

**LAKELAND CITY COMMISSION**  
**Agenda Study Session**  
**May 29, 2009**

The Lakeland City Commission met in the Agenda Study Session in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Glenn Higgins, and Mayor Pro Tem Jim Verplanck were present. Mayor Fletcher and Commissioner Troller were out of town. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Assistant City Attorney Palmer Davis, Assistant City Manager Stanley Hawthorne, City Clerk Kelly Koos, and staff were present.

Mayor Pro Tem Jim Verplanck called the meeting to order at 8:32 a.m.

Tony Delgado covered the preliminaries.

Palmer Davis covered the public hearings.

Tony Delgado explained that they were ready to move forward with ordinances relating to the police officers pension. Greg Finch explained the sponsor had to send an impact statement to the State depicting the cost impact to the plan. Union Representative Nick Marolda explained the group ratified the plan 15 months ago based on a two-tier program. Some members were concerned and they halted the process to answer their questions.

Red Light Camera Ordinance – the “go live” date was Monday, June 1, 2009. The education process was underway.

Brian Rewis covered the CDBG Recovery Plan. Staff planned to use these additional funds to supplement SHIP funds for Housing Rehabilitation.

Tony Delgado offered the following verbals:

- Red, White, and Kaboom - Bill Tinsley and his staff had been looking for sponsors. They were unable to find a sponsor. There would not be a Red White and Kaboom on July 3rd this year. The only fireworks would be in conjunction with the Tigers Game.<sup>1</sup>
- Stanley Hawthorne distributed the final quadrant core services prioritization after the Commission's comments.
- The Commission rescheduled the July 3, 2009 Agenda Study Session to July 6, 2009 at a time to be announced based on the size of the agenda.

Palmer Davis covered the City Attorney agenda.

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<sup>1</sup> Tom Mims of T. Mims Corp/Buyer's Rep. Inc. came forward and sponsored the 2009 Red, White, and Kaboom.

Bruce Kistler covered prop. ord. 09-033. The neighbors did not want the cell tower. The applicant made significant arguments and staff recommended approving the cell tower. There were no other existing tall structures to use. The church was a non-residential location.

Ramona Sirianni covered the Reinvestment of CDBG Funds with Lakewood Terrace Affordable Housing

Palmer Davis covered the lease agreement with John Jerue Truck Brokers, Inc. Tony Delgado explained that Jerue Trucking had been a stellar client and the City was happy they wanted to stay at the Airport despite their downsizing.

Ramona Sirianni covered the Master Electric Power Purchase with TEA.

Mayor Pro Tem Jim Verplanck discussed the east-west connector road at the Williams Property. Tony Delgado distributed a handout from the May 28, 2009 public workshop.

The Agenda Study Session adjourned at 9:33 a.m.

### **Subdivision Regulation Workshop May 29, 2009**

The Lakeland City Commission met for the Subdivision Regulation Workshop in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Glenn Higgins, and Mayor Pro Tem Jim Verplanck were present. Mayor Fletcher and Commissioner Troller were out of town. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Assistant City Attorney Palmer Davis, Assistant City Manager Stanley Hawthorne, City Clerk Kelly Koos, and staff were present.

Mayor Pro Tem Jim Verplanck called the meeting to order at 10:54 a.m.

Bruce Kistler made the presentation, a copy of which is on file in the City Clerk's Office. If the Commission approved, staff would like to release the draft to the stakeholders.

Bruce requested a "thumbs up" to present this plan to the developers. The Commission wanted to hear the developer's comments prior to final approval. The consensus was to present the new regulations to the developer community.

The meeting adjourned at 11:26 a.m.

## **Solid Waste Collection Alternatives Workshop June 1, 2009**

The Lakeland City Commission met for the Solid Waste Collection Alternatives Workshop in the Commission conference room. Commissioners Edie Yates, Glenn Higgins, Gow Fields, Justin Troller, Jim Verplanck, Glenn Higgins, and Mayor Fletcher were present. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Assistant City Manager Stanley Hawthorne, City Clerk Kelly Koos, Public Works Director Rick Lilyquist, and staff were present. Don Ross of Kessler Consulting Inc. and Marc Rogoff of SCS Engineers were also present.

Mayor Fletcher called the meeting to order at 2:06 p.m.

The consultants made the presentation, a copy of which is on file in the City Clerk's Office. The presentation was in three parts.

- Part I – Analyze conversion to automated collection service
- Part II – Evaluate alternatives for alley collection
- Part III – Study and evaluate city roll-off collection services

### Discussion

There would not be a savings if the City continued to pick up twice a week. Staff was looking for feedback on the various options presented.

Staff recommended meeting with the various vendors on the roll off issue.

The group discussed the success of this service and if the citizens would consider the savings of \$1.50 a month worth less service.

The group discussed conducting an RFP for an outside provider. The Commission had not supported that avenue in the past and it was unclear if they supported that avenue now. The citizens did not support outsourcing this service in the past. The main issue was the ability to have issue resolved quickly.

If the City moved to automated service, they could reduce labor through attrition. If attrition slowed, the City could slow the conversion.

The county was meeting next month to begin considering automated service.

The Commission asked how long before the city would see the pay back from the initial investment. Doug Thomas will obtain those figures for the Commission.

The group discussed alley services and the difficulties of providing that service.

The group discussed the possible need to reduce pick up to once a week because of gas prices.

The Commission wanted to know what the price would be for automated collection by an outside provider.

The consensus was for staff to put together a matrix and get a feel for the market. The commission could look at those numbers and then decide if it is worth going to an RFP.

The meeting adjourned at 3:51 p.m.

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Ralph L. Fletcher, Mayor

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Kelly S. Koos, CMC, City Clerk

**LAKELAND CITY COMMISSION**  
**Regular Session**  
**June 1, 2009**

The Lakeland City Commission met in Regular Session in the Commission chambers. Commissioners Glenn Higgins, Justin Troller, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates, and Mayor Fletcher were present. City Manager Doug Thomas, Assistant City Attorney Palmer Davis, Finance Director Greg Finch, and City Clerk Kelly Koos were present.

**CALL TO ORDER – 9 a.m.**

**INVOCATION**

Pastor Dennis Waymire of Faith Wesleyan Church offered the invocation followed by the salute to the flag.

**PRESENTATIONS**

**Employee Service Awards**

<u>Unable to Attend</u>	<u>10 Years</u>	<u>Date of Hire</u>
***	Cochran, Raymond M	05-23-1999
***	Dwyer, Michael G	05-03-1999
	Albin, Timothy W	05-24-1999
	Baker, Marcus L	05-24-1999
	Bun, Seng	05-03-1999
	Caporate, Maria	05-19-1999
	Coone, Michael G	05-24-1999
	Engleman, Derek J	05-24-1999
	Harmeling, Michael	05-24-1999
	Jones, John E	05-03-1999
	Ritter, Terry R	05-17-1999
	Upton, Jodi L	05-10-1999
	Withrow, Robert F	05-09-1999
	 <u>20 Years</u>	
***	Davis, Jim	05-30-1989
***	Gore, Larry R	05-30-1989
***	Skjefte, John D	05-15-1989
	James, Gregory D	05-08-1989
	Novis, George	05-22-1989
	Tyre, Phillip R	05-08-1989

**25 Years**

***	Cash, Clay H	05-29-1984
***	Lesnett, Glen A	05-29-1984
	Cash, Clay H	05-29-1984
	McFarland, Michael	05-14-1984
	McKinney, Kim	05-21-1984
	Meeks, Mark	05-24-1984
	Patterson, Brenda J	05-08-1984

**35 Years**

***	Holt, Rocky H	05-30-1974
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Mayor Fletcher and Doug Thomas presented these awards.

**Polk County Sports Marketing Award – Stacy Smith, Parks & Recreation**

Bill Tinsley presented the award. Polk County Sports Marketing recognized Stacy for his work at Hollis Gardens with things like tours and weddings. He was responsible for selecting the materials for the garden. His extra touch was what makes Lakeland great!

**Community Development – Form Based Code – A More Comprehensive Approach to Zoning (Jim Studiale & Bruce Kistler)**

Bruce Kistler made this presentation, a copy of which is on file in the City Clerk’s Office. Staff intended to avoid a rezoning process for every parcel in the city.

**Beautification Awards**

- **Commercial: 1525 East Gary Road – Chef T’s Garden Grill**
- **Residential: 741 Vistabula Street – David Philbotte**

Frankie Martin and Eileen Clawson presented these awards.

**PROCLAMATIONS**

**Code Enforcement Officer Week**

**2010 Census Partner** David Valdes came forward to receive this award. Mr. Valdes thanked the City of Lakeland for their efforts to announce the 2010 Campaign. He asked for the assistance of every community leader to encourage the citizens to respond. The results of this count will affect our communities for the next 10 years. It was important to get a complete count.

**National Garden Week**

**COMMITTEE REPORTS AND RELATED ITEMS**

## Municipal Boards & Committees 05/29/09

The Municipal Boards Committee met in the Commission conference room. Commissioners Glenn Higgins and Jim Verplanck (members) and Commissioner Edie Yates (chair) were present. Deputy City Manager Tony Delgado, Assistant City Attorney Palmer Davis, Assistant City Manager Stanley Hawthorne, and City Clerk Kelly Koos were present.

Commissioner Yates called the meeting to order at 8:25 a.m.

### **Police Officer Retirement Fund Board**

The following appointments were in conjunction with the reorganization of the City of Lakeland Police Officers' Defined Benefit Retirement System.

*Recommendation from Doug Thomas to **appoint Nick Nugent** for a two-year term beginning June 1, 2009 and expiring May 31, 2011.*

*Recommendation from Doug Thomas to **temporarily appoint Stanley Hawthorne** until a qualified member is identified.*

**Recommendation:** Commissioner Verplanck moved to approve the appointments. Commissioner Higgins and Commissioner Yates concurred. The motion carried unanimously.

The meeting adjourned at 8:28 a.m.

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Edie Yates, Chair

Commissioner Yates presented this report.

**Action:** The Commission approved the appointments unanimously.

## Finance Committee 05/29/09

The Finance Committee met in the Commission conference room. Commissioners Howard Wiggs & Edie Yates (members) and Commissioner Gow Fields (chair) were present. Commissioners Glenn Higgins and Jim Verplanck were present. Deputy City Manager Tony Delgado, Assistant City Attorney Palmer Davis, Assistant City Manager Stanley Hawthorne, City Clerk Kelly Koos, Finance Director Greg Finch, Assistant Finance Director Mike Brossart, and Investment Manager Jeff Stearns were present.

Gow Fields called the meeting to order at 9:44 a.m.

Jeff Stearns gave a presentation, a copy of which is on file in the City Clerk's Office. The presentation covered the following topics:

- Portfolio Characteristics
- Investment Environment & Performance

- Current Investment Strategies
- Potential Investment Strategies

Potential Future Investment Strategies:

- Increase Taxable Muni Allocation from 10% to 15%
- Increase Corporate Allocation from 10% to 15%
- TALF Investment
- New Hedges (swaps)
- No changes- take what the market gives

TALF Investment Opportunity: The Federal government created a "Term Asset-Backed Securities Loan Facility". Purpose of TALF was to jump-start the largely dormant market for asset-backed securities. The Federal government would provide financing with attractive terms to fund leveraged purchases of new high quality asset-backed securities. This was a significant arbitrage opportunity given current unpopularity of asset-backed securities. It was a limited opportunity, as the program would end 12/31/2009.

Staff requested:

Increasing the Taxable Muni Allocation and the Corporate Allocation from 10% to 15%  
Finance Committee consider new Interest Rate Swap Hedges  
Finance Committee consider TALF investments

Greg Finch explained they did not need a decision on the latter two recommendations until 2 weeks from now. He had already scheduled another Finance Committee meeting for 2 weeks. He wanted the Committee to consider those two options over the next 2 weeks.

**Recommendation:** The Finance Committee recommended the increase in allocations from 10% to 15% for the Taxable Muni Investments and Corporate Investments and for staff to bring back more information on the Interest Rate Swap and the TALF Investments.

The meeting adjourned at 10:53 a.m.

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Gow B. Fields, Chair

Commissioner Fields presented this report.

**Action:** The Commission approved this report unanimously.

#### **APPROVAL OF CONSENT AGENDA**

All items listed with an asterisk (\*) were considered routine by the City Commission and were enacted by one motion. There was no separate discussion of these items unless a City Commissioner or Citizen so requested, in which event the item was removed from the consent agenda and considered in its normal sequence.

\* City Commission Minutes 05/01/09

- \* City Commission Minutes 05/15/09-05/18/09
- \* Utility Committee Minutes 05/18/09
- \* Memo re: Amendment to the Master Electric Power Purchase and Sale Agreement for Florida Cost-Based Broker System Transactions with The Energy Authority (TEA)

**Action:** Commissioner Wiggs moved to approve the Consent Agenda. Commissioner Verplanck seconded and the motion carried unanimously.

### **APPROVAL OF MINUTES (with any amendments)**

- \* City Commission 05/01/09
- \* City Commission 05/15/09-05/18/09
- \* Utility Committee 05/18/09

### **REQUEST TO APPEAR FROM THE PUBLIC – None**

### **PUBLIC HEARINGS**

#### **Ordinances (Second Reading)**

#### **Ordinance 5095; Proposed Ordinance 09-022; Amendment to Police Officers' Defined Benefit Retirement Fund (1st Rdg 4/20/09)**

AN ORDINANCE OF THE CITY OF LAKELAND RELATING TO PENSIONS; AMENDING AND RESTATING CHAPTER 62, ARTICLE II, DIVISION 3, OF THE LAKELAND CITY CODE, CITY OF LAKELAND POLICE OFFICERS' DEFINED BENEFIT RETIREMENT SYSTEM; ADDING SECTIONS 62-51 THROUGH 62-82 INCLUSIVE OF THE CODE OF ORDINANCES OF THE CITY OF LAKELAND; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR DOMESTIC RELATIONS ORDERS AND EXEMPTION FROM EXECUTION AND NON-ASSIGN ABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE,

FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR POLICE SERVICE; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR RE-EMPLOYMENT AFTER RETIREMENT; PROVIDING FOR AN ACTUARIAL GAIN SHARING ACCOUNT; PROVIDING FOR SURVIVORS' BENEFITS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

**Motion:** Commissioner Verplanck moved to approve the ordinance. Glenn Higgins seconded.

Mayor Fletcher asked for comments.

Jeff Birdwell came forward to object that only Tier 2 specifically outlined the contribution.

Joe Henson came forward representing the “drop cops” of Tier 3. They had issues with the open-ended language too. The negotiators fell into Tier 2 and that tier would benefit the most.

Deputy City Manager Tony Delgado offered comments. The Union requested significant changes in the benefit structure for this package. Those changes required additional contributions. That was where the negotiations took place, who would pay for the additional benefits.

Tier 1: current members had the opportunity to freeze their current benefits from the City Pension, the PORF, and the Shared Plan. In the beginning of negotiations, there was not a tiered program and everyone would fall into what became Tier 2. The key question had been “what will I have to pay.” The contribution rates were based on the market and the benefit structure. Those employees under Tier 1 would freeze the benefits they have already accrued and receive benefits under Tier 2. It is possible the contribution rates would go up based on the market. The City and the employees would share any increase one to one.

Commissioner Fields clarified Mr. Birdwell's questions:

Why did Tier 2 have a designated percentage in the document and Tier 1 did not?  
Tony Delgado responded it was because of an additional benefit. There was a cost for

freezing the previously earned benefits. That cost could not be stated as a set percentage until the officers retire because the market changes. Even though Tier 2 stated an 11% contribution, that would most likely increase before the new plan went into place. The new contribution rate was already under consideration and a new actuarial study was underway. It would be sent to the State for their approval. The rates would be reviewed on an annual basis.

Mr. Birdwell asked why Tier 2 would not have to pay for the new benefit of retiring early. Tiers 1 and 3 were supporting the additional benefit for Tier 2. The wording should reflect unification instead of charging the other two groups to support Tier 2.

Doug Thomas explained that with a new pension plan, there would be some individuals that could reap the benefits of the new plan immediately. That was why a study was required to determine the cost of that opportunity. Those who immediately benefit may not pay in as long for the changes but that is the ebb and flow of a pension. Once the employees designated a collective bargaining agent, the City was legally bound to negotiate with the PBA negotiating team. The PBA negotiating team is legally bound to represent their group as they see fit. Ultimately, the PBA leadership said they wanted a separate plan from the City's general plan. If the employees have concerns, they must address those through their collective bargaining agent.

Nick Marolda explained the process that brought them to the three-tier plan. Twice the officers voted overwhelmingly to approve the plan.

Doug Thomas explained that a board made of Commission appointees and employee appointees, some of whom would be active employees, would govern the pension plan.

Jim Diamond, Director of Operation for WCFPBA, explained that their intent was to get a product that would make it easier to recruit young police officers and bring the pension up to industry standards. In addition to 25 years and out they were interested in disability pension. Everything was done in the best interest of the majority. The cost of these plans and benefits has always been based on the market. He went through the same issues in Tampa and he was in Birdwell's position. It was time to move forward and they did not want to negotiate again.

**Action:** Upon roll call vote Commissioners Yates, Fields, Wiggs, Verplanck, Troller, Higgins, and Mayor Fletcher voted aye. Ayes: seven. Nays: Zero. The motion carried unanimously

## **EQUALIZATION HEARINGS**

**Recess/convene:** Commissioner Wiggs moved to recess as the City Commission and convene as the Equalization Board. Commissioner Verplanck seconded.

**Lots Cleaning and Clearing**

Palmer Davis presented the assessments to the Equalization Board. A copy of that assessment roll is attached to the end of these minutes.

**Motion:** Commissioner Verplanck moved to approve the assessments. Commissioner Higgins seconded.

Mayor Fletcher asked for comments and there were none.

**Action:** Mayor Fletcher called for the vote and the motion carried unanimously.

**Adjourn/reconvene:** Commissioner Verplanck moved to adjourn as the Equalization Board and reconvene as the City Commission. Commissioner Troller seconded and the motion carried unanimously.

**Ordinance 5096; Proposed Ordinance 09-023; Amendment to City of Lakeland Employees' Pension Plan – Removing Police Members (1st Rdg 4/20/09)**

AN ORDINANCE RELATING TO THE CITY OF LAKELAND EMPLOYEES' PENSION AND RETIREMENT SYSTEM (THE "PLAN"); AMENDING SECTIONS 21, 23, 24, 26, 27 AND 32 OF ARTICLE II OF DIVISION II OF THE CHARTER OF THE CITY OF LAKELAND, FLORIDA; TO REMOVE SPECIFIC PROVISIONS OF THE PLAN THAT ONLY APPLY TO POLICE MEMBERS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

**Motion:** Commissioner Verplanck moved to approve the ordinance. Commissioner Higgins seconded.

Mayor Fletcher asked for comments and there were none.

**Action:** Upon roll call vote Commissioners Higgins, Troller, Verplanck, Wiggs, Fields, Yates, and Mayor Fletcher voted aye. Ayes: seven. Nays: Zero. The motion carried unanimously.

**Ordinance 5097; Proposed 09-032; Amending Ordinance 5041, Red Light Camera Ordinance, to Increase Time Period for Issuing Notices of Violation and to Impose Responsibility on Lessees of Rental Cars (1st Rdg 5/18/09)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO TRAFFIC ENFORCEMENT; EXTENDING TIME PERIOD FOR ISSUING NOTICES OF VIOLATION; PROVIDING PROCEDURE FOR ISSUING NOTICES OF VIOLATION TO LESSEES OF RENTAL CARS IN LIEU OF RENTAL CAR COMPANIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

**Motion:** Commissioner Verplanck moved to approve the ordinance. Commissioner Higgins seconded.

Mayor Fletcher asked for comments and there were none.

**Action:** Upon roll call vote Commissioners Yates, Fields, Wiggs, Verplanck, Troller, Higgins, and Mayor Fletcher voted aye. Ayes: seven. Nays: Zero. The motion carried unanimously

### **Memo re: Proposed Community Development Block Grant – Recovery Plan**

The CDBG-R program was part of the American Recovery and Reinvestment Act of 2009 (ARRA) aimed at stimulating community development and job growth. The proposed plan benefited low and moderate income residents of the City, with funding directed to construct and/or rehabilitate owner occupied homes in targeted areas of the City. The Department of Housing and Urban Development (HUD) has allocated \$207,943 to Lakeland as an entitlement community. In order to submit the Action Plan Substantial Amendment to HUD by the June 5, 2009 deadline, a public hearing must be conducted June 1st. HUD has also required a seven day public review and comment period which will run from May 22nd through 29th. At the conclusion of the public hearing, staff requested the Commission's authorization to submit the plan.

Brian Rewis presented this item.

Mayor Fletcher asked for comments and there were none.

**Action:** Commissioner Verplanck moved to submit the plan to HUD. Commissioner Yates seconded and the motion carried unanimously.

**COMMUNITY REDEVELOPMENT AGENCY – None**

**CITY MANAGER – None**

**CITY ATTORNEY**

### **Ordinances (First Reading)**

**Proposed 09-033; Conditional Use to Allow a Camouflaged Cell Tower on the Campus of the Presbyterian Church in the Highlands, 1010 Lake Miriam Drive**

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE TO ALLOW A CAMOUFLAGED CELL TOWER ON THE CAMPUS OF THE PRESBYTERIAN CHURCH IN THE HIGHLANDS LOCATED AT 1010

LAKE MIRIAM DRIVE; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on June 15, 2009.

**Proposed 09-034; Repealing Ordinance 5083, Relating to Prohibition Against Open Burning**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO OPEN BURNING; ADOPTING FINDINGS; REPEALING ORDINANCE NO. 5083, WHICH PROHIBITED OPEN BURNING IN THE CITY OF LAKE LAND; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on June 15, 2009.

**Proposed 09-035; Repealing Ordinance 5017; Adopting New Investment Policy for Certain Designated Funds**

AN ORDINANCE RELATING TO INVESTMENT POLICIES; REPEALING ORDINANCE NO. 5017; ADOPTING AN AMENDED CITY OF LAKE LAND INVESTMENT POLICY, AUTHORIZING AN INCREASE IN INVESTMENT IN CERTAIN CATEGORIES; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on June 15, 2009.

**Resolutions**

**Resolution 4760; Proposed 09-026; Lots Cleaning and Clearing**

A RESOLUTION RELATING TO ASSESSMENTS; DETERMINING THE NECESSITY FOR HAVING CLEANED AND CLEARED CERTAIN PROPERTY WITHIN THE CITY OF LAKE LAND; PROVIDING FOR THE ASSESSMENT OF LIENS AGAINST SUCH PROPERTY FOR EXPENSES INCURRED IN THE CLEANING AND CLEARING THEREOF; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

**Motion:** Commissioner Verplanck moved to approve the resolution. Commissioner Higgins seconded.

Mayor Fletcher asked for comments and there were none.

Action: Upon roll call vote Commissioners Yates, Wiggs, Verplanck, Troller, Higgins, and Mayor Fletcher voted aye. Commissioner Fields was absent at that time. Ayes: six. Nays: Zero. The motion carried unanimously

## Miscellaneous Reports and Communications

### Memo re: Reinvestment of CDBG Funds with Lakewood Terrace Affordable Housing Group, LTD

This was a proposal between the City and Summit Housing Partners, LLC, d/b/a Lakewood Terrace Affordable Housing Group, Ltd., to acquire and substantially rehabilitate the 132-unit Lakewood Terrace Apartments located at 1315 West 14th Street in Lakeland. Lakewood Terrace Affordable Housing Group, Ltd. requested reinvestment of \$295,000 in Community Development Block Grant (CDBG) funds to assist in the cost of rehabilitation. The Total Development Cost (TDC) for this project was \$9,641,116, comprised of \$3,800,000 for acquisition (\$28,788 per unit) and \$3,144,284 for rehabilitation (\$23,820 per unit).

Lakewood Terrace was originally constructed in 1973, and then subsequently acquired and rehabilitated in 1994 by Massachusetts-based The Gatehouse Companies. The 1994 acquisition-rehab was funded using a number of sources, all of which required tenant households to meet income eligibility guidelines. Gatehouse financed affordability through a Housing and Urban Development (HUD) Section 8 Housing Assistance Payment (HAP) contract whereby HUD provided Section 8 rental subsidies to Gatehouse in an amount equal to the difference between the HUD approved rent for an assisted unit and the HUD required rental contribution from eligible tenant families. Gatehouse also used Low Income Housing Tax Credits (LIHTC) in addition to the City's initial contribution of \$295,000 in CDBG funds. While the HUD Section 8 HAP contract was still effective, the tax credits had a 15-year lifespan and compliance period, which ended December 31, 2008.

The property contained 15 two-story walk-up garden style buildings as well as two single-story buildings that were a clubhouse and storage shed. The clubhouse included an on-site leasing office, central laundry facility, community room, computer center, and daycare facility. The unit mix was as follows:

<b>Bedroom / Bath</b>	<b># of Apartments</b>	<b>Apartment Net S.F.</b>	<b>Total S.F.</b>
1 / 1	16	451	7,216
2 / 1	40	675	27,000
3 / 2	60	835	50,100
4 / 2	16	933	14,928
<b>Total / Average</b>	<b>132</b>	<b>752 S.F.</b>	<b>99,244 S.F.</b>

All of the 132 units were occupied with an 80+ person waiting list. Lakewood Terrace Affordable Housing Group, Ltd. proposed the following permanent sources of financing for this project:

<b>Source</b>	<b>Amount</b>
HUD Credit-Enhanced First Mortgage	\$6,480,000
4% Low Income Housing Tax Credit Proceeds	\$2,314,565
City of Lakeland CDBG	\$295,000
Lakeland Community Redevelopment Agency	\$153,000
Deferred Developer Fee	\$398,551
<b>Total</b>	<b>\$9,641,116</b>

Lakewood Terrace Affordable Housing Group, Ltd. advised that upon stabilization, Lakewood Terrace would remain a 100% project-based Section 8 family community in which 20% of the units would be set-aside for households with income at or below 45% of Area Median Income (AMI), and the remaining 80% of the units would be limited to households at or below 60% AMI. Lakewood Terrace Affordable Housing Group, Ltd. further advised that they would retain and extend the in-place HAP contract for 20 years, and would agree to maintain and extend the in-place LIHTC use restrictions through December 31, 2039. This will ensure that 100% of the units would be set-aside for households at or below 60% AMI.

<b>Household Income</b>	<b>Family of 4</b>	<b>Percent Set Aside</b>	<b>Number of Units</b>
At or below 45% AMI	≤ \$23,490	20%	26
At or below 60% AMI	≤ \$31,320	80%	106

Lakewood Terrace Affordable Housing Group, Ltd.'s preliminary rehabilitation scope of work, scheduled to occur over a nine-month period beginning in July 2009, included:

- Replacement of roofs
- Replacement of HVAC systems
- Replacement of kitchen cabinets, countertops and fixtures
- Replacement of kitchen appliances including the addition of microwave ovens
- Replacement of bathroom fixtures and tub surrounds
- Replacement of water heaters
- Installation of ceiling fans in living areas and all bedrooms
- Installation of new carpeting as needed
- Upgrading and restriping of parking lots and basketball court
- Repair and repainting of all building exteriors
- Replacement of perimeter fencing
- Upgrades to site landscaping and new site signage
- Various life safety and accessibility improvements such as installation of smoke alarms and conversion to handicap units as required
- Addition of a covered picnic and grilling areas

Lakewood Terrace Affordable Housing Group, Ltd. committed to completing the rehabilitation with residents in place and with minimal disruption. The CDBG portion of Lakewood Terrace Affordable Housing Group, Ltd.'s financing was proposed at 1% interest only with a 15-year term that extended through the LIHTC compliance period. At closing, June 25, the City would receive interest from the current loan with Gatehouse totaling approximately \$100,461.52. This interest would be as CDBG program income. Based on Summit's considerable community-focused affordable housing experience, as evidenced by their current holdings of 80 properties comprising over 12,000 units, combined with the opportunity to see Lakewood Terrace rehabilitated and recommitted as affordable for the next 30 years, staff recommended that the Commission authorize the appropriate City officials to execute the necessary loan documents related to this proposal.

Brian Rewis introduced Tom Champion the developer from Summit Housing Partners.

Tom Champion explained the rehab would take about nine months. Closing was scheduled for June 25. Tax-exempt bonds from Polk County financed the project. They were waiting for approval from HUD. He explained one of the company's values was that the residents were the reason they existed and they were their customers. They had a community programs division for which they were nationally recognized. Polk County would hold annual compliance audits as will Florida Housing. This was a HUD insured project. They would have two types of inspections, operations and construction draws. HUD would also perform annual physical inspections.

**Action:** Commissioner Verplanck moved to approve the recommendation. Commissioner Higgins seconded and the motion carried unanimously.

### **Memo re: Modification of Lease Agreement with John Jerue Truck Brokers, Inc. at Lakeland Airside Center**

John Jerue Truck Brokers, Inc. has requested a modification to their existing lease agreement at Lakeland Airside Center in order to reduce the amount of space they are leasing and consolidate their operations. Jerue currently leases 14,608 square feet on three floors at the Airside Center. The requested reduction would decrease their leased space to a total of 8,480 square feet, which would include 6,800 square feet on the second floor that they currently lease and an additional 1,680 square feet on the second floor for a small office suite. The basic terms governing the lease modification would be as follows:

- Leased area: 8,480 square feet.
- Term: 6 years, with two five-year renewal options. New term to begin July 1, 2009
- Rate: \$9.50 per square foot, with an annual CPI adjustment
- Ad valorem taxes and other assessments will pass through to Jerue.

- City and Jerue would share equally in the costs to meter the office building separately by floors. Other related costs associated with this lease modification (if any) shall also be shared equally.
- Jerue would be entitled to marked parking spaces to the west of building commensurate with the percentage of the building leased and additional parking available to the east of the building in a mutually shared lot.
- Conference room on third floor may be rented under separate rental agreement in six (6) month increments with a 60-day termination clause.
- Jerue was responsible for all necessary improvements to the additional second floor office suite to accommodate their requirements.

Staff recommended that the Commission authorize the appropriate City officials to finalize and execute a formal lease modification with John Jerue Truck Brokers, Inc. consistent with the above terms.

Palmer Davis presented this item to the Commission.

**Action:** Commissioner Verplanck moved to approve the recommendation. Commissioner Higgins seconded and the motion carried unanimously.

## **FINANCE DIRECTOR – None**

### **AUDIENCE**

Steve Vansloten, Executive VP of Utility Workers of America (UWA), came forward. June 2007 UWA successfully organized the bargaining unit of Lakeland Electric employees, now known as Local #604. The Union has been working towards a collective bargaining agreement since September 2007. In October 2007, the City granted a wage increase to all employees except the UWA and bargaining units under contract. In response, the UWA filed an Unfair Labor Practice charge with the Lakeland Public Employee Relations Commission (LPERC) on behalf of #604. LPERC dismissed the charge. The UWA appealed their decision to the Florida 2nd District Court of Appeal. In April 2009, the Second District Court of Appeal reversed the charge and remanded the charge to LPERC for a status quo analysis. If the Union prevailed, the remedy sought was that the bargaining employees would receive the 2.5% increase retroactive back to October 1, 2007. In negotiations, the parties had come to agreement on everything except wages. The union continued to ask for clarification on the City's wage proposal. The Union was trying to determine if the City's March 13, 2009 wage proposal would limit the full remedy if the Union prevailed in the Unfair Labor Charge.

Doug Thomas said there had been an ongoing dispute relative to the terms in which the UWA had asked for versus what the City was prepared to accept relative to how to handle the status of a ULP that was still pending. The Commission asked staff to negotiate in good faith and be fiscally responsible to develop an economic proposal that took into account the market conditions. The status of the ULP was before

LPERC for a definition of “status quo”. At issue in this ULP was whether or not the City had appropriately identified the fact that the collective bargaining efforts and the timing of the certification of the UWA as a bargaining agent group for certain employees at LE and whether or not wages, including any across the board wages that may otherwise been provided, were part of the status quo environment. The City contended it was not. The UWA had taken exception to that decision. They had filed their administrative appeals. That effort had been remanded to LPERC. LPERC had requested the final documents. LPERC would determine whether or not status quo means employees have to negotiate this effort or whether something automatically falls to them after the certification of the group. At issue in the dispute between the two parties was what happened when that decision was resolved. If it was resolved in the City’s favor there was a collective bargaining wage proposal that was before the UWA, which they rejected. The parties had the ability to negotiate the starting and ending wages of the collective bargaining agreement. LE had a number of positions that were above market. The City wanted to correct that fact and bring up positions that were below market. The UWA wanted the 2.5%, should they prevail, to become available through the wage plan automatically. The City contended it is not automatic.

Rob Upthegrove, President of UWA #64, came forward. He wanted the City to give the 2.5% to the employees. They wanted the employees to be treated fair. They wanted to be able to retain their employees.

Cassandra Whitfield came forward about problems with the Police Department. Doug Thomas would contact her for an appointment.

### **MAYOR AND MEMBERS OF THE CITY COMMISSION**

Justin Troller congratulated the graduates.

Doug Thomas explained that in the last days of legislative session the legislature adopted bill HB 216 that prohibited a local government, or any person on the local government’s behalf, from spending public money to advocate for the passage or defeat of any issue, referendum, or amendment going to a public vote. FLC had been lobbying for the governor to veto the bill.

**Action:** Commissioner Fields moved to instruct Doug Thomas to email the Governor in opposition to the bill. Commissioner Wiggs seconded and the motion carried unanimously.

### **UTILITY**

- \* **Memo re: Amendment to the Master Electric Power Purchase and Sale Agreement for Florida Cost-Based Broker System Transactions with The Energy Authority (TEA)**

This was a proposed Amendment to the Master Electric Power Purchase and Sale Agreement dated December 1, 1997. The Master Agreement enabled the City and The Energy Authority (TEA) to enter into transactions for the purchase and sale of electric capacity/energy along with other related products. Both the City and TEA were members of the Florida Cost-Based Broker System, Inc. (FCBBS), a non-profit corporation designed to provide an automated broker system that matched quotes made by individual members. The purpose of FCBBS was to enable members to purchase and sell next-hour, non-firm economy energy, which was beneficial to Lakeland.

Specifically, this Amendment codified the record keeping and documentation for a broker transaction between the City and TEA. The City was under no obligation to quote or trade energy through the FCBBS. Furthermore, there was no cost to the City unless a transaction was consummated through the FCBBS. The term of this Amendment would be effective upon approval by the City Commission and shall remain in effect until the Master Agreement was terminated or otherwise amended. All other terms and conditions contained in the Master Agreement remain in full force and effect. The benefit of this Amendment would be to enable the trading of economy energy with TEA through the broker system.

Staff recommended that the Commission authorize the appropriate City officials to execute this Amendment to the Master Electric Power Purchase and Sale Agreement with TEA.

**Action:** The Commission approved this item on the Consent Agenda.

**CALL FOR ADJOURNMENT – 12:25 p.m.**

ATTACH ASSESSMENT ROLL