

City Commission Meeting Minutes

July 21, 2020

(Approved)

This meeting was be conducted partially via teleconference

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron Desantis on March 20, 2020, extended via Executive order no. 20-112, and further extended by Executive Orders No 20-114, 20-150, and 20-179 municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54

(5)(b)2, Florida Statutes.

The City of Lake Wales held this hybrid virtual public meeting using the GoToMeeting Web/Teleconference service.

7/21/2020 - 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.

Mayor Fultz read a statement:

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, and extended by Executive Order No. 20 -112, and further extended by Executive Order No. 20 -114, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

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, Interim City Manager; Albert C. Galloway, Jr., City Attorney; Jennifer Nanek, City Clerk

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Park And Recreation Month

Deputy Mayor Robin Gibson presented a Proclamation establishing July as Park and Recreation Month

to Andy Oguntola with the Police Athletic League.

6. PRESENTATION/REPORT

6.I. COVID-19 Update

Joe Jenkins, Fire Chief and Emergency Operations Director, said that in Polk County eclipsed 10,000 cases with 10,072 and the total deaths are 186. The positive rate is 14.2%. More people around town are wearing masks. The City is partnering with the County to distribute free masks. Locations include the Library, Fire Department and Police Department. They are available to County residents as well as City residents.

Deputy Mayor Robin Gibson asked about Lake Wales numbers. Chief Jenkins reviewed the cases in Lake Wales zip codes which total 359. We are doing well but of course we can do better. The health department is testing symptomatic and asymptomatic individuals by appointment. There are other mobile sites around the county.

Mayor Fultz said that Central Florida Health Care will have a testing location on Lincoln Avenue in the future.

7. COMMUNICATIONS AND PETITIONS

Josh Curchy, non-resident and President of the Mardi Gras Committee presented needed equipment to the Lake Wales Police Department. Police Chief Velasquez accepted the donation and thanked the committee.

Virgil Ullom, non resident, praised the commission for continuing the tradition of an invocation at the meeting. He spoke against socialism.

Anita Wells, resident, asked about Body cameras. She thanked officers for their help with Chunky Sunday.

8. CONSENT AGENDA

Commissioner Howell made a motion to approve the consent agenda with corrected minutes. 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.

8.I. Minutes - Budget Workshop June 3, 2020 And Agenda Work Session June 10, 2020

Commissioner Howell recommended changes to the minutes of June 3. She said the comments Chief Velasquez made concerning stops and other areas should be included.

8.II. Award Recommendation-Airport Septic System/Force Main Connection

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider authorizing staff to expend funds for the removal of the septic system and for the force main connection at the Lake Wales Municipal Airport.

RECOMMENDATION

1. Authorize the expenditure of \$56,439.32.
2. Award the bid for removal of septic system and the force main connection to Cobb Site Development, Inc.

BACKGROUND

In order to continue the development of the airport property and allow the building of corporate hangars, the septic system must be removed. The project includes the removal of the existing septic tank and associated drain field that services the existing FBO building then connecting the FBO building to the gravity main. This will also allow future corporate hangars to be connected.

On June 30, 2020 two (2) sealed bids were received and recorded for the above referenced project.

The bids were evaluated by Hoyle, Tanner & Associates, Inc. for responsibility and responsiveness. Both contractors provided the necessary documentation to validate their bid submission. Both contractors have worked with the City on previous projects and have performed satisfactorily.

The two (2) proposals for this project:

- Cobb Site Development, Inc. \$56,439.32
- SEMCO Construction \$95,920.00

The project is expected to take about seventy-five (75) days upon receipt of the notice to proceed notification from the City.

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.

OTHER OPTIONS

The pumps for the septic system have burned up. The City had already received sealed bids for the removal of the system before this problem occurred, therefore it is more feasible to move forward with the removal instead of expending funds for a repair.

[End Agenda Memo]

9. OLD BUSINESS

- 9.I. Ordinance D2020-02 - 2nd Reading And Public Hearing - CPA/Zoning Mckibben Powersports Property

[Begin Agenda Memo]

SYNOPSIS

This Ordinance will amend land use designations on the Future Land Use Map (Comprehensive Plan) and the

Zoning Map for the recently annexed .51 acres owned by MCK Properties of Lake Wales, LLC, East of US Highway 27 and abutting the existing Mckibben Powersports site. The annexation of this property has taken place by Ordinance 2020-10, at the request of the property owner. At a regular meeting on June 23, 2020, the Planning & Zoning Board recommended I-2 Industrial Infill future land use and zoning designations. These designations are consistent with those already assigned to the existing developed site.

RECOMMENDATION

The Planning & Zoning Board held a public hearing on the proposed amendments to the Future Land Use and Zoning Maps for the Mckibben Powersports Property on June 23, 2020 and recommended the following amendments as set forth in Ordinance D2020-02:

Parcel ID 27-29-34-875000-006100 .51 acres

Lots 10 and 11 Block 6 Everett's Subdivision per plat book 30 page 45 of Polk County public records.

City of Lake Wales Future Land Use: I-2 Industrial Infill City of Lake Wales Zoning: I-2 Industrial Infill

Staff recommends adoption at second reading, following a public hearing. Public Notice requirements have been met.

FISCAL IMPACT

Assigning land use and zoning designations enables future improvements of the property and a potential increase in the property value.

[End Agenda Memo]

This item was pulled from the agenda.

10. NEW BUSINESS

10.I. Certification Of 2020 Taxable Value, Interim Millage & FY20'21 Budget Hearing Dates

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider approval of the Polk County property appraiser's certification of taxable value for 2020, set the interim millage rate, and set the dates for the public hearings to adopt the final millage rate and the FY20'21 budget.

RECOMMENDATION

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

1. Approve the Property Appraiser's Certification of Taxable Value for 2020.
2. Set the interim millage rate at 7.0974 mills.
3. Set the dates for the required public hearings for the final millage rate and adoption of the FY20'21 Budget as Wednesday, September 9 and Tuesday, September 22.

BACKGROUND

Certification of Taxable Values

Attached for your review and approval is the Polk County property appraiser's Certification of Taxable Value for 2020. As indicated, the City's gross taxable value for operating purposes is \$825,370,927. Lake Wales has experienced an increase in taxable value of \$47,301,618, since the 2019 certification. The certification for 2020 is 6.08% above 2019's final gross taxable value of \$778,069,309. It is recommended that the City Commission approve the Certification of Taxable Value for 2020.

Interim Millage Rate

In order for the property appraiser to proceed with the mailing of the required TRIM notices, it will be necessary for the Commission to set an interim millage rate and establish the required public hearing dates for adoption of the final 2020 millage rate and the FY20'21 budget.

The current year rolled-back rate is 6.7974; however, staff is recommending that the interim millage rate be set at 7.0974. The proposed interim rate of 7.0974 is a 4.41% increase over the rolled-back rate of 6.7974. The City current millage rate is 6.9339.

Due to the uncertainty caused by COVID-19, staff is unsure of how state revenues will be affected and recommend an interim millage rate increase of 0.30 mills above the rolled-back rate. The City Commission will be able to lower the millage rate throughout the budget adoption process but will be unable to above the interim rate.

OTHER OPTIONS & FISCAL IMPACT

Taxes levied by the various options are as follows:

Interim Millage Rates		Rate	CRA	Library
General	Total	Roll-back Rate		6.7947
1,067,199	396,425	3,976,280	5,439,904	
Current Rate		6.9339	1,089,063	404,546
4,057,739	5,551,348			
Difference over Roll-back			21,864	8,121
81,459	111,444			
Proposed Interim Rate		7.0947	1,114,320	413,928
5,680,087				4,151,839
Difference over Roll-back			47,121.0	17,503.0
175,559.0	240,183.0			

Raising the millage rate to 7.0947 compared to rolled-back rate of 6.7947 would be a tax increase and would generate an estimated additional \$240,183. The City does not receive 100% of ad valorem tax levy due to 1) discounts offered for early payment and 2) unpaid delinquent taxes. Staff estimates Ad Valorem for budget purposes at 97%.

The final adopted millage rate may not exceed the interim millage rate, but it may be lower than the interim millage rate.

Date and Time for Public Hearings:

State law requires that the county property appraiser notify each property owner of the interim millage rate and the dates of the meetings for adoption of the millage and budget. To give time for the mailing of this notice to the property owner, the City must, by law, adopt an interim millage rate no later than August 4.

Florida Statutes stipulate that the first public hearings can be held no sooner than 65 days after the Certification of Taxable Value by the Property Appraiser or July 1, whichever is later. Certification occurred on July 1, therefore the first public hearings can be held no sooner than Thursday, September 3 (65 days after July 1).

This year, the Board of County Commissioners has scheduled its public hearings on Monday, September 14 and Monday, September 21. The School Board's final public hearing is scheduled for Tuesday, September 8.

We are recommending the first public hearings for the millage and budget be set for Wednesday September 9, 2020. We are also recommending that the second public hearings be set for Tuesday September 22, 2019.

The City Commission is not required to make a decision on the final millage rate at this meeting. The final decision should be made after we thoroughly review and discuss the budget and all of its implications; however, we do have to make a decision on the interim millage rate at this meeting.

[End Agenda Memo]

Dorothy Abbott, Finance Director, reviewed this item. She said there are some revenue numbers she doesn't have yet. She reviewed when she will know more.

Deputy Mayor Robin Gibson confirmed that we can go lower but not higher. Ms. Abbott confirmed this. Deputy Mayor Robin Gibson said it might be tough to go to rollback with revenues down. Ms. Abbott encouraged the Commission to allow some flexibility to see what revenues will be. Deputy Mayor Robin Gibson asked if the proposed rate is enough cushion. Ms. Abbott said yes. She didn't want to be too drastic. We have \$1.2million in reserves.

Commissioner Curtis Gibson confirmed that reserves are \$1.2 million. Ms. Abbott confirmed that was the approximate amount. Commissioner Curtis Gibson said he understood about the need for cushion. He asked if we kept the current rate would be amount. Ms. Abbott said the difference is \$130,000 and the Commission may need that. She doesn't know what the revenue sharing numbers will be.

Mayor Fultz said its a good idea to have a cushion as we can always go down.

Ms. Abbott reviewed the three decisions the commission need to make. Commissioner Curtis Gibson asked if we can vote on the three items separately. Mayor Fultz said yes.

Deputy Mayor Robin Gibson made a motion to Approve the Property Appraiser's Certification of Taxable Value for 2020. Commissioner Goldstein seconded the motion.

by voice vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Commissioner Howell made a motion to set the interim millage rate at 7.0974 mills. Deputy Mayor Robin Gibson seconded the motion.

By voice vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "NO"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 4-1.

Commissioner Howell made a motion to set the dates for the required public hearings for the final millage rate and adoption of the FY20'21 Budget as Wednesday, September 9 and Tuesday, September 22. Deputy Mayor Robin Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10.II. RESOLUTION 2020-25 – Amending The Citizens And Police Community Relations Advisory Committee.

[Begin Agenda Memo]

SYNOPSIS:

Resolution 2020-25 modifies the Citizens and Police Community Relations Advisory Committee, expanding the committee to 6 members from 3 members, allowing for each Commissioner to appoint members and changing the meeting schedule to monthly.

RECOMMENDATION:

Staff recommends the City Commission adopt RESOLUTION 2020-25.

BACKGROUND

At a recent City Commission Workshop staff was directed to prepare a resolution to modify the Citizens and Police Community Relations Advisory Committee. This resolution expands the

Committee to 6 members from 3 members and provides each Commissioner the ability to appoint one member each. The 6th member will continue to be appointed by the Chief of Police. This resolution also changes the meeting frequency from quarterly to monthly.

The Lake Wales City Commission on May 3, 2011 adopted Resolution 2011-05 to establish the Citizens and Police Community Relations Advisory Committee "to provide a forum for respectful discussion that will lead to a greater partnership and stronger working relationship between all community members and the police department."

The primary goal of the Community Relations Committee was to improve the relationship between the community and the police department.

The main provisions of Resolution 2011-05 were as follows:

- A three-member Community Relations Committee was created. Two citizen members were appointed by the Mayor with the approval of the Commission, and one police officer member was appointed by the Police Chief.
- The committee regularly met once a month in the Municipal Administration Building, but any member of the committee could call a special meeting if one was deemed to be necessary. The committee and its members were subject to the Sunshine Law and other applicable State laws and City ordinances.
- The committee provided a forum in which citizens could express opinions or concerns and positively resolve issues they may have with police policies or procedures.
- The committee did not serve as a means to circumvent the Police Officers Bill of Rights by providing a forum for discussion of complaints regarding officer misconduct.

Resolution 2011-05 was later amended with the adoption of Resolution 2012-02, which expanded the committee from three members to five (one police officer and four citizens) and removed the restriction of holding the meetings in the City Administration Building, allowing the meetings to take place anywhere in the community determined by the committee.

A final amendment, Resolution 2014-07, changed the meeting schedule of the Community Relations Committee from monthly to quarterly. Although the committee was effective in providing constructive dialogue between citizens and the police department, citizen attendance eventually declined, which led to the amended meeting schedule. The previous amendment expanding the board to four citizen members was not carried forward in this particular amendment.

Due to a lack of involvement, the committee eventually stopped meeting altogether around 2016. The committee, however, was not among the 10 boards officially dissolved by the commission on Feb. 7, 2017 through Resolution 2017-02.

The Police Chief and the City Commission have indicated an interest in re-establishing a Citizen and Police Community Relations Advisory Committee. A copy of the current Resolution, 2014-07, is attached for the Commission to review and to provide any desired changes to staff.

Input received has indicated possible interest in amending the committee member appointment process, with the Commissioners and the Mayor appointing one committee member each. If this is the desired direction of the Commission, the committee size would need to be expanded to six (five citizens and one police officer).

FISCAL IMPACT

None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-25** by title only.

RESOLUTION 2020-25

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, REVISING RESOLUTIONS 2011-05, 2012-03 AND 2014-07, TO CHANGE THE REQUIREMENTS FOR APPOINTMENTS TO THE CITIZENS AND POLICE COMMUNITY RELATIONS ADVISORY COMMITTEE, TO CHANGE HOW OFTEN THE COMMITTEE SHALL MEET, TO EXPAND THE BOARD MEMBERSHIP; AND PROVIDING FOR AN EFFECTIVE DATE.

James Slaton, Interim City Manager, reviewed this item.

Deputy Mayor Robin Gibson pointed out that some of the wording is contrary to the Charter as Commissioners can't appoint members. He recommended an edit that says the Commission members recommend appointments to the Mayor. Mayor Fultz agreed with the change. Deputy Mayor Robin Gibson brought up the section about filling a vacancy where a similar change should be made. Commissioner Howell said if that Commissioner's person leaves then the procedure to fill the vacancy should be the same where the Commissioner appoints someone new. Mr. Slaton said they could make a change clarifying this.

Commissioner Curtis Gibson said the board should be able to investigate complaints or concerns. He does not want to violate any one's rights. He would like to see samples of boards from other cities.

Commissioner Howell said she had several concerns. She said she wasn't sure if this board will open lines of communications between citizens and the Police Department. They need to build up trust and be respectful of each other. She isn't sure of the purpose of the Committee. There needs to be education of the citizens on certain laws and rights in Lake Wales. There was a section requiring a quorum but will this committee be voting on anything? The committee needs to learn about our Ordinances and Sunshine law. If the committee cannot recommend anything than what good is it? If a citizen can't bring up complaints then who should that complaint go to? Some things should not be reviewed in-house. If this committee can't straighten things out and recommend better solutions to the Police Department then how do things improve? This should not be done in place of body cams or hiring an officer for the northwest area. We need to build up trust and we need open communication. Citizens and officers need training.

Commissioner Curtis Gibson said he wants this to not just look good but actually be good for the City.

Mr. Slaton said the last item in Resolution does address the need for citizen and police education. This board is exactly what we need right now. Its not perfect but its a good start to get positive interaction between Police and the Community. The purpose of this is to promote positive dialogue. The usefulness of the board will depend on the members that the Commission will now have the opportunity to select. Commissioner Howell asked what happens if nothing is done or no improvement.

Mayor Fultz asked the Commission if they want to delay this. Commissioner Curtis Gibson said he would like to review other boards from around the state. Mr. Slaton said each community will have its version tailored to their needs. Commissioner Curtis Gibson said they should be able to discuss policies and procedures and give recommendations. We need to be sure this is the right solution.

Commissioner Howell asked Albert Galloway, Jr., City Attorney, asked about how hard it would be to change this. Mr. Galloway said it would have to be revisited by this body, the City Commission.

Commissioner Goldstein said this would be good for the whole community.

Deputy Mayor Robin Gibson said education is important. The first thing is for the sides to get to know each other. This board won't make decisions. If there are disputes then we may go to court.

Commissioner Goldstein said that the Committee does as much as it can do its not judicial. He reviewed some of the items in the Resolution on how the Committee will be a forum for citizens and officers.

Commissioner Howell made a motion to table this item until some changes to be made. Commissioner Curtis Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "NO"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Mr. Slaton said he will bring this back to another workshop but we need to get this done.

10.III. Resolution 2020-24: Sale And Purchase Agreement For Park Water Company

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider adopting Resolution 2020-24, approving purchase of the water utility system owned by Park Water Company and an Asset Purchase Agreement setting forth the terms and conditions of the utility system acquisition.

RECOMMENDATION

Staff recommends the approval of Resolution 2020-24 and execution of the Asset Purchase Agreement.

BACKGROUND

In late 2019, Park Water Company approached the City regarding the sale of its water utility system to the City of Lake Wales. City staff and consultants have undertaken due diligence related to the purchase and have prepared Resolution 2020-24 for City Commission consideration.

The due diligence performed to date includes: (1), a Financial Valuation Report prepared by PFM Consulting, (2) a Water Facilities Survey by Chastain-Skillman, Inc., and (3) review of financial and system- related informational reports filed by the seller with the Florida Public Service Commission. Key elements of the diligence activities and financial information are summarized in Exhibit A of Resolution 2020-24.

The City intends to finance the purchase with one or more loans from the Florida Department of Environmental Protection (FDEP) state revolving fund loan program (SRF). The SRF

loan program makes low interest loans available to local governments for public utility purposes and may in some cases, subject to availability, award grant funding to pay a portion of the project cost. The City has submitted an application to FDEP for financing and expects a decision on approval by mid-August when FDEP conducts its next quarterly meeting to approve financing applications.

The Park Water utility system currently serves approximately 1,011 customer accounts. The City's financial advisors estimate that once the Park Water utility system is acquired by the City and current Park Water customers become City utility customers, the monthly water service rates paid by such customers will be sufficient to pay principal and interest on any SRF loans undertaken by the City to acquire the system (based on the typical 20 year term for SRF loans and anticipated annual interest rate between 1.5 and 3%), such that the acquisition loan will be self-liquidating and effectively pay for itself.

Resolution 2020-24 would approve purchase of the Park Water utility system, make certain legislative determinations regarding the public interest served by the acquisition in accordance with section 180.301, Florida Statutes, and approve a sale & purchase agreement (the "Asset Purchase Agreement") setting forth the terms and conditions for the acquisition. Such terms include a purchase price of \$5,000,000, a period of 60 days after execution of the agreement during which the City may conduct additional inspection and due diligence of the system, and an anticipated closing date of November 2, 2020, which may be extended if necessary to arrange financing. The Asset Purchase Agreement provides that the City may terminate the agreement without purchasing the system and with no further obligation to the seller if (1) the City is unsatisfied, in its sole discretion, with results of inspection and the condition of the system during the 60 day due diligence period, or (2) the City is unable to procure financing for the purchase which is satisfactory in the City's sole discretion.

Section 180.301 requires a public hearing prior to adopting the resolution and approving the acquisition and Asset Purchase Agreement. The hearing is scheduled to take place at the City Commission's regular meeting on July 21, 2020 and has been advertised in the Ledger News Chief newspaper on July 14, 2020 and July 17, 2020. Following the hearing, the City Commission may vote on approval of the resolution.

OPTIONS

The City Commission may adopt the resolution and thereby approve the purchase and Asset Purchase Agreement, which will provide for an additional 60 day due diligence period and time for FDEP to process and determine whether to approve the City's application for financing at its mid-August meeting.

The City Commission may elect to defer approval of the resolution and Asset Purchase Agreement and direct staff to renegotiate the purchase price or other terms of the Asset Purchase Agreement.

The City Commission may reject the resolution and Asset Purchase Agreement and direct staff to end negotiations.

FISCAL IMPACT

The agreed upon purchase price is \$5,000,000.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-24** by title only.

RESOLUTION 2020-24

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, APPROVING ACQUISITION OF THE WATER UTILITY

**SYSTEM OWNED AND OPERATED BY PARK WATER COMPANY, INC. LOCATED IN POLK COUNTY;
FINDING THAT SUCH ACQUISITION IS IN THE PUBLIC INTEREST AND SERVES A PUBLIC PURPOSE IN ACCORDANCE WITH SECTION 180.301, FLORIDA STATUTES; APPROVING THE FORM OF UTILITY SYSTEM ASSET PURCHASE AGREEMENT; PROVIDING DIRECTION AND AUTHORITY TO FINALIZE, EXECUTE AND DELIVER THE ASSET PURCHASE AGREEMENT, OTHER TRANSACTION DOCUMENTS CONTEMPLATED THEREBY AND CLOSING DOCUMENTS TO ACQUIRE THE WATER UTILITY SYSTEM; AUTHORIZING CITY STAFF TO TAKE SUCH FURTHER ACTIONS AS MAY BE NECESSARY OR CONVENIENT FOR PURCHASING AND FINANCING THE SYSTEM; PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.**

James Slaton, Interim City Manager, reviewed this item. He introduced representatives from Bryant Miller and Olive to give a presentation on this. Chris Roe, with Bryant Miller and Olive, gave a presentation on this acquisition. He reviewed the due diligence that was done. The presentation included the current status of the system and a map of the service area. Mr. Roe explained that Chastain-Skillman was hired by the City to survey the physical condition of the facility and PFM Consulting Group was engaged to review the financing to purchase the system. An application has been submitted to DEP for a State Revolving Fund (SRF) loan to help with financing of this. A purchase agreement and price has been negotiated. The facility is in fairly good condition with many upgrades and improvements done over the last 10 -20 years. The system is operating at less 20% of its FDEP permitted maximum water withdrawal and 71% of its SWFWMD permitted average daily water withdrawal. Some rehabilitation of the water tank may need to be done in a few years.

Kevin Plensler, PFM Group Consulting, reviewed the value of the system, the estimated annual revenue, the cost of the debt payments and other details of the financing. Chris Roe reviewed some of the benefits of the acquisition. He then described the timeline and what the next steps will be. The City can terminate this agreement if they find something unacceptable during further due diligence or the financing doesn't work out during the next 60 days.

Commissioner Goldstein expressed support for this as it will help grow the City but is still concerned about the condition of the facility. Some needed upgrades or repairs may be too costly. Some costs we don't know yet. Chris Roe said the estimate for repairs right now is about \$500,000. Some facilities can be replaced by the City instead of repairing.

Sarah Kirkland, Utilities Director, reviewed what work needs to be done and how the City could use its facilities instead of the plants like we may not need the storage tank.

Deputy Mayor Robin Gibson noted that needed repairs will lead to a reduced purchase price. Commissioner Goldstein said the cost came down from \$7 million to \$5 million.

Commissioner Curtis Gibson said this purchase concerns him. This could be postponed right now. We are having difficulty with the budget and the pandemic. He is in favor of infrastructure but he is willing to wait on this.

OPENED PUBLIC HEARING

no comments

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson said right now is a good time as interest rates are low. He said we can still walk way. Deputy Mayor Robin Gibson asked if there was a cash deposit required. Kevin Plesnler said no.

Commissioner Howell asked if we say yes tonight we still have 60 days to see if anything else wrong and we can walk away without spending money. Kevin Plesnler confirmed this although the City will have to pay for further due diligence.

Deputy Mayor Robin Gibson made a motion to adopt Resolution 2020-24 for the Sale and Purchase of Park Water Company. Commissioner Howell seconded the motion.

by Roll Call vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "NO"

Mayor Fultz "YES"

Motion Passed 4-1.

10.IV. Engineering Services For The State Revolving Loan Fund (SRF) Funding Submittal For The Acquisition Of Park Water Company.

[Begin Agenda Memo]

SYNOPSIS:

Staff recommends commission approve the signing of the contract for engineering services with Chastain Skillman for \$25,780.00 for services related to the submittal to SRF for the purchase of Park Water Company.

STAFF RECOMMENDATION

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

1. Approve the signing of the contract with Chastain Skillman for \$25,780.
2. Authorize the Interim City Manager to execute the appropriate documents, on the City's behalf in regards to this service.

BACKGROUND

In an attempt to expand the city's utilities system southward, The commission will consider approving the purchase of Park Water Company at the July 21, 2020 City Commission meeting. If the commission so approves the acquisition, Staff's intention is to submit to the State Revolving Loan Funding (SRF) for the funding to complete this purchase. One component of the submittal to SRF for funding is a facilities plan. The agreement attached submitted by Chastain Skillman for \$25,278.00, is to assist staff with the submittal to SRF for funding.

Staff, therefore recommends the commission take the following action; approve the signing of the contract with Chastain Skillman for \$25,780.00, and authorize the Interim City Manager to execute the appropriate documents, on the City's behalf in regards to this service.

OPTIONS

Chose not to approve the acquisition of Park Water Company, therefore making this agreement unnecessary.

FISCAL IMPACT

The amount of \$25,780.00 would be a one-time charge for the creation of the facilities plan for the SRF submittal. This fee would come from the Water Department Engineering line item.

[End Agenda Memo]

Sarah Kirkland, Utilities Director, reviewed this item.

Commissioner Howell made a motion to approve the contract for engineering services with Chastain Skillman. Deputy Mayor Robin Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10.V. ORDINANCE 2020-14 Commissioners Salary Increase - First Reading

[Begin Agenda Memo]

SYNOPSIS:

ORDINANCE 2020-14 will increase Commissioner Salaries to \$6323.27 beginning with the new term in May 2021.

RECOMMENDATION

Staff Recommends approval of ORDINANCE 2020-14 after First Reading.

BACKGROUND

At a recent workshop, the Commission expressed a desire to increase Commissioner salaries to a level similar to the City of Auburndale's. This Ordinance will increase Commissioner salaries from \$4,817 to \$6,323.27 and will increase the Mayor's salary from \$7,226 to \$9,484.91 (50% higher than Commissioners).

OTHER OPTIONS

Do not approve the ordinance or recommend a revision.

FISCAL IMPACT

Commission member salaries will increase to \$6,323.27 annually and the Mayor's \$9484.91.

This results in a total annual increase of \$8,283.99.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-14** by title only.

ORDINANCE 2020-14

AN ORDINANCE ADJUSTING COMPENSATION FOR CITY COMMISSIONERS; PROVIDING AN EFFECTIVE DATE.

Commissioner Curtis Gibson thanked staff for putting this together. We should have addressed this awhile back. We need to find a way to increase the salaries of our lower paid employees first before we pay ourselves. its a bad time right now. He doesn't mind saying no right now.

Commissioner Howell said this won't happen until May 2021. Commissioner Curtis Gibson says he understands that but as we are cutting over \$1 million from the budget he is fine with waiting on this.

Commissioner Goldstein said this job costs him a lot of money. This increase is minor compared to some of things that we spend money on it. This Commission is one of the lowest paid around and needs a raise.

Commissioner Goldstein made a motion to approve **ORDINANCE 2020-14** after first reading. Mayor Fultz seconded the motion.

Deputy Mayor Robin Gibson said its a bad time for this. There is no deadline for this? Is there? James Slaton, City Manager, said it has to be done within 6 months of the new term of office. So by November. Deputy Mayor Robin Gibson says this is well deserved but just doesn't look right.

Commissioner Howell said she understands that those who travel to things pay out more money but is fine with holding off on this for right now.

Deputy Mayor Robin Gibson said he is fine with covering travel expenses which is different than salary.

Commissioner Curtis Gibson said the commission does a lot and its much needed but its not the right time.

Commissioner Goldstein said they put in a lot of time. He is concerned about other potential candidates wanting to serve.

Commissioner Howell suggested changing the 6 month thing. Mr. Slaton said that is in the Charter and may be something the Charter Review Committee could look at.

By Roll Call Vote:

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Commissioner Howell "NO"

Commissioner Curtis Gibson "NO"

Deputy Mayor Robin Gibson "NO"

Motion failed 2-3.

11. CITY ATTORNEY

Albert Galloway Jr., City Attorney, discussed the possibility of an Ordinance to mandate masks as brought up previously. He recommended an Emergency Ordinance that would not require a second reading and would last 30 days. It would require a super majority vote or at least 4 votes. There are lawsuits challenging these Ordinances around the state. The previously approved Resolution recommending mask wearing would not be subject to litigation as there are no enforcement provisions. An Ordinance with an enforcement provision could be challenged. Mayor Fultz said this is a controversial issue in the City. WE need to do the right thing to protect the health and welfare of our citizens.

Commissioner Goldstein said that enforcement of this mandate would be difficult. Most merchants require masks now already. He asked about those with health issues that cannot wear a mask. Mr. Galloway said health exceptions would be included in the Ordinance.

Deputy Mayor Robin Gibson said it depends on how the Ordinance is written. The City of Lakeland has so many exceptions that its not much of an Ordinance.

Commissioner Howell said some people from Cities with Mask mandates are coming here. People are not being responsible because cases are going up. We cannot make rules for our property but we can on City property.

Commissioner Curtis Gibson said he has heard all the concerns from citizens and we do have to look out for the welfare of our citizens. He said he is glad we did the Resolution a few weeks ago. We need more signs out. Most businesses are requiring masks and he wears a mask when he goes places to protect himself and others. He sees other cities doing it. He said this is a good dialogue and he appreciates all the input. The verbage in the Ordinance will be important.

Mayor Fultz said he understands that many do not like masks and they are uncomfortable. Its common sense to wear a mask but some are not using common sense. He asked that we discuss this at the next workshop and asked the City Attorney to bring a draft for review. Many of us have elderly family members that we wish to protect. Some people may hate him for this but he loves everyone anyway.

Deputy Mayor Robin Gibson shared about a recent trip where he saw polite signs asking for masks. The municipal officials had passed a mask requirement. If we do this then we will take the heat for requiring masks and take it off the merchant. Many commercial entities are requiring masks already. This would help with school reopening which is critical.

Mayor Fultz said he would like to move forward on this. This is important for us to feel safe and we need to protect our students. The increased count in Lake Wales are of concern. The majority of Commissioners gave consensus to go forward on this. Mr. Galloway said he will bring it to the meeting next week.

12. CITY MANAGER

12.I. Tracking Report

James Slaton, Interim City Manager, shared they have added an item with the tracking report. A print out of the dashboard of various projects and what the current status is.

12.II. Social Media Tracking Report

12.III. Commission Meeting Calendar

There is a budget workshop tomorrow at 3pm and next week is the Agenda Work Session on the 29th at 3pm.

Next week there will be a preview downtown and an online meeting about the Park Avenue Design.

13. CITY COMMISSION COMMENTS

Commissioner Curtis Gibson said the overall discussion tonight has been great. He said that if we don't agree on some things no one should take it personally. He thanked the staff for the hard work on the presentations tonight. Sometimes we have tough decisions to make and the information is important for that. He said he ate at the newly opened Melanie's Seafood and the food was great.

Commissioner Howell asked about food trucks and compliance with new state laws. We need to get back to this. Mr. Slaton said this is being worked on. We are not doing food trucks right now due to COVID19.

Commissioner Howell asked Zaillet if we are still working on improving lighting in Lake Wales. Zaillet Suri, Deputy City Clerk, said yes she is still working with Duke Energy on this especially in Commissioner Howell's neighborhood.

14. MAYOR COMMENTS

Mayor Fultz thanked everyone for coming and participating. He reminded everyone to participate in the Census.

15. ADJOURNMENT

The meeting was adjourned at 8:41 p.m.

Mayor

ATTEST:

City Clerk