



CITY OF EAGLE LAKE
 REGULAR CITY COMMISSION MEETING
 MONDAY, AUGUST 4, 2014
 7:00 P.M.

TO BE HELD IN THE COMMISSION CHAMBERS
 LOCATED AT 675 E EAGLE AVE
 EAGLE LAKE, FLORIDA 33839

AGENDA

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. ROLL CALL

V. AUDIENCE

VI. SPECIAL PRESENTATIONS/RECOGNITIONS/PROCLAMATIONS, REQUESTS

- A. Staff Reports
- B. City Manager Report
- C. Consideration of the resignation of Martha Welch from the Planning Commission
- D. Tom Phillips and Commissioner George Lindsey to present My Ride/My Roads/Referendum Update.

VII. PUBLIC HEARINGS

- A. Consideration of the second reading of Ordinance No.: O-14-04, An Ordinance Amending the Code of Ordinances of the City of Eagle Lake, Florida to Designate Certain Land "RIO" (Residential; Institutional, Office) Zoning District (Changed from CG- Commercial General); Repealing all Ordinances in Conflict Herewith; and Providing an Effective Date. (General Location: North of Don Polston Drive; Southeast of 3rd Street North) effective upon reading

VIII. OLD BUSINESS

IX. NEW BUSINESS

X. CONSENT AGENDA

- A. Approval of the City Commission Workshop Minutes-----07/21/14
- B. Approval of the Regular City Commission Minutes -----07/21/14
- C. Approval of Supplement Agreement 14-01 with Envisors - Green Acres Water System
 Emergency Well Replacement EVI No.: 70605300

XI. AUDIENCE

XII. CITY ATTORNEY

XIII. CITY COMMISSION

XIV. ADJOURNMENT

Please be advised that if you desire to appeal any decisions made as a result of the above hearing or meeting, you will need a record of the proceedings and in some cases a verbatim record is required. You must make your own arrangements to produce this record. (Florida Statute 286.0105).

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City Clerk's Office at 75 North Seventh Street, P.O. Box 129, Eagle Lake, Florida 33839 or phone (863) 293-4141 within 2 working days of your receipt of this meeting notification; if you are hearing or voice impaired, call 1-800-955-8771.

POSTED AT CITY HALL AND THE EAGLE LAKE POST OFFICE ON THURSDAY, JULY 31, 2014
BY CITY CLERK DAWN WRIGHT, MMC

July 31, 2014

Manager Report

To: Mayor and City Commission
From: Pete
Subject: Agenda for Commission Meeting Monday, August 4, 2014: Ordinance 0-14-04 Zoning Change to Allow Bethel Christian Academy; Agreement with Platinum Bank for Borrowing Funds to Replace Green Acres Well #1; Bingham Progress Meeting; Employee Evaluations; Health Insurance costs for 2014-15; Green Acres Water Line Progress

Ordinance 0-14-04

Monday the Commission will be requested to approve the second reading of Ordinance 0-14-04 approving the zoning change to RIO to allow establishment of Bethel Christian Academy on Don Polson Drive. Reverend O'Harroll intends to be at the meeting Monday to answer any questions. If it is your intent to allow Bethel Christian Academy to establish a school in Eagle Lake, Joel Ivey recommends approval of this zoning change.

Well Repair Debt

I have spoken with Alex Jordan of Platinum Bank about borrowing additional funds to pay the cost of the replacement of Well #1 a Green Acres. This request needs to go before their loan committee, so I do not have an agreement to propose now; I expect an agreement and resolution on August 18. Since the Bingham construction is not moving as fast as expected I will use part of the \$300,000 to pay well costs if needed.

Bingham Progress Meeting

On Wednesday there was a progress meeting here with representatives from the contractor, water management district and the City in attendance. We had a good meeting, but there were some points made by L & SF Engineering. The first point was the delay on the Varnadore property because of the replacing sewer line and Mrs. Varnadore prohibiting the contractor's men to do anything even near her property. There will be some cost because of the delays, and We will see what the recommendation is from the engineer. The second point made was about the installation of the wall, and that the relocation of the electric pole by Mrs. Dorado's house may not have the 8 ft clearance required by the wall subcontractor. Mark, Luis and I checked the distances; the plans call for 8 ft distance between the wall and the pole. Luis measured the distance at 8.5 feet, so we look to be fine.

The wall to the pond is taking shape and the contractor is moving forward with the project. The completion date is likely pushed back to the middle of October, which is because of the coordination with Verizon and the gas company. As long as the delay in completion date does not cost us additional money, and does not cause a problem with Water Management, I do not have a problem.

As I said the contractor is moving forward and we have one more progress meeting scheduled on September 4. We will have a meeting in early October for 'substantial completion' which will be set on September 4.

Employee Evaluations

I will be conducting Employee evaluations in August; the Commission needs to conduct my evaluation in September.

Health Insurance Costs for 2014-15

I spoke with Clyde about our insurances Tuesday. As you know I assumed that our health insurance premiums would increase by 10% in 2014-15. In fact, the health insurance premiums will decline by 5% next year. That provides about \$18,000 of the \$45,000 needed for the wage increase. Our property and general liability premiums should also decline because of the projected smaller budget next year, and I could find out the amount in the next few weeks.

Green Acres Water Line Progress

I visited the construction site for the Green Acres water line on Wednesday with our representative from the Water Management District. Progress is being made with completion still anticipated in September.



Join Our Team
Become a Pollworker

7-28-2014

Due to health issues
I am resigning from
the planning commission.

Martha E. Welch

On the Ballot:

Future Funding for Polk County's Transportation Initiative



transportation

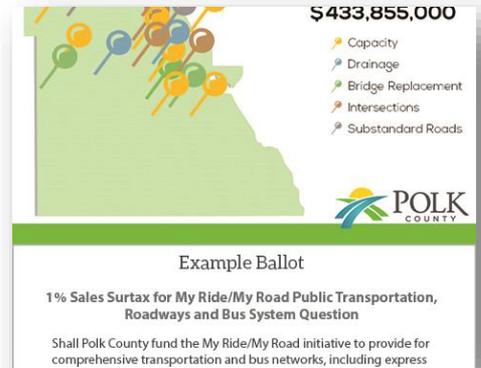
Transformation



My Ride



My Road



Your Decision

transit

My ride



transit Successes



Call Center



Universal Access



More Services

new service

My community



new service

Airport & VA express



new service

After hours taxi access



about roads

Transportation Division



Picture 1

Roadway and Safety Projects (signals, signs and striping)

Picture 2

Sidewalk and ADA Improvements

Picture 3

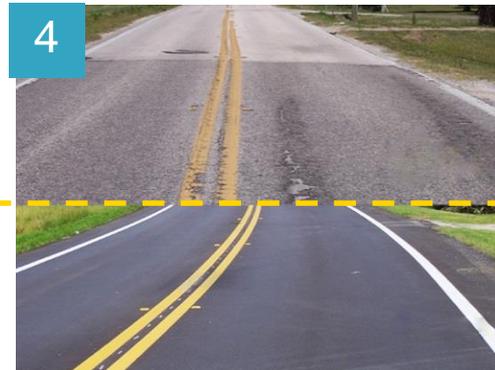
Bridge Replacement or Rehabilitation

Picture 4

Transportation-related Drainage

about roads

quality of life



Picture 1

Increasing capacity with new roads – Ernest M. Smith Blvd.

Picture 2

Increasing capacity by expanding roads – County Line Road

Picture 3

Stabilization – Finney Road

Picture 4

Resurfacing – Ewell Road

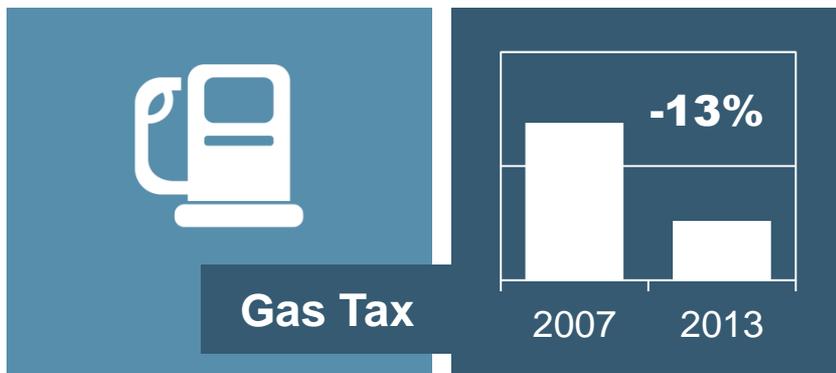
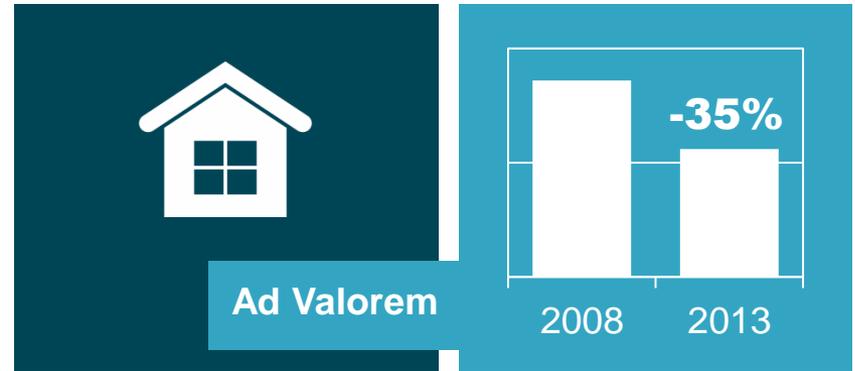
unfunded projects



\$433,855,000

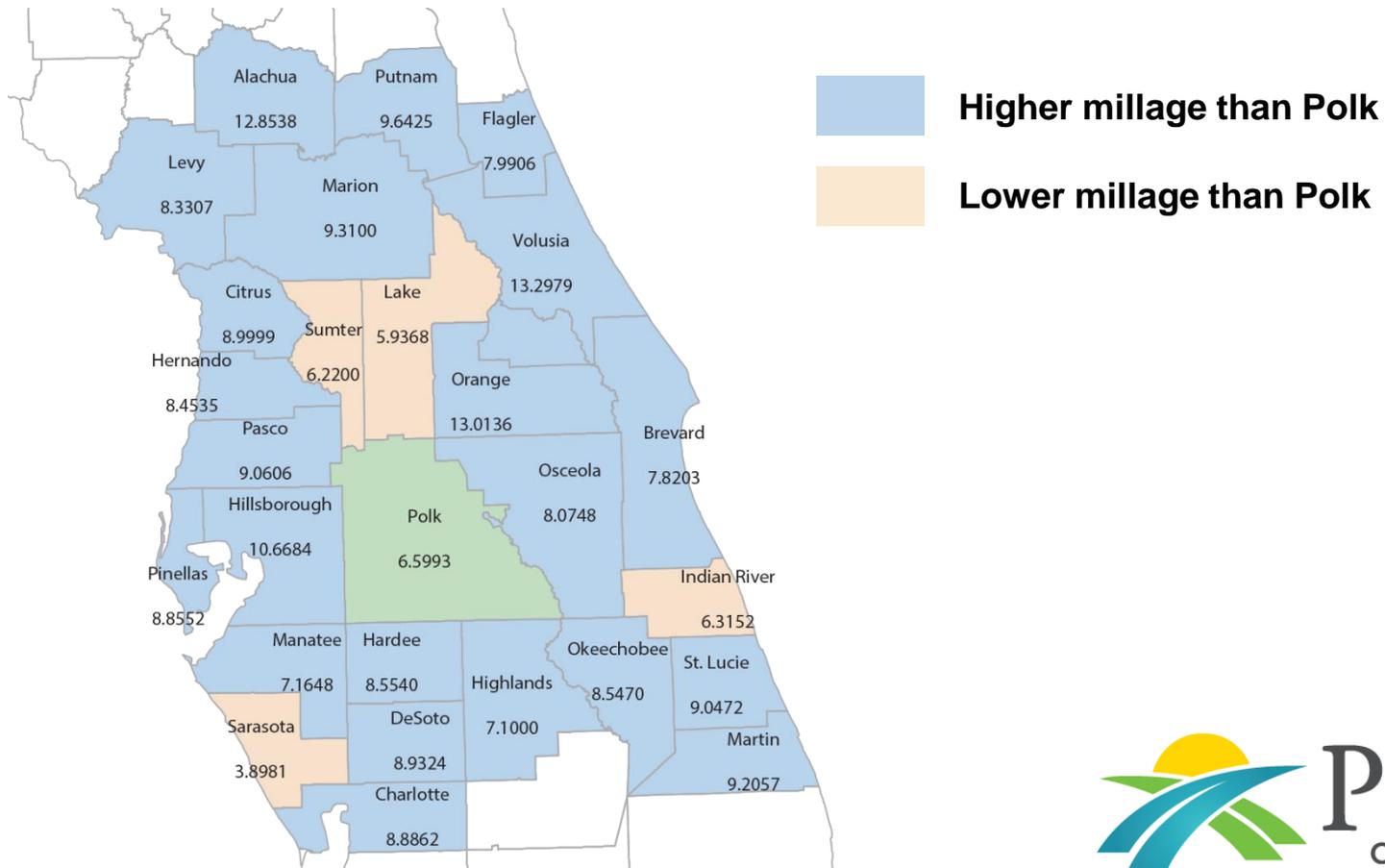
-  Capacity
-  Transportation Drainage
-  Bridge Replacement
-  Intersections
-  Substandard Roads

transportation challenges



paying for roads

Comparing potential millage rates



tax switch

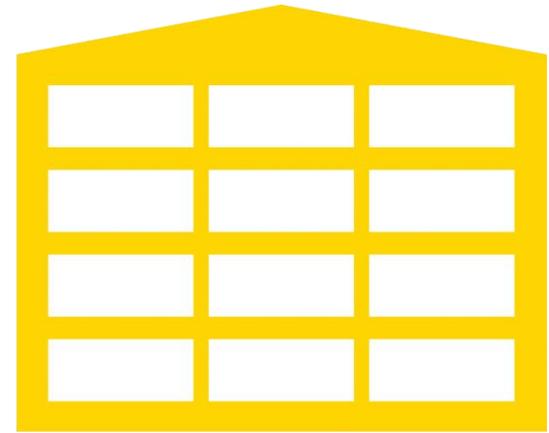
Eliminating property tax



\$90,000 Home



\$150,000 Home



\$500,000 Commercial

Homestead
Exemption

\$50,000

\$50,000

Taxed Value

\$40,000

\$100,000

\$500,000

1-Mill Savings

\$40

\$100

\$500

1.5-Mill Savings

\$60

\$150

\$750

tax switch

Exempted Sales



Residential rent
& mortgages



Utilities



Non-prepared food



Prescriptions



Labor



New/Expanding business
machinery, parts, equipment

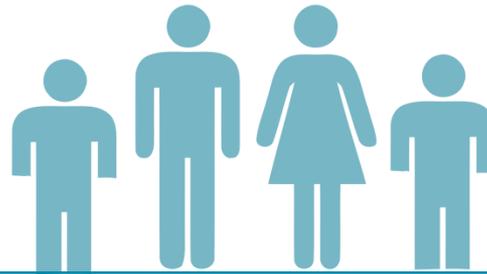
tax switch

Additional sales tax

Household Purchases	Amount	1% Surtax
Toothpaste	\$ 2.99	\$ 0.03
Grande Chi Latte @ Starbucks	\$ 4.15	\$ 0.04
12-roll package of toilet tissue	\$ 5.97	\$ 0.06
Grilled Chicken Value Meal (large)	\$ 7.49	\$ 0.07
Large carryout Pepperoni Pizza	\$ 12.95	\$ 0.13
15 pounds lams dry dog food	\$ 17.97	\$ 0.18
Nike athletic shoes	\$ 79.99	\$ 0.80
5 gallons interior paint w/primer	\$ 112.00	\$ 1.12
Sharp 42" LED HDTV Television	\$ 430.00	\$ 4.30
Whirlpool 26" Stainless Steel Refrigerator	\$ 1,299.00	\$ 12.99
\$18,000 new/used car (first \$5000 only taxed)	\$ 18,000.00	\$ 50.00

tax switch

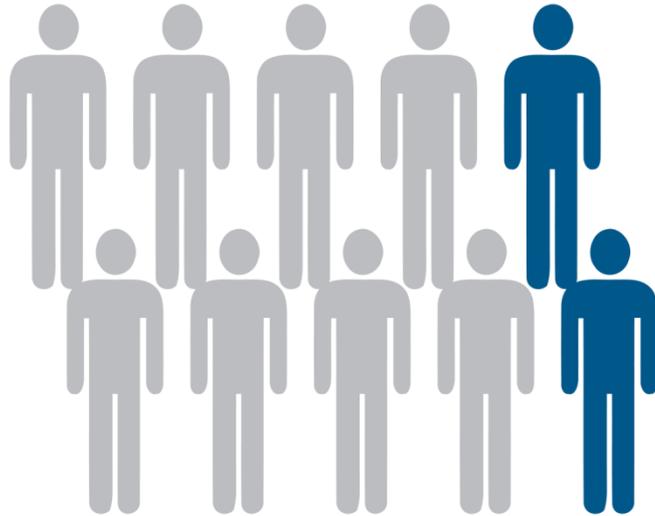
Estimating additional 1% sales tax



Annual Income	\$50-60,000
IRS Sales Tax Rate for 1 percent	\$127.33
1.5-Mill Savings \$90,000 Home with Homestead Exemption	\$60
Net Sales Tax Increase	\$67.33

tax switch

“share the ride” with visitors



20% of taxable sales in Polk County are made by the tens of thousands of businesses and tourists who pass through the county every day

voter choices

November 4

1

Leave 1 Mill for Roads with **declining level of service**

2

Potentially **raise property taxes** to maintain existing level of service

3

Remove 1 mill for roads. **Property taxes decrease with 1% sales surtax for all residents and visitors**



Questions?



unfunded projects

Capacity

Bartow Northern Connector PH II (US 17 to SR 60)	\$	22,000,000
Polk Commerce Centre "Spine" Road	\$	15,750,000
West Pipkin Road (Medulla Road to Harden Blvd.)	\$	27,500,000
Thompson Nursery Road PH I (US 17 to W. Lake Ruby Drive)	\$	57,500,000
Spirit Lake Road (SR 540 to US 17)	\$	63,000,000
Thompson Nursery Road PH II (W. Lake Ruby Drive to US 27)	\$	49,000,000
CR 542A/Galloway Road (10th St. West to CR 35A/Kathleen Rd.)	\$	29,000,000
CR 542A/Galloway Road (US 92 to 10th St. West)	\$	31,000,000
Grandview Parkway Extension (Northridge CRA)	\$	86,000,000
Northridge Trail PH I (Northridge CRA)	\$	23,300,000
Marigold Avenue (CR 580 to Coyote Road)	\$	18,000,000
Capacity Total	\$	422,050,000

Roadway Drainage

Tillery/Clubhouse Drainage	\$	500,000
Garden Grove Drainage	\$	2,470,000
Drainage Total	\$	2,970,000

Bridge Replacement

Rifle Range Road Bridge Replacement	\$	2,850,000
Ewell Road Bridge Replacement	\$	1,250,000
Eagle Lake Loop Bridge #164324	\$	1,400,000
Bridge Replacement Total	\$	5,500,000

Intersections (Add Turn Lanes)

CR542 at Recker Highway	\$	300,000
Pollard Road at Eloise Loop Road (Signal Only)	\$	150,000
US 17/92 and Bates Road Intersection	\$	225,000
Thornhill Road at Spirit Lake Road	\$	160,000
Buckeye Loop Road	\$	800,000
Intersections Total	\$	1,635,000

Substandard Roads

Daughtery Road (US 98 to Angus Drive)	\$	1,700,000
Substandard Roads Total	\$	1,700,000



transportation challenges



Growth

- Gridlock
- Tough to recruit business to Polk with infrastructure issues (jobs)

transportation challenges



Ad Valorem

- At 3% annual growth, it will be 2026 before we return to 2008 revenue
- Spending fund reserves to pay for current projects
- 100% burden on local property owners; renters and visitors are exempt

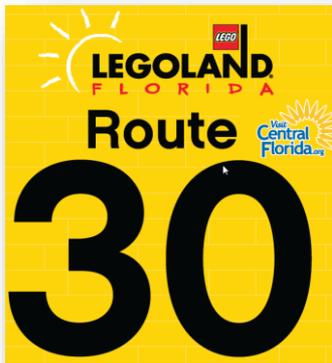
transportation challenges



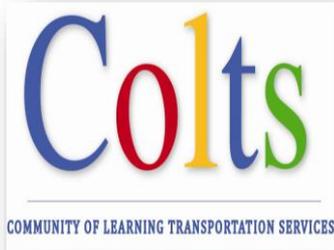
Gas Tax

- Continues to decline with more fuel efficient vehicles
- Most tax cannot be used for capital projects; pavement management

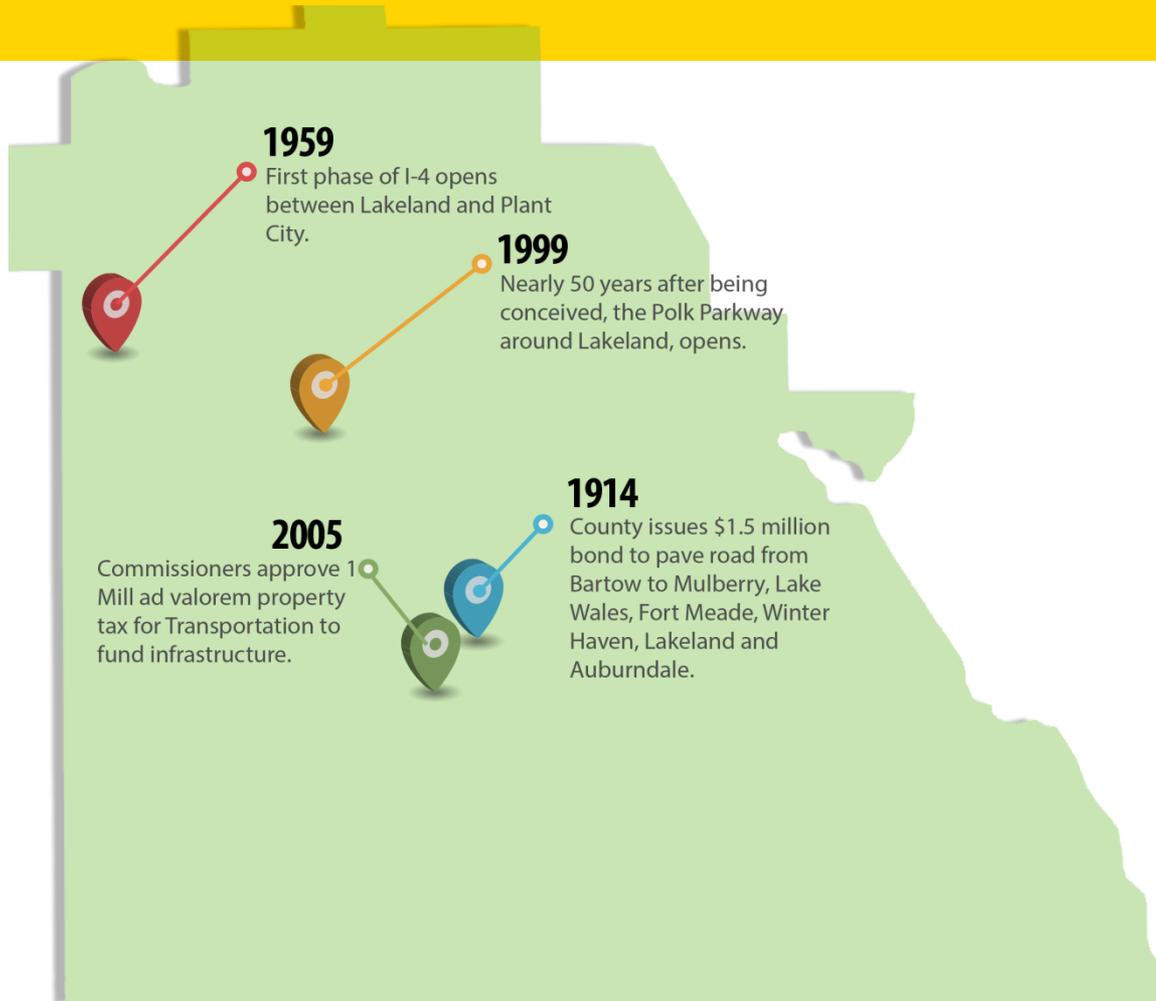
universal access



universal access

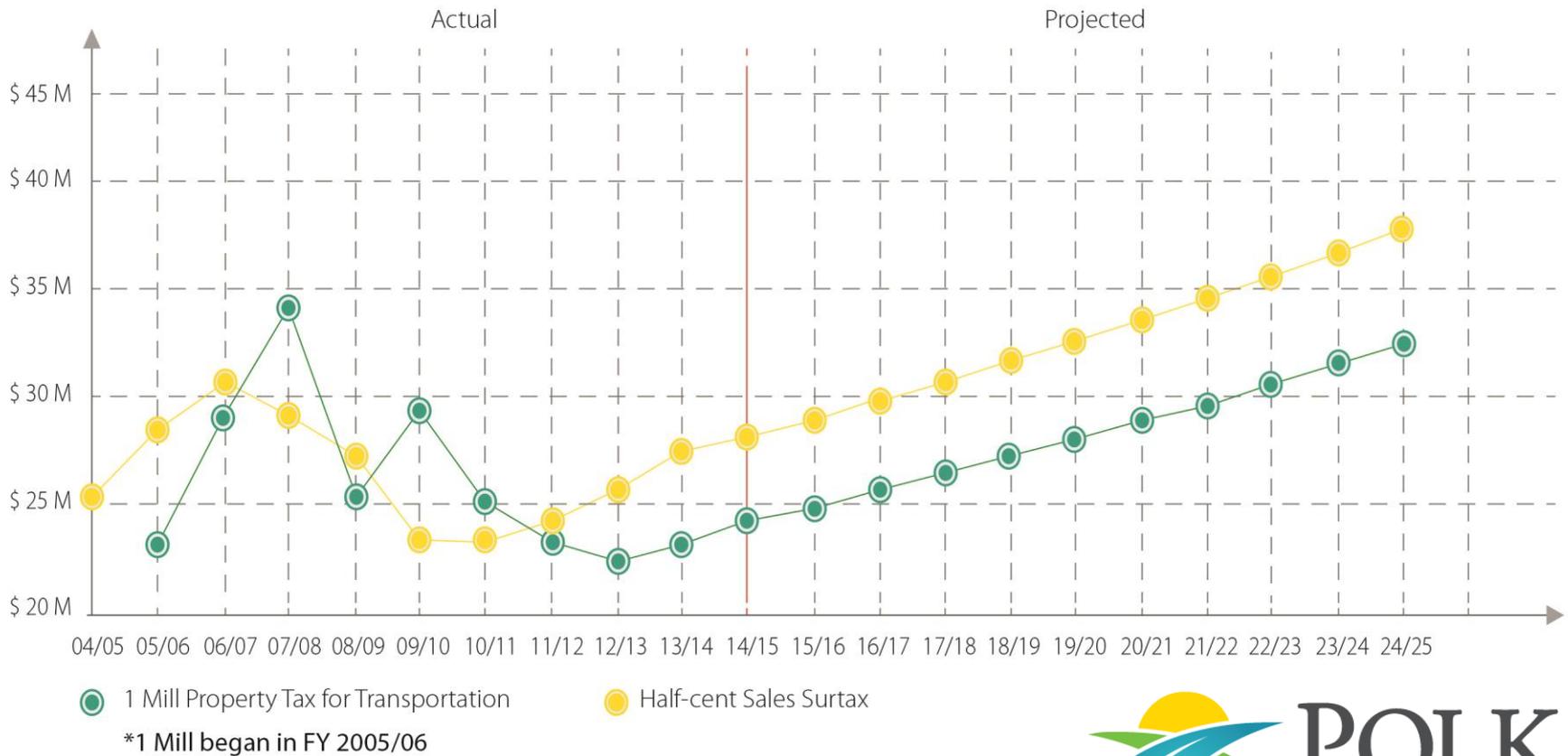


roads history



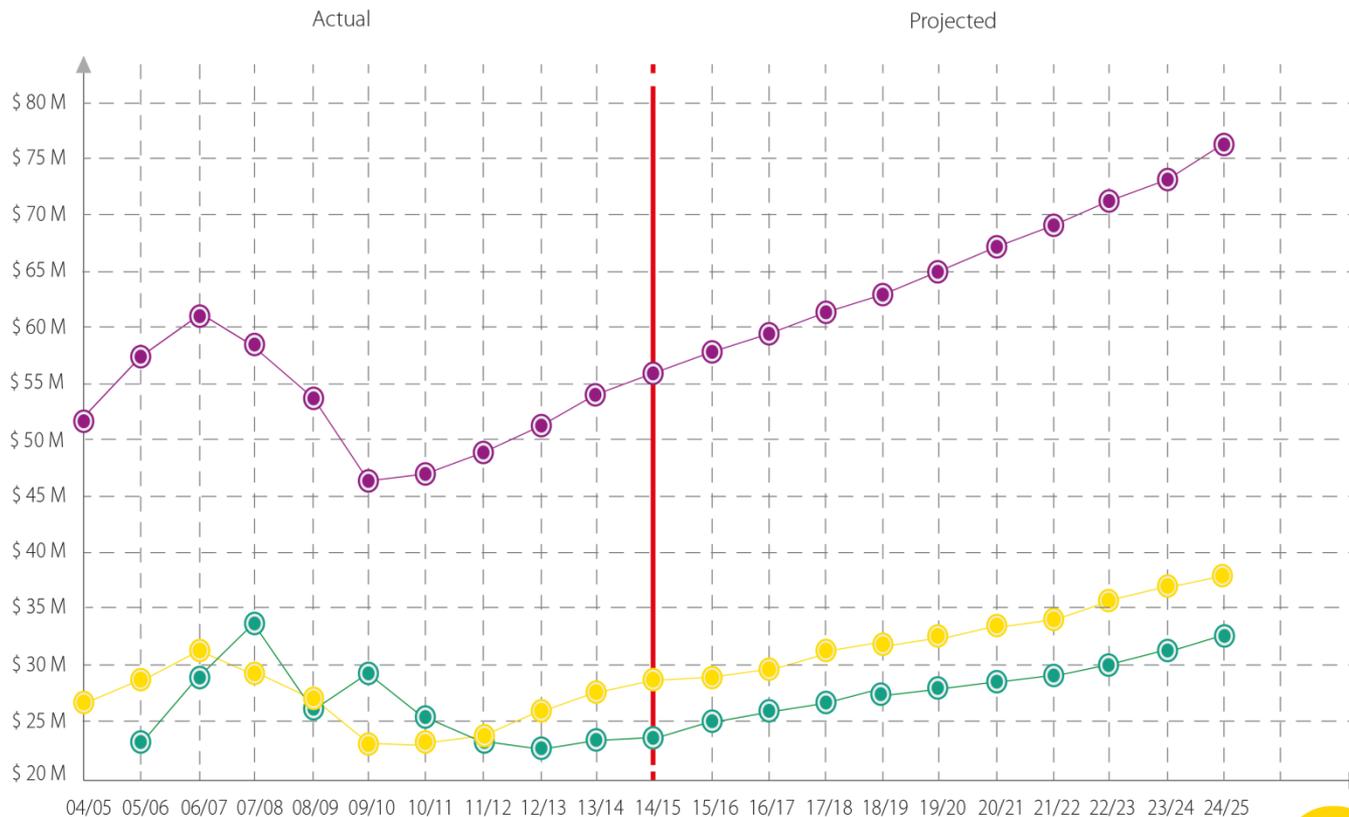
paying for roads

1 Mill vs ½ cent



paying for transportation

1 Mill vs 1 Cent

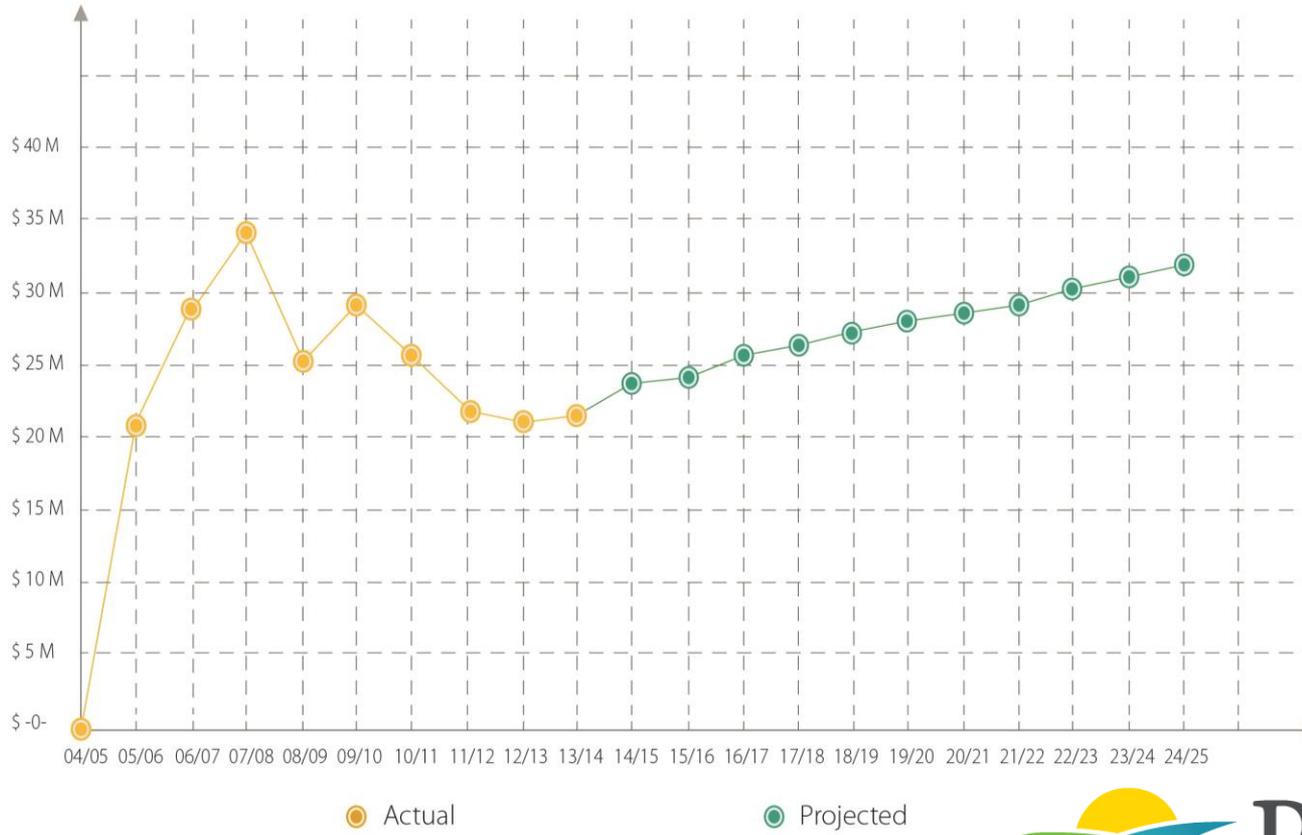


● 1 Mill Property Tax for Transportation
 ● Half-cent Sales Surtax
 ● One-cent Sales Surtax
 *1 Mill began in FY 2005/06



paying for roads

1 Mill property tax



Slide links

For presentation

#4 - Click on **Universal Access** - Links to 2 sponsor slides (27 & 28). Click on **Polk Works** logo to go back to slide 4.

#11- Unfunded Projects - click on **lower green map** to go to list of projects slide (23). Click on **capacity projects** to go back to #11.

#12 - Transportation challenges - **click on each icon to go to that topic's detail slide**. Growth icon links to slide 24; ad valorem house icon goes to 25; gas pump goes to 26. Clicking on each icon gets you back to #12.



ORDINANCE NO.: O-14-04

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EAGLE LAKE, FLORIDA TO DESIGNATE CERTAIN LAND “RIO” (RESIDENTIAL, INSTITUTIONAL, OFFICE) ZONING DISTRICT (CHANGED FROM CG-COMMERCIAL GENERAL); REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

(General Location: north of Don Polston Drive; southeast of 3rd Street north)

WHEREAS, there has been a request to designate the zoning of the property described below, and;

WHEREAS, the designation will further the general health, safety and welfare and be of benefit to the City as a whole, and;

WHEREAS, the requested zoning is consistent with the Land Use Element of the Eagle Lake Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE PEOPLE OF THE CITY OF EAGLE LAKE, FLORIDA:

1. The Code of Ordinances is hereby amended to designate the zoning on the following described lands as RIO, from Commercial General.

Legal Description

Begin at a point 568.7 feet west of the SW Corner of the SE $\frac{1}{4}$ of Section 6, Township 29 South, Range 26 East, Polk County, Florida, thence run North 301.25 feet, more or less to railroad, thence Southwest along railroad 422.85 feet, more or less to Section line between Sections 6 and 7; thence East along section line 301.2 feet, more or less to the point of beginning.

2. This ordinance shall not be codified, but the City Clerk shall retain this ordinance as a permanent record of action taken by the City Council of the City of Eagle Lake.

3. All ordinances in conflict herewith are hereby repealed.
4. This ordinance shall take effect immediately upon the approval of the application for rezoning at the second reading of this ordinance.

INTRODUCED on first reading this 21st day of July, 2014.

PASSED on second reading this ___ day of _____, 2014.

CITY OF EAGLE LAKE, FLORIDA

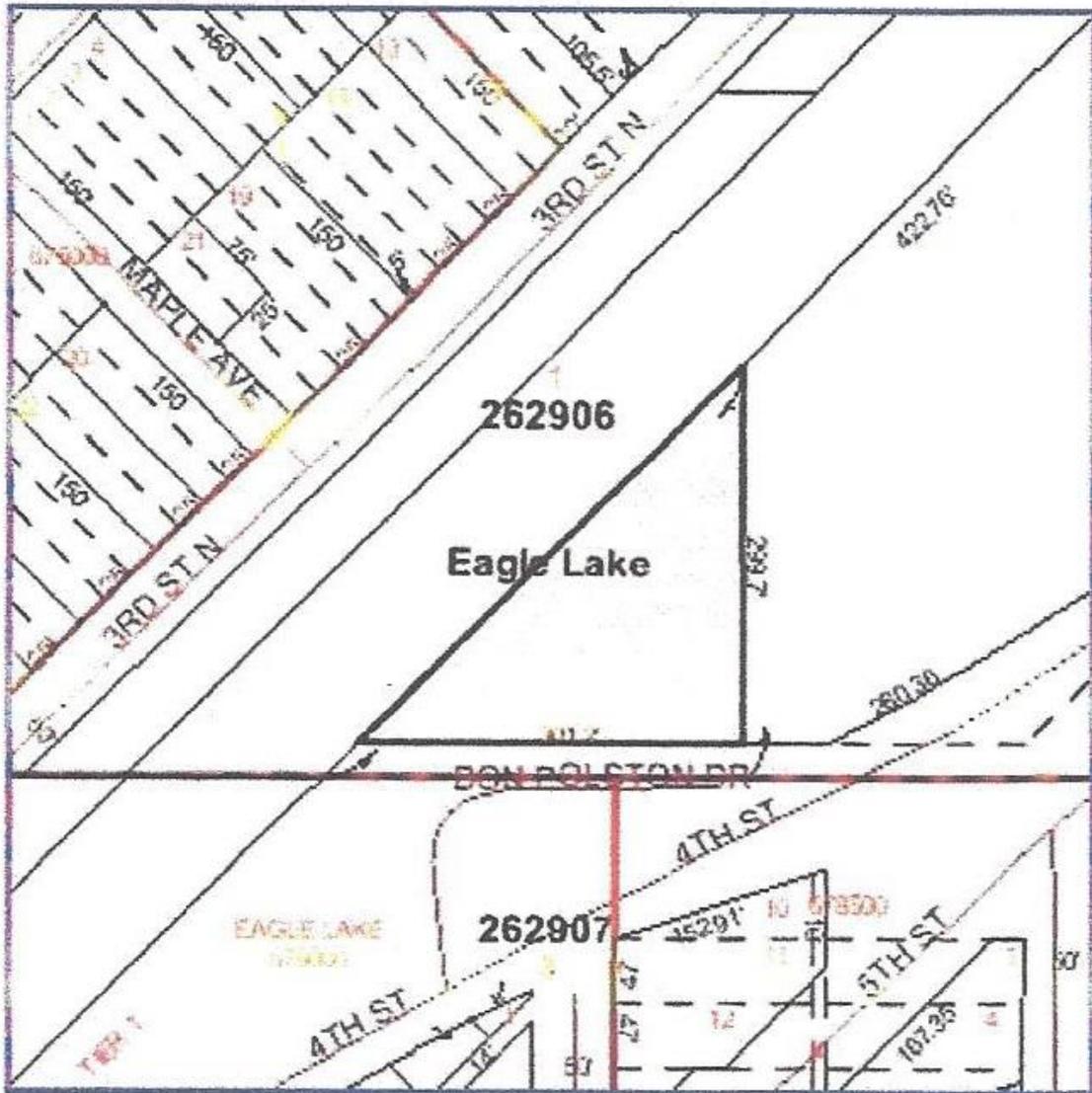
MAYOR J.R. SULLIVAN

ATTEST:

CITY CLERK, DAWN WRIGHT

Approved as to form:

CITY ATTORNEY HEATHER CHRISTMAN



DISCLAIMER: All maps are worksheets used for illustrative purposes only. They are not surveys. The information is provided "as is."

CITY OF EAGLE LAKE
CITY COMMISSION WORKSHOP
MONDAY, JULY 21, 2014 at 6:00 P.M.
COMMISSION CHAMBERS
675 E EAGLE AVE
EAGLE LAKE, FLORIDA 33839

I. CALL TO ORDER

Mayor Sullivan called the meeting to order at 6:00 p.m.

II. INVOCATION

The invocation was not done.

III. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance to the Flag was not done.

IV. ROLL CALL

PRESENT: Pittman, Wilson, Hosegood, Coler, Sullivan

ABSENT: None

V. WORKSHOP

A. 2014/2015 Budget

Mayor Sullivan stated he would like to see at least a 3% wage increase for the employees.

Manager Gardner stated the proposed expenses are \$2,771,620 and the proposed receipts are \$2,772,154. He stated he has asked the City Commission to raise the utilities 8%; he advised this will generate \$80,000 and assist with expenses and to bolster the reserves. He advised he is also recommending passing along the cost of living increase from Florida Refuse: \$.26/month to the residential customers and \$.62/month to the commercial customers.

Mr. Gardner stated he is anticipating an additional increase once we determine what the landfill fees will be. He advised in the past the landfill fees were placed on the tax roll; he advised starting this October the County will no longer do this for the City.

Commissioner Wilson expressed concern about vacant lots; she stated that fee is currently on the tax bill and wanted to know how the city would be those parcels.

Mr. Gardner stated he didn't know at this time as the Utility Billing System doesn't bill vacant lots until the land is developed.

There was discussion on doing a Special Assessment.

Mr. Gardner stated the 8% would go toward funding the wage increase and the replacement of the Well 1 at Green Acres. Mr. Gardner stated if the Commission declares the well an emergency he will be borrow the money from the Water Deposit Fund. He advised the connection of Green Acres to Eagle Lake won't be completed until September. Mr. Gardner stated if Well 2 were to down the 300 plus customers serviced by Green Acres would be without water. He advised the casing around the well has deteriorated and is allowing surface water to enter the well. Mr. Gardner stated he is currently working with the Health Department as they want 200 feet between the wells and we only have 140 feet. Mr. Gardner stated an engineer will be needed to sign off on the well. He is recommending Envisors as we are already using them at a project at Green Acres.

Mr. Gardner stated he would like to repay over time the Water Deposit Fund over time. He is proposing a utility increase of 8% this year and the possibility of 5% next year.

Commissioner Coler asked if this is the same Well we did work on a few years ago.

Mr. Gardner stated yes but that work was to replace the motor. This work is due to the failure of the casing that is allowing surface water into the well.

Commissioner Coler asked if we could apply for CDBG funds.

Mr. Gardner stated he will be asking for more CDBG funds.

Commissioner Wilson stated she wants to do an amortization schedule for the \$60,000 being borrowed to show the payment being made yearly to repay the Water Deposit Fund.

Manager Gardner stated he would like to pay \$2,000/month to start.

Commissioner Pittman asked what the increase would be if they raised rates from 8% to 10%

Manager Gardner stated it would be an additional \$20,000.

Mr. Gardner stated he is proposing the same tax rate of 7.6516 which is above the rollback of 7.4628. Mr. Gardner stated we will need to advertise a rate increase. This rate would allow the City to collect an additional \$13,000.

Mr. Gardner is requesting the 1st meeting in September be moved from Monday which is Labor Day to Wednesday, September 3, 2014, so that, it is within the State's allowable time to have a Public Hearing on the Budget; Mr. Gardner stated due to the County holding their Hearing on Monday, September 15, 2014, he is requesting the second meeting be moved to Tuesday, September 16, 2014.

Mr. Gardner is suggesting for the employee wage increase to challenge them to produce \$20,000 of the \$45,000 the wage increase will cost in savings. He stated to let the employees work and help pay for their wage increase by helping save money.

Commission discussed bonuses versus wage increase and a smaller wage increase and tie it to a bonus program.

Manager Gardner stated he would need a way to quantify a bonus program and he doesn't want to offer a bonus program and have employees meet the expectation and him not be able to produce bonus.

Mayor Sullivan stated each employee has been here for a while and we don't have turnover; he stated we don't have downtime training people; he stated our employees work for what they get and he wants to make sure we keep them.

Mr. Gardner stated he will know by the budget hearing where the 3% wage increase is coming from.

Commissioner Wilson asked if they should do the 10% utility increase rather than the 8%.

Mr. Gardner stated he would rather do the 8% this year and if you need additional do an additional 5% next year.

Commissioner Coler stated he agrees with Mr. Gardner and going with the 8% rather than the 10% due to the potential increase due to landfill costs and the cost of living increase by Florida Refuse.

Commissioner Pittman stated he appreciates the fact that we have the funds to do the emergency work at Green Acres and wants to make sure we have an amortization schedule to pay back the funds. He also stated he will continue to be an advocate for the employees at the participation level he suggested.

Mr. Gardner stated the Air Conditioner in the front office of City Hall broke; he advised it needs to be replaced. At the City Commission he will bring it up and if the Commission has no objection he will approve the replacement of the unit. He advised we have another unit going bad that we will have to address in the future.

Mr. Gardner stated he will also be asking for approval of the millage rate of 7.6516 and to have the Budget Hearings on Wednesday, September 3, 2014 and Tuesday, September 16, 2014.

VI. ADJOURNMENT

Mayor Sullivan adjourned the meeting at 6:51 p.m.

MAYOR JR SULLIVAN

ATTEST:

CITY CLERK DAWN WRIGHT

CITY OF EAGLE LAKE
REGULAR CITY COMMISSION MEETING
MONDAY, JULY 21, 2014
7:00 P.M.
COMMISSION CHAMBERS
675 E EAGLE AVE
EAGLE LAKE, FLORIDA 33839

I. CALL TO ORDER

Mayor Sullivan called the meeting to order at 7:00 p.m.

II. INVOCATION

Attorney Christman gave the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG

The Commission and audience said the Pledge of Allegiance to the Flag.

IV. ROLL CALL

PRESENT: Pittman, Wilson, Hosegood, Coler, Sullivan

ABSENT: None

V. AUDIENCE

There were no comments from the audience.

VI. SPECIAL PRESENTATIONS/RECOGNITIONS/PROCLAMATIONS, REQUESTS

A. Staff Reports

Deputy Haygood updated the Commission regarding the events that have occurred in the City.

City Clerk Wright had no report.

B. City Manager Report

Manager Gardner stated the second reading of the fence ordinance is on the agenda tonight and the first reading of an ordinance to change zoning from CG to RIO, he advised the Planning Commission recommends approval; Mr. Gardner stated Reverend O'Harrell from Bethel Christian Academy will be here. Mr. Gardner stated he will be asking the Commission to approve an amendment on the CDBG project for Green Acres extending the time to complete the project from November to February. Mr. Gardner stated he will also ask the City Commission to approve the Amendment to the Cooperation Agreement on the Community Development Block Grant Program extending it for an additional 3 years. He advised he will be asking the Commission to approve the millage rate and the Public Hearing dates.

Mr. Gardner stated with no objections he will be approving the quote from Quality Heating and Air to replace the air conditioning unit in the front office. He advised the cost is \$3775.

Mr. Gardner stated he has questions about the landfill charges and Ana Wood is here from Polk County.

Mr. Gardner asked Ms. Wood how the City will be billed for the landfill charges now that they weren't going to be included on the property owners' tax bills.

Ana Wood, Polk County Solid Waste, stated the City will need to make arrangements on that with their hauler.

Mr. Gardner clarified that Polk County will charge Florida Refuse and Florida Refuse will charge the City. Mr. Gardner stated he will need to get with Florida Refuse to determine the quantity and the time it takes to collect the refuse from the City.

James Warner, Comptroller from Republic Service, stated they can do a waste audit for the City to get this information.

Attorney Christman stated previously it was a flat rate being charged to the customers on the tax bill and now it sounds like it will be an actual charge based on the amount of refuse that is coming from the City.

Mr. Warner stated they would do a waste audit over a period of time of approximately 3 weeks to determine the average tonnage coming per resident for that time period and use that figure to replace the \$44.00.

Attorney Christman asked if they have found that this process results in a savings for any other municipality that they have done this with.

Mr. Warner stated he believes there could be a savings; he advised they ran preliminary numbers and currently the charges are \$44.00 and the preliminary numbers are showing charges should be approximately \$40.50; so they are anticipating a savings to the residents.

Commissioner Wilson asked about the \$44 charge to vacant lots.

Ms. Wood stated there is no assessment on vacant land.

C. Consideration of the appointment of Roger Spofford to the Planning Commission

MOTION was made by Commissioner Pittman and seconded by Commissioner Wilson to appoint Roger Spofford to the Planning Commission.

Mayor Sullivan asked for audience discussion; there was none.

Mayor Sullivan asked for Commission discussion; there was none.

The vote was as follows:

AYES: 5

NAYS: 0

D. Presentation from Anna Wood – Polk County Solid Waste

This was done during the City Manager's Report.

VII. PUBLIC HEARINGS

- A. Consideration of the second reading of Ordinance No.: O-14-03, An Ordinance of the City Commission of the City Eagle Lake, Florida, Amending the City of Eagle Lake Land Development Regulations, Division II, Requirements of Zoning Districts; Article 2: Specific Provisions; Section 2.1.2.90, Fences, Walls, Hedges, Architectural Features, and Swimming**

Pools; Generally to Allow 4 Foot Fences or Hedges in Required Front Yards; and to Allow 6 Foot Fences in Corner-Lots; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. Effective upon reading

Attorney Christman read Ordinance No.: O-14-03 by title only.

MOTION was made by Commissioner Wilson and seconded by Commissioner Pittman to approve Ordinance No.: O-14-03 with the effective date of 07/21/14.

Mayor Sullivan asked for audience discussion; there was none.

Mayor Sullivan asked for Commission discussion; there was none.

The roll call vote was as follows:

AYES: Pittman, Wilson, Hosegood, Coler, Sullivan

NAYS: None

- B.** Consideration of the first reading of Ordinance No.: O-14-04. An Ordinance Amending the Code of Ordinances of the City of Eagle Lake, Florida to Designate Certain Land “RIO” (Residential; Institutional, Office) Zoning District (Changed from CG- Commercial General); Repealing all Ordinances in Conflict Herewith; and Providing an Effective Date. (General Location: North of Don Polston Drive; Southeast of 3rd Street North)

Attorney Christman read Ordinance No.: O-14-04 by title only.

MOTION was made by Commissioner Coler and seconded by Commissioner Wilson to approve Ordinance No.: O-14-04.

Mayor Sullivan asked for audience discussion; there was none.

Mayor Sullivan asked for Commission discussion.

Commissioner Coler wanted to make sure this wouldn't permit residential use at a later time. Mr. Gardner stated he doesn't believe it does.

Attorney Christman stated she will research to make sure it does not prior to the second reading.

The roll call vote was as follows:

AYES: Pittman, Wilson, Hosegood, Coler, Sullivan

NAYS: None

VIII. OLD BUSINESS

- A.** Consideration of Subrecipient Agreement Amendment No. 1 between Polk County and the City of Eagle Lake Contract Number C130020 for Green Acres.

Manager Gardner stated this will extend the current contract from November to February.

MOTION was made by Commissioner Pittman and seconded by Commissioner Coler to approve Subrecipient Agreement Amendment No. 1 between Polk County and the City of Eagle Lake Contract Number C130020 for Green Acres.

Mayor Sullivan asked for audience discussion; there was none.

Mayor Sullivan asked for Commission discussion; there was none.

The roll call vote was as follows:

AYES: Pittman, Wilson, Hosegood, Coler, Sullivan

NAYS: None

IX. NEW BUSINESS

- A.** Consideration of Polk County and the City of Eagle Lake Amendment to Cooperation Agreement for Municipal Partnership.

MOTION was made by Commissioner Wilson and seconded by Commissioner Coler to approve the Polk County and the City of Eagle Lake Amendment to Cooperation Agreement for Municipal Partnership.

Mayor Sullivan asked for audience discussion; there was none.

Mayor Sullivan asked for Commission discussion; there was none.

The roll call vote was as follows:

AYES: Pittman, Wilson, Hosegood, Coler, Sullivan

NAYS: None

- B.** Consideration of the approval of the millage rate of 7.6516 for Fiscal Year 2014/2015

MOTION was made by Commissioner Coler and seconded by Commissioner Wilson to approve the millage rate of 7.6516 for Fiscal Year 2014/2015 and to hold the Public Hearings on Wednesday, September 3, 2014 and Tuesday, September 16, 2014.

Mayor Sullivan asked for audience discussion; there was none.

Mayor Sullivan asked for Commission discussion; there was none.

The roll call vote was as follows:

AYES: Pittman, Wilson, Hosegood, Coler, Sullivan

NAYS: None

- C.** Consideration of the Green Acres Well Repair.

Mr. Gardner stated he is asking the City Commission to declare an emergency to allow the City to authorize Dunham Well Drilling to drill a new well at the Green Acres Water Plant to replace the well that has failed at an estimated cost of \$59,063.37; Mr. Gardner stated he is asking for the declaration of an emergency due to the fact the City now has one well servicing over 300 customers and if that well goes out those customers will be without water as the connection of the Green Acres Water Plant and the Eagle Lake Water Plant won't be completed until September. He would also ask that the City Commission allow him to obtain a cost from Envisors to oversee the installation of the well.

MOTION was made by Commissioner Wilson and seconded by Commissioner Pittman to find that exceptional circumstances exist and waive the formal bidding requirements of Chapter 2-137 of the Code and approve estimate from Dunham in the amount of \$59,063.37 and get a cost from Envisors to oversee the installation of the well.

Commissioner Pittman asked what the current balance was in the Deposit Account and how long will it take to have the well operable.
Mr. Gardner stated the balance is \$161,000 and about 30-45 days at the least.

Steve Shealey from Envisors stated the drilling of the well will probably take approximately 2 weeks. He advised permits have to be obtained from the Health Department and Southwest Florida Water Management District to drill a new well; he advised they will expedite the process. Mr. Shealey stated his staff is in the process of obtaining all of the requirements for drilling a new well and at this time he can't give a firm number as to what Envisors cost will be; he stated it will probably be around \$4,500-\$5,000 but it could be as much as \$10,000 depending on how often they have to be onsite. He advised they have to do pump calculations and have to do two certifications to close out the permits. Mr. Shealey stated he hopes to keep costs under \$5,000 but they could be as much as \$10,000. He advised if this is approved tonight he will get someone working on the permits tomorrow.

The roll call vote was as follows:

AYES: Pittman, Wilson, Hosegood, Coler, Sullivan

NAYS: None

X. CONSENT AGENDA

A. Approval of the Regular City Commission Minutes -----07/07/14

MOTION was made by Commissioner Pittman and seconded by Commissioner Coler to approve the Regular City Commission Minutes of 07/07/14.

Mayor Sullivan asked for audience discussion; there was none.
Mayor Sullivan asked for Commission discussion.

Commissioner Coler stated he thought they excused Commissioner Hosegood from the meeting but didn't see it in the minutes.
Attorney Christman stated she believes the Commission excused her at the CRA meeting but not at the City Commission.

City Clerk Wright stated she will ask Deputy Clerk Freeman to review the recording to see if the Commission excused Commissioner Hosegood and she will report back to the Commission on August 4, 2014 and if it wasn't done it can be done at the August 4, 2014 meeting.

MOTION was made by Commissioner Pittman and seconded by Commissioner Wilson to amend the July 7, 2014 minutes to include excusing Commissioner Hosegood from the July 7, 2014 meeting.

The vote on the amendment was as follows:

AYES: 5

NAYS: 0

The vote on the original motion was as follows:

AYES: 5

NAYS: 0

XI. AUDIENCE

Frank O’Harrell Pastor of the Bethel Baptist Church, Winter Haven, he stated they purchased the property at 75 Don Polston Road and they are wanting to turn it into an Academy.

Commissioner Wilson asked how long it would take them to relocate to Eagle Lake once the ordinance passes on second reading.

Pastor O’Harrell stated that it will take a few months.

XII. CITY ATTORNEY

Attorney Christman stated in the future she might contact some municipalities regarding the solid waste landfill fees to see how they transitioned and dealt with this from a legal standpoint.

Mr. Gardner was in favor of her contacting other municipalities.

XIII. CITY COMMISSION

Commissioner Coler stated he will be happy if we can keep stuff from breaking; hasn’t been very good lately. He liked the feedback received on the Patriotic Festival.

Commissioner Hosegood had no report.

Commissioner Pittman stated he appreciates Mr. Gardner addressing the City’s infrastructure needs before he retires and hopes they find a new city manager with vision and understanding knowing they need to make things happen with very little.

Commissioner Wilson stated the signs at the beach regarding boat parking only are missing; they need to be replaced.

Mayor Sullivan appreciates everyone on the budget process; it’s never easy. Mayor Sullivan states the employees do a great job.

Roger Spofford stated someone was fishing off the high wall on Lake McLeod next to where the old dock was and he is afraid someone might get hurt.

XIV. ADJOURNMENT

MOTION was made by Commissioner Wilson and seconded by Commissioner Coler to adjourn at 7:47 p.m.

The vote was as follows:

AYES: 5

NAYS: 0

MAYOR JR SULLIVAN

ATTEST:

CITY CLERK DAWN WRIGHT

EVI ENVISORS

ENGINEERS | PLANNERS | SURVEYORS

23 July 2014

Via E-mail and Hand Delivered

Mr. Peter Gardner, City Manager
CITY OF EAGLE LAKE
75 North 7th Street
Eagle Lake, Florida 33839

Subject: | Supplemental Agreement 14-01
Project: | Green Acres Water System Emergency Well Replacement - City of Eagle Lake
EVI No.: | 70605300

Dear Mr. Gardner:

In accordance with your request, we are pleased to submit two (2) sets of this Agreement to provide the City with consulting engineering services on this Project. This Agreement describes our scope of services to design, permit, and provide project certification services for the emergency replacement of the Well No. 1 at the Green Acres Water Production Facility (WPF). The scope of services in this Agreement is in accordance with our understanding of the City's needs for this project per our discussions with City staff.

Upon review and approval, please sign and return one (1) executed copy of this Agreement to our office.

Please call us if you have any questions. We look forward to working with the City of Eagle Lake to successfully complete this important Project.

Sincerely,
ENVISORS, LLC



Steven C. Shealey, P.E.
President



Roger L. Homann
Project Manager

SCS/RLH

Enclosures: As stated
Copy to: EVI Job, Cost, and Contract Files No. 70605300; S:\JOBS\EVI\706
EAGLELK\70605300\CONTRACT\70605300.C01.doc

SUPPLEMENTAL AGREEMENT NO. 14-01 TO CONTINUING AGREEMENT

By and Between

CITY OF EAGLE LAKE - and - ENVISORS, LLC

Project

Green Acres Water System Emergency Well Replacement

EVI JOB NO. 70605300

EVI JOB NUMBER 70605300

SUPPLEMENTAL AGREEMENT NO. 14-01 TO CONTINUING AGREEMENT

By and Between

CITY OF EAGLE LAKE- and - ENVISORS, LLC

Project

Green Acres Water System Emergency Well Replacement

-
- 1.0) GENERAL:** This is Supplemental Agreement No. 14-01 to the continuing Agreement between the CITY OF EAGLE LAKE (City or Client, or Owner) and ENVISORS, LLC (Engineer or EVI) for engineering services. Except as provided for herein, the provisions of the Continuing Agreement between City and Engineer shall apply to this Supplement.
- 2.0) EMPLOYMENT:** City hereby retains the continuing professional engineering services of Engineer, and City and Engineer, in consideration of their mutual covenants herein, agree in respect of the performance of professional engineering services by Engineer and the payment for those services by City as set forth herein.
- 3.0) PROJECT DESCRIPTION AND PURPOSE:** The proposed project is the engineering design, permitting, and certification for the installation of a new public supply well to replace the existing Well No. 1 and Well No. 1 pump at the Green Acres WPF. The existing Well No. 1 has failed, and the new interconnection with the City's main water system will not be in service for several months. As such, the City Commission has declared this to be an emergency and has suspended normal purchasing procedures to expedite the well replacement.
- 4.0) EVI's SCOPE OF SERVICES:** EVI shall provide, or obtain from others, professional engineering services in all phases of this Project for the City. EVI's services will include serving as the City's professional engineering representative for the Project, providing professional engineering consultation and advice and furnishing customary sanitary, civil, structural, mechanical, geotechnical, controls, and electrical engineering services and customary survey, environmental, and architectural services incidental thereto. EVI will provide the City with all Services described in Section 4.0 herein. In the performance of its duties under this Task Authorization, EVI and its subconsultants will exercise that degree of skill and care ordinarily exercised by other design professionals practicing in this same general area, locality, time, and under similar circumstances. EVI makes no warranties, express or implied, under this agreement or otherwise, in connection with EVI's services.

The following scope of work is based on the conditions and assumptions described below and provided in other portions of this Task Order:

- 4.1) **Project Kickoff Meeting/Site Visit:** Envisors staff will meet with the City Manager, the City's Public Works Director, and a representative from the Polk County Health Department to determine the most appropriate location for the new well.
- 4.2) **Survey Phase:** EVI will prepare provide the minimal survey effort necessary to tie down the location of the well within the property boundary and prepare a scaled drawing of the well location to be included with the required permit application(s).
- 4.3) **Engineering Phase:** EVI will prepare the necessary design calculations to support the permit applications to the Polk County Health Department and the Southwest Florida Water Management District.
- 4.4) **Permitting Phase:** EVI will:
 - 4.4.1) PCHD Application for a Specific Permit to Construct a PWS Component: Prepare, submit, and process the permit application package for a new well with the Polk County Health Department.
 - 4.4.2) SWFWMD Well Classification Permit: Prepare, submit, and process the permit application package for the new well with the SWFWMD as needed.
- 4.5) **Certification Services Phase:** EVI will provide assistance to the City in obtaining, receiving, and evaluating bids and awarding and executing the Construction Contract as described below.
 - 4.7.1) Record Drawings: After the improvements are completely constructed, the the contractor will provide EVI with certified (signed and sealed by a Florida Registered Professional Land Surveyor and Mapper) and electronic drawings in AutoCAD format, which clearly illustrate the as-built conditions of the construction project. These as-builts shall fulfill the requirements of the City, County, PCHD, SWFWMD, and EVI. Based on these as-builts, EVI will prepare Record Drawings of the potable water system information.
 - 4.7.2) Certification: If construction is deemed sufficient by EVI, EVI will submit prepared Certifications of Completion for the water system to the Polk County Health Department and provide notification to the County of project completion. Please note that any deviations from the approved construction plans, such as pipe slope, elevation differences, separation requirements, etc., which call into question the capacity of the systems to function as designed, could require additional services on EVI's part that are not included herein.
- 4.6) **Potential Limited Construction Administration Services Phase:** Based on our experience with similar projects it is anticipated that circumstances may arise during the drilling of the new well that necessitate our assistance in the field. EVI's budget for this project as identified below includes a limited amount of time for our staff to provide additional services during construction if required.

5.0 ENGINEER'S COMPENSATION:

- 5.1) Our total not-to-exceed time and expense budget for this project, excluding reimbursable costs, to provide the above described services is \$10,000.00.
- 5.2) We will charge you monthly for our services based on: (A) The time we spend and the costs we incur to perform the work; and (B) Our Schedule of Hourly Rates and Reimbursable Costs included with our Continuing Agreement with the City.
- 5.3) Reimbursable costs (reproduction, permit fees, etc.) incurred in connection with the Project will be itemized and included in our monthly invoices, in accordance with our current City approved Schedule of Hourly Rates and Reimbursable Costs.
- 5.4) Payment of all permit application and review fees are the responsibility of the City.
- 5.5) We have found that with a project similar to this one, many times the Client elects to expand the Scope-of-Work to include work tasks not covered in the initial agreement. Should this situation occur with this Project, EVI shall perform the requested additional work tasks beyond the scope described herein based on: (A) A mutually agreed upon fixed fee; or (B) The time we spend and the costs we incur to perform the work in accordance with our attached Schedule of Hourly Rates and Reimbursable Costs.
- 5.6) It is understood and agreed that cost tradeoffs among the various cost categories and work tasks are allowable, so long as the total estimated cost of all work tasks is not exceeded without the City's written approval.

6.0) MODIFICATION: The Agreement may not be modified unless such modifications are evidenced in writing signed by both City and EVI. Such modifications shall be in the form of a written Amendment executed by both parties.

7.0) UNCONTROLLABLE FORCES (FORCE MAJEURE):

- 7.1) Neither the City nor EVI shall be considered to be in default of this Agreement if delays in or failure of performance shall be due to Uncontrollable Forces, the effect of which, by the exercise of reasonable diligence, the non-performing party could not avoid. The term "Uncontrollable Forces" shall mean any event which results in the prevention or delay of performance by a party of its obligations under this Agreement and which is beyond the reasonable control of the nonperforming party. It includes, but is not limited to fire, flood, earthquakes, storms, lightning, epidemic, war, riot, civil disturbance, sabotage, and governmental actions.
- 7.2) Neither party shall, however, be excused from performance if nonperformance is due to forces which are preventable, removable, or remediable and which the nonperforming party could have, with the exercise of reasonable diligence, prevented, removed or remedied with reasonable dispatch.
- 7.3) The nonperforming party shall, within a reasonable time of being prevented or delayed from performance by an uncontrollable force, give written notice to the other party

describing the circumstances and uncontrollable forces preventing continued performance of the obligations of this Agreement.

- 8.0) CITY'S RESPONSIBILITIES:** The City shall assume and perform the responsibilities set forth below in order to assist EVI in the completion of its professional services in a timely and proper manner.
- 8.1) Designate the City Manager to act as the City's representative with respect to the services to be rendered under this Agreement. The City Manager shall have complete authority to: transmit instructions; receive, evaluate, and respond to information; interpret and define City's policies and decisions with respect to EVI's services for the City; and direct EVI's work.
 - 8.2) Provide in writing all criteria and full information as to City's requirements for the Project including design objectives, constraints, capacity and performance requirements, flexibility, and expandability, and furnish copies of all design and construction standards which City will require to be used on/included in the projects.
 - 8.3) Provide all services and attend all required meetings as may be described in this Agreement or subsequent correspondence; promptly review, comment on, and return EVI's submittals; and promptly advise EVI when the City becomes aware of any defect or deficiency in EVI's services.
 - 8.4) As needed, provide EVI with all available information pertaining to the performance of EVI's services, which may include but not limited to: O&M data; maps; permits; correspondence; construction plans; as-built drawings; customer records; financial records; data on the City's growth patterns; Comprehensive Plan; Land Development Regulations; Future Land Use and Zoning Maps; population projections; information and data as specified in this Agreement, etc.
 - 8.5) Provide access to all City sites related to the Project.
 - 8.6) Promptly review, comment on, and return EVI's submittals.
 - 8.7) Pay all permit and approval fees.
 - 8.8) Acquire all needed additional lands, easements, and rights of way.
 - 8.9) Promptly advise EVI when the City becomes aware of any defect or deficiency in EVI's services.
 - 8.10) Provide other such services and assistance reasonably needed to expedite and complete this Project.
 - 8.11) In the performance of its work, EVI will rely on readily available and historic information provided by the City and by others without research to verify the accuracy of said information.

9.0) EXCLUDED SERVICES: Services not explicitly described in the scope of work will be performed as an additional service upon request and approval by the City, including but not limited to the following:

- Electrical engineering services, as it is assumed that the replacement well pump will be the same horsepower as the current well pump and that no electrical or control modifications will be required.
- Extensive well performance testing analysis.
- Boundary survey.
- Re-design or Permitting services.
- Right-of-way or easement acquisition assistance or preparing legal description documents to support these efforts.
- Expert testimony.
- Ownerships and encumbrance reports.
- Participation in orders of taking and/or other litigation.
- All other services not explicitly described in Section 4.0.

10.0) OTHER MATTERS:

- 10.1) All information provided to EVI by the City shall be used without independent review or verification.
- 10.2) Except as provided for herein, the provisions of the Continuing Agreement between City and Engineer shall apply to this Supplement.
- 10.3) Services not explicitly described in the scope of work and based on the assumptions described herein will be performed as an additional service upon request and approval by the City.
- 10.4) Because EVI has no control over the cost of labor, materials, equipment, or services furnished by contractors; methods of determining prices; competitive bidding; nor economic market conditions, any opinions of construction and material costs are made on the basis of past experience and represent EVI's best judgment as experienced and qualified professional engineers familiar with the construction industry. EVI cannot guarantee that proposals, bids, or actual costs will not vary from the opinion of probable costs. If at any time the Owner desires greater assurance as to the probable costs, an independent cost estimator can be retained to develop a detailed cost estimate.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate

on the _____ of _____ 2014.
(day) (month)

CITY OF EAGLE LAKE

Attest, Dawn Wright, City Clerk

J.R. Sullivan, Mayor



Witness

ENVISORS, LLC



Steven C. Shealey, P.E., President

