

City Commission Workshop Meeting Minutes

September 29, 2021

(APPROVED)

9/29/2021 - Minutes

1. CALL TO ORDER & ROLL CALL

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

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

Mayor Fultz called the meeting to order at approximately 2:00 p.m.

2. City Manager Comments

James Slaton, City Manager, said Friday at 10:30 am is a ribbon cutting for one of the Legacy houses.

3. ORDINANCE 2021-24 Extending The CRA 1st Reading

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider an ordinance to approve the continued existence of the Lake Wales Community Redevelopment Agency (CRA) through September 30, 2051.

RECOMMENDATION

After first reading and separate public hearing, staff recommends that the City Commission take the following action:

1. Approve Ordinance 2021-24, approving the continued existence of the Lake Wales Community Redevelopment Agency through September 30, 2051.

BACKGROUND

The Community Redevelopment Agency is considering the issuance of a Revenue Note, Series 2021 in an amount not to exceed \$18,500,000 to provide financing for redevelopment activities related to implementation of the Lake Wales Connected Plan. The Series 2021 Note is expected to be issued later this year and have a term of at least twenty years, in which case it would mature in 2041. In order to issue such long-term debt, the City will be required to extend the life of the CRA (set to expire September 30, 2029) since tax increment will be used to repay the debt.

The Florida Legislature recently amended the redevelopment statutes to provide that redevelopment agencies will generally terminate no later than September 30, 2039 unless the governing body of the city which created the agency approves its continued existence by a majority vote. The attached ordinance would constitute the City Commission's majority approval for continued existence of the CRA.

OPTIONS

Decline to adopt the ordinance and direct staff to pursue alternative funding options for implementation of the Lake Wales Connected Plan.

FISCAL IMPACT

By extending the life of the CRA from September 30, 2029 to September 30, 2051, the CRA will be eligible to facilitate issuance of long-term debt for purposes of financing redevelopment activities related to implementation of the Lake Wales Connected Plan.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

Commissioner Howell asked about the end date and if we planned to have a CRA forever. Mr. Slaton said they can't go on forever only 60 years. This extension would be the second 30 years. It will ultimately expire.

Deputy Mayor Gibson said that what we are doing is consistent with the CRA plan will identifying the projects that we are borrowing money for in this Ordinance look like we are adding them after the fact? Chris Roe, Bryant, Miller, Olive, said this is just ratifying or confirming the projects so the amendment can be reworded to clarify this. Deputy Mayor Gibson agreed with this.

4. Buck Moore Road Corridor Capacity Study Agreement

[Begin Agenda Memo]

SYNOPSIS: The proposed Buck Moore Road Corridor Capacity Study will identify needed roadway design requirements and implement a plan of action as new growth and development occurs along this road.

RECOMMENDATION

Staff recommends the following:

1. Approval of the Buck Moore Road Corridor Capacity Study Agreement.
2. Authorize funding of the Study at an amount not-to-exceed \$25,000.

BACKGROUND

Along Buck Moore Road, a County-maintained collector road, there are a substantial number of undeveloped properties that have historically been used for citrus groves. Currently, this road operates at a Level of Service (LOS) of "B", and has a LOS Standard of "D".

However, over the past few months, there have been five (5) proposed single-family residential projects totaling 684 units that have been approved in this area:

Leighton Landing - 46 units 80 Acres Project - 349 units

Buck Moore Heights (West Side) – 100 units Robin's Run – 156 units

Robin's Walk – 33 units

The expected trip generation from these projects, combined with the existing traffic currently using the roadway during peak periods, could eventually result at some point in the future where an appropriate level of service cannot be maintained.

To provide for proactive planning to mitigate future impacts, staff has requested this proposal from our Transportation Planning Consultant (VHB) for a corridor capacity analysis. This analysis will identify both the short-term (5-10 years) and long-term (Year

2045) requirements for roadway design, plus intersection geometrics that will obtain/maintain the adopted level of service standard. This study includes both the evaluation of roadway capacity needs and multi-modal elements (bicycle, pedestrian, transit) that will be consistent with the anticipated services and vision for this area of the City.

Once completed, this study will be a guide for future development activity along Buck Moore Road.

It will also be used to coordinate with Polk County for needed improvements.

OTHER OPTIONS

Decline to approve the execution of the agreement.

FISCAL IMPACT

Funds for Professional Services in the amount of \$25,000 for this study are in the FY 2021/2022 Development Services Department budget.

[End Agenda Memo]

James Slaton, City Manager, and Mark Bennett, Development Services Director, reviewed this item.

Deputy Mayor Robin Gibson asked to confirm that water and sewer is available to houses on Buck Moore Road. Mr. Slaton said yes every one. Mayor Fultz said our services are available out there. Mayor Fultz said he is glad this is being done to prepare for new growth. Mr. Slaton said this is better than being retroactive. Deputy Mayor Gibson said this is more efficient and saves taxpayer money by using what is paid for.

Mayor Fultz asked if we will need to expand our sewer plant or build a new one. Mr. Slaton said once we exceed 50% capacity we need to start planning for a new one and we are about there now. Mayor Fultz said that he is glad staff is paying attention to this.

5. Ordinance 2021-23 Annexation – 2nd Reading And Public Hearing 9.97 Acres Of Land South Of Belleview Drive And West Of 11th Street

[Begin Agenda Memo]

SYNOPSIS: Ordinance 2021-23 proposes the voluntary annexation of approximately 9.97 acres of land located south of Belleview Drive, west of 11th Street, and contiguous to the incorporated City limits.

RECOMMENDATION

Staff recommends approval after second reading of Ordinance 2021-23 following a public hearing.

Public Hearing notice requirements have been met.

A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

BACKGROUND

Hunt Bros, Inc, owner, petitioned annexation into the corporate city limits of Lake Wales on August 26, 2021.

"Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its southern and western boundaries.

On September 21, 2021, The City Commission approved Ordinance 2021-23 on first reading.

OTHER OPTIONS

Decline to annex the property.

[End Agenda Memo]

James Slaton, City Manager, and Mark Bennett, Development Services Director reviewed this item.

Deputy Mayor Gibson asked about development capacity at Whispering Ridge. Mr. Bennett said Phase 1 is built out and they are starting on Phase 2.

6. Award Of Bid #21-492 WRF Vacuum Truck Drying Bed Construction

[Begin Agenda Memo]

SYNOPSIS:

Contracting for \$280,999.00 for the construction of the WRF Vacuum Truck Drying Bed construction.

STAFF RECOMMENDATION

Staff recommends the City Commission consider taking the following action:

1. Approve the award of bid for bid number 21-492 to C & T Contracting for \$280,999.00 for the construction of the WRF Vacuum Truck Drying Bed construction.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND

City staff contracted with Kimley-Horn & Associates to provide a proposal to design a new vacuum truck sludge drying bed, for which the City Commission approved at its December 15, 2020 commission meeting. Staff placed the project out to bid on July 26, 2021 with a bid open date of September 9, 2021. Time and use has now made it necessary for staff to perform

this required maintenance and new construction. When the vacor returns to the wastewater plant at the end of the day, the contents are emptied onto the drying bed. Drying takes place by a combination of evaporation and gravity drainage through a piping network built underneath the drying bed pit. Once the sludge is completely dried, the dried material is shoveled into the dumpster for disposal. The liquid from the vacor truck is drained through the piping under the drying bed that eventually makes its way through the wastewater treatment plant. Staff is recommending the City Commission approve the award of bid and signing of the contract by the City Manager to C & T Contracting for \$280,999.00 based on the bid recommendation presented by Kimley-Horn & Associates for these construction services.

OTHER OPTION

None. The drying bed is used to dry material released from the Vector Truck. The material has to be dried prior to being placed into the dumper for removal.

FISCAL IMPACT

\$500,000 was budgeted in the Wastewater Division's FY '20-'21 Capital Improvements Budget for this purpose, \$37,000 was previously allocated for the engineering services, leaving \$463,000.00 available for construction.

[End Agenda Memo]

Nancy Hernandez, Utilities Support Manager, reviewed this item.

Deputy Mayor Gibson asked if there was any productive use for the sludge. Ms. Hernandez said not currently. This was looked into in the past but it didn't work out.

7. Operation Agreement And T-Hangar Lease Agreement – One UP Adventures, LLC.

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider an operation agreement and a T-hangar lease agreement at the Lake Wales Municipal Airport.

RECOMMENDATION

1. Authorize the mayor to execute an Operation agreement between One Up Adventures, LLC and the City at the Lake Wales Municipal Airport.
2. Authorize the mayor to execute a T-hangar lease agreement between the One Up Adventures, LLC and the City at the Lake Wales Municipal Airport

BACKGROUND

Chapter 3-Airport, Section 3-30 of the City of Lake Wales Code of Ordinances allows the city to lease hangars, pasture lands and other airport property to individuals, firms or corporations.

One Up Adventures, LLC desires to use portions of the airport property for basic and advanced ultralight flight training instruction and utilize t-hangar space for storage of aeronautical equipment at the Lake Wales Municipal Airport.

One Up Adventures, LLC agrees to pay the city a training fee of \$5.00 per student per day.

One Up Adventures, LLC request to utilize hangar space for storage of aeronautical equipment is in accordance with the Federal Aviation Administration (FAA) policy that allows this type storage in an airport t-hangar (Federal Register, volume 81, number 115, section 2: standards for aeronautical use of hangars).

One Up Adventures, LLC currently rents a t-hangar at the airport at a monthly rate of \$301.71.

The operation agreement shall run for a period of twelve (12) months with a renewal clause of two (2) additional twelve (12) month periods subsequent to its initial term upon mutual agreement of the parties.

The t-hangar lease agreement shall run for a period of twelve (12) months with an annual renewal clause of twelve (12) months upon mutual agreement of the parties.

OTHER OPTIONS

The City Commission may choose not to authorize the execution of the agreements at this time.

[End Agenda Memo]

Teresa Allen, Public and Support Services Director, reviewed this item. She said this activity is allowed by the FAA. This is a valid request. We will continue to investigate the allegation of their operating a commercial business. We always go to FAA for guidance. We have established a user group to address these concerns at the advice of the FAA. She explained why some of the terms in various leases are different.

Deputy Mayor Gibson asks what the FAA says about a breach of the lease. Ms. Allen said she isn't sure as this is new. In the past they recommend the City to work this out. Deputy Mayor Gibson asked what the business is. Ms. Allen said it is paramotor training. Deputy Mayor Gibson asked if the business is allowed. Ms. Allen said no and we have no evidence that a business is being run there.

James Slaton, City Manager, reviewed some of the past conflicts brought to the FAA. Deputy Mayor Gibson said we need to handle our own family problems as FAA seems to want.

Ms. Allen said if any of our tenants violate FAA standards can be kicked off the Airport.

Commissioner Howell asked if everyone is on the same playing field. She asked if everyone is following rules with the hangars. Ms. Allen said all hangars were inspected recently for items that shouldn't be there. Ms. Allen explained differences between different leases. Commissioner Howell asked if our leases should be changed to match FAA standards. No we still need our own standards we just can't outright deny someone.

Deputy Mayor Gibson said the Commission deals with policy, not administration and we are not a court. So we don't need to be involved. Albert Galloway, Jr., said the commission approves leases like contracts. The role of the commission in these issues was discussed. Commissioner Howell said so long as we are following FAA rules she is fine. Ms. Allen said we have projects fully funded by FAA so we meet their guidelines.

Commissioner Hilligoss said we should be sure what our policies are. Deputy Mayor Gibson said violations of policy can come to the Commission but no one should go over the staff to the commission. Mayor Fultz said he directs many concerns and complaints back to staff.

8. Hangar Land Lease Agreement And Operation Agreement– Jump Florida Skydiving, LLC

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider a hangar land lease agreement and an operation agreement at the Lake Wales Municipal Airport.

RECOMMENDATION

1. Authorize the mayor to execute a hangar land lease agreement between Jump Florida Skydiving, LLC and the City for 32,949 square feet (0.77 acres) of land space for the purpose of developing and constructing an aircraft hangar.
2. Authorize the mayor to execute an operation agreement between Jump Florida Skydiving, LLC and the city for space within the Airport Administration Building.

BACKGROUND

Chapter 3-Airport, Section 3-30 of the City of Lake Wales Code of Ordinances allows the city to lease hangars, pasture lands and other airport property to individuals, firms or corporations.

Jump Florida Skydiving, LLC is requesting to lease land at the Lake Wales Municipal Airport to construct an aircraft hangar (32,949) square feet, at a rate of (\$1,070.84) per month (\$12,850.11) per annum.

Rent commencement date shall be the earlier of the twelve (12) months after the effective date or upon issuance of the Certificate of Occupancy. The annual base rent shall remain unchanged for the first five (5) years and thereafter shall be adjusted in the amount to be determined by the percentile change in the Consumer Price Index.

Pilots with larger aircraft are accustomed to certain amenities at airports. Having their aircraft fueled by airport staff is one. The Lake Wales Municipal Airport does not provide this service; therefore, the City is allowing LW hangar, LLC to purchase a fuel truck to provide fuel delivery service to all aircraft in their hangar. Self-fueling is allowable by the Federal Aviation

Administration (FAA) guidelines. When the City is able to provide such service the City will provide this service at a cost not to exceed the wholesale fuel cost per gallon plus ten cents (\$0.10).

The initial term of this lease shall be for a period of thirty (30) years. Upon expiration of the initial term, Lessee shall have the option to extend the lease for one (1) additional ten (10) year renewal term. Lessee shall provide notice of electing any renewal term by providing written notice to lessor any time before the expiration of each prior term.

Proof of insurance is required before issuance of the Certificate of Occupancy.

Jump Florida Skydiving, LLC desires to lease facility space within the Airport Administration Building and agrees to pay a base rent of \$3,000.00 per month and an additional space rent of \$355.63 per month plus applicable tax for the term of the agreement.

Jump Florida Skydiving, LLC will pay 80% of the common utility cost including electricity and water and any other applicable utility cost.

Jump Florida Skydiving, LLC will pay the city a jump fee for each skydiver, which takes off from the airport ten cents per jump (\$0.10). The jump fee shall increase at a rate of 2.5% or the increase in the Consumer Price Index, whichever is greater, each year on the anniversary of this agreement.

The initial term of the operation agreement shall be for a period of thirty-six (36) months with a renewal clause for two (2) twelve (12) month terms subsequent to its' initial term upon mutual agreement of the parties.

OTHER OPTIONS

The City Commission may choose not to authorize the execution of the agreements at this time.

FISCAL IMPACT

Airport revenue of \$12,850.11 annually from the hangar land lease agreement and a monthly base rent of \$3,000.00 plus \$355.63 additional space rent from the operation agreement.

[End Agenda Memo]

Teresa Allen, Public and Support Services Director, reviewed this item. Ms. Allen said she hopes additional

activity will encourage FDOT to see the need for an additional entrance.

9. Agreement - City Of Lake Wales/Police Benevolent Association

SYNOPSIS:

Bargaining Agreement between the City and West Central Florida Police Benevolent Association, Inc.

RECOMMENDATION

It is recommended that the City Commission ratify the proposed amendments to the agreement between the City of Lake Wales and the West Central Florida Police Benevolent Association, Inc.

BACKGROUND

On February 2, 2021, the City Commission approved the collective bargaining agreement between the City of Lake Wales and the Police Benevolent Association, Inc. (PBA) for the period October 1, 2020 through September 30, 2021. The general purpose of the agreement is to provide wages, hours, and other conditions of employment for the employees in the police department bargaining unit of which all are sworn officers in the classification of police officer, corporal or sergeant.

Management staff and the Police Department union representatives have reached an agreement for the period October 1, 2021 through September 30, 2024.

NOTE: The amendments are presented to the City Commission for ratification at this time. The changes to the existing agreement are highlighted below:

Article 16 Wages

16.1 Effective October 1, 2021 employees shall receive a 3% (three percent) cost of living increase.

NOTE: this is the same as general employees and fire department employees. Article 28 Tuition Aid

28.1 Reimbursement of admission examination, books and/or tuition fees of a maximum of \$1,500 \$2,000.00 will be provided by the City per employee per fiscal year for degree curricula as long as the expense is job related and may include on-line classes. Any cost or fees paid from other sources shall not be reimbursable by the City.

38 Duration of Agreement

38.1 This Agreement shall become effective upon ratification by the bargaining unit members and approval and ratification by the Lake Wales City Commission and shall continue in full force and effect until midnight of September 30, 2024.

The City of Lake Wales and the West Central Florida PBA agree that for fiscal years 2022-2023, and 2023-2024 each party has the right to re-open up to two (2) articles in addition to Article 16, Wages.

FISCAL IMPACT

No additional impact to the 21'22 FY Budget.

[End Agenda Item]

Sandra Davis, Human Resources Director, reviewed this item.

Deputy Mayor Robin Gibson asked about the cost to taxpayers. Ms. Davis said the 3% increase is already in the budget but the tuition costs are unknown.

10. Resolution 2021-21 - Establishing A Census Redistricting Committee

[Begin Agenda Memo]

SYNOPSIS

A redistricting committee needs to be appointed to determine boundary lines for geographic areas represented by Commission Seats 2 through 5.

RECOMMENDATION

Staff recommends that each commissioner appoint a citizen to serve on the redistricting committee that will define the boundaries of four city commission districts containing population that is as equal as feasible. Staff recommends that the appointments be effective on November 1, 2021.

BACKGROUND

Now that the results of the 2020 Census have been received and are being compiled, it is necessary to redraw the city commission district boundary lines to ensure that each district contains population that is distributed as equally as feasible.

Although there are currently five commission districts, Seat 1 is an at-large seat held by the mayor. The other four geographical districts will be represented by commission seats two through five.

In accordance with the City Charter, the City Commission must appoint a districting commission comprised of 3 to 5 registered voters of the city within one year of receiving the 2020 census data.

The Charter assigns the following task to the districting commission:

Within six months after its appointment, the districting commission shall file with the city clerk a report containing a recommended plan for adjustment of either the allocation of commission seats within each commission district or adjustment of the commission district boundaries to comply with the following specifications:

- (1) Each district shall be formed of compact, contiguous property, as nearly rectangular as possible, and its boundary lines shall follow the center lines of the streets.
- (2) Each commission seat assigned to the commission districts shall represent as nearly as possible the same number of citizens as determined from population data derived from the last decennial census. The area represented by each commission seat does not differ in population by more than ten percent.

The districting commission may establish its own procedures or methodology for completing its task.

Each member will be provided with a copy of the census block map and population data for each block. The goal of the districting commission will be to produce a recommendation to the City Commission for establishment of four geographical districts that are as equal in population as possible.

Exactly how a recommendation is determined will be up to the members of the districting commission.

The City Commission must appoint the districting commission within 12 months of receiving the census data, and the districting commission must make its recommendation within six months after appointment. The census data was received in August 2021.

Following the 2000 and 2010 censuses, it was possible to complete the redistricting process within 12 months of receiving the data, including the six-month period allowed for committee work.

Also by Charter, the ordinance implementing the districting commission recommendation and establishing the new district boundaries must be adopted no later than 90 days before the 2023 election; i.e., not later than December 31, 2022. The districting commission report must be filed no later than November 15, 2022 in order to allow two readings and adoption of an ordinance by December 31, 2022.

OPTIONS

The City Commission may wish to postpone appointment of the districting commission. Once appointed, the commission has six months in which to make its recommendation. The commission may be appointed as late as February 2022 and still make the required deadlines.

If the City Commission wishes to move forward and appoint a districting commission at this time, we recommend making the appointment effective on November 1, 2021. The districting commission would then have until May 1, 2022 to make its recommendation.

FISCAL IMPACT

none

[End Agenda Memo]

Jennifer Nanek, City Clerk, reviewed this item.

Commissioner Howell asked if a Commissioner's appointee has to resign can they appoint another. Ms. Nanek said yes.

Deputy Mayor Gibson asked when he should submit his name by. Ms. Nanek said the Friday before the next Commission meeting on the 19th.

11. RESOLUTION 2021-23 Authorizing Submission Of A CDBG Coronavirus Relief Funding Application

[Begin Agenda Memo]

SYNOPSIS: RESOLUTION 2021-23 will authorize the submission of an application for funding of a CDBG Coronavirus relief grant

RECOMMENDATION

Staff recommends that the City Commission adopt RESOLUTION 2021-23.

BACKGROUND

Coronavirus relief funding is available from the Florida Department of Economic Opportunity CDBG Program. City Staff has prepared a grant application for funding for the construction and rehabilitation of sidewalks to promote social distancing in the City's Northwest Neighborhood as a means to prevent, respond to, or assist in the recovery of the COVID-19 pandemic.

Resolution 2021-23 authorizes submittal of the grant application online.

OTHER OPTIONS

Do not approve RESOLUTION 2021-23

FISCAL IMPACT

See attached Fiscal impact Statement

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

Deputy Mayor Gibson said the outdoor dining planned for downtown could help with covid-19 transmission. He expressed support for the project.

12. Special Event Permit Application - Veterans Day Parade

{Begin Agenda Memo}

SYNOPSIS:

Approval of the Special Event Permit Application will allow the American Legion Memorial Post 71 to hold a Veterans Day Parade on Thursday November 11, 2021 and will allow for the temporary closing of Central Avenue.

RECOMMENDATION

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

- Approve the Special Event Permit application from the American Legion Memorial Post 71 to hold the Veterans' Day parade on Saturday November 11, 2021 between the hours of 11:00 a.m. and 1:00 p.m.
- Approve the request for the temporary closing of several streets in the downtown area on

November 11, 2021 between the hours of 11:00 a.m. and 1:00 p.m. The streets to be closed are as follows; Central Avenue at M.L. King Jr. Blvd east, crossing Scenic HWY to Lake Shore Blvd., then north on Lake Shore Blvd to Lake Wailes Park where the parade will end.

BACKGROUND

Ira Andy Anderson, of the American Legion Post #71, has submitted a special event permit application to hold a Veterans' Day parade on Thursday November 11, 2021 between the hours of 11:00 a.m. and 1:00p.m. to honor all veterans past and present. This application also includes a request for the temporary closing of Central Avenue through the downtown area. Line up for the parade will begin at noon at the Municipal Administration Building. The parade route will involve the following streets:

Central Avenue from Dr. Martin Luther King Jr. Boulevard crossing Scenic Hwy to Lakeshore Blvd. then north on Lake Shore Blvd to Lake Wailes Park where the parade will end.

Affected Streets include: M.L. King Jr. Blvd, Central Avenue, and Lakeshore Blvd. We will close all the streets intersecting Central Avenue.

The Lake Wales Police Department will provide vehicular and pedestrian control and the Streets Department is coordinating the street closings. Sanitary facilities and trash clean up will be the responsibility of the sponsor. Insurance is being provided as required.

At the end of the parade, the American Legion will host a cookout for parade participants in Lake Wailes Park.

OTHER OPTIONS

Do not approve the special event permit application for the Veterans' Day parade and the request for the temporary street closings.

FISCAL IMPACT

Total in kind services for this event was budgeted in the amount of \$824. The sponsor will be responsible for 25% of the total cost or \$206. Any additional cost related to the parade route will be the responsibility of the sponsor.

[End Agenda Memo]

James Slaton, City Manager reviewed this item.

Mayor Fultz said this is a good thing for the City.

13. CITY COMMISSION AND MAYOR COMMENTS

Commissioner Williams said he is glad to see staff thinking ahead.

Mayor Fultz asked for staff to keep eyes open for possible funding for anything.

Deputy Mayor Gibson said the ceremony Friday was wonderful. He thanked the staff who worked on it. Mayor Fultz said he is glad to see multiple entities working together.

14. ADJOURN

The meeting was adjourned at 3:01 p.m.

Mayor

ATTEST:

City Clerk