

**City Commission Meeting Minutes**  
**January 7, 2020**  
**(Draft)**

1/7/2020 - Minutes

1. INVOCATION

Mayor Fultz gave the invocation

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

4. ROLL CALL

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

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

5. COMMUNICATIONS AND PETITIONS

Thomas Scalley, resident, reported on a letter received from the Backflow technician regarding an issue with his water system. His system has been inspected several times and nothing has been wrong. As they pay for a backflow technician he does not understand why there is an issue now. He said the letter should have been handled differently with a different tone and more information. He shared recommendations for how this should be handled in the future. Commissioner Goldstein said he agreed with some of the concerns Mr. Scalley has brought up. He has gotten many calls on this. We need to correct this problem. The City needs to pay for these issues after ten years.

Borden Deen, resident, said that the letters distinguish between potable and non-potable water. They have no non-potable water at Lake Ashton. He also asked about the issue of sidewalks on Thompson Nursery Road that the developer paid for but weren't installed.

Kenneth Fields, City Manager, explained that cross connections are a state requirement to protect water supply. They will work with the community to grant more time and there will be another letter explaining this in better detail. Commissioner Goldstein said that the public should not have to pay for the City's mistake. Mr. Fields said the City cannot fix something on private property but we can work with the property owners on this issue. Sarah Kirkland, Utilities Director, explained the issue in further detail.

Chris Lutton, resident, expressed concern about new restaurants downtown being required to have large grease traps. It would be hard for restaurants on Stuart and Park to abide by that rule. He recommended some options. Kenneth Fields, City Manager, agreed that there is a problem with grease traps for downtown and that is something that they are looking for alternate ways to meet the requirements

Shondell Sullivan, resident, reported problems with inspections at her home. No work was done and nothing needed a permit. She was instructed about requirements concerning a permit and work being done. The unpermitted work was done before she purchased the house. Mr. Fields said she may need an after the fact permit. Kathy Bangley, Assistant City Manager, reviewed this project and said this is a common problem when work is done without a permit. A contractor needs to check the work to be done before a Certificate of Occupancy can be issued. Ms. Bangley said she will work with her on this. She said that she supports

having both a Code Board and a magistrate so that there are 2 options when people have issues. Maybe her issue could have been addressed sooner.

Sara Jones, resident and President of the Lincoln Community Development Corporation, reported on a meeting with the Police Department, Terry Christian from the Elks Lodge and City staff. She distributed a letter reviewing the outcome which included recommendations to promote good relationships between the police and the community. Commissioner Howell asked to attend the next meeting if there is one. Mr. Fields said that there was a lot of progress made at that meeting. Ms. Jones said that her recommendations are from her organization that could help build community relationships. Commissioner Goldstein said he agreed with her recommendations but also think there needs to be community education as well. Ms. Jones agreed and said she was invited to participate in the Police Citizens Academy and will encourage others to participate as well. Ms. Jones asked for the issues in her recent letter to the Commission be on the next agenda. She also said that her group is working on affordable housing issues as well.

Mike Carter, resident, reported on the roof at the Kirkland Gym. He said that it is leaking on the floor and games have been canceled. Roof replacement for the gym was cut from the budget and he requested it get put back in. Mr. Fields said he was unaware of this leak. Commissioner Howell said we don't need the floor ruined as it was expensive. James Slaton, Deputy City Manager, reported that other facilities needed roofs first such as City Hall and the Fire Department. There are a lot of other facility maintenance issues that need to be addressed. The Commission has control over these decisions. Long range planning on facility repairs was discussed.

Carolyn Eglin, non-resident, expressed concern about the Wiltshire Building across from her mother's house that may become an apartment building. She expressed opposition as parking is limited there. Kathy Bangle, Assistant City Manager, said that was always an apartment building but its been vacant for years. The new owner had to provide parking for the building. Ms. Eglin asked about sewage issues. Ms. Bangle said the building is a long way from being ready for use. It needs more work.

Ray Brown, non-resident, expressed support for keeping a Code Enforcement Board. We need to encourage more citizen participation on our boards. He said he applied for the Architectural Review board but was not appointed as he isn't liked. He said everyone should be allowed to serve.

Leroy Smith, citizen, suggested using the money for a magistrate to pay Code Enforcement Board. He expressed concern about the need for more affordable housing.

The chair of the Code Enforcement board said that we need to educate the public about the boards to encourage more participation.

## 6. CONSENT AGENDA

Commissioner Howell made a motion to approve the consent agenda. 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.

6.I. Minutes - December 17 2019

6.II. Lake Wales Fire Department Station 1- Roof Repair

[Begin Agenda Memo]

**SYNOPSIS:**

The City Commission will consider authorizing Florida Exterior Coating, Inc. to repair and replace sections of the roof over the City's primary fire station on Central Ave.

**RECOMMENDATION**

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

1. Authorize staff to expend funds in the amount of \$78,468 for the repair of the fire station apparatus bay roof.
2. Authorize staff to piggyback Florida Exterior Coating, Inc.'s agreement with the City of Winter Haven (ITB 19-09).
3. Authorize the City Manager to execute the necessary piggyback documents on behalf of the City.

**BACKGROUND**

The membrane roof over the apparatus bay of the LWFD Station #1 has exceeded its intended life cycle. Increasingly, water intrusion is causing damage to the facility.

The City Commission approved \$165,000 in the FY'20 Capital Improvement Program budget to replace the fire station's roof and make other needed repairs to the facility. The proposal submitted by Florida Exterior Coating, Inc. is \$86,532 less than budget appropriations.

The proposal submitted to the City of Lake Wales by Florida Exterior Coating, Inc. is based on an awarded bid by the City of Winter Haven (ITB 19-09) and staff is requesting Commission approval to piggyback the agreement for similar services.

The pricing methodology for both the lump sum bid in ITB 19-09 and the proposal submitted to the City of Lake Wales is \$10.97 per sq. ft. with a \$2.75 per sq. ft. contingency for the replacement of any bad roof decking.

Section § 2-404 of City's Code of Ordinances allows the City to consolidate purchasing power with that of other agencies in the state (piggyback) to capitalize on the most economically advantageous cost to the public.

**OTHER OPTIONS**

The City Commission may reject the proposal submitted by Florida Exterior Coating, Inc. and direct staff to initiate a sealed bid solicitation.

[End Agenda Memo]

6.III. Florida Department Of Environmental Protection Oxidation Ditch Maintenance Grant

[Begin Agenda Memo]

## **RECOMMENDATION**

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

1. Authorize the Mayor to sign the Florida Department of Environmental Protection Oxidation Ditch Maintenance Grant Agreement in the amount of \$84,900.00. This amount equates to 50% funding from the Florida Department of Environmental Protection for the maintenance of the oxidation ditch.

## **BACKGROUND**

An oxidation ditch is a modified activated sludge biological treatment process that uses long solids retention times (SRTs) to remove biodegradable organics. The typical oxidation ditch is equipped with aeration rotors or brushes that provide aeration and circulation. The wastewater moves through the ditch at 1 to 2 ft/s. The ditch may be designed for continuous or intermittent operation. Because of this feature, this process may be adaptable to the fluctuations in flows and loadings associated with recreation area wastewater production. It becomes necessary from time to time to remove accumulated sand and grit from the oxidation ditch to ensure the proper and efficient operation of the equipment. The Florida Department of Environmental Protection has various grant opportunities used to assist municipalities. This oxidation ditch maintenance grant is one such opportunity. The commission has previously approved for the staff to take advantage of this grant opportunity once before. The total cost for maintenance is \$169,800. Staff would be submitting an application to request \$84,900, with the City to cover the remaining cost.

Staff recommends the commission consider taking the following action, authorize the Mayor to sign the Oxidation Ditch Maintenance Grant Award Agreement in the amount of \$84,900.00 for sand and grit removal from the oxidation ditch.

## **OTHER OPTIONS**

Choose not to approve entering into an agreement with the Florida Department of Environmental Protection to provide 50% of the funding for the oxidation ditch maintenance, resulting in the City having to cover the full cost of \$169,800.00 for this maintenance.

## **FISCAL IMPACT**

\$169,800.00 would be the city's total cost of maintenance if the 50% funding agreement is not approved. If the 50% funding agreement is approved the City's cost share would be \$84,900.00

[End Agenda Memo]

## 6.IV. Grant Agreement - Florida Talks Contract

[Begin Agenda Memo]

## **SYNOPSIS**

Approve the acceptance of the grant award agreement with Florida Humanities Council to accept a grant totaling \$1,000 for the Lake Wales History Museum's 2020 Florida Speaker Series. This grant requires a 1:1 match of which a percentage will be documented in-kind services.

## **RECOMMENDATION**

Staff recommends commission approve the grant with the Florida Humanities, authorize the city manager to sign the agreement, and the Lake Wales History Museum accept \$1,000 in grant funding.

## **BACKGROUND**

The Florida Humanities Council sponsors community based projects, facilitates important conversations among Floridians, and shines a spotlight on Florida's history, art, and culture.

Established in 1973, FHC is an independent, nonprofit affiliate of the National Endowment for the Humanities. For over forty years we have developed and funded public programs that tell the stories of both Florida and those unique individuals that call this state their home. FHC is funded by the State of Florida, Department of State, Division of Cultural Affairs. If our application is approved, the grant money will be used to help underwrite speaker fees for the speaker series. These funds would help support the museum's programmatic expenses.

The grant program is an annual award from January 1, 2020 – May 31, 2020. Any grant funds received from this application would be applicable for the 2019 – 2020 fiscal year. The grant requires a minimum 1:1 match of funds. The Museum will cover the cost of the match from monies allocated towards museum staffing, marketing and a portion of museum supplies.

#### **OTHER OPTIONS**

Do not accept the grant.

#### **FISCAL IMPACT**

Under the City of Lake Wales, the Lake Wales History Museum will match grant funding with \$1,000 in speaker travel and program expenses funding allocations.

[End Agenda Memo]

### 6.V. Special Event Application - Events At The Lake Wales History Museum In 2020

[Begin Agenda Memo]

#### **SYNOPSIS**

The Lake Wales History Museum has applied to host nine events through 2020 that will include serving alcohol.

#### **RECOMMENDATION**

Staff recommends approval of the special event application and the serving of alcohol at these nine events.

#### **BACKGROUND**

The Lake Wales History Museum seeks to present a range of educational programs and special events, in which alcohol may be served. The Lake Wales History Museum will partner with Rotary on the Ridge who will apply for the alcohol license and provide insurance for the event. Donations for the alcohol will be accepted.

#### **OTHER OPTIONS**

Do not approve the permit.

#### **FISCAL IMPACT**

The cost of the 2 off-duty police officers will be paid for by the Lake Wales History Museum budget.

[End Agenda memo]

### 7. OLD BUSINESS

8. NEW BUSINESS

8.I. Resolution 2020-01 Polk Vision Infrastructure Team's Efforts In Closing Sidewalk Gaps

[Begin Agenda Memo]

**SYNOPSIS**

Resolution 2020-01 supports Polk Vision Infrastructure Team's efforts to close gaps in sidewalks across Polk County.

**RECOMMENDATION**

Staff recommends the adoption of Resolution 2020-01.

**BACKGROUND**

The City along with all of the other jurisdictions in Polk County is being asked to support Polk Vision and the TPO's efforts to close sidewalk gaps across Polk County. In 2019 Smart Growth America released a report entitled, Dangerous By Design, listing the Lakeland-Winter Haven Metropolitan Area (which includes most of Polk County) as the fifth worst in the United States in terms of pedestrian safety. With over 1,000 miles of roads traversing all of Polk County's jurisdictions there is ample opportunity for conflicts between vehicles and pedestrians.

Polk vision in partnership with the Polk TPO have evaluated 140 public school and identified 133 miles of major roads within one mile that do not have sidewalks.

The resolution asks for support of the desire to close the sidewalk gaps within one mile of public schools, the importance of funding sidewalk improvement projects on the major roadway network, and endeavoring to include sidewalk requirements in conjunctions with new development or redevelopment consistent with land development regulations.

**FISCAL IMPACT**

There is no direct fiscal impact from this amendment.

[End agenda]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-01** by title only.

**RESOLUTION 2020-01**

**A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, SUPPORTING THE POLK VISION INFRASTRUCTURE TEAM'S EFFORTS IN CLOSING THE SIDEWALK GAPS ACROSS POLK COUNTY WITH EMPHASIS ON GAPS WITHIN ONE MILE OF PUBLIC SCHOOLS IN POLK COUNTY**

Kathy Bangley, Assistant City Manager, reviewed this item.

Commissioner Howell asked about the distance of 1 mile from the school. Ryan Kordek, Polk Transportation Organization, confirmed the 1 mile and said that there are areas where we need more but they are focusing on the areas with greatest need. The need for more sidewalks including near new developments were discussed.

Commissioner Howell made a motion to adopt **Resolution 2020-01** . Commissioner Goldstein seconded the motion.

By Roll Call Vote:

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

8.II. Ordinance 2020-01 – 1st Reading Chapter 2 Amendments, Article II. Boards, Committees, Commissions

[Begin Agenda Memo]

**SYNOPSIS**

Ordinance 2020-01 amends three sections Chapter 2, Article II of the Lake Wales Code Ordinances. These amendments pertain to the function and membership of the Board of Appeals, Code Enforcement Board, and the Community Redevelopment Agency Citizen Advisory Board.

**RECOMMENDATION**

Staff recommends the approval of Ordinance 2020-01 on first reading.

**BACKGROUND**

The functioning of some boards changes over time and there need to be updates to the code to accommodate more efficient and effective ways of serving the public through these boards.

Section 1 of the Ordinance address the general rules for many boards. This amendment removes the Board of Appeals and the Code Enforcement Board from the code language. It is proposed that these boards will be replaced with a Special Magistrate. The setup of the magistrate is covered in Ordinances 2020-02 and 2020-03 that both appear later on this agenda.

Section 2 of this Ordinance is amended to remove the language regarding the composition of the code enforcement board and references the establishment ordinance for the magistrate.

Section 3 of this ordinance addresses the composition of the Citizen Advisory Board for the Community Redevelopment Agency. It is proposed that the citizen advisory boards be more centered on the actual CRA areas. Lake Wales Main Street LLC is being recommended for CRA-1 and the Lincoln Avenue Community Development Corp is being recommended for CRA-3. An advisory board for CRA-2 will need to be determined in the future as redevelopment moves into that area.

It is the intent of these amendments to make the actions of the City to be more efficient and effective and better serve the community.

**FISCAL IMPACT**

The amendments have no identifiable fiscal impact themselves.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-01** by title only.

**ORDINANCE 2020-01**

**(Chapter 2 Administration, Article II. Boards, Committees, Commissions)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE II. BOARDS, COMMITTEES, COMMISSIONS, DIVISION 1 GENERALLY, DIVISION 3 CODE ENFORCEMENT BOARD AND DIVISION 4 SECTION 2-73 CRA CITIZEN ADVISORY COMMITTEE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Kathy Bangley, Assistant City Manager, reviewed this item.

Mayor Fultz asked about the Board of Appeals. Ms. Bangley said that this board doesn't meet often and only has three members. It is quasi-judicial and the decisions are binding.

Commissioner Howell said she was against changing all three boards as it takes away from the people of Lake Wales. She would like to work on getting more people to serve on the boards. In regards to the CRA Advisory board that would be going backwards. She doesn't want to separate it as it was done before. We have enough division in Lake Wales. Something might be lost.

Commissioner Curtis Gibson said he started serving on the Code Enforcement Board. He said its a good place to get someone introduced into City Government. Ms. Bangley explained that there are only four people on the Code Enforcement Board and it is difficult to get a quorum to have regular meetings. Commissioner Curtis Gibson said some people have applied and haven't yet been appointed. Ms. Bangley said that regarding some applicants she has spoken to the Mayor who makes the appointments that some may not be a good fit. Mayor Fultz said he waits for recommendations from the boards on applicants. He tries to encourage people to apply for the different boards. Commissioner Howell said if someone applies and is not recommended a reason should be given. Kenneth Fields, City Manager, said we do not have a list of people applying for these boards. Its usually just one name they have.

Ms. Bangley said we could hold off on these changes.

Deputy Mayor Robin Gibson recalled a past decision by the Board of Appeals that was challenged and ruled to be wrong. The board barely had a quorum and made a poor decision. He said he has tried several cases before magistrates. Everyone he has worked with has been excellent. He asked how the magistrate would be selected. Ms. Bangley reviewed the process and explained that the decision would be up to the City Commission. He recommended giving the magistrate idea a chance. Ms. Bangley said that Lakeland has both a Code Enforcement Board and uses a magistrate. This is something we could look into. Deputy Mayor Robin Gibson said that sounds like a good idea so we could try it out and see how the magistrate works out.

Commissioner Goldstein said the Commission needs to do better at recruiting more members to the board.

Commissioner Curtis Gibson said he has nothing against any of the magistrates but it would be adding to the budget. The boards work best for Lake Wales.

Ms. Bangley said she will separate these out and bring these back later.

Mayor Fultz said for the quasi-judicial board a magistrate makes sense. He said that dividing up the Code Enforcement responsibilities may be a good solution. He said that the idea for the CRA was a



good idea as members of both organizations are outspoken for their areas and they won't hold back on what needs to be done. Those two groups are good resources for citizen input.

Commissioner Goldstein asked for more details on how much a magistrate would cost. Ms. Bangle said she would get that information.

Commissioner Goldstein suggested the Police and Citizens Advisory Board be brought back.

There was consensus to pull this item and ORDINANCE 2020-02 from the agenda.

8.III. Ordinance 2020-02 – 1st Reading Chapter 12 Health, Sanitation, Nuisances, And Minimum Property Maintenance Standards

[Begin Agenda Memo]

**SYNOPSIS**

Ordinance 2020-02 repeals the function of the Code Enforcement Board and establishes a Special Magistrate to assume those duties.

**RECOMMENDATION**

Staff recommends the approval of Ordinance 2020-02 on first reading.

**BACKGROUND**

The Code Enforcement Board has struggled with quorum issues over the last several years. This coincides with additional staffing and a growing case load. In an effort to provide the best citizen service possible staff looked into alternate methods. Florida Statute 162 allows for the establishment of a special magistrate to oversee these responsibilities. Polk County, Lakeland, Haines City, Winter Haven, Bartow, Davenport, Ft. Meade, Eagle Lake, Mulberry use magistrate services and Dundee, Lake Hamilton, Frostproof all use Polk County's services.

The direction of the code compliance division has also evolved in this same time frame. They have expanded from a focus on just the outside condition of a site to the overall maintenance of the property to include site and structures. This has led to a change in the complexity of some cases.

**FISCAL IMPACT**

There will be a fiscal impact to contract the services of a magistrate. Research shows the going rate to be approximately \$170 per hour.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-02** by title only.

**ORDINANCE 2020-02**

**(Chapter 12, Health, Sanitation, Nuisances, and Minimum Property Maintenance Standards)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AMENDING CHAPTER 12 HEALTH, SANITATION, NUISANCES, AND MINIMUM PROPERTY MAINTENANCE STANDARDS TO REPEAL THE FUNCTION OF THE CODE ENFORCEMENT BOARD AND TO ESTABLISH A SPECIAL MAGISTRATE TO ASSUME THE DUTIES OF THE BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

8.IV. Ordinance 2020-04 – 1st Reading Chapter 5 – Alcoholic Beverages

[Begin Agenda Memo]

## **SYNOPSIS**

Ordinance 2020-04 amends Chapter 5 Alcoholic Beverages to repeal language, cross reference definitions with State Statutes and add artisanal production establishments.

## **RECOMMENDATION**

Staff recommends the approval of Ordinance 2020-04 on first reading.

## **BACKGROUND**

Staff is recommending the repeal of language that could be interpreted as non-business friendly in the beginning of the Chapter. This action does not lessen the intent of the ordinance from a regulatory or enforcement standpoint.

Additionally, a cross reference to state statute definitions is being proposed to enhance that section of the code. Artisanal production is being added to the section regarding distance requirements so that we do not new business opportunities in the City.

## **FISCAL IMPACT**

There is no direct fiscal impact from this amendment.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-04** by title only

## **ORDINANCE 2020-04**

### **(Chapter 5 - Alcoholic Beverages)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING CHAPTER 5 ALCOHOLIC BEVERAGES TO REPEAL SECTION 5-1; PROVIDE CROSS REFERENCE TO DEFINITIONS IN FLORIDA STATUTE; ADD ARTISANAL PRODUCTION ESTABLISHMENTS AS EXEMPT FROM DISTANCE RULE; AND PROVIDE FOR RENUMBERING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE:**

Kathy Banglely, Assistant City Manager, reviewed this item.

Commissioner Howell asked if this is to draw a Brewery here. Ms. Banglely said it could or draw other businesses. Commissioner Howell asked if this means a wine and beer bar can be opened anywhere. Ms. Banglely said no only in certain areas zoned for it. Ms. Banglely said that land use changes are needed to change where the businesses can go. She said that uses and those type of changes will come later.

Mr. Greg Massey said he would like the zoning changed to allow wine and beer bars in Lincoln Avenue. Ms. Banglely said in this item that issue cannot be changed. Mr. Massey expressed support for allowing wine and beer bars on Lincoln Avenue. Mr. Fields said it is time to revisit these issues. We need to determine what the community wants and hopefully the new northwest organization can help determine this.

Commissioner Howell made a motion to approve **Ordinance 2020-04** after first reading. Deputy Mayor Robin Gibson seconded the motion.

By Roll Call vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Motion passed 5-0.

#### 8.V. RESOLUTION 2020-02 - Sale And Purchase Agreement For The Lake Wales YMCA Property

[Begin Agenda Memo]

##### **SYNOPSIS**

The City Commission will consider adopting Resolution 2020-02, approving a Sale and Purchase agreement for the acquisition of the Lake Wales Family YMCA property.

##### **RECOMMENDATION**

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

1. Adopt Resolution 2020-02.

##### **BACKGROUND**

The City Commission has expressed interest in purchasing the Lake Wales Family YMCA property. City staff has performed the necessary due diligence related to the purchase and has prepared a Sale and Purchase agreement for City Commission consideration.

The due diligence performed related to this purchase included: (1) two state certified real estate appraisals, (2) a facility condition assessment, (3) a phase 1 environmental assessment, and (4) a boundary and topographical survey.

Two state certified appraisals were obtained for the property with an average appraised value conclusion of \$2,277,500. The detailed appraisals are attached to this memorandum. Cliggitt Valuation, Inc. provided a market value conclusion of \$1,800,000 and Winningham and Pospichal, Inc. provided a market value conclusion of \$2,755,000. The purchase price negotiated with the Young Men's Christian Association of Lake Wales, Inc. is \$565,000.

A licensed general contractor performed a facility condition assessment in March 2018. The detailed report is attached to this memorandum, but the overall facility was found to be in generally good condition. Several maintenance and repair items have been deferred, however, and need to be addressed if the City Commission elects to purchase the property. Funding for the building rehabilitation was included in the Series 2019 revenue note approved by the City Commission in December 2019.

An Environmental Professional with Kimley-Horn and Associates performed a phase 1 Environmental Site Assessment on the subject property in November 2019. Overall, the site was not found to be significantly impacted by environmental risks. The primary findings in the assessment report relate to the facility's proximity to a larger contaminated area, created by stormwater runoff and nearby agricultural activity. The Environmental Professional has rendered the opinion that any Business Environmental Risks associated with the property have been adequately addressed. The detailed Environmental Site Assessment is attached to this memorandum.

## **OTHER OPTIONS**

The City Commission may elect to defer approval of this Sale and Purchase agreement and direct staff to renegotiate the purchase price.

## **FISCAL IMPACT**

The fiscal impact is a one-time expenditure of \$565,000. \$636,000 is approved in the FY20 CIP budget for this purpose.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-02** by title only.

## **RESOLUTION 2020-02**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AUTHORIZING ENTERING INTO A SALE AND PURCHASE AGREEMENT WITH THE YOUNG MEN'S CHRISTIAN ASSOCIATION, INC. OF WEST CENTRAL FLORIDA FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 1001 BURNS AVENUE, LAKE WALES, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

James Slaton, Deputy City Manager, reviewed this item.

Deputy Mayor Robin Gibson noted that the agreement must be executed today. He would like more time to review the three documents associated with the YMCA project especially the lease and operating agreement. The purchase agreement is a good deal. The deadline in the purchase agreement was discussed. Mr. Slaton said most of the work listed has been done.

There was consensus to table these items until the next meeting. These include Resolution 2020-03 and 2020-04

### 8.VI. Resolution 2020-03- Lease Agreement With YMCA Of West Central Florida, Inc.

[Begin Agenda Memo]

#### **SYNOPSIS:**

The City Commission will consider adopting Resolution 2020-03, approving a Lease Agreement with the YMCA of West Central Florida, Inc.

#### **RECOMMENDATION**

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

1. Adopt Resolution 2020-03.

#### **BACKGROUND**

Staff proposes to lease the recently acquired YMCA property to the YMCA of West Central Florida, Inc. for the YMCA's continued operation in Lake Wales. Through this lease, the YMCA will provide certain services to city residents in accordance with the approved Operating Agreement.

The initial term of the lease is for a three-year period. Upon expiration of the initial term, the YMCA will have the option to renew the lease, perpetually, for twelve-month terms upon written mutual agreement of both parties. The rent collected from the lease will be \$1 annually.

All operating costs related to the facility will be the responsibility of the YMCA of West Central Florida, Inc. The maintenance and repair of the facility will also be the responsibility of the YMCA up to \$5000 per occurrence or up to \$30,000 per year. Maintenance and repair items exceeding these thresholds will be the responsibility of the City.

The City Commission approved a revenue note (Series 2019) in December 2019 that will provide funding for the initial rehabilitation of the facility. \$291,500 is available for capital improvements and reimbursements for funds advanced during the due diligence phase of the initial acquisition of the property. City staff will work with YMCA staff to identify and prioritize the initial capital improvement needs of the facility.

Subject to the mutual agreement of both parties, the City shall have the ability to use specific portions of the facility for City programs or services. Specifically, an opportunity exists for the City to capitalize on the YMCA's athletic fields, as the City's current public fields are over-subscribed.

#### **OTHER OPTIONS**

The City Commission may elect to defer approval of this Lease Agreement and direct staff to renegotiate the key business terms.

#### **FISCAL IMPACT**

The fiscal impact of the agreement for FY'20 is revenue generation of \$1. The cost of significant maintenance and repair items is unknown at this time, however \$291,500 is available for capital improvements to the facility.

[End Agenda Memo]

#### 8.VII. RESOLUTION 2020-04 Operating Agreement - YMCA Of West Central Florida, Inc.

[Begin Agenda memo]

#### **SYNOPSIS:**

The City Commission will consider adopting Resolution 2020-04, approving an Operating Agreement with the YMCA of West Central Florida, Inc. for the provision of recreational facilities and programs.

#### **RECOMMENDATION**

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

1. Adopt Resolution 2020-04.

#### **BACKGROUND**

The City Commission has expressed interest in a partnership with the YMCA of West Central Florida, Inc. to enhance public recreational opportunities.

This proposed Operating Agreement will provide the following benefits to the public:

- Reduction of YMCA membership rates by 50% for city residents - The City of Lake Wales will provide a membership rate subsidy of 50% to all in-city residents who are, or become, members of the YMCA. Based on the number of current in-city memberships, the total annual subsidy for

the first year of the agreement is \$84,000. The number of in-city memberships will be reviewed annually and the subsidy amount will be adjusted accordingly. The Operating Agreement includes an annual subsidy cap at \$125,000.

- Continued public access to the YMCA's swimming pool - Under the terms of the agreement, the City will continue to pay to the YMCA the sum of \$36,000 annually for public use of the swimming pool. The YMCA agrees to provide the public year-round access to its swimming pool during the following schedule:

Saturday - 10:00 a.m. to 4:00 p.m.

Sunday - 12:00 p.m. to 4:00 p.m.

Tuesday - 11:00 a.m. to 1:00 p.m. and 4:00 p.m. to 7:00 p.m.

Thursday - 11:00 a.m. to 1:00 p.m. and 4:00 p.m. to 7:00 p.m.

- Access to YMCA classes and programs by non-member city residents – The YMCA of West Central Florida, Inc. agrees to offer classes and additional programs to non-member city residents at the discounted YMCA member rates.

Funding for this operating agreement is appropriated in the City's FY'20 operating budget. Included in the budget appropriation is an additional \$25,000 for optional one-time program subsidies, such as a citywide learn to swim program for minors or for 100% membership subsidies.

#### **OTHER OPTIONS**

The City Commission may elect to defer approval of this Operating Agreement and direct staff to renegotiate the key business terms.

#### **FISCAL IMPACT**

The fiscal impact of the agreement for FY'20 is \$120,000 (\$84,000 + \$36,000). \$147,000 is appropriated in the FY'20 operating budget for this purpose (\$120,000 operating agreement + \$27,000 optional subsidies). Future fiscal impacts of the agreement will never exceed \$161,000 in accordance with the terms of the agreement.

[End Agenda Memo]

#### 9. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported that the threatened litigation from the last meeting has not materialized.

#### 10. CITY MANAGER

Kenneth Fields, City Manager, said that the Police Department has done a street light assessment which was provided to Public Works. Public Works will work on a plan to improve lighting throughout the City. This will take time but now we have the tools we need.

Mr. Fields reported that sample evaluation forms for City Attorney and himself for the Commission to choose from. he asked that they get their preferences back to Sandra Davis before the next Commission Meeting.

##### 10.I. Tracking Report

##### 10.II. Social Media Tracking Report

10.III. Commission Meeting Calendar

Mr. Fields reminded everyone of the CRA meeting next Tuesday at 6pm.

10.IV. Other Meetings And Events

Mr. Fields reminded everyone of the Martin Luther King JR. Day events over the weekend.

11. CITY COMMISSION COMMENTS

Commissioner Goldstein said that he would like to see everyone to work together. He said that the Commission needs to help staff when possible and put in more time.

Commissioner Curtis Gibson distributed a copy of a letter from Airport Authority member Travis Burns regarding the closure of the campground. The Airport Authority would like to keep the campground and the income it generates.

Commissioner Curtis Gibson said he was concerned about Greg Massey's house being demolished. He was not informed about this issue. The house was demolished the same day as when Mr. Massey came before the commission. This was done because Mr. Galloway said we had to move forward due to the cost of the contract. He expressed concern about moving so fast regarding demolishing the house. People need to be able to express complaints. He said he was unaware of this. This is similar to the issue with the Airport last year. He recommended issuing an RFP for City Attorney Services and said that Mr. Galloway could also submit a proposal.

Commissioner Curtis Gibson made a motion to put out an RFP for City Attorney Services. Commissioner Howell seconded the motion.

Deputy Mayor Robin Gibson recommended that this be placed on the next agenda. Commissioner Curtis Gibson agreed to withdraw the motion so it could be put on a future agenda.

Albert Galloway, Jr., City Attorney, said he was not aware of potential litigation regarding the issue of Greg Massey's house until he said something at the Commission meeting. He said we had a contract and proper notice was given so he gave the go ahead to move forward. Mr. Fields said that he would put this issue on the agenda and provide the commission a timeline concerning the events regarding the demolished house.

Commissioner Howell said she was glad about the progress regarding more lights in the City.

Commissioner Howell said she agreed about the concern regarding Greg Massey's house. She said she didn't understand about the urgency to demolish that house when there are so many other houses that look worse.

12. MAYOR COMMENTS

Mayor Fultz announced that there will be a Mayor's Town hall tomorrow at 6pm on legislative issues in Tallahassee.

13. ADJOURNMENT

The meeting was adjourned 8:34pm