



CITY OF EAGLE LAKE  
 REGULAR CITY COMMISSION MEETING  
 MONDAY, NOVEMBER 3, 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
- VII. **PUBLIC HEARINGS**
  - A. Consideration of the first reading of Ordinance No. O-15-01, An Ordinance of the City Commission of Eagle Lake, Florida, Amending the Eagle Lake Code of Ordinance, More Specifically, Chapter 12, Solid Waste, Section 12-54 Service Fees – Regular Garbage and Trash Collection; Providing for the Collection of Landfill fees; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.
- VIII. **OLD BUSINESS**
- IX. **NEW BUSINESS**
- X. **CONSENT AGENDA**
  - A. Approval of the Regular City Commission Minutes -----10/20/14
- 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 WEDNESDAY, OCTOBER 29, 2014  
BY CITY CLERK DAWN WRIGHT, MMC

October 30, 2014

Manager Report

To: Mayor and Commission  
From: Pete  
Subject: Agenda for Commission Meeting Monday, November 3, 2014: Amended USDA Letter Of Conditions; Bingham Drainage Project Update

TRICK OR TREAT LANE IS FROM 6pm UNTIL 8 pm FRIDAY, OCTOBER 31. PLEASE TRY TO ATTEND!

Amended USDA Letter of Conditions

Attached is a copy of the amended USDAQ letter of conditions, dated September 10, 2014, for the three lift station improvement project. This letter shows the supplemental \$56,800 being awarded to the City by USDA based on a construction budget of \$952,800. We hope to have many bidders, and some new bidders for the new bids to be received on November 13. I hope that the new bids come in close to the \$952,800, and I will be working with Heather to come up with some extra funds should the construction budget exceed \$952,800.

Please be aware that the City will incur \$420,000 of new debt from USDA should the Commission move forward with this project. I have been telling people since 2011 in our NEWSLETTER that sewer rates will need to be increased by 8% to pay the yearly principal and interest cost for this indebtedness for the lift station renovation.

Bingham Drainage Project Update

The substantial completion date on the Bingham Project was October 22; I expect the final completion date to be around November 22, 2014. Our next Progress Meeting is Wednesday, November 5. The payments made and funds available are listed below. We have pretty much paid most everything to AMEC for design and inspection. As you know, Water Management has maintained that they will not pay anything toward the fence around the pond or any inspection fees. The remaining payments to be made are to the contractor L & SF Engineering. The construction contract and funding is as follows:

Original Contract with L & SF Engineering for Construction:	\$501,800
Paid to L & SF Engineering through October 27	\$328,978.09
Amount Remaining to be Paid on the Original Contract	\$172,821.91
Amount of Funds Available from the City through Sept 30:	
Storm water Fund	\$44,592.00
Transportation Fund	\$44,335.00

Total \$88,927.00

Of the remaining amount on the contract of \$172,821.91, only \$152,821.91 is eligible for cooperative funding since Water Management will not pay for the fence and that cost is \$20,000.00. Therefore, Water Management will participate on \$152,821.91 for cooperative funding, providing a maximum reimbursement of \$76,410.00. The total available as of September 30 for paying L & SF Engineering is \$88,927.00 from the City and \$76,410.00 from Water Management for a total of \$165,337.00, leaving us to come up with \$7,484.91 to pay for everything on the project. I should know on November 5 any additional cost requested by the contractor because of the delay working on the Varnadore property early in the project. There may also be some additional cost items that will come up when actual distances are calculated.

I anticipate having the funds in the Storm water and Transportation funds to pay for these final costs. As you know when we develop the budget each year, the Transportation Fund money to be received for the year is subtracted out of the operating budget for that fiscal year. The reason for that is to leave the Transportation Fund unobligated for the year so that the funds can be accumulated and when there is enough in the fund the money is spent on projects such as Bingham or the surfacing of the streets as we did 3 years ago. In 2014-15 I anticipated about \$45000 in the Transportation Fund, so that is what has been subtracted from the operating budget for 2014-15 and is available to pay for any 'extra' expenses on Bingham. Any additional costs not associated with the fence will be reimbursed at a 50% rate by Water Management.



September 10, 2014

## LETTER OF CONDITIONS AMENDMENT

Mayor J. R. Sullivan  
City of Eagle Lake  
P.O. Box 129  
Eagle Lake, FL 33839

RE: Water and Waste Disposal Loan and Grant – Wastewater System Improvements  
Replacement of 3 Lift Stations

Dear Mayor Sullivan:

This letter establishes conditions which must be understood and agreed to by the City of Eagle Lake (hereinafter referred to as the Applicant) and amends the Rural Development Letter of Conditions dated June 8, 2012 that was accepted by the City in writing on June 8, 2012. All requirements of the previously issued Letter of Conditions remain in effect except as modified herein.

This Letter of Conditions Amendment is being issued due to an increase in project costs after construction bids were received and the City's application to Rural Development for additional funding.

**The Breakdown of Project Budget section of the Letter of Conditions is replaced with the following revised section:**

BREAKDOWN OF PROJECT BUDGET – Estimated project costs are budgeted as follows:

Development (Installation)	\$ 952,836
Legal	\$ 25,000
Interest	\$ 15,000
Contingencies	\$ 20,000
Engineer	<u>\$ 213,914</u>
TOTAL	\$1,226,750

**Rural Development • Davenport Area Office**  
2629 Waverly Barn Road, Suite 129 • Davenport, FL 33897  
Voice (863) 420-4833 • Fax (855) 474-8230

USDA is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

The following new sections are added to the Letter of Conditions:

**SUBSEQUENT FUNDING:** RUS Grant of \$56,800.

**BREAKDOWN OF PROJECT FUNDING:**

Rural Development Loan:	\$ 420,000
Rural Development Grant:	\$ 196,700
Rural Development Grant Subsequent:	\$ 56,800
Florida Department of Environmental Protection:	\$ 203,250
Applicant Contribution:	<u>\$ 350,000</u>
Total Project Cost:	\$1,226,750

The **Central Contractor Registration (CCR)** section of the Letter of Conditions is replaced with the following section:

**System for Awards Management (SAM)** - The City as the recipient must maintain the currency of its information in the “System for Awards Management” (previously Central Contractor Registration or CCR) until you submit the final financial report required under this award and all funds under this award have been disbursed or de-obligated, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term. Recipients can register on-line at <https://sam.gov>

Please complete and return the attached Form RD 1942-46, “Letter of Intent to Meet Conditions.”

Should the City accept the RD funding subject to the Letter of Conditions as amended above, RD will proceed to take the necessary steps to approve the subsequent grant.

Sincerely,

RODERICK C. QUANTON, II  
Acting Area Director

Enclosure  
RCQ/sr

ORDINANCE NO.: O-15-01

AN ORDINANCE OF THE CITY COMMISSION OF EAGLE LAKE, FLORIDA, AMENDING THE EAGLE LAKE CODE OF ORDINANCES, MORE SPECIFICALLY, CHAPTER 12, SOLID WASTE, SECTION 12-54 SERVICE FEES – REGULAR GARBAGE AND TRASH COLLECTION; PROVIDING FOR THE COLLECTION OF LANDFILL FEES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Eagle Lake provides a franchise for the collection of its solid waste; and

WHEREAS, the Polk County Board of County Commissioners has ceased collecting landfill fees from property owners on their tax bills; and

WHEREAS, the City of Eagle Lake now needs to pass the landfill charges onto its residents via its regular billing process; and

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Eagle Lake, Florida, as follows:

1. That Chapter 12, Solid Waste, Section 12-54, Service Fees – Regular Garbage and Trash Collection, of the Code of Ordinances of the City of Eagle Lake, Florida, is hereby amended as shown on Exhibit “A” attached hereto and made a part hereof (~~struckthrough~~ language deleted, underline language added).
2. All Ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect.
3. Should any section, paragraph, clause, sentence, item, word or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part hereof, not so declared to be invalid.

4. This Ordinance shall take effect immediately upon its adoption by the City Commission of Eagle Lake, Florida.

INTRODUCED on first reading this \_\_\_\_\_, day of \_\_\_\_\_, 2014.

PASSED on final reading this \_\_\_\_\_, day of \_\_\_\_\_, 2014.

CITY OF EAGLE LAKE, FLORIDA

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JR SULLIVAN, MAYOR  
COMMISSIONER

ATTEST:

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DEPUTY CITY CLERK DAWN WRIGHT

Approved as to form:

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CITY ATTORNEY HEATHER R. CHRISTMAN

**Ordinance No.: O-15-01**

**Exhibit "A"**

(~~struckthrough~~ language deleted, underline language added)

**Sec. 12-54. – Service fees – Regular garbage and trash collection.**

The following fees shall be charged for collection services described at Section 12-53 above, for each single-family residential dwelling unit and for each licensed commercial establishment, without regard to whether or not the service is actually used:

(1) *Single-family residential dwelling unit:*

- a. \$15.38 per month for service once per week.
- b. Landfill fees in the amount \$3.57 per month shall be charged to each single-family residential dwelling unit. This amount shall automatically be increased or decreased to correspond with the actual landfill fee charged by Polk County.
- ~~b.~~ c. Additional service beyond the service established by city of city's duly authorized service provider is subject to additional charge by city or city's duly authorized service provider.

(2) *Commercial collection rates:*

- a. Two 95-gallon containers collected weekly, \$37.34 per month.
- b. Any commercial account requiring additional service beyond the service established by the city or city's duly authorized service provider is subject to additional charge by city of city's duly authorized service provider.

(3) *Unusual locations, accumulation.* Reasonable charges for unusual locations, types and accumulations of garbage and trash shall be determined by the city manager and subject to approval by the city commission.

(4) *Commercial bulk containers:*

- a. \$9.00 per cubic yard per pickup.
- b. Cubic yard rates for commercial bulk containers shall be based on container size. Commercial bulk container customers are required to utilize containers adequately sized to service the commercial account.

- (5) *Rate adjustments.* The city manager shall increase or decrease each of the above rates in an amount equal by percentage to the amount of each appropriate increase or decrease or imposed or assessed by the city's service provider.

CITY OF EAGLE LAKE  
REGULAR CITY COMMISSION MEETING  
MONDAY, OCTOBER 20, 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**

Sgt. Navarro updated the Commission regarding the events that have occurred in the City. Sgt. Navarro advised they are fully staffed and he introduced Jerome Borum a new Deputy; he advised Deputy Borum has experience in SWAT and community policing.

Deputy Jerome Borum stated he has been with the Sheriff's Office for 26 years and he started his career in Wahneta and Eloise.

City Clerk Wright asked if she could schedule a Special Meeting on November 17<sup>th</sup> at 6:00 p.m. for the Commission to review and rank the resumes received for the City Manager position.

**B. City Manager Report**

Manager Gardner stated there is a Resolution on the agenda tonight to borrow \$70,000 from Platinum Bank for the new well at Green Acres. He advised payments will be \$2500 for 30 months.

Mr. Gardner advised they had the National Pollution Discharge Elimination System (NPDES) meeting today and he gave our response to Bob Kollinger of Polk County and will be mailing response tomorrow. Mr. Gardner stated he included an evaluation on the testing of the lakes and they have held steady on phosphate and nitrate levels.

Mr. Gardner stated tonight they will discuss the billing fees and about only charging a billing fee on an irrigation meter if there was usage on the meter.

Mr. Gardner stated there is difficulty with the waterline on Gerber Dairy Road; he advised they aren't getting the pressure they should; he advised the pressure should be at 70 lbs. and it is currently at 35 lbs.

Public Works Director Fletcher stated he has been communicating with Steve Shealey at Envisors and at this time they don't know why the water isn't getting there; he stated the issue appears to be before it reaches the new connection. Mr. Fletcher stated he will be testing each fire hydrant individually to determine where the issue is.

Steve Shealey, Envisors, stated they have the gauges and flow meters that will help and they will be getting them to Eagle Lake tomorrow to assist and determining what the problem is. There was discussion of it possibly being a valve that isn't properly opening.

Mr. Gardner states we have an obligation to push forward to find the issue and correct; he advised the City received a grant to be able to service Green Acres customers with Eagle Lake Water Plant in the event of a Green Aces Water Plant failure.

Commissioner Coler asked if they are keeping track of the flows for the Southwest Florida Water Management District (SWFWMD).

Mr. Shealey stated the equipment they will be bringing in will help with determining the amount of water that is expelled when flushing hydrant.

C. Proclamation – Polk County Family Week, November 14, 2014 through November 21, 2014.

Mayor Sullivan presented Linda Chauncey with the Proclamation for Polk County Family Week.

D. Presentation of Certificate of Appreciation

Mayor Sullivan presented Barbara Woodruff with a Certificate of Appreciation.

Ms. Woodruff stated this certificate should also be for Sgt. Navarro as he found her in training and asked her to come to Eagle Lake.

**VII. PUBLIC HEARINGS**

There were no public hearings.

**VIII. OLD BUSINESS**

A. Discussion of billing fees

Mr. Gardner is asking the Commission to go back to the way it was previously and not charge billing fees on irrigation meters and over the next month test the system and on January 1, 2015 charge the \$3.00 billing fee on irrigation meters only if water is used and a bill is generated.

**MOTION** was made by Commissioner Wilson and seconded by Commissioner Pittman to not charge \$3.00 billing fee on irrigation meters at this time; test the system and on January 1, 2015 implement the charging of the \$3.00 billing fee on irrigation meters that use water and generate a bill.

Attorney Christman stated she would like to make adjustments with the language to the ordinance, so that, it is in agreement to the wishes of the Commission.

Mayor Sullivan asked for audience discussion; there was none.  
Mayor Sullivan asked for Commission discussion; there was none.  
Commissioner Pittman left the dais at 7:21 p.m.

The roll call vote was as follows:

AYES: Wilson, Hosegood, Coler, Sullivan  
NAYS: None

Commissioner Pittman was not at the dais for the vote.

**IX. NEW BUSINES**

- A. Consideration of Resolution No.: R-15-01, A Resolution of the City Commission of the City of Eagle Lake, Florida, Discouraging the Marketing and Sale of Flavored Tobacco Products to Children and Young Adults.

Mayor Sullivan read Resolution No.: R-15-01 by title only.

Commissioner Pittman returned to the dais at 7:23 p.m.

**MOTION** was made by Commissioner Coler and seconded by Commissioner Hosegood to approve Resolution No.: R-15-01.

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-15-02, A Resolution of the City Commission of the City of Eagle Lake, Florida, Authorizing a Loan with a Principal Amount not to Exceed \$70,000 From Platinum Bank to Finance the Drilling of a New Well for the Green Acres Area in Order to Improve the City's Water Supply System; Authorizing the Execution and Delivery of a Bank Commitment; Authorizing the Execution and Delivery of a Loan Agreement and a Promissory Note to Evidence the Obligation of the City to Repay Such Loan; Providing Security for the Repayment of the Loan; Authorizing other Actions in Connection with the Loan; and Providing an Effective Date.

Attorney Christman read Resolution No.: R-15-01 by title only.

**MOTION** was made by Commissioner Coler and seconded by Commissioner Hosegood to approve Resolution No.: R-15-02.

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

**C. Discussion of Landfill Fees with Republic Services**

Jervone Hermon of Republic Services wanted to clarify the letter he sent; he advised if the City Commission were to extend the Republic Services contract to 2019, Republic Services will absorb the landfill fees until 2019.

Commissioner Pittman asked Attorney Christman if the contract language allowed for an extension.

Attorney Christman stated she has recommended going out to bid as the contract doesn't have extension language. She stated if the Commission decided they would like to extend the contract she would like time to research a similar case and check its status.

Commissioner Wilson stated she didn't feel it was necessary to have the Attorney research as she would like to go to bid when the contract expires. She feels the fees being charged to the City are too high.

Mr. Herman stated Polk City recently went to bid and Eagle Lake's fees are lower than what Polk City received in bids.

Mr. Gardner stated the contract doesn't expire until 2016 and he will have an ordinance ready for the next meeting to pass the landfill fees to the residents; he advised it would be approximately \$3.50 per month.

Commissioner Pittman stated he agrees with the City Attorney and Commissioner Wilson and go to bid.

**X. CONSENT AGENDA**

**A. Approval of the Regular City Commission Minutes -----10/06/14**

**MOTION** was made by Commissioner Wilson and seconded by Commissioner Coler to approve the Regular City Commission Minutes of 10/06/14.

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**

There were no comments from the audience.

**XII. CITY ATTORNEY**

Attorney Christman updated the Commission on the status of the tennis court partition action; she advised that there are some owners they haven't been able to be served personally. She earlier advised the Commission that an Ad Litem Attorney might have to be appointed to serve the interests of the parties that she hasn't been able to personally serve; Attorney Christman stated has

a meeting with an Ad Litem Attorney that she will be recommending to the court on Wednesday to find out what the estimated cost will be. Attorney Christman advised the City could serve these remaining people by doing a public notice but that would put a cloud on the title to the property. She advised if the City were to end up with the property and attempt to obtain grant money to assist in the clean up or development, she as City Attorney wouldn't be able to sign a title affidavit saying that there is a clean title for the property.

**XIII. CITY COMMISSION**

Commissioner Coler stated he appreciated the students from Students Working Against Tobacco being in the audience tonight.

Commissioner Hosegood had no report.

Commissioner Pittman had no report.

Commissioner Wilson thanked Ms. Woodruff; she stated the Commission appreciates her and Commissioner Wilson welcomed Deputy Borum.

Mayor Sullivan stated they appreciate Ms. Woodruff and asked the City Clerk to get a copy of certificate to the Sheriff's Office.

Mayor Sullivan stated they appreciate Mr. Shealey's offer to help Public Works Director Fletcher on the water pressure issue.

**XIV. ADJOURNMENT**

**MOTION** was made by Commissioner Wilson and seconded by Commissioner Coler to adjourn at 7:40 p.m.

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

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MAYOR JR SULLIVAN

ATTEST:

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CITY CLERK DAWN WRIGHT