

**City Commission Meeting Minutes**  
**May 7, 2019**  
**(APPROVED)**

5/7/2019 - Minutes

1. INVOCATION

Dr. 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, Robin Gibson -Deputy Mayor, Flora "Tonya" Stewart, Terrye Howell

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Community Action Month May 2019

Mayor Fultz proclaims May 2019 as Community Action month. The proclamation was presented to Albert Miller with ALPI.

5.II. Public Works Week Proclamation

Mayor Fultz proclaimed May 19-25 as Public Works Week and presented the Proclamation to Sarah Kirkland, Utilities Director, and Teresa Allen Public and Support Services Director.

6. CITY CLERK

6.I. Plaque Award - Flora "Tonya" Stewart

Jennifer Nanek, City Clerk, presented outgoing Commissioner Stewart with a plaque in appreciation of her service on the Commission.

6.II. OATH OF OFFICE: Curtis Gibson

Former Judge Bob Doyle swore in Curtis Gibson for his new term.

6.III. OATH OF OFFICE: Al Goldstein

State Representative Melony Bell swore in Al Goldstein for his new term.

6.IV. OATH OF OFFICE: Eugene L. Fultz

State Representative Melony Bell swore in Eugene Fultz for his new term as Mayor.

6.V. Group Picture

A Group picture of the new Commission was taken before the meeting.

7. Roll Call

**Commission Members Present:** Eugene Fultz - Mayor, Curtis Gibson, Robin Gibson -Deputy Mayor, Al

8. PRESENTATION/REPORT

8.I. Transmittal Of Comprehensive Annual Financial Report, For Fiscal Year 09/30/2018

[Begin Agenda Memo]

**SYNOPSIS:**

Transmittal of Comprehensive Annual Financial Report for fiscal year ended September 30, 2018.

**STAFF RECOMMENDATION:**

Staff recommends the City Commission accept the Comprehensive Annual Financial Report for fiscal year ended September 30, 2017 and independent auditors' report as presented.

**BACKGROUND:**

In the independent auditors' report for the fiscal year ending September 30, 2018, the auditors (Cherry Bakert LLP, CPAs & Advisors) stated that, in their opinion, the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City as of September 30, 2018, and the respective changes in financial position, and cash flows where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

The City utilized the professional services of Mike Brynjulfson, CPA for compilation of the annual audit. Mr. Brynjulfson will be attending the presentation of the annual report and be available to answer any questions relating to technical reporting requirements. This is the tenth year that the City has prepared a comprehensive annual financial report (CAFR).

Financial Highlights

- The assets and deferred outflows of resources of the City exceeded its liabilities and deferred inflows of resources at the close of the most recent fiscal year by \$53,746,525 (net position). As of September 30, 2018, the City reports an unrestricted net position of \$2,369,616 as compared to a deficit of \$1,062,007 in the prior year.
- The City's total net position increased by \$2,462,952. The governmental activities and business type activities increased their net positions by 4% and 5%, respectively.
- As of the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$7,974,320; an increase of \$582,180 for the year. Approximately 34% is available for spending at the government's discretion (unassigned).

[End Agenda Memo]

Dorothy Abbott, Finance Director, reviewed this item. She introduced Ron Conrad from Cherry Bakert to speak about audit findings. Mr. Conrad reported that the audit is complete and is submitted for Certificate in Excellence for financial reporting. The audit also reviewed the grants and had no findings. The City is in solid shape. He thanked the Finance Department Staff for being very helpful. They are continually trying to be better and more transparent.

Deputy Mayor Robin Gibson expressed concern about the Pension funds and asked about who is responsible for the Pension fund and what the set up is. Ms. Abbott described the composition of the Pension board and their role. She said they have responsibility but there is no negative to them. Deputy Mayor Robin Gibson said that he will send a copy of Federal regulations to Ms. Abbott.

9. COMMUNICATIONS AND PETITIONS

Virgil Ullom, non-resident, spoke about God's love and living morally.

John Miller, resident, shared a list of organizations and volunteer opportunities that he has compiled and asked the City for help in providing this resource with others in the community. Mayor Fultz said it would be good to provide volunteers opportunities for our youth. Kenneth Fields, City Manager, said we can put that information on the website.

10. CONSENT AGENDA

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

by voice vote:

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10.I. Minutes - April 16, 2019

10.II. Commission Financials March 31, 2019

[Begin Agenda Memo]

SYNOPSIS:

The preliminary financial statements report revenues received and expenditures made through the end of March 31, 2019.

The unaudited financial statements for the City of Lake Wales for the Period Ending March 31, 2019 are presented to the City Commission for review.

General Fund (001), page 1:

The General Fund appears to be materially on target with revenue and expenditure expectations.

Transportation Fund (102), page 6:

The Transportation Fund appears to be materially on target with revenue and expenditure expectations.

CRA Fund (105), page 11:

The CRA fund appears to be materially on target with revenue and expenditure expectations.

Library Fund (110), page 16:

The Library Fund appears to be materially on target with revenue and expenditure expectations.

Utility System Fund (403), page 27:

The Utility System Fund appears to be materially on target with revenue and expenditure expectations.

Airport Authority (404), page 30:

The Airport Authority appears to be materially on target with revenue and expenditure expectations.

[End Agenda Memo]

#### 10.III. Award Of Bid 19-461 Water Treatment Plant #3 Ground Storage Tank Construction

[Begin Agenda Memo]

##### **SYNOPSIS:**

Award of Bid to Crom, LLC in the amount of \$1,245,600.00 for the Water Plant Number 3 Ground Storage Tank construction and authorize construction phase services to Chastain Skillman in the amount of \$74,600.00.

##### **RECOMMENDATION**

It is recommended that Commission take the following action:

1. Award the bid to Crom, LLC for the construction of a new ground storage tank at water plant number three in the amount of \$1,245,600.00.
2. Approve Construction Phase services contract to Chastain-Skillman, Inc. in the amount of \$74,600.00.
3. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

##### **BACKGROUND**

The City owns and operates three water treatment plants that provide quality drinking water to its citizens. An integral part of the system is to provide sufficient storage capacity, to include redundancy is necessary to the treated water for use on an as needed basis. Currently water treatment plant number 3 has the capacity to hold 400,000 gallons of treated water. This treated water is then sent throughout the distribution lines to service city residents in the northern part of the city. It is the utilities department intent to ensure that there is always a sufficient amount of treated water for use. Currently there is only one storage facility at water treatment plant number three.

The Commission, at its February 21, 2017 city commission meeting approved entering into a contract with Chastain Skillman, Inc. for the design and engineering of the new ground storage tank. The Commission, at its December 4, 2018 city commission meeting approved submitting an application to acquire the necessary funding from the State Revolving Loan Fund. Staff is now at the stage in the process of awarding the bid for construction.

Staff submitted a request for bid for the above referenced project, in which four bidder responded. Of the four bidders, Crom, LLC was declared the most responsive low bidder after engineer review and evaluation of the bids. Staff recommends the Commission take the following action, approve the award of bid to Crom, LLC in the amount of \$1,245,000.00, approve the construction phase services contract, and authorize the City Manager to execute the appropriate documents, on the City's behalf.

##### **OTHER OPTIONS**

The Commission could chooses not to approve any of the contracts listed above and direct staff to return the project back out to bid.

##### **FISCAL IMPACT**

The 2018-2019 Capital Improvements Plan has budgeted \$1,300,000.00 to be funded through the State Revolving Fund Loan Program.

[End Agenda Memo]

#### 10.IV. Award Of Bid #19-462 For Water Main Replacement Project

[Begin Agenda Memo]

#### **SYNOPSIS:**

Award of Bid to Tri-Sure Corporation in the amount of \$1,606,850.00 for the removal and replacement of water main in various locations in the city and approve the construction phase services contract to Dewberry Engineering in the amount of \$30,900.00.

#### **RECOMMENDATION**

It is recommended that Commission take the following action:

1. Award the bid to Tri-Sure Corporation for the removal and replacement of water main in various locations in the city in the amount of \$1,606,850.00.
2. Approve Construction Phase services contract to Dewberry Engineering in the amount of \$30,900.00
3. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

#### **BACKGROUND**

The City owns and maintains One hundred seventy-six miles of water main, ranging in size from two inches to twenty-four inches. It becomes necessary from time to time to replace this water main in areas where the original pipe installations are now too small in size to service the area with sufficient flows and pressures.

The pipe staff is seeking to replace are old galvanized lines that have corroded over time and are no longer functioning at peak performance. The streets being affected with this project, to name a few, are Grove Ave, Delmar Street, First Street, Townsend Avenue, Steedly Avenue, Tillman Ave, Briggs Avenue, & Johnson Ave.

The Commission, at its May 3, 2016 city commission meeting approved entering into a contract with Dewberry Engineering for the design and engineering of the water main replacement project to take place in various locations throughout the city. The Commission, at its December 4, 2018 city commission meeting approved submitting an application to acquire the necessary funding from the State Revolving Loan Fund.

Staff is now at the stage in the construction process of awarding the bid for construction and construction phase services. Staff submitted a request for bid for the above referenced project, in which two bidders responded. Of the two bidders, Tri-Sure Corporation was declared the most responsive low bidder after engineer review and evaluation of the bids. Staff recommends the Commission take the following action, approve the award of bid to Tri-Sure Corporation in the amount of \$1,606,850.00, approve the construction phase services contract for Dewberry Engineering in the amount of \$30,900.00, and authorize the City Manager to execute the appropriate documents, on the City's behalf.

#### **OTHER OPTIONS**

The Commission could chooses not to approve any of the contracts listed above and direct staff to return the project back out to bid.

## **FISCAL IMPACT**

The 2018-2019 Capital Improvements Plan has budgeted \$2,260,000.00 to be funded through the State Revolving Fund Loan Program.

[End Agenda Memo]

### 10.V. Fifth Amendment To The New Cingular Wireless Cell Site Lease

[Begin Agenda Memo]

#### **SYNOPSIS:**

New Cingular Wireless desires to renew their Cell Site Lease at 138 Sessoms Ave at the rate of \$3,600.00 a month.

#### **RECOMMENDATION**

It is recommended that Commission take the following action:

1. Approve the Fifth Amendment to the New Cingular Wireless Cell Site Lease.
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

#### **BACKGROUND**

The City entered into the original lease with New Cingular Wireless on March 19, 1998. Over the last 21 years there have been several amendments to either extend the lease agreement or amend the lease agreement as the provider increased its space on the leased property. New Cingular Wireless desires to continue their long relationship with the City of Lake Wales by requesting the approval of attached Fifth Amendment to their agreement. The Fifth Amendment stipulates the new monthly rents would be at a rate of \$3,600.00 a month for a total of \$43,200.00 per year for the next five years, with a 1.7% increase in year six.

Staff has predetermined that the renewal of New Cingular Wireless Cell Site lease amendment will not interfere with any of the daily operational activity. Staff recommends the Commission take the following action, approve the Fifth Amendment to the New Cingular Wireless Cell Site Lease and authorize the Mayor to execute the appropriate documents, on the City's behalf.

#### **OTHER OPTIONS**

The Commission could chooses not to approve the amendment to extend the lease, resulting in a decrease of \$43,200 in revenue.

#### **FISCAL IMPACT**

The provider would be paying an annual lease of \$43,200.00.

[End Agenda Memo]

Deputy Mayor Robin Gibson asked if this lease was on our water tower. Sarah Kirkland, Utilities Director, confirmed this. Deputy Mayor Robin Gibson asked if there were others by other providers. Ms. Kirkland said yes but their leases aren't up for renewal yet. Kenneth Fields, City Manager, said these may go away as the antennas get smaller, are placed around the City and are being more regulated by the state. This issue was discussed. Ms. Kirkland reviewed this item.

### 10.VI. Fourth Extension Of Time – Approval Of Preliminary PDP Plan Leoma's Landing – North Side Of Chalet Suzanne Road

[Begin Agenda Memo]

## **SYNOPSIS**

Metro Development Group, LLC, developer, is requesting an additional one-year extension of approval for a residential Planned Development Project (PDP) for 281 single-family lots first approved by City Commission in June 2014.

## **RECOMMENDATION**

Approval of an additional one-year extension of time on the preliminary planned development project (PDP) plan approval for Leoma's Landing, as shown on the plan titled Leoma's Landing PDP Modification, dated 7/15/2014, and extended annually thereafter, by a unanimous vote by Commission. The Developer is asking for this extension to commence immediately. At a regular meeting on April 23, 2019, the Planning and Zoning Board unanimously approved the request of the applicant for a positive recommendation to City Commission to approve the one-year extension.

## **BACKGROUND**

Metro Development Group has requested a one-year extension on the referenced project. The applicant has stated that there has been expressed interest in moving this development forward and they would like to be afforded more time. There have been no significant changes in the ordinances pertaining to the type of development proposed or in the conditions of the neighborhood. A reduced copy of the plan and the conditions of approval are attached for your information. Any change in the plan or conditions would require public hearings for an amendment of the preliminary PDP approval. No changes have been proposed or recommended.

## **OTHER OPTIONS**

Decline to extend the approval. If Metro Development Group wishes to proceed with the project, a new PDP plan approval would be required.

[End Agenda Memo]

### 11. OLD BUSINESS

### 12. NEW BUSINESS

#### 12.I. Appointment Of Deputy Mayor

Mayor Fultz asked Robin Gibson to continue in this position. Commissioner Howell made a motion to appoint Robin Gibson as Deputy Mayor. 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.

#### 12.II. Appointment Of A Representative To Ridge League Of Cities

Mayor Fultz volunteered to continue to serve in this role.

Deputy Mayor Robin Gibson made a motion to appoint Mayor Fultz as representative to the Ridge League of Cities. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "Abstained"

Motion passed 4-0.

#### 12.III. Appointment Of An Alternate To Polk County Water Cooperative

Mayor Fultz asked Commissioner Goldstein to serve as the alternate to Polk County Water Cooperative. Commissioner Goldstein agreed. Deputy Mayor Robin Gibson made a motion to approve Commissioner Goldstein as the alternate to Polk County Water Cooperative. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 12.IV. Appointment Of Representative To Airport Authority

Mayor Fultz asked Commissioner Curtis Gibson if he would like to remain in this position. Commissioner Curtis Gibson said yes. Deputy Mayor Robin Gibson made a motion to appoint Commissioner Curtis Gibson as representative to the Airport Authority. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 12.V. Appointment Of A Representative To The Charter School Board

Mayor Fultz reported that Pete Perez has had to step down for health reasons. Mayor Fultz introduced Becky Gaston and gave her background. Mr. Perez asked what her opinion was regarding bringing in McLaughlin to become part of the Charter Schools. Ms. Gaston said she is learning and is a blank slate. She has no opinion as of yet and has an open mind.

Commissioner Howell made a motion to approve Becky Gaston as the City representative to the Charter School Board. 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.

#### 12.VI. Board Appointment: Recreation Commission

[Begin Agenda Memo]

##### **SYNOPSIS:**

Appointment to fill a vacancy due to an expired term.

##### **RECOMMENDATION**

Staff recommends that the Mayor appoint Jim Reddick to a citizen spot on the Recreation Commission for a term to expire July 1, 2021.

##### **BACKGROUND**

There are vacancies on the Recreation Commission due to expired terms.

Recreation Commission (City Code Sec. 2-161) – The Recreation Commission consists of thirteen (13) members from Community Organizations providing a recreation program for the Community and three citizen members representing the citizens at large. A Quorum shall consist of 6 members (3-year term)

- There is no interview requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 Citizen Vacancies

Current Meeting Schedule is the third Mondays of the month at 12:00 p.m. noon in the City Manager's Conference Room.

Applying for Appointment: Jim Reddick for a term to expire July 1, 2021.

Current Members: Keri Hunt, Citizen, 07/01/2017-07/01/2020, 3

Vacant, Citizen, 07/01/2018 – 07/01/2021

Jennifer Anderson –Leeks, 07/01/2017-07/01/2019, 1

Curtis Reddick, Lake Wales Boys and Girls Club

Scott Blackburn, Lake Wales Little League

Linda Kimbrough, Lake Wales PAL

Patty McKeeman, Lake Wales Pram Fleet

Kara Wiseman, Lake Wales Public Library

Robbie Shields, Lake Wales Soccer Club

Meryl Reese, Shuffleboard

Jeanne Ward, Lake Wales Steelers

Eileen Farchmin, Webber International University

Vacant – Tennis

Vacant – Lake Wales YMCA

Vacant - Polk County School Board

Vacant – Lake Wales Charter Schools

#### OTHER OPTIONS

Do not appoint those who have applied

#### FISCAL IMPACT

None. These are volunteer boards.

[End Agenda Memo]

Mayor Fultz appointed Jim Reddick to a citizen spot on the Recreation Commission for a term to expire July 1, 2021. Commissioner Howell made a motion to approve the appointment of Jim Reddick to a citizen spot on the Recreation Commission for a term to expire July 1, 2021. 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.

13. CITY ATTORNEY

Albert Galloway, Jr, City Attorney, said someone will be filing an action against the recently enacted Charter Amendment extending the terms. Mayor Fultz said that the amendment was needed.

14. CITY MANAGER

14.I. Tracking Report

Kenneth Fields, City Fields, said they plan to bring the YMCA contract before the Commission during a workshop soon.

14.II. Social Media Tracking Report

14.III. Commission Meeting Schedule

Kenneth Fields, City Manager, said that the first budget workshop is May 14, 2019 at 6pm. This is a priority setting meeting where staff can hear the priorities of the Commission.

There will be a CRA meeting at 5:30pm beforehand. We will elect a Chair and Vice-chair.

14.IV. Other Meetings & Events Calendar

15. CITY COMMISSION COMMENTS

Deputy Mayor Robin Gibson mentioned the issue about competitive bids over \$35,000. He has read documents on both sides. The contract is about ready to run out. A contract is coming up for bid to paint the City Administration building that will be put out to bid. We can see how both sides of the process work.

Commissioner Curtis Gibson read a statement thanking voters for re-electing him to office. He says he will continue to watch over City's spending, encourage citizen input, and advocate for recreation.

Commissioner Curtis Gibson expressed concern about the City obstructing Ray Brown from purchasing and restoring the Seminole Hotel. We need to support developers wanting to restore historic buildings. He is pro-business and wants to encourage investment in Lake Wales. He was concerned about hindering access to the building. Kathy Bangley, Planning Director, said that Ray Brown and his architecture toured the building today. Mr. Fields reviewed the incidents concerning Ray Brown trying to access the building and said the building isn't safe for people to go into. Ms. Bangley explained that Ray Brown has expressed interest in the building but has not met with her with a redevelopment plan or followed the process. Mayor Fultz said that we should discuss this another time as it is not on the agenda.

Commissioner Goldstein thanked the people for putting him in office. He said that Ray Brown needs to do diligence and follow proper procedures. He is in favor of restoring old buildings and we need hotels here.

16. MAYOR COMMENTS

Mayor Fultz agreed that Ray Brown needs to follow the process. He hopes that Ray Brown will finish the Walesbilt Hotel which hasn't been completed in 12 years. Commissioner Curtis Gibson said these are separate projects and he has backers for the Seminole hotel.

17. ADJOURNMENT

The meeting was adjourned at 7:15 p.m.

