

City Commission Minutes
February 4, 2020
(APPROVED)

2/4/2020 - Minutes

1. INVOCATION

Dr. Jim Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

4. ROLL CALL

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

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

5. COMMUNICATIONS AND PETITIONS

Robert Wood, resident, expressed concern about the pensions. They are underfunded. With the way the economy is going a recession may be soon. He recommended that the Police fund be turned over to the state and get it out of the citizens of Lake Wales. The other pensions should be given over as well. He wants to help the Police department. The general pension fund has a high turnover so that the fund can stay at 98%.

Terry Christian, non-resident, referenced the recent Commission meeting. Some things he heard was disturbing. He encouraged everyone to reconsider why they are in government. He said the Police Department should be fully investigated.

Chris Velasquez, Police Chief, said some of the things said disturbed him as well. He is investigating some of the comments and complaints that were made. He welcomes a review of their practices and processes. Some incidents mentioned were from another agency and 20 years ago.

Sam Jones, non-resident and former resident, wants the mural of the Highlander Band that features his late daughter to be redone. He has talked to several people trying to get it done. There are no funds for this. Over \$15,000 was raised for the mural to be painted. Mr. Kenneth Fields, City Manager, asked him to communicate with Karen Thompson. We can work together to get funding. Zaillet Suri, Deputy City Clerk, said the artist who was scheduled to redo it has had health issues and cannot complete the task. Commissioner Curtis Gibson expressed support for fixing the mural and sent he forwarded information on potential artists to Mr. Fields.

Commissioner Goldstein said this might be relevant to a document Deputy Mayor Robin Gibson distributed earlier. Deputy Mayor Robin Gibson said he will defer that to the later budget meetings.

Nick Morolda, president of the West Florida Police Benevolent Association, former police officer. In his time with PBA he has reviewed various complaints and has seen it all. He reviewed different ways to file a complaint. He encouraged those with complaints to file one with the Police Department. Police officers have rights as well but all complaints will be investigated. He has full confidence in the procedures of the Lake Wales Police Department

6. CONSENT AGENDA

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

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.

6.I. Minutes - January 7, 2020

6.II. Reimbursement To The Polk County BoCC For Emergency Debris Removal

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider authorizing staff to expend funds in the amount of \$29,979.38 to reimburse the BoCC for funds expended to remove debris inside the city limits of Lake Wales following Hurricane Irma.

RECOMMENDATION

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

1. Authorize staff to expend funds in the amount of \$29,979.38
2. Authorize a budget amendment for the amount of \$29,979.38.

BACKGROUND

The City of Lake Wales entered into an interlocal agreement with the Polk County Board of County Commissioners in November 2011 that provides for the removal of emergency debris resulting from a hurricane or other natural disaster.

Per the terms of the agreement, the BoCC manages the debris removal process and advances the funds necessary to remove emergency debris on behalf of the City. The BoCC requests reimbursement from FEMA for the cost of the debris management and will eventually be reimbursed for 95% of the funds the County expended. The remaining 5% of the cost of the debris removal inside the city limits of Lake Wales is the responsibility of the City.

The total cost of the debris removal inside the city limits of Lake Wales following Hurricane Irma was \$540,770.14, of which \$510,790.76 the BoCC will be reimbursed by FEMA. The amount the City is obligated to reimburse the BoCC is \$29,979.38.

This reimbursement to the BoCC is not included in the approved FY20 operating budget and requires a budget amendment.

OTHER OPTIONS

None.

FISCAL IMPACT

The expenditure of \$29,979.38 requires an approved budget amendment.

[End Agenda Memo]

6.III. Contract With Chastain-Skillman For Engineering Services For Relocation Of Utility Lines

[Begin Agenda Memo]

SYNOPSIS:

As a result of the SR 60 & HWY 27 interchange construction, several utility lines are in need of relocation. Engineered plans setting out the extent of the facilities relocation have to be submitted to the Department of Transportation (FDOT) for approval of the placement of the city's lines in the FDOT right of way.

STAFF RECOMMENDATION

1. It is recommended that the City Commission approve the engineering contract with Chastain-Skillman for engineering services associated with the SR60 & HWY 27 Interchange construction in the amount of \$75,000.
2. Authorize the City Manager to sign the task order agreement for the engineering services associated with this project.

BACKGROUND

The FDOT has an interchange reconfiguration project that will take place in the area of US Hwy 27 and the SR 60 interchange. As a result of this construction, city water and sewer lines that are in conflict within this area will have to be relocated. One of the first steps FDOT requires in such conflicts, is engineered plans detailing the extent of the relocation to be submitted to their office for approval. Staff has completed the relocation schedule and has had it approved by the Florida Department of Transportation. The next step in the process is to have Chastain-Skillman prepare the necessary plans and specs for permitting and bidding.

Staff recommends the commission take the following action, authorize the expenditure of funds to Chastain-Skillman in the amount of \$75,000.00 for engineering services associated with SR 60 Hwy 27 Interchange projects, to authorize for the City Manager to sign the agreement associated with this task order for services.

OPTIONS

None. The city does not have the option to not relocate its facilities in the FDOT right-of-way

FISCAL IMPACT

Funds were placed in the 2019-2020 Capital Improvements budget for this expenditure.

[End Agenda Memo]

6.IV. Demolition Contract For 40 W Park Avenue

[Begin Agenda Memo]

SYNOPSIS

The Code Compliance Division is prepared to demolish the structure located at 40 W Par Avenue, the lowest responsive bid exceeds the amount that requires Commission approval.

RECOMMENDATION

Staff recommends approval of the responsive bid from OSH Environmental submitted 1/24/2020. Authorization for the City Manager to execute the purchase order.

BACKGROUND

Subject property has been vacant for close to twenty years. Current Code Compliance staff first had contact with the property owner in 2016. The current case that has led to the demolition process was opened in November 2018.

All proper notification and advertising has been done in this case.

This item comes before Commission because it exceeds the \$20,000.00 threshold for purchases. The department has the appropriate budgeted funds for this project.

We received six (6) responsive bids. OSH Environmental's bid of \$24,400.00 was the lowest bid.

FISCAL IMPACT

Expenditure from a budgeted line item.

OTHER OPTIONS

Commission may choose a different respondent if they choose.

[End Agenda Memo]

7. OLD BUSINESS

7.I. Resolution 2020-03: Lease Agreement With YMCA Of Lake Wales, 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.

Concerns raised by the City Commission during the January 21st City Commission meeting relating to insurance and sovereign immunity protections have been adequately addressed through revisions of the proposed lease agreement. Specifically, the YMCA of West Central Florida, Inc. will not be listed as additionally insured under the City's insurance policy as it relates to the proposed lease agreement. The City is insured by the Florida Municipal Insurance Trust, a self-insurance pool composed of governmental entities. The FMIT is unable to extend its protections to an entity that is not a governmental agency and cannot qualify for sovereign immunity status. No other significance revisions to the lease agreement were made.

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]

Jennifer Nanek, City Clerk, read **RESOLUTION 2020-03** by title only.

**RESOLUTION 2020-03
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA,
AUTHORIZING ENTERING
INTO A LEASE AGREEMENT WITH THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF WEST
CENTRAL FLORIDA,
INC. FOR THE LETTING OF REAL PROPERTY LOCATED AT 1001 BURNS AVENUE, LAKE
WALES, FLORIDA; AND
PROVIDING AN EFFECTIVE DATE.**

James Slaton, Deputy City Manager, reviewed this item. He said that the issue raised at the last meeting concerning the extension of the City's sovereign immunity have been adequately addressed

and spelled out more clearly.

Deputy Mayor Robin Gibson said the revised paragraph meets the test and he is good with it.

Deputy Mayor Robin Gibson made a motion to adopt **RESOLUTION 2020-03**. Commissioner Howell seconded the motion.

Roll Call vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

7.II. Resolution 2020-04: Operating Agreement YMCA

[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]

Jennifer Nanek, City Clerk, **RESOLUTION 2020-04** by title only.

RESOLUTION 2020-04

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AUTHORIZING ENTERING INTO AN OPERATING AGREEMENT WITH THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF WEST CENTRAL FLORIDA, INC.; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Curtis Gibson made a motion to adopt **RESOLUTION 2020-04**. Commissioner Howell seconded the motion.

By Roll Call vote:

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Kenneth Fields, City Manager, asked for Commission for authorization to pursue naming rights for the YMCA to offset the costs to run it. Deputy Mayor Robin Gibson suggested that the rights be limited to one year. Mr. Fields said we will put in proper termination rights and will look into deals for 3 to 5 years.

Commission gave consensus on this.

8. NEW BUSINESS

8.1. ORDINANCE 2020 - 06 Amending Chapter 16, Pension & Retirement – General Employees' Pension Plan – First Reading

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider adopting Ordinance 2020-06 to allow for the purchase of prior municipal service and coordination of benefits between the 401(a) (defined contribution plan) and the City's General Employees' Pension Plan and Trust (defined benefit plan).

RECOMMENDATION

It is recommended that the City Commission adopt Ordinance 2020-06 on first reading.

BACKGROUND

The City sponsors multiple retirement systems, including a Defined Benefit Plan and a Defined Contribution plan. Ordinance 2020-06 is being presented for: 1) to provide for coordination of benefits with the 401(a) Plan, and 2) to allow for purchase of prior City service.

In 2013 the City established a \$75,000 maximum annual benefit cap for all City employees and to discontinue employee and City contributions if a member reached the cap. While this has led to a substantial continuing reduction in the City pension liability, it has also created a situation where an employee who reaches the benefit cap could continue to work for the city for an extended period of time without earning any additional retirement benefit. Under such circumstances, it would be advantageous for the employee to leave the City and seek other employment to continue to earn future retirement benefits.

Coordination of benefits with the 401(a) Plan (Defined Contribution Plan) will enable employees who reached the \$75,000 maximum annual benefit cap to join the 401(a) Plan. Joining the 401(a) plan would require the employee to continue to make the 5% employee contribution and the City will make a contribution at the same rate as determined by the actuary for the Defined Benefit Plan, subject to applicable IRS limits. Over time, this would shift more and more employees into the 401(a) plan and eliminate the need to raise the pension benefit cap in the future, reducing the City's future pension liability.

The second proposed change will allow members who have full-time City of Lake Wales service or other full-time governmental service in Florida prior to membership in this Plan, to purchase up to five years of prior service. The full actuarial cost of this buy back must be paid by the member.

The cost of the service buy back will be made by lump sum payment, including rollover from another qualified plan.

The City's defined benefit plans currently allow members to purchase up to five (5) years of military service entirely at the employee's cost and the Florida Retirement System which covers school district and County employees, including the Sheriff's Office, allows members to purchase prior local government service in the same manner as is provided for in this ordinance.

The current employment environment has changed significantly from the days when an employee joined an organization with the expectation of continuing employment until retirement from that hiring organization. Human resource professionals recognize that today's younger employees are significantly more likely to jump from one organization to another, seeking new challenges and opportunities to learn. Allowing employees to purchase time spent in other Florida governments, at no cost to the City

of Lake Wales, would aid in recruiting employees to the City, especially in highly technical and competitive areas such as information technology, engineering and urban planning although all employees would be eligible to make such a purchase.

FISCAL IMPACT

Coordination of benefits with the 401(a) plan would require the City to continue making a retirement contribution on behalf of an employee who reaches the \$75,000 benefit cap to the 401(a) plan equal to the percentage it would have made to the Pension plan. The exact amount depends on which plan an employee belongs to.

Foster & Foster, Inc. the General Employees' Pension Board's Actuarial Consultants, have determined that the purchase of prior City service will have no impact on the assumptions used in determining the funding requirements of the plan, because the cost will be paid by the employee.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2020-06** by title only.

ORDINANCE 2020-06

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

Sandra Davis, Human Resources Director, reviewed this item. Kenneth Fields, City Manager, also reviewed this item. He said that 2 employees have reached the cap and its possible that 3 more employees will hit the cap in the next 3-5 years. In the future more employees will hit it. There is a high cost to changing to the cap by increasing the City's liability increasing the City's percentage contribution. Now its gone down every year. The current rates hold down the unfunded amount.

Commissioner Curtis Gibson confirmed that the employee pays in 5% and the City pays a percentage that is higher than the employee pays. Mr. Fields said that the City pays a varied amount each year based on projections. Ms. Davis confirmed this and said its different for each of the three plans. Commissioner Curtis Gibson confirmed that there is no obligation to continue to pay after the employee reaches the max. Ms. Davis confirmed this. Commissioner Curtis Gibson said there is no obligation for an employee to stay other than this extra 401a plan where the City pays in. There is no stability that employees will continue to stay. Commissioner Curtis Gibson suggested giving that extra money to lower paid employees so that they can reach the max. We need to do more for lower paid employees. Commissioner Curtis Gibson asked Dorothy Abbott, Finance Director, if we can afford this. Ms. Abbott said whatever the Commission chooses to do. Commissioner Curtis Gibson asked if we are budgeted for this. Mr. Fields said we put into the budget an estimate. This will not require an increase to the budget. Mr. Fields said they are working to raise the pay scale of lower paid employees. He said its not easy to replace a higher paid employee they may go elsewhere to get a new pension. Commissioner Curtis Gibson said he would be fine if employees go elsewhere. The \$75000 is fair for those that max out and retire. On the issue of the buy-in Commissioner Curtis Gibson reviewed how this would work. Mr. Fields reviewed the buy in which is similar to what former military service members do now. Ms. Davis said this is for those supervisors who are in the 200 pay grade or higher. Commissioner Curtis Gibson said this is a complicated issue and asked if this was approved by the respective Pension boards. Mr. Fields said the he understands that it came before the pension board but didn't vote on it.

Deputy Mayor Robin Gibson said it was discussed at the general pension board and it was supposed to come back but it didn't. He would like to see this come back before the pension board. He said having a fixed number going into future years is bad policy. \$75,000 was a lot more 7 years ago. He would like to understand this better. Ms. Davis said she can be sure the actuary guy comes next time.

Mayor Fultz suggested we have the actuary come next time before we move forward. Mr. Fields said we can have more information on the fiscal impact for the next meeting. We can also kick this back to the pension boards. Deputy Mayor Robin Gibson said it was a concern at the pension board meeting where this was discussed. He was not sold on the buy back. Some lower employees may not be able to afford to buy back these years. Mr. Fields said they can buy up to five years or they can buy less. Commissioner Curtis Gibson said requiring 10 years before being vested in the plan means we got that employee for 10 years. For someone from somewhere else to only work 5 years and buy in the rest and retire causes him worry.

Commissioner Goldstein said that having the buy-in may help us in recruiting. We need to look at the figures and take out personalities.

Mayor Fultz said he did this when he bought back time from his service in the military when he went to work for the federal government. It is going to cost so some of the lower employees won't move up the ladder too fast.

Commissioner Howell said that she was talking to Mr. Fields about the Florida Retirement system that she is in but he was talking about something different. Mr. Fields said there are different plans within the Florida Retirement System. Commissioner Howell asked if the city pays after the \$75,000. Mr. Fields said right now the employee and City contributions stop. Commissioner Howell asked if there is an extra cost. Mr. Fields said the cost to the City with this change will stay the same. Commissioner Howell said she is not ready to vote on this now. She needs to talk about this more with Mr. Fields and Ms. Davis later.

Linda Kimbrough, resident said she serves on the pension board, and said she expected this to come back to them.

Mayor Fultz agreed that this can be postponed until a special meeting of the Pension Board is called to review this. The Commission consented to this.

8.II. Board Appointments: Code Enforcement Board, Historic District Regulatory Board, Police Pension Board

SYNOPSIS: Appointments to fill vacancies due to expiration of terms and resignations.

RECOMMENDATION

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

1. Rodney Cannon be appointed to the Code Enforcement Board for a term expiring on July 1, 2022
2. Bruce Austell be appointed to the Code Enforcement Board for a term expiring on July 1, 2022
3. Larry Bossarte be appointed to the Historic District Regulatory Board
4. Confirm the appointment of Carlos Unzueta to the Police Officer's Retirement Board for a term to expire on September 30, 2023

BACKGROUND

The Mayor makes appointments to various citizen advisory and regulatory boards, commissions, committees, and authorities with the advice and consent of the City Commission (City Charter, Sec. 3.06).

There are three vacancies on the Code Enforcement Board due to resignations and expiration of terms.

Bruce Austell and Rodney Cannon have applied to serve on the Code Enforcement board.

Code Enforcement Board (City Code Sec. 2-56) – The board consists of seven (7) members. Whenever possible, membership shall include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor. Members must be residents. (3-year term) 2 alternates can also be appointed.

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 3 vacancies, resident; 2 alternate seats

Current Members: Dwight Wilson, resident 12/18/18 – 07/01/21 1
Wilena Vreeland, resident 07/01/18 – 07/01/21, P+3

Murray Zacharia, resident 06/18/16 – 07/01/19, 2

Ralph E. Marino, 07/01/19 – 07/01/2022 P

Angela Knapstein, 03/07/17 – 07/01/19 1

Ron Wheat 12/05/17 – 07/01/21 P

Sara Jones, resident 10/16/18 – 07/01/21 1

Applying for Appointment: Rodney Cannon, resident, for a term expiring 7/1/2021
Bruce Austell, resident for a term expiring 7/1/2021

Historic District Regulatory Board (City Code Sec. 23-208.2) – The board consists of five (5) regular members (appointed in accordance with section 2-26). At least 50% of the members shall reside or own property within the City. Members shall be chosen to provide expertise in the following disciplines to the extent such professionals are available in the community: historic preservation, architecture, architectural history, curation, conservation, anthropology, building construction, landscape architecture, planning, urban design, and regulatory procedures. (3-year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 3 vacancies, resident or own property in City; 1 expiring term

Current Members:

Lawrence (Larry) Bossarte, property owner 11/01/11 – 07/01/20, 2

Diane Armington, property owner 07/01/16 – 7/1/2019, 3

John Turley, resident 12/18/18 – 07/01/21, 1
Brandon Alvarado, resident 12/18/18 - 07/01/21, 1
Ronni Wood, resident 06/21/2016 – 07/01/21

Applying for Appointment: Larry Bossarte, business owner, for a term expiring on 07/01/22

Meetings (City Code Sec. 23-208.3(c)) – The historic board shall hold regular meetings at the call of the chair and at such other times as the board may determine. Special meetings may be called by the chair or vice-chair with twelve (12) hours of notice. No less than four (4) meetings shall be held each year.

Current Meeting Schedule: 3rd Thursday @ 5:30 PM; Commission Chamber

Police Officers' Retirement Board – The board consists of five (5) members. Two (2) members must be legal residents of the City and two (2) members must be full-time police officers' employed by the Lake Wales Police Department. Resident members are appointed by the Mayor with the advice and consent of the City Commission; police officer members are elected by a majority of the police officers who are members of the plan. The fifth member is chosen by a majority of the other four members and appointed by the Mayor. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 resident due to resignation.

Current Members: Joe Elrod (Police Officer 5th Seat) 2/3/15 – 9/30/19 Partial term Robert Plummer (resident) 09/05/18 - 9/30/22 3 terms
Mckeon, TJ (resident) 2/5/19 – 9/30/22 1 term
Black, David (police officer) 10/14/16 – 9/30/22 2 terms

Raebig, William (police officer) 5/5/14 – 9/30/22 2 terms

Applying for appointment: Carlos Unzueta is applying to the 5th Member position for a 4 year term expiring 9/30/2023. He was selected by the Police Officers' Retirement System Board on January 27, 2020.

Current Meetings – Quarterly @ 4p.m.; Fire Department meeting room

OPTIONS

Do not appoint those that have applied.

FISCAL IMPACT

None. These are volunteer boards.

[End Agenda Memo]

Mayor Fultz appointed Rodney Cannon to the Code Enforcement Board for a term expiring on July 1, 2022.

Commissioner Howell made a motion to approve the appointment of Rodney Cannon to the Code Enforcement Board for a term expiring on July 1, 2022. Commissioner Curtis Gibson seconded the motion.

By voice vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Mayor Fultz appointed Bruce Austell to the Code Enforcement Board for a term expiring on July 1, 2022.

Commissioner Howell moved to approve the appointment of Bruce Austell to the Code Enforcement Board for a term expiring on July 1, 2022. Commissioner Curtis Gibson seconded the motion.

By voice vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Commissioner Howell asked if we have a full board now. Kathy Bangle, Assistant City Manager said there is one more vacancy and the 2 alternate spaces are vacant. There is another who has applied for appointment that may be coming soon.

Mayor Fultz appointed Larry Bossarte be appointed to the Historic District Regulatory Board for a term ending 7/1/2022. Commissioner Curtis Gibson seconded the motion.

By voice vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Mayor Fultz asked the Commission to confirm the appointment of Carlos Unzueta to the Police Officer's Retirement Board for a term to expire on September 30, 2023.

Commissioner Howell moved to confirm the appointment of Carlos Unzueta to the Police Officer's Retirement Board for a term to expire on September 30, 2023. Commissioner Curtis Gibson seconded the motion.

By voice vote:

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9. CITY CLERK

9.I. 2020 Municipal Election & Canvassing Board Information

[Begin Agenda Memo]

2020 MUNICIPAL ELECTION INFORMATION

The regular Municipal Election of the City of Lake Wales is Tuesday, April 7, 2020. We will elect a Commissioner for Seat 3 (District 122), and a Commissioner for Seat 5 (District 28) to serve a term of three

(3) years beginning May 5, 2020. Members of the City Commission must be registered voters and residents of the City of Lake Wales for at least one year preceding their date of election.

The two seats up for election are currently held by the following Commission members:

Seat 3 (District 122) Commissioner Terrye Howell

Seat 5 (District 28) Commissioner Robin Gibson

The Commissioner elected to Seat 3 must reside in District 122, and the Commissioner elected to Seat 5 must reside in District 28.

The qualifying period for a person to qualify as a candidate is from 12:00 p.m., noon, Monday, February 17 through 12:00 p.m., noon, Friday, February 21. Candidate packets are available in the City Clerk's office beginning 9:00 a.m., Friday, February 7. This packet contains qualifying papers, nominating petitions, and other necessary information and instructions to qualify as a candidate.

At the end of qualifying the City Clerk must prepare and submit to the Supervisor of Elections Office the approved ballot by 5:00 p.m. A special City Commission meeting has been scheduled for February 21 at 4:00 p.m. for that purpose. The scheduled special meeting date is also listed on the City Commission Calendar located under the City Manager portion of the Agenda.

The Municipal Election will be held at the Municipal Administration Building, 201 W. Central Avenue, Lake Wales and at the Lake Ashton Clubhouse, 4141 Ashton Club Drive, Lake Wales on Tuesday, April 7, 2020, 7 a.m. to 7 p.m. The City Commission will reschedule its first meeting in April from 6:00 p.m., Tuesday, April 7 to 6:00 p.m., Wednesday, April 8.

Contact the Supervisor of Elections at 863-534-5888 to request an absentee ballot. Voter registration deadline is March 9, 2020.

CANVASSING BOARD INFORMATION

While the Supervisor of Elections and the City Clerk may perform many of the tasks necessary to conduct the election, the City Commission serves as the Municipal Canvassing Board and has legal responsibilities related to the conduct of the Municipal Election. It is necessary to review the responsibilities well in advance to prevent calendar conflicts because a quorum must be present

at all Canvassing Board meetings.

The following rules apply to all members of the Canvassing Board:

No member can serve if they are a candidate with opposition in the election being canvassed or is actively participating in the campaign or the candidacy of any candidate who has opposition in the election being canvassed. Actively participating means undertaking an intentional effort to demonstrate or generate public support for a candidate beyond merely making a campaign contribution. Refer to DE 8-10; 09-07.

If a lack of a quorum is created on the Canvassing Board due to this rule or any other unavoidable cause, the City Commission may appoint the city manager, city attorney, or resident/s to serve in the absence of that commission member/s to serve on the Canvassing Board to avoid a possible lack of quorum (Sec. 8-26, Lake Wales Code of Ordinances). The City Clerk will prepare an agenda item for the first meeting in March for the City Commission to appoint additional people to serve on the Canvassing Board.

Per Florida Statute, Canvassing Board members are required to attend the following meetings.

Pre-election Logic and Accuracy Testing of Tabulating Equipment (L&A)

Tuesday, March 31, 2020; 4:00 p.m.

Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880 (behind the Auburndale Speedway).

-At least one member of the Canvassing Board must attend the L&A Testing.

Election Night Canvassing of Ballots

Tuesday, April 7, 2020, time to be scheduled by SOE (5:00 p.m. or later)

Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880

-A quorum must be present and must remain until all ballots are tabulated.

Certification of Election

City of Lake Wales Municipal Administration Building

Thursday, April 9, 2020; 5:00 p.m.

-A Quorum must be present.

Post-Election Manual Audit

Date & Time to be determined – April 15, 2020 through April 18, 2020

Elections Operations Center, 70 Florida Citrus Blvd. Winter Haven, FL 33880

-A quorum must be present.

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this agenda item.

She asked Mayor Fultz, Commissioner Curtis Gibson and Commissioner Al Goldstein to serve on the canvassing board. They agreed. Deputy Mayor Robin Gibson said he served on the canvassing board last year and it was a good education on the security of our elections. Mayor Fultz said that he is glad to not be running and will term limit himself after this term.

10. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported that he was not aware of any pending or threatened litigation against the City.

11. CITY MANAGER

11.I. Tracking Report

11.II. Social Media Tracking Report

11.III. Commission Meeting Calendar

Mr. Fields reminded the Commission of the next CRA meeting on February 18th 5:30 p.m. which was moved due to lack of a quorum on the normal date.

11.IV. Other Meetings And Special Events

12. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson said their may be difficult votes in the future. He is not bothered by split votes so long as there is good discussion.

Commissioner Howell asked about the flowers in the lake. James Slaton, Deputy City Manager, said we are working on clearing the lakes. Two have been done and we will do more.

Commissioner Howell asked about improved the lighting in Lake Wales. Zaillet Suri, Deputy City Clerk, said we got a list of dark areas and burned out bulbs from the Police Department and are working on replacing bulbs with LED bulbs and getting more lights with Duke Energy.

Commissioner Curtis Gibson commended citizens that are attending the Commission meetings and providing input.

Commissioner Curtis Gibson asked about Commissioners getting cell phones rather than being compensated for a personal cell phone. Mr. Fields says he recalls the discussion but not a formal decision.

Commissioner Curtis Gibson made a motion to give Commissioners the option of a cell phone or cell phone allowance. Commissioner Howell seconded the motion.

by Voice Vote:

ALL: "YES"

Motion passed 5-0.

Commissioner Curtis Gibson distributed a letter from Travis Burns, a member of the Airport Authority, advocating to keep a campground at the airport. He said the Airport Authority is in favor of keeping the campground. James Slaton, Deputy City Manager, asked that the Commission delay that recommendation until there is more discussion on this. Mr. Fields said there may be better uses for that property that staff would like to present to the Commission before a decision is made. Commissioner Howell expressed concern about keeping in compliance so we keep getting grants. Commission Curtis Gibson suggested a private company might run it. Mayor Fultz said we could look into that.

Commissioner Goldstein agreed with Commissioner Howell that it was dark in places and said that we need to encourage Duke Energy to move fast. Ms. Suri described the different types of lights throughout the City. Some are ones we own, some owned by FDOT and some by Duke Energy. Mayor Fultz said he hoped that if we have more business downtown that will help light up those areas. Deputy Mayor Robin Gibson said that the Dover Kohl plan includes more lights for downtown.

Commissioner Goldstein asked if prospective board members could be asked to come to meetings when they will be approved in the future. Kathy Banglely, Assistant City Manager, said we can invite them in the

future.

Commissioner Goldstein said he is willing to meet with any group at any time to listen to their input.

13. MAYOR COMMENTS

Mayor Fultz commended the Martin Luther King Jr Scholarship Committee on an excellent parade and celebration with no mishaps. He met someone who was interested in helping with the event.

Mayor Fultz reported on the HWY 27 advocacy group. They are advocating a Brightline stop in Polk County specifically near Posner Park. Congressman Darren Soto will help advocate for this. He asked the Commission if we could approve a resolution to this effect. The commission consented. Mayor Fultz suggested there might be an express bus to go up there. He also said a resolution may come up to get trucks out of the far left lane. This will allow more emergency vehicles to move faster along HWY 27.

14. ADJOURNMENT

The meeting was adjourned at 7:48 p.m.

Mayor/Deputy Mayor

ATTEST;

City Clerk