

City Commission Meeting Minutes
April 20, 2021
(APPROVED)

This meeting was conducted partially via teleconference.
The City of Lake Wales held this hybrid public meeting using the GoToMeeting
Web/Teleconference service.

4/20/2021 - 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 3:00 p.m. after the invocation and the pledge of allegiance.

Mayor Fultz read a statement:

The Governor's Executive Order 20-246 allowing for meetings of a Municipality's governing boards without having a quorum of its members present physically or at any specific location has expired as of Nov. 1.

However due to the ongoing State of Emergency, while a majority of Commission Members must be present in the Chambers, members of the staff and public may still participate in our meetings virtually.

Members of the public are welcome to come into the Commission Chambers to participate in our Commission Meetings. We will check your temperature before entering the building, we ask that everyone be mindful of social distancing, wearing a mask is required, and please sit in designated seating.

Any member of the public may register to participate in our meetings virtually where they can speak at WWW.LAKEWALESFL.GOV/REGISTER

As an alternative, members of the public may submit comments and questions at WWW.LAKEWALESFL.GOV/COMMENTS for either a specific Agenda Item or for Communications and Petitions.

Procedures for public participation will be explained by the City Attorney shortly.

Albert Galloway, Jr., City Attorney, read a statement on Procedures for Virtual Public Meetings.

Mr. Galloway asked the Commissioners, "are you comfortable with all the notice provisions set forth and these uniform rules of procedures we have established for this Virtual meeting? The Commissioners answered affirmatively.

4. ROLL CALL

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

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

5. PROCLAMATIONS AND AWARDS

5.I. Award Presentation Heart-Of-Florida Section, Florida Chapter, American Planning Association

Stefanie Von Paleske-Bush, AICP, MLS, and Awards Committee Chair for the local chapter of the American Planning Association, presented an award to Autumn Cochella, Development Services, for the Lake Wales Connected Plan.

5.II. Proclamation - Arbor Day

Mayor Fultz proclaimed April 30, 2021 as Arbor Day in Lake Wales. Representatives of Lake Wales Heritage accepted the proclamation.

6. PRESENTATION/REPORT

6.I. Presentation - Lake Wales Heritage

Tammy James, President of Lake Wales Heritage, Inc., shared their vision regarding the Olmsted Plan. They would like to restore the City's original beauty. Robert Connors, Secretary, said they have been working hard on this for two years. It is important to the City. He shared images of the Olmsted and the level of detail in the plans. Some trees have been lost over the years. He said that a study was done in the 1990s to update the plans with non-invasive species. They are creating some videos on this to educate the public. There's a lot of education to do to make sure the public understands what we are doing. Many of the streets and trees were looked at and measured. Obstacles were identified. Ms. James invited the Commission to the Arbor Day celebration on the 30th.

6.II. COVID-19 Update

Joe Jenkins, Fire Chief and Emergency Operations Director, reported that the 14 average is 9.2%. We have 6-10 cases in Lake Wales daily. The county's call line has been terminated. They are setting up walk-up sites now. Locations and dates will be announced on our Facebook. Several stores have the vaccines and people can make appointments. About 33% of residents have been vaccinated.

7. COMMENTS AND PETITIONS

8. CONSENT AGENDA

Deputy Mayor Robin Gibson made a motion to approve the consent agenda. Commissioner Curtis Gibson seconded the motion.

By voice vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Howell "YES"

Mayor Fultz "YES"

Motion passed 5-0.

8.I. Minutes - February 16, 2021 & February 24, 2021

8.II. Canvassing Board Minutes

Canvassing Board Meeting Minutes

- [APRIL 6, 2021 5PM](#)
- [APRIL 6, 2021 8PM](#)
- [APRIL 8, 2021](#)
- [APRIL 13, 2021](#)

8.III. Lease Agreement With Mears Motor Leasing/The Bancorp

[Begin Agenda Memo]

SYNOPSIS:

Staff is requesting Commission approval to lease-purchase five (5) vehicles for various City departments through the City's master lease agreement with Mears Motor Leasing/The Bancorp and classify various vehicles/equipment as surplus for future disposal.

RECOMMENDATION

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

1. Approve the sixty (60) month lease-purchase of the vehicles listed on the attached Schedule A's from Mears Motor Leasing/The Bancorp.
2. Authorize the City Manager to execute the necessary documents on behalf of the City.
3. Authorize a budget amendment in the amount of \$1,325.30.
4. Classify the obsolete equipment listed on the Disposal Schedule as surplus.
5. Authorize staff to dispose of the surplus equipment.

BACKGROUND

The City Commission approved funds for the vehicle and equipment lease-purchases within the FY20/21 adopted budget. The proposed new vehicles are as follows:

1. Quantity one (1) 2021 Ford F150 pickup trucks for the Utility Administration departments.
2. Quantity two (2) 2021 Ford F150 pickup trucks for the Wastewater department.
3. Quantity one (1) 2021 Ford F350 pickup trucks for the Wastewater department.
4. Quantity one (1) 2021 Ford F150 pickup truck for the CRA/Horticulture department.

The new vehicles will be replacing:

1. Quantity one (1) 2011 Ford F250 pickup truck
2. Quantity one (2) 2011 Ford F150 pickup trucks

The new vehicles for the Utilities Administration Department is not a replacement, but an addition needed due to a shortage of vehicles that existed within the departments.

The Community Redevelopment Agency (CRA) Board of Directors approved a budget amendment at its regular October 13, 2020 meeting to add a Horticulturist. The purpose of the Horticulturist position is to aid in the development of key CRA projects, in accordance with the Lake Wales Connected Plan, and is a key role in ensuring that the CRA's goal of becoming a "City in a Garden" is realized and successful. To better facilitate horticultural operations, a new vehicle will need to be purchased. This vehicle purchase will be divided between the General Fund and the CRA utilizing funds from the non-appropriated fund balance.

Staff recommends the lease-purchase of these vehicles for the following reasons:

- If these new vehicles were purchased outright under the Charlotte County, Florida contracts, the total purchase price would be \$190,952.86. Under the Mears Motor Leasing/Bancorp agreement, these vehicles can be financed at an annual cost of \$40,086.72. An outright purchase would result in a current-year decrease in cash flow of \$190,952.86 compared to \$40,086.72.
- The addition of new vehicles versus the removal of old vehicles under the Polk County Fixed Rate Maintenance program would result in net savings of monthly maintenance costs.
- As with all purchases, if the City were able to purchase items without the use of financing this would result in the lowest overall cost, but the greatest single annual cash flow decrease.

All of the vehicles and equipment will be purchased under the Charlotte County, Florida contract. Purchases made from Charlotte County, Florida contract are exempted from the competitive sealed bid requirement outlined in our Purchasing Ordinance, Sec. 2-418, which allows the City to capitalize on economy of scale and reduces the timeline of acquisition.

In accordance with Sec. 2-476 of the City Code, the City Commission may classify as surplus any property that is obsolete or the continued use of which is uneconomical or inefficient or which serves no useful function or purpose.

The surplus vehicles will be sold at public auction or to the highest bidder after the solicitation of sealed bids.

OTHER OPTIONS

- 1) An outright purchase would result in a current year decrease of cash flow of \$190,952.86.
- 2) Retain the existing vehicles and equipment.

FISCAL IMPACT

If the City Commission approves the vehicle lease agreements, the City is committed to yearly lease payments totaling \$40,086.72. If revenues are insufficient in future years, an option would be to return the vehicles under the non-appropriation of funds clause. If it becomes necessary to exercise this option, however, the individual departments would suffer the loss of the vehicles and equipment.

[End Agenda Memo]

8.IV. Master Agreement For Professional Planning Services RFQ 21-482 – Lake Wales Planning Services

[Begin Agenda Memo]

SUBJECT: Master Agreement for Professional Planning Services

RFQ 21-482 – Lake Wales Planning Services

SYNOPSIS: The Planning Division solicited Requests for Qualifications to obtain on-contract professional planning consulting services on an as-needed basis.

RECOMMENDATION

Staff recommends approval to retain the top five (5) ranked firms selected for Professional Planning Services.

BACKGROUND

Request for Qualifications 21-482 was posted on January 4, 2021 with the intent to retain consulting firms with specialties such as Transportation Planning, Comprehensive Planning, Town Planning, Historic Preservation Planning, and Land Development Regulations Planning.

Seven responsive bids were received and evaluated by the RFQ 21-482 Selection Committee accordingly:

1. S&ME, Inc
2. Plusurbia
3. Pennoni Associates, Inc
4. Dover, Kohl, & Partners
5. VHB
6. Kimley Horn
7. CivilServ Design Group, Inc

OTHER OPTIONS

Decline to approve the execution of agreements.

FISCAL IMPACT

Funds for Professional Services are budgeted annually by the Development Services Department.

[End Agenda Memo]

Deputy Mayor Robin Gibson asked about the selection process. Autumn Cochella reviewed the process. Chair Robin Gibson confirmed that we are not picking one to do everything. Ms. Cochella said we picked the top 5 to be on retained. They all have areas they specialize in such as transportation.

8.V. Northwest Water Main Extension

[Begin Agenda Memo]

SYNOPSIS: This project will consist of extending a 12" water main from Water Treatment Plant #1(WTP#1) located on Market Street and Sessoms Ave to connect to Washington Avenue in the northwest section of town.

RECOMMENDATION

It is recommended that Commission take the following action:

1. Approve Engineering services with Reiss Engineering in the amount of \$238,874.00
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 water main in areas where the original pipe installations are now too small to service the area with sufficient flows

and pressures or have outlived its useful life. In 2011, City Staff performed a pipe-bursting project in the northwest section of town. Pipe bursting is a trenchless method of replacing buried pipelines (such as sewer, water, or natural gas pipes) without the need for a traditional construction trench. "Launching and receiving pits" replace the trench needed by conventional pipe laying. The installation of these larger pipes were installed in preparation of the extension and installation of a larger water main to come from WTP#1. The extension will consist of a 12" water that will connect to connection points that were left during the pipe-bursting project. The completion of this project provides for improved pressures and flows for fire protection.

Staff recommends the Commission take the following action, approve entering into a contract with Reiss Engineering for a combined total of \$238,874.00, for the design and bidding phases of the project, 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 listed above the submittal and approval of eligible State Revolving Loan Funding for construction.

FISCAL IMPACT

The 2020-21 Utilities Capital Improvements Budget has a line item for this project with a budgeted amount of \$1,500,000.00 for construction and engineering.

[End Agenda Memo]

8.VI. Watershed Management Plan

[Begin Agenda Memo]

SYNOPSIS: Kimley Horne and Associates Engineering services will be preparing a Watershed Management Plan that will address problematic areas of flooding and water quality.

RECOMMENDATION

It is recommended that Commission take the following action:

1. Approve Engineering services with Kimley Horn and Associates Engineering in the amount of \$365,200.00
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. Its purpose will be to serve as a road map directing staff from the start to finish in the effort to help create a strategic, targeted plan for making changes in the watershed.

Staff recommends the Commission take the following action, approve entering into a contract with Kimley Horn and Associates for a combined total of \$365,200.00, for the development and implementation of a watershed management plan for a designated 9 square mile area, 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 listed above, delaying the request submittal to the Environmental Protection Agency State Revolving Loan Fund. Documentation is ready to be submit the SRF for possible funding in May.

FISCAL IMPACT

While the task order is valued at, \$365,200.00 to include some plan implementation, The Stormwater 2020- 21 Capital Improvements Budget initially budgeted \$175,000.00 for the watershed management plan. It has always been staffs intent to apply for funding from the Florida Department of Environmental Protection Fund to cover the cost of the plan. By using loan funds to pay for the plan, presents the most cost effective route for financing.

[End Agenda Memo]

9. OLD BUSINESS

10. NEW BUSINESS

10.I. Polk Regional Water Cooperative Implementation Agreement

[Begin Agenda Memo]

SYNOPSIS: The City has to decide what level of participation it will take in the next phase of the Southeast Wellfield Project being designed for the Polk Regional Water Cooperative.

RECOMMENDATION

It is recommended that the Commission take the following action:

1. Approve signing the Polk Regional Water Cooperative (PRWC) implementation agreement as a Project Associate.
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

BACKGROUND

It is anticipated there will be a need for additional supply given future expected development and system expansion. Alternatives for future additional supply may potentially include bulk water purchases from the PRWC (Polk Regional Water Cooperative). The City is a participant of the PRWC who is developing the Southeast Wellfield Project. Whether to sign on to this project is a significant water supply decision for the Staff and Commission to make. Therefore, Staff wants to provide the Commission with all relevant information to make an informed decision, which will affect its citizens for years to come.

Signing the implementation agreement as a Project Associate allows the City time to perform some due diligence as to the feasibility of a City funded Alternative Water Source project.

Staff recommends the Commission take the following action, approve the City becoming a Project Associate, until such time the City's own Alternative Water Source Study is completed, and authorize the Mayor to execute the appropriate documents, on the City's behalf.

OTHER OPTIONS

The Commission could chooses not to approve the City becoming a Project Associate of the Southeast Wellfield project. The other options would be for the City to become a Project Partner, which would obligate the City financially for the debt to be incurred, which is somewhat still undetermined.

The final option is to elect to not be a part of the Cooperative.

[End Agenda Memo]

Sarah Kirkland, Utilities Director, reviewed this item.

James Slaton, City Manager, introduced Tom Cloud with Gray Robinson Law Firm

Tom Cloud with Gray Robinson said there are two implementation agreements floating around. There has been some planning involved. This agreement allows the City to be an associate which allows us to be part of the conversation. This project has a high cost which is daunting. This may not be a prudent investment for the City.

Mr. Slaton said that we could pursue our own alternative in the meantime.

Tom Cloud said that the associate option would not commit us long term. The charter from 2016 was supportive of the existing water allocation. A proposed rule would take any extra allocation beyond the year 2025. This would have a negative effect on several local water systems in Central Florida. The allocations have been preserved not lost. The settlement prevents the state from considering that. Each applicant has to be treated individually. The Statute requires that a withdrawal point be proven to have an impact on the Minimum Flow Levels. He is glad this did not become a full blown hearing. We were ready.

Mayor Fultz said he is glad to not lose that allocation. Mr. Cloud said he hopes the other cities will see this opportunity. We don't need another plant. Perhaps a partnership will happen.

Mr. Cloud said we don't want to harm the natural resources in Polk County. This area isn't the problem when it comes to water consumption.

Deputy Mayor Robin Gibson asked about the timeline and when the decision points are. Mr. Cloud said the first one is April 28. The County is not clear how this will work. They should have a say in these projects. They need hard fast numbers. Mayor Fultz said they need that for grants to apply for.

Mayor Fultz said less than 20% of water is used We are ahead of the game with a plant in place. Mr. Cloud said many of these smaller cities have these kinds of facilities. This facility is far away.

Deputy Mayor Robin Gibson said we need to prepare. This needs to be thoroughly researched.

James Slaton, said we will know when the design work is 50%. We will do our due diligence. Deputy Mayor Robin Gibson said we need to be prepared before each step.

Mr. Cloud said in this phase everyone needs to have a voice at the table.

Mayor Fultz said he follows the recommendation of our City staff and Commission at the meetings.

Mr. Slaton said that the staff recommendation is to approve the agreement as a project associate.

Commissioner Goldstein agreed with this. He doesn't want to commit to that much money beforehand.

Commissioner Goldstein made a motion to approve the agreement as an associate. Deputy Mayor Robin Gibson seconded the motion.

by voice vote:

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10.II. Alternative Water Source Study

[Begin Agenda Memo]

SYNOPSIS: Hoyle Tanner will be preparing an Alternative Water Source study to be used by staff and the commission to determine the best alternative for continued growth of the City.

RECOMMENDATION

It is recommended that the Commission take the following action:

1. Approve Engineering services with Hoyle Tanner for \$27,000.00.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

The City owns and operates a public, municipal drinking water system serving approximately 29,600 people providing roughly 3 MGD (million gallons per day) including the City and Park Water Company. The current water source is groundwater from the Upper Floridan aquifer, which is treated by aeration and chlorination at several water treatment facilities. Given future expected development and system expansion, the need for additional supply is anticipated. Alternatives for future additional supply may potentially include additional groundwater development, bulk water purchases from the PRWC (Polk Regional Water Cooperative), increased conservation measures and greater reuse of treated wastewater. A matrix comparison will be developed and recommendations will be provided over the 20-year planning period.

The City is a participant of the PRWC who is developing the Southeast Wellfield Project. Whether to sign on to this project is a significant water supply decision for the Staff and Commission to make. Therefore, Staff wants to provide the Commission with all relevant information to make an informed decision which will affect its citizens for years to come.

Staff recommends the Commission take the following action, approve entering into a contract with

Hoyle Tanner for the Alternative Water Source study for \$27,000.00, 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 listed above, and enter into a contract with the Polk Regional Water Cooperative to supply the additional water needed for growth and development.

FISCAL IMPACT

The 2020-21 Utilities M & R budget line item for contract services dealing with the cooperative will be used to fund the study. This line item has a budget of \$60,000.00.

[End Agenda Memo]

Sarah Kirkland, Utilities Director, reviewed this item.

Mayor Fultz said he supported this. This will be crucial to decisions we make in the future. Mr. Slaton said we are looking at the downtown Market Street Plant. This may be more advantageous for us. Ms. Kirkland said we should see something from them in 60 days.

Deputy Mayor Robin Gibson made a motion to approve the study. Commissioner Goldstein seconded the motion.

By voice vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10.III. Appointment To Lake Wales Charter School Board – Marcus Kirby

[Begin Agenda Memo]

SYNOPSIS

Mayor Fultz wants to appoint Marcus Kirby to the Lake Wales Charter School Board

RECOMMENDATION

Staff does not have a recommendation. This is a Commission Matter.

BACKGROUND

The City of Lake Wales has a seat on the Lake Wales Charter School board. The current representative is Becky Gaston. Ms. Gaston is resigning her position.

Mayor Fultz wants to appoint Marcus Kirby to the seat.

OTHER OPTIONS

Appoint someone else.

FISCAL IMPACT

None

[End Agenda memo]

Mayor Fultz introduced Marcus Kirby as an appointee to the Lake Wales Charter School Board. Commissioner Curtis Gibson asked the Commission if anyone wanted to have the seat. Deputy Mayor Robin Gibson said its wide open for the Commission or who the Commission wants to select. He reviewed how this seat was designed. Commissioner Howell said that this seat is not part of the City like the boards are. The Commissioners should be able to serve. The appointment process was discussed. Mayor Fultz said he was asked not to appoint Commissioner Howell given her conflicting feelings about the Charter Schools. He wanted to appoint someone that did not have preconceived ideas about the Charter Schools either way. Commissioner Curtis Gibson asked if the appointment needed to be done today. Mayor Fultz said that the current representative Becky Gaston has resigned. There is an upcoming ethics training for the new appointee to participate in before they can sit on the board. Commissioner Howell said it is unsurprising that the Charter Schools did not want her to serve as she has her own thoughts. They want people to say yes to things. Commissioner Curtis Gibson asked that there be quarterly updates from Mr. Kirby. Mr. Kirby said he can provide reports quarterly as requested.

There was consensus to the appointment of Marcus Kirby to the Charter Schools school board. Mr. Kirby thanked the commission for the opportunity to serve.

11. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, gave an update on the Seminole Hotel. The next hearing is June 9th regarding his motion to strike their affirmative defenses. Mayor Fultz said he was asked about this today. He said he responded that we are doing our due diligence. It hasn't been forgotten.

12. CITY MANAGER

James Slaton, City Manager, said we are getting public input for the Recreation Master Plan. There will be three upcoming workshops both in person and virtual.

Mr. Slaton reported that we have girls volleyball in the gym that is sponsored by the YMCA.

Mr. Slaton said that our horticulturist, Lester Gullede, is working with the Lake Wales Heritage group on their proposed plan.

Mr. Gullede is assisting with landscaping at the new mural. There is a workday on may 1 for volunteers to help.

Mr. Slaton reported on the upcoming groundbreaking on May 1st along with the NW Community Market later that day.

Mr. Slaton said that the design for year 1 of the Northwest Area pedestrian improvements is at 50%

completion. They should be complete by October.

The Park Avenue Downtown connector trail should go out to bid in a few months.

12.I. Tracking Report

12.II. Social Media Tracking Report

12.III. Commission Meeting Calendar

Jennifer Nanek, City Clerk, reminded the Commission that May 4th is the swearing in with pictures taken.

13. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson said he hopes that our community does not become contaminated by the divisive politics on the national level. Mayor Fultz agreed. He said we all need to stick together.

Commissioner Curtis Gibson said this is his last full Commission meeting. He has been glad to serve his fellow Commissioners. He is not going anywhere. He will stay involved.

Commissioner Goldstein said this is his last meeting. It has been a pleasure and a learning experience. He appreciates the cooperation from the Commission. We need the City to work together. He thanked Mr. Slaton for the good job he has done.

14. MAYOR COMMENTS

Mayor Fultz thanked Commissioners Curtis Gibson and Goldstein for their service. He thanked everyone for coming and participating.

15. ADJOURNMENT

The meeting was adjourned at 7:40 p.m.

Mayor/Deputy Mayor

ATTEST:

City Clerk