINANCE 2022-15 Amending Chapter 16, Pension & Retirement – Lake Wales Police Officers' Pension Plans – First Reading**

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider adopting Ordinances 2022-11, 14 & 15 to allow for the coordination of benefits between the 401(a) (defined contribution plan) and the City's defined benefit plans.

RECOMMENDATION It is recommended that the City Commission adopt Ordinance 2022-11, 14 & 15 on first reading.

BACKGROUND The City sponsors multiple retirement systems, including a Defined Benefit Plan and a Defined Contribution plan. Ordinance 2022-11, 14 & 15 are being presented to provide for coordination of benefits with the 401(a) Plan.

In 2013 the City established a \$75,000 maximum annual benefit cap for all City employees. Once an employee reaches the \$75,000 Cap, the employee and City contributions are discontinued. Coordination of benefits with the 401(a) Plan (Defined Contribution Plan) will enable employees who reach the \$75,000 maximum annual benefit cap to join the 401(a) Plan. This will allow the city to contribute 16.5% of an individual's payroll costs, which is the average of the current pension plans, and is determined by the actuary for the Defined Benefit Plans, subject to applicable IRS limits.

As a result of establishing the pension cap, some employees may reach the cap prior to reaching normal retirement age.

Allowing employees who've reached the cap to transition into the 401(a) Defined Contribution plan is the most cost effective solution, compared to making changes to the actual pension plans as it is outside the pension plan and has no impact on the City's Unfunded Actuarial Liabilities.

OTHER OPTIONS

1) Increase the pension cap, however the Costs to the City will be exponentially higher as it will increase the Unfunded Actuarial Liabilities.

2) Do nothing.

FISCAL IMPACT There are currently two employees who have reached the \$75,000 maximum annual benefit cap. To make contributions on their behalf into the 401(a) Plan will impact the FY 21'22 budget \$18,161.74 and approximately \$37,000 annually until the end of employment.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-15** by title only.

ORDINANCE 2022-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WALES AMENDING THE CITY OF LAKE WALES POLICE OFFICERS' PENSION PLAN AND TRUST; CREATING SECTION 16-257(a) TO PERMIT COORDINATION OF BENEFITS WITH THE CITY'S DEFINED CONTRIBUTION PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to approve **ORDINANCE 2022-14** after 1st reading. Commissioner Howell seconded the motion.

by roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion approved 5-0.

10.V. Resolution 2022-06, Highway Maintenance Agreement With The Florida Department Of Transportation.

[Begin Agenda Memo]

Synopsis:

The City Commission will consider approving Resolution 2022-06, 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 \$27,931.22.

RECOMMENDATION 1. Approve Resolution 2022-06, 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 2022-06, authorizes the mayor to renew the agreement for an additional three (3) years with an annual compensation of \$27,931.22.

FISCAL IMPACT If we do not renew the agreement, the city will lose annual compensation of \$27,931.22.

OTHER OPTIONS The City Commission may choose not to renew the agreement.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2022-06** by title only.

RESOLUTION 2022-06

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.

Commissioner Howell made a motion to adopt **RESOLUTION 2022-06**. Commissioner Hilligoss seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion approved 5-0.

10.VI. RESOLUTION 2022-08 - Support For The 1st Street Streetscape

[Begin Agenda Memo]

SYNOPSIS: Resolution 2022-08 Supports the 1st Street Streetscape to show community backing of the project as staff pursue grant opportunities.

RECOMMENDATION Staff recommends adoption of Resolution 2022-08 Support of the 1st Street Streetscape Project.

BACKGROUND The 1st Street Streetscape is an action step in the Lake Wales Connected Plan. These improvements will help revitalize the City's historic core. Approval of this resolution will allow staff to apply for funding for this project.

LAKE WALES CONNECTED PLAN ACTION STEPS Action steps addressed in this proposal include:
Step Number Description 2 Survey and produce construction ready drawings for 1st Street, from Central Avenue to Wiltshire Avenue (include plantings, lighting, sidewalks, parking, plaza, and street furniture)
45 Implement 1st Street improvements from Central Avenue to Wiltshire Avenue

OTHER OPTIONS Do not approve Resolution 2022-08 or approve a modified version.

FISCAL IMPACT There is no fiscal impact to approving Resolution 2022-08.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2022-08** by title only.

RESOLUTION 2022-08 A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA SUPPORTING THE 1st STREET STREETSCAPE PROJECT.

James Slaton, City Manager, reviewed this item.

Commissioner Howell made a motion to adopt **RESOLUTION 2022-08**. Deputy Mayor Gibson seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion approved 5-0.

10.VII. RESOLUTION 2022-09 - Support For The Northwest Sidewalk And Street Tree Improvements Project

[Begin Agenda Memo]

SYNOPSIS:

Resolution 2022-09 Supports the Northwest Sidewalk and Street Tree Improvements to show community backing of the project as staff pursue grant opportunities.

RECOMMENDATION Staff recommends adoption of Resolution 2022-09 Support of the Northwest Sidewalk and Street Tree Improvements Project.

BACKGROUND The Northwest Sidewalk and Street Tree Improvements Project is an action step in the Lake Wales Connected Plan. These improvements will help revitalize the Northwest Neighborhood. Approval of this resolution will allow staff to apply for funding for this project.

LAKE WALES CONNECTED PLAN ACTION STEPS Action steps addressed in this proposal include:
Step Number Description 11 Construct missing sidewalks in the Northwest Neighborhood: include a sidewalk on at least one side of each street; key connectors should have sidewalks on both sides.

OTHER OPTIONS Do not approve Resolution 2022-09 or approve a modified version.

FISCAL IMPACT There is no fiscal impact to approving Resolution 2022-09.

[Begin Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2022-09** by title only.

RESOLUTION 2022-09

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA SUPPORTING THE NORTHWEST SIDEWALK AND STREET TREE IMPROVEMENTS PROJECT.

James Slaton, City Manager, reviewed this item.

Commissioner Howell made a motion to adopt **RESOLUTION 2022-09**. Commissioner Hilligoss seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Commissioner Hilligoss "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion approved 5-0.

11. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, said the dates on the 2 Resolutions just adopted need to be corrected

before being signed.

Mr. Galloway reported that a summons is out for service on the Estes building.

12. CITY MANAGER

James Slaton, City Manager, reported on Warner Cares Day where Warner University students did volunteer projects around the City. Mayor Fultz thanked Warner Students for their efforts.

Mr. Slaton said the construction of the Park Avenue Connector Trail has begun. The project will take about 8 months.

On April 11th at 9am will be a ribbon cutting for the new homes on B Street.

Mr. Slaton reported that the roof on the Austin Center is complete.

13. CITY COMMISSION COMMENTS

Commissioner Hilligoss said he is glad the campaign is over. He thanked staff for help through the whole process. He looks forward to continuing to serve Lake Wales.

Deputy Mayor Gibson congratulated the winners of the election. He explained the importance of elevating the position of the Mayor. The mayor needs to be a leader in the community. He said that Mayor Fultz has filled this role admirably and proved the value of this change to the charter. He expressed confidence that Mayor-elect Hilligoss will do a good job.

13.I. Commission Meeting Calendar

James Slaton, City Manager, reminded the commission that next week is the CRA and Commission work session meetings.

14. MAYOR COMMENTS

Mayor Fultz said the at-large mayor should be a cheerleader or a salesman for the City to the Citizens and to the County, State, and other areas. He expressed confidence that Mayor-Elect Hilligoss and Commissioner-elect Krueger will do a good job advocating for the City.

15. ADJOURNMENT

The meeting was adjourned at 6:53 p.m.

Mayor

ATTEST:

City Clerk