



September 2, 2014

Mr. Pete Gardner
City Manager
City of Eagle Lake
75 North 7th Street
Eagle Lake, FL 33839

Via Email: citymanager@eaglelake-fla.com

RE: Bingham Street Stormwater Retrofit
Construction Change Order No. 01
AMEC Project No. 600128.2

Mr. Gardner:

AMEC Environment & Infrastructure, Inc. (AMEC) has received a Change Order request from the Bingham Street Stormwater Retrofit Construction Contractor, L&SF Engineering Consultants Corp. Change Order No. 01 involves five separate issues, summarized as follows:

- Time Allowance for Verizon to perform Utility Adjustments
 - Recommendation: Approve the additional time for utility coordination.
 - Net Increase: 22 Calendar Days
- Sanitary Service Lateral Adjustment at 330 Bingham Street
 - Recommendation: Approve the additional time for the sanitary lateral adjustment.
 - Net Increase: 1 Calendar Day
- Sanitary Service Lateral Relocation South of Pond
 - Recommendation: Approve the additional time for the sanitary lateral relocation.
 - Net Increase: 3 Calendar Days
- Sanitary Service Lateral Adjustment at 330 Bingham Street – Additional Coordination
 - Recommendation: Approve the additional time for coordination.
 - Net Increase: 10 Calendar Days
- Coordination with TECO for Utility Adjustments
 - Recommendation: Approve the additional time for utility coordination.
 - Net Increase: 12 Calendar Days

The net increase to the Contract Time associated with Change Order No. 1 is **48 Calendar Days**. There is no cost adjustment associated with Change Order No. 1.

AMEC Environment & Infrastructure, Inc.
2000 E. Edgewood Drive, Suite 215
Lakeland, FL 33803
Tel (863) 667-2345
Fax (863) 667-2662

www.amec.com

For any questions or comments regarding the contents of this letter, please do not hesitate to contact our office at 863-667-2345.

Sincerely,

AMEC Environment & Infrastructure, Inc.

A handwritten signature in blue ink that reads "Mark J. Frederick". The signature is fluid and cursive, with the first name "Mark" and last name "Frederick" clearly legible.

Mark J. Frederick, P.E., CFM
Project Manager

MJF/tjm

L&SF ENGINEERING CONSULTANTS, CORP.
CGC 1521298

August 31, 2014

City of Eagle Lake
75 North 7th St.
Eagle Lake, FL 33839

Re: Bingham St. Stormwater Retrofit

Change Order #1 Time extension request

We at L&SF Engineering Consultants, Corp. thank you for the opportunity to bid the above mentioned project revision located in Eagle Lake, Florida. We are pleased to present the following information.

1. Time Extension on Verizon interception:
 - a. Additional days: 16

2. a. Additional 40lf of 4inches PVC (SDR-35) including supply and install 120sq ft of additional sod at 330 Bingham St. (Mr & Mrs. Varnadore). Find all the lateral inverts and calculate the slopes.
 - a. Additional days: .5/Days

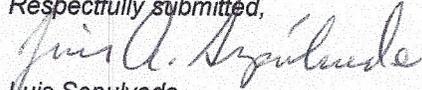
3. Sanitary Line relocation founded at south side in the pond. Work consist in demolishing sixty linear feet, abandoning forty linear feet of an existing sanitary line, and relocating one hundred linear feet of 4" PVC (SDR-35) sanitary line.
 - a. Additional days: 3

4. Standby and equipment hold-up at 330 Bingham St. (Mr & Mrs. Varnadore)
 - a. Additional days: 8

4. Existing power pole close to east wall of the retaining. Coordination and waiting period with TECO.
 - a. Additional days: 10

Total requested working days are: 37.5/days

Respectfully submitted,



Luis Sepulveda

President

L&SF Engineering Consultants, Corp.

las@lsfengineering.com

Dawn Wright

From: Frederick, Mark <mark.frederick@amec.com>
Sent: Wednesday, September 10, 2014 9:14 AM
To: 'Dawn Wright'
Cc: Pete Gardner
Subject: RE: Change Order #1 Bingham Time Extension

Dawn,

Per Pete's request, please see the summary of Change Order No. 1 below:

The construction contractor for the Bingham Street Stormwater Retrofit project, L&SF Engineering Consultants Corp., has submitted a request for additional time to be added to the construction contract. A total of 48 additional calendar days is requested to compensate for the scenarios described in the attached letter. The construction contract time can only be adjusted by a change order. Change Order No. 1 has been prepared to allow the 48 days to be added to the contract time. There are no adjustments to the contract price associated with Change Order No. 1. It is recommended that the City Commission approve Change Order No. 1.

Please let me know if you have any questions or need any additional information.

Thank you.

Mark J. Frederick, P.E., CFM
Project Manager
AMEC

Environment & Infrastructure
2000 E Edgewood Drive, Suite 215
Lakeland, FL 33803
863.667.2345, ext. 1207
mark.frederick@amec.com
amec.com

From: Pete Gardner [<mailto:citymanager@eaglelake-fla.com>]
Sent: Thursday, September 04, 2014 4:51 PM
To: 'Dawn Wright'
Cc: Frederick, Mark
Subject: FW: Change Order #1 Bingham Time Extension

Dawn: Change Order #1. I have asked Mark to provide a little explanation. It is pretty self explanatory, but a little more information will not hurt. Pete

From: Frederick, Mark [<mailto:mark.frederick@amec.com>]
Sent: Thursday, September 04, 2014 3:44 PM
To: Pete Gardner
Cc: 'Dawn Wright'; 'bfletcher'
Subject: RE: Change Order #1 Bingham Time Extension

Pete,

Please see the attached change order form for the City's approval and signature.

Please let me know if you need anything else.

Thank you.

Mark J. Frederick, P.E., CFM

Project Manager

AMEC

Environment & Infrastructure
2000 E Edgewood Drive, Suite 215
Lakeland, FL 33803
863.667.2345, ext. 1207
mark.frederick@amec.com
amec.com

From: Pete Gardner [<mailto:citymanager@eaglelake-fla.com>]

Sent: Thursday, September 04, 2014 3:23 PM

To: Frederick, Mark

Cc: 'Dawn Wright'; 'bfletcher'

Subject: Change Order #1 Bingham Time Extension

Mark: Please get Dawn the change order time extension information for the Sept 16 Commission Meeting by Wednesday, Sept 10. Thanks Pete

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CITY OF EAGLE LAKE
REGULAR CITY COMMISSION MEETING
WEDNESDAY, SEPTEMBER 03, 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

The invocation was dispensed with as it was done at the previous meeting.

III. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance to the Flag was dispensed with me as it was done at the previous meeting.

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

Sgt. Navarro updated the Commission regarding the events that have occurred in the City. He notified the Commission that Deputy Winberry would be out until Friday, his daughter is in the hospital and asked the Commission to keep him in their thoughts.

City Clerk Wright had no report.

Public Works Director Fletcher had no report at this time.

B. City Manager Report

Manager Gardner stated on the agenda is the second reading of the following ordinances: fence, 8% increase to water and sewer rates, 8% increase to sanitation rates. He is asking the commission for approval.

Mr. Gardner stated tonight we have the first reading of the ordinances on the millage rate and budget for 2014/2015 Fiscal Year. Manager Gardner advised our second reading will be on Tuesday, September 16th. Mr. Gardner asked that when the millage and budget ordinances come up on the agenda that he be allowed to speak due to the necessary requirements, procedures and sequencing that needs to be followed.

Mr. Gardner stated a resolution is on the agenda to amend the current budget for \$5,000. He advised this is due to a change in personnel at the Library Cooperative with the van drivers

they have gone from 1 Full Time employee and 2 Part-Time employees to 2 Full-Time employees. He advised this change occurred in November of last year. Mr. Gardner advised we get reimbursed 100% for these positions from the Library Cooperative.

Mr. Gardner advised Polk County and Republic Services would like the City to pay for the landfill charges. On the 19th of September he will be riding along with Republic Services when they do the audit to determine the tonnage generated from the City. Mr. Gardner stated he will report back to the City Commission in early October.

Mr. Gardner stated they will have a progress meeting tomorrow on the Bingham Street Project. He advised there was an issue regarding detours and he believes that has been taken care of and is working.

Mr. Gardner advised we have a problem with a lift station and it will be \$8,000 to repair the rail system for the pump.

Mr. Fletcher stated what supports the motor has dilapidated and fallen off the wall; he advised this lift station is 36 years old; he advised he has manufactured something to by-pass and currently the lift station is working; he advised this lift station has been down for 3 days. He advised the cost is higher due to the fact they are going to do a stage of the upgrades now as this was not a lift station we were going to repair at this time, it was one that was in the second phase. He advised the cost to repair was \$5,000 while the replacement is \$8,000 and we will be half way through the renovation process. He advised this lift station is at Rain Tree Villa and is the smallest lift station. He advised if the Commission approves tonight the parts will be in by Friday and hopefully will be fully operational by Tuesday or Wednesday of next week. He advised stainless steel will be used in the repairs which can survive sewer water.

Commissioner Pittman asked where the repairs would be funded from.

Manager Gardner stated it would come from the sewer fund.

Mr. Fletcher advised he tried to obtain additional quotes but all other contractors were a week out. He advised they can't wait that time.

Attorney Christman \$8,000 would normally require you to go through competitive negotiation; she advised the Commission is allowed to waive the formal bidding requirements if exceptional circumstance exist and if it is deemed in the best interest of the City.

MOTION was made by Commissioner Wilson and seconded by Commissioner Pittman to waive the requirements of section 2-137 of the code and accept the bid from Williams Construction in the amount of \$8,000.

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

Mr. Gardner stated the CDBG Green Acres Waterline Project is almost completed Mr. Gardner stated Tri-Sure has completed the waterline installation. He advised they need to test the line and do the pressure valve testing. He advised the pressure valve test is to make sure water flows from the Eagle Lake Water Plant in the event the pressure drops at the Green Acres Water Plant. Mr. Gardner stated this project is 100% funded by CDBG funds with the exception of \$8,000. He advised he has received the bill for 90% of the project and once the testing is complete he anticipates the remaining bill for 10% to come in within two weeks.

Commissioner Wilson asked if the valve would be tested in the event the Eagle Lake Water Plant goes down.

Mr. Fletcher stated they are going to attempt to do a simulation but he cautioned that Eagle Lake is a larger plant and he doesn't believe Green Acres could serve all of Eagle Lake. He stated he believes the water will flow but the pressure will not be the same.

Commissioner Pittman asked about the well installation.

Mr. Fletcher stated he believes they are waiting on paperwork.

Mr. Gardner advised he has spoken with Platinum bank about borrowing the \$60,000 for the well. He stated he is hoping to get a firm price as the 1st price was an estimate. He advised he is working with Roger Homann of Envisors.

C. Reappointment of David Jackson to the Library Board

MOTION was made by Commissioner Wilson and seconded by Commissioner Coler to reappoint David Jackson to the Library Board.

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. Reappointment of Wanda Jackson to the Library Board

MOTION was made by Commissioner Wilson and seconded by Commissioner Hosegood to reappoint Wanda Jackson to the Library Board.

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

City Clerk Wright advised Ms. Jackson was an alternate but she will a full member as Larry Lloyd wasn't looking to get reappointed to the board.

VII. PUBLIC HEARINGS

- A. Consideration of the second reading of Ordinance No.: O-14-05; An Ordinance of the City Commission of the City of Eagle Lake, Florida, Amending the City of Eagle Lake Land Development Regulations, Division VIII, Definitions; Article 1: General Provisions; Section 8.1.1.20, Words and Specific Terms Defined; to Add a Definition for the word "Fence"; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. effective upon reading**

Attorney Christman read Ordinance No.: O-14-05 by title only.

MOTION was made by Commissioner Coler and seconded by Commissioner Wilson to approve Ordinance No.: O-14-05.

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 second reading of **Ordinance No.: O-14-06**, An Ordinance of the City Commission of the City of Eagle Lake, Florida, Amending Chapter 16, Article II, Section 16-27, Water Rates, of the Code of Ordinances of the City of Eagle Lake, Florida, Providing an Increase in Residential and Commercial Water Rates Inside and Outside the City; And Amending Chapter 16, Article III, Sewers, Section 16-59, Rates, of the Code of Ordinances, Providing an Increase in Residential and Commercial Sewer Rates Inside and Outside the City; Providing a Conflict and Severability Clause and an Effective Date. effective upon reading

Attorney Christman read Ordinance No.: O-14-06 by title only.

MOTION was made by Commissioner Pittman and seconded by Commissioner Hosegood to approve Ordinance No.: O-14-06.

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 second reading of **Ordinance No.: O-14-07**, An Ordinance Amending the City of Eagle Lake Code of Ordinances, More Specifically, Chapter 12 Solid Waste, Section 12-54 Service Fees-Regular Garbage and Trash Collection Increasing the Residential and Commercial Collection Rate; Providing a Conflict and Severability Clause and an Effective Date. effective upon reading

Attorney Christman read Ordinance No.: O-14-07 by title only.

MOTION was made by Commissioner Coler and seconded by Commissioner Pittman to approve Ordinance No.: O-14-07.

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

Commissioner Wilson asked when the contract expires and expressed her desire to go to bid when the contract expires.

Manager Gardner stated 2016.

Commissioner Coler agreed with Commissioner Wilson.

Attorney Christman stated you won't go wrong bidding it out you can run into trouble if you don't bid it out.

The roll call vote was as follows:

AYES: Pittman, Wilson, Hosegood, Coler, Sullivan

NAYS: None

D. Consideration of the first reading of Ordinance No.: O-14-08, an Ordinance of the City of Eagle Lake, Florida Adopting the Millage Rate for the City of Eagle Lake, Florida for Fiscal Year 2014-2015; Providing for Conflicts, Severability and Effective Date.

Attorney Christman read Ordinance No.: O-14-08 by title only.

MOTION was made by Commissioner Wilson and seconded by Commissioner Coler to approve Ordinance No.: O-14-08.

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

Manager Gardner stated the name to of the taxing authority is the City of Eagle Lake; he advised the rolled back rate is a rate that will generate next year the same amount of taxes as we got this year. He advised the rolled back rate is 7.4628. The taxes that would be generated by the rolled back rate would be \$431,000. He stated the percent increase of the proposed tax rate which is 7.6516 over the rolled back rate is 2.53%. Manager Gardner advised we have had the millage rate of 7.6516 for the last 5 years. He stated this is being presented as a tax increase due to the increase in assessed values. The Proposed Millage rate is 7.6516 which is 2.53% over the rolled back rate. The reason for the millage rate higher than the rolled back rate is to provide additional revenue for cash balances.

Mr. Gardner asked for any audience discussion; there was none.

The roll call vote was as follows:

AYES: Pittman, Wilson, Hosegood, Coler, Sullivan

NAYS: None

E. Consideration of the first reading of Ordinance No.: O-14-09, an Ordinance of the City of Eagle Lake, Florida Adopting a Budget for the City of Eagle Lake For Fiscal Year 2014-2015 Reflecting the Revenue Generated Together with the Sources of the Revenue; Delineating the Expenditures by Department of Activity; Approving a Personnel Budget; Providing for Conflicts, Severability and Effective Date.

Attorney Christman read Ordinance No.: O-14-09 by title only.

MOTION was made by Commissioner Coler and seconded by Commissioner Hosegood to approve Ordinance No.: O-14-09.

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

Manager Gardner reported the proposed budget is: Receipts: \$2,771,854 and Expenses: 2,771,854. Mr. Gardner stated he provided the publications that will be in the newspaper on Saturday, September 13, 2014 before the Tuesday, September 16, 2014 Meeting. He advised one advertisement is the Budget Summary and the other is the Notice of Tax Increase.

The roll call vote was as follows:

AYES: Pittman, Wilson, Hosegood, Coler, Sullivan

NAYS: None

VIII. OLD BUSINESS

There was no old business.

IX. NEW BUSINESS

A. Consideration of Traffic Signal Maintenance and Compensation Amendment Fiscal Year 2014/2015.

MOTION was made by Commissioner Coler and seconded by Commissioner Pittman to approve the Traffic Signal Maintenance and Compensation Amendment Fiscal Year 2014/2015.

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

B. Consideration of Resolution No.: R-14-09, A Resolution of the City Commission of the City of Eagle Lake, Florida Adopting a Budget Amendment for the City of Eagle Lake for Fiscal Year 2013-2014 Reflecting an Amendment to Revenue Generated Together with the Sources of the Revenue: Delineating an Amendment to the Expenditures by Department of Activity; Providing for Conflicts, Severability and Effective Date.

Attorney Christman read Resolution No.: R-14-09 by title only.

MOTION was made by Commissioner Pittman and seconded by Commissioner Wilson to approve Resolution No.: R-14-09.

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

X. CONSENT AGENDA

A. Approval of the City Commission Workshop Minutes -----08/18/14

B. Approval of the Regular City Commission Minutes -----08/18/14

MOTION was made by Commissioner Wilson and seconded by Commissioner Coler to approve the Consent Agenda, A. the City Commission Workshop Minutes of 08/18/14 and B. the Regular City Commission Minutes of 08/18/14.

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

XI. AUDIENCE

Steve Shealey, Envisors, 2105 Dundee Road, introduced Naomi Tallet to the Commission. Mr. Shealey advised she has over 10 years of experience and the Commission might see her from time to time.

Mayor Sullivan welcomed the Scout in the audience.

XII. CITY ATTORNEY

Attorney Christman stated Attorney Jeff Dawson will be attending the September 16th City Commission meeting for her and welcomed Naomi Tallet.

XIII. CITY COMMISSION

Commissioner Wilson stated she is glad Ms. Golden is moving forward with the City's History.

Commissioner Pittman stated he appreciates the Commissions' indulgence; he stated he has been to three funerals and the last meeting he had a cousin that passed.

Commissioner Wilson wished Mayor Sullivan a Happy Anniversary.

Commissioner Hosegood had no report.

Commissioner Coler stated he appreciates Mr. Gardner's efforts getting the projects done and the efforts of City staff.

Commissioner Hosegood thanked Sgt. Navarro for the additional patrols at the bus stop on Spruce Road. She appreciates it.

Mayor Sullivan asked Sgt. Navarro how school opening went.

Sgt. Navarro stated they focused on Crystal Beach Road and around the Fish Market; he advised they didn't have too many issues.

Mayor Sullivan asked if Deputy Fegal was still at Lake Region.
Sgt. Navarro stated yes.

XIV. ADJOURNMENT

MOTION was made by Commissioner Coler and seconded by Commissioner Wilson to adjourn at 7:43 p.m.

The vote was as follows:

AYES: 5

NAYS: 0

MAYOR JR SULLIVAN

ATTEST:

CITY CLERK DAWN WRIGHT

**AGREEMENT BETWEEN THE CITY OF EAGLE LAKE
AND JOSEPH MAWHINNEY
FOR SPECIAL MASTER SERVICES**

THIS Agreement is entered into this _____ day of _____, 2014, by and between the **CITY OF EAGLE LAKE, FLORIDA**, hereinafter referred to as **CITY**, and **JOSEPH MAWHINNEY**, hereinafter referred to as **SPECIAL MASTER**.

WHEREAS, JOESPH MAWHINNEY is a member of the Florida Bar in good standing and, as such is licensed to practice law in the State of Florida and meets all qualifications required by the **CITY** for Code Enforcement Special Master Services; and

WHEREAS, CITY in accordance with its Code desires to contract with **SPECIAL MASTER** to serve as its Code Enforcement Hearing Officer and particularize the services and compensation for that service.

IN CONSIDERATION THEREOF, the parties do hereby covenant and agree, in return for the mutual promises set forth herein, as follows:

1. The foregoing recitals are true.
2. **CITY** hereby retains and contracts with **SPECIAL MASTER** to serve as its Code Enforcement Hearing Officer. This contract shall be for an open-ended term subject to the termination provisions of paragraph eight (8) below.
3. **CITY** shall pay compensation for **SPECIAL MASTER's** services as Code Enforcement Hearing Officer on an hourly basis in accordance with the following fee schedule. A rate of \$160.00 an hour for all of **SPECIAL MASTER's** time and inclusive

of all costs incurred to provide said services. There will be no additional charges for office overhead to include administrative assistants/secretaries and other support personnel.

a. Monthly invoices for time charges shall include the following information: a description of the service, the name of the individual performing the service, the date on which the service was performed and the amount of time spent performing the service.

b. **CITY** agrees to provide such clerical, administrative personnel and legal services deemed reasonably necessary to support the **SPECIAL MASTER** activities and assist in the proper performance of duties as contemplated in the City Code. The **SPECIAL MASTER** shall not be authorized to engage, hire, or use any person and/or entity except those provided by the **CITY** to assist in the performance of duties hereunder.

4. In consideration for the fee payment, **SPECIAL MASTER** shall perform such Code Enforcement Services as the City Commission may authorize including but not limited to the following specific duties:

a. Hearing and deciding alleged violations of Eagle Lake Code of Ordinances, as it now exists and/or as it is amended in the future.

b. Assessing fines against violators of city codes and ordinances; affirming or modifying penalties imposed by the code enforcement board whose jurisdiction was repealed; and determining the amount of reasonable expenses incurred by the **CITY** as a result of orders issued pursuant to the authority granted.

c. Conducting code violation hearings at least once each month on such date as agreed to between the parties. All hearings shall be properly noticed and held in a designated facility owned by the **CITY** and accessible to the general public.

d. Consistent with Florida Statute Chapter 162, adopting rules for the conduct of hearings; subpoenaing to hearings alleged violators, witnesses and evidence; taking testimony under oath; and issuing orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

e. As soon as practicable after the conclusion of the hearing, issue findings of fact based on evidence of record, and conclusions of law, and issue an order affording the proper relief consistent with powers granted herein and in accord with Florida Statutes Chapter 162.

f. Such other duties as may be necessary to perform all code enforcement services as contemplated under Chapter 162 of the Florida Statutes and the City Code.

SPECIAL MASTER shall not be required to serve in positions of conflict.

6. In the event that **SPECIAL MASTER** shall determine that a conflict of interest may arise or has arisen in reference to any matter that **SPECIAL MASTER** is handling for **CITY**, **SPECIAL MASTER** shall promptly notify the City Commission and City Manager thereof. In the event that the conflict cannot be resolved, the City Attorney shall recommend that the City Commission retain a specially appointed attorney to act as **SPECIAL MASTER** to perform code enforcement services for the **CITY** in such action. Alternatively, if **SPECIAL MASTER** is for any reason unavailable to provide services for

any particular hearing, **SPECIAL MASTER** is permitted to designate a qualified person to serve in her stead, subject to **CITY's** consent.

7. **CITY** and **SPECIAL MASTER** understand and agree that **SPECIAL MASTER** may maintain his private practice of law and may represent clients other than **CITY** provided that representation of such other clients does not create a conflict of interest concerning code enforcement services that are being provided by **SPECIAL MASTER** on behalf of **CITY**. **SPECIAL MASTER**, as a non-employee lawyer, is not confined or restricted to acting as the **CITY's SPECIAL MASTER**, exclusively, in the exercise of **SPECIAL MASTER's** legal practice. If in the representation of existing clients of **SPECIAL MASTER** and **SPECIAL MASTER's** firm a conflict arises then **SPECIAL MASTER** shall promptly notify City Commission thereof. In the event that the conflict cannot be resolved, the City Attorney shall recommend that the City Commission and City Manager retain a specially appointed attorney to act as the **CITY's SPECIAL MASTER** in such action.

8. This Agreement may be terminated during the term hereof, by either **CITY** OR **SPECIAL MASTER** upon sixty (60) days written notice by one party to the other. If terminated then **CITY** shall pay **SPECIAL MASTER** for all services rendered through termination.

9. This Agreement shall be effective as of October 1, 2014.

10. The interpretation of this Agreement shall be governed by the laws of the State of Florida.

11. This Agreement revokes and supersedes any prior agreements, written and oral. No representations or promises other than those set forth herein may be relied upon by either party. This Agreement represents the entire agreement between the parties and shall not be subject to modification or amendment by any oral representation, or any written statement by either party, except for a dated written amendment of this Agreement signed by both the parties.

ATTEST:

CITY OF EAGLE LAKE

Dawn Wright - City Clerk

J.R. Sullivan – Mayor/Commissioner

APPROVED AS TO FORM:

Heather R. Christman, City Attorney

WITNESSES:

**CODE ENFORCEMENT
SPECIAL MASTER**

Joseph Mawhinney
