

AGENDA STUDY SESSION

October 16, 2009

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

Doug Thomas called the meeting to order at 8:30 a.m. He announced that Mayor Fletcher would be out of town Monday and Mayor Pro Tem Verplanck will be chairing the meeting. He then covered the preliminaries.

Tim McCausland covered the Ovations agreement. Mike LaPan introduced Steve Gregosky of Ovations. The City went out for RFP because Aramark requested to renegotiate the contract early. Ovations was the newly proposed food service provided at The Lakeland Center.

Tim McCausland covered Proposed Ordinance 09-055, the Red Light Camera (RLC) Ordinance. Starting on a date specific (12/1/09) ATS would send a courtesy notice to a driver every time a camera took a photo. Drivers would receive forgiveness for any multiple citations within 7 days of the first citation. ATS requested the days be set to business days rather than calendar days. The education part of the issue was already underway. For violations from the past, staff would determine the multiple violations within a 30-day period. The City would forgive those if not paid and refund the ones paid. The City had already implemented changes to the appeal process. The hearing officer was offering summary disposition. The ordinance would also implement the \$25 filing fee for drivers to appeal their citation. That would take the place of the \$25 administrative charge. The filing fee would be refundable if the driver was successful in their appeal. Sec 98-97 would change to three business days. The 7-day period would also be seven business days. Because of the substantial changes, Monday would be the first reading. Staff would re-advertise the ordinance for the second hearing.

Commissioner Troller did not support the \$25 filing fee.

Tim McCausland covered proposed ordinance 09-057 relating to elections. He explained the recent events in the election process. He covered the requirements in the Code for a candidate that withdraws after qualifying.

1. The Commission has to decide on a date for a special election. He proposed they establish Dec. 8 for the Special Election as the Run-Off election was already scheduled for that date. Qualifying would close at noon on Oct. 23.

2. He recommended amending the election code to expand the window to set the date for the election.

A couple of things could happen. It was possible that one would qualify for the District D race. On the other hand, people could qualify and the election would be Dec 8. Locations and poll workers were already secured for Dec 8. Someone could also withdraw from one of the other races and create the same scenario. If that happened quickly, the special election could be scheduled for Dec 8. If that happened later, the City would have to pay for an additional special election. The Commission could set the special election date 46 days out from Nov 3 to accommodate any special elections that may occur. The proposed ordinance was considered an emergency ordinance to establish Dec. 8 for the special election for District D and expand the window to establish the special election from 60-90 days to 46-120 days.

Doug Thomas covered the City Manager agenda and offered the following verbal:

- FDOT East West Roadway on Williams Property: FDOT was coordinating this project. Firms had submitted letters of interest in the project. The firms had been short listed to three firms. Interviews will happen on Dec 3. The bid opening was scheduled for Dec 10.

Tim McCausland covered the Equalization Hearing.

Greg Finch covered the Finance Director agenda and offered the following verbal:

- Greg Finch talked with Mr. Marko. Greg was still waiting on a response from an outside legal firm on how much leeway the City had to carve out a set group of employees. He was still concerned about identifying disabled veterans. The VA would not help with this issue.
- The City would close on the Bond Re-Issue next week.

The meeting adjourned at 9:46 a.m.

LAKELAND CITY COMMISSION
Regular Session
October 19, 2009

The Lakeland City Commission met in Regular Session in the Commission Chambers. Commissioners Glenn Higgins, Justin Troller, Howard Wiggs, Gow Fields, Edie Yates, and Mayor Pro Tem Verplanck were present. Mayor Fletcher was out of town. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch, and City Clerk Kelly Koos were present.

CALL TO ORDER – 9 a.m.

INVOCATION

Chaplain Greg Robinson, LPD Chaplain, offered the invocation followed by the salute to the flag.

PRESENTATIONS

Department of Information Technology – IT Key Initiatives (Terry Brigman)

Lakeland Police Department K-9 National Award Recognition (Assistant Chief LePere and Captain Day)

CPM / City University Level 4 Graduates (George Brooks)

EQUALIZATION HEARINGS

Recess/convene: Commissioner Wiggs moved to recess as the City Commission and convene as the Equalization Board. Commissioner Higgins seconded and the motion carried unanimously.

Demolition of Buildings

Tim McCausland presented the demolition lien. A copy of the Equalization Roll is attached to the end of these minutes.

Motion: Commissioner Wiggs moved to approve the Equalizations. Commissioner Yates seconded.

Mayor Pro Tem Verplanck asked for comments and there were none.

Action: Mayor Pro Tem Verplanck called for the vote and the motion carried unanimously.

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

PROCLAMATIONS

National Hunger and Homelessness Awareness Week

Polk County Disability Mentoring Day

Pancreatic Cancer Awareness Month

COMMITTEE REPORTS AND RELATED ITEMS

Municipal Boards & Committees

The Municipal Board Committee met in the Commission conference room on October 16, 2009. Commissioners Glenn Higgins & Jim Verplanck (members) and Commissioner Edie Yates (chair) were present. Commissioners Gow Fields and Justin Troller were present. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, City Attorney Tim McCausland, Assistant City Manager Stanley Hawthorne, City Clerk Kelly Koos, and Communications Director Kevin Cook were present.

Commissioner Yates called the meeting to order at 9:48 a.m. The purpose of the meeting is as follows:

Code Enforcement Board

Recommendation from Brian Rewis to reappoint Ellis Hirsch for an additional term. If approved, Mr. Hirsch will serve a three-year term beginning November 1, 2009 and expiring October 31, 2012.

Dixieland Community Redevelopment Agency

Recommendation from Tamara Sakagawa to reappoint Cindy Green for an additional three-year term. If reappointed, Ms. Green's term will begin November 1, 2009 and expire on October 31, 2012.

Mid-Town Community Redevelopment Agency

Recommendation from Tamara Sakagawa to appoint Dean Boring to fill the seat vacated by Jim Shaw. If appointed, Mr. Boring will serve a three-year term beginning November 1, 2009 and expiring on October 31, 2012.

Commissioner Yates reviewed each recommendation.

Action: After each recommendation, Commissioner Verplanck moved to approve the appointment. Commissioner Higgins seconded and Commissioner Yates concurred.

The meeting adjourned at 9:51 a.m.

Edith L. "Eddie" Yates, Chair

Commissioner Yates presented this report.

Action: The Commission approved the appointments unanimously.

Land Acquisition and Disposition Committee

The Land Acquisition Disposition Committee met in the Commission conference room. Commissioner Justin Troller (member) and Commissioner Glenn Higgins (chair) were present. Mayor Fletcher was out of town. Commissioners Edie Yates and Jim Verplanck were present. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, City Attorney Tim McCausland, Assistant City Manager Stanley Hawthorne, City Clerk Kelly Koos, and Parks & Recreation Director Bill Tinsley were present.

Commissioner Higgins called the meeting to order at 9:52 a.m.

The purpose of this meeting was to discuss a proposed Amendment to the Agreement with the State of Florida for the Proposed Tenoroc Land Exchange. In March of this year, the City Commission authorized moving forward with a proposed exchange of two tracts of land north of Lake Parker and west of McIntosh Power Plant. The land areas and values were approximations based on sketches. Final acreages and values had been determined. The final surveys increased the area the State would acquire by an additional 14 acres MOL. Although much of that was wetland property, the State's appraiser had assigned a new value of that parcel as \$4,463,000. That same appraiser valued the property the City would acquire at \$3,753,000.

Although the areas and valuations had changed, the fundamental considerations for doing the exchange had not. The City still received usable upland land for use in its park system. The State would receive natural habitat, fish and wildlife conservation areas, and a productive wetland and shoreline environment. Staff requested authorization for execution of an exchange agreement to reflect these amendments.

Tim McCausland presented this item to the Committee.

Commissioner Higgins asked for any questions.

Action: Commissioner Troller moved to approve staff's recommendation. Commissioner Higgins concurred.

The meeting adjourned at 9:54 a.m.

Glenn Higgins, Chair

Commissioner Higgins presented this report to the Commission.

Amendment to Agreement with State of Florida for Proposed Tenoroc Land Exchange

The Land Acquisition Disposition Committee recommended approval of this item.

Action: The Commission approved this item unanimously.

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 10/2/09 – 10/5/09
- * Utility Committee 10/5/09
- * Memo re: Waiver of 5:01 P.M. Hearing Requirement
- * Memo re: Contract Between Lakeland Police Department and Drug Prevention Resource Center d/b/a Inner Act Alliance
- * Appropriation and Increase in Estimated Revenue – Various Funds for FY 2009
- * Memo re: Fiber Optic (Dark Fiber) License Use Agreement with Lakeland Regional Health Systems, Inc.

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

APPROVAL OF MINUTES (with any amendments)

- * City Commission Minutes 10/2/09 – 10/5/09
- * Utility Committee Minutes 10/5/09

REQUESTS TO APPEAR FROM THE PUBLIC – None

PUBLIC HEARINGS

Ordinances (Second Reading)

Proposed 09-055; Amending the Red Light Camera Ordinance to Provide Conditional Relief for Motor Vehicle Owners Receiving Multiple Violation Notices for Illegal Turns on Red (1st Rdg 9/21/09, Contd 10/5/09)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO RED LIGHT CAMERAS; AMENDING ARTICLE III OF CHAPTER 98 OF THE CODE OF THE CITY OF LAKE LAND; DELETING REQUIREMENT FOR CERTAIN INFORMATION TO BE INCLUDED ON NOTICES OF VIOLATION; PROVIDING FOR THE MAILING OF A COURTESY NOTICE TO MOTOR VEHICLE OWNERS WITHIN A CERTAIN TIME OF A POTENTIAL VIOLATION; PROVIDING FOR THE DISMISSAL OF SECOND AND ADDITIONAL RIGHT TURN VIOLATIONS OCCURRING WITHIN A CERTAIN TIME OF AN INITIAL RIGHT TURN VIOLATION; CLARIFYING THAT PENALTIES ARE VEHICLE-SPECIFIC; PROVIDING FOR AN ADDITIONAL TIME PERIOD TO PAY AN ASSESSED FINE; PROVIDING FOR THE PREPAYMENT OF THE ADMINISTRATIVE FEE FOR AN APPEAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland explained staff advertised this ordinance as a public hearing but because of the many changes, the Commission should treat it as a first reading. The second reading would be November 2, 2009. He then read the short title.

Mayor Pro Tem Verplanck asked for comments

Commissioner Wiggs asked if citizens affected by the ordinance should pay all the fines or just the first one. Tim McCausland explained this would not be final until November 2, 2009. The law, in its current format, required the people to pay their fines. The City would not take action at this time if they did not pay the fines. Administratively, through the Hearing Officer, the City had been granting extensions.

Commissioner Troller did not support the \$25 filing fee up front. That was his only issue with the ordinance

Brad Clark asked how the process got this far without addressing all the issues.

Tim McCausland explained that the City was new to the use of RLCs. The procedure had taken time. During that, the Commission felt people were treated unfairly when they received multiple violations before they received the first notice. The Commission wanted to accommodate that situation.

Doug Thomas explained this was a local ordinance. There was not state standard for the procedure to enforce RLC violations. Lakeland was the first City making this type of adjustment. Other cities had just charged the multiple violations without exception.

Commissioner Wiggs said that in retrospect the City should have had a warning period.

Commissioner Yates explained that other cities that implemented the RLCs did not make allowances for multiple violations before the first notice. The issue was public safety and fairly implementing the program.

Gwen Ritz appreciated the changes. It was still a hardship to pay the \$125. She did receive the notices for her hearings. They would all be on the same day.

Ellis Hirsch thanked the Commission for the reappointment to the Code Enforcement Board. He admired City for enforcing this law. Everyone who drives a vehicle should be aware of the law. He admired the City for allowing additional time to pay.

Carol Castagnero received a citation and wanted to know when she would get notice of her hearing. She was referred to staff.

James McCreary said the biggest problem in the community was people ignoring the law. Some people did not realize that they were supposed to have their vehicle under control at all times. He was also concerned about shrubbery blocking drivers' views at intersections.

Commissioner Troller agreed that shrubbery was sometimes a problem at intersections and encouraged people to call when they notice that situation. RLCs were not about the money. The City was using the money to fund the Police Department and then cultural arts.

Ordinance 5131; Proposed 09-057; Amending Election Process; Fixing Date for Special Election

AN ORDINANCE RELATING TO ELECTIONS; DETERMINING A NEED FOR AND ESTABLISHING A DATE FOR A SPECIAL ELECTION TO ELECT A CITY COMMISSIONER FROM DISTRICT D; AMENDING SECTION 30-31 OF THE LAKELAND MUNICIPAL ELECTION CODE TO AMEND THE TIME WITHIN WHICH A SPECIAL ELECTION MUST BE HELD; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Motion: Commissioner Higgins moved to approve the ordinance. Commissioner Fields seconded.

Mayor Pro Tem Verplanck asked for comments.

Commissioner Yates did not need to abstain from voting.

Commissioner Wiggs confirmed that qualifying would end at noon this Friday.

Commissioner Troller supported this measure because of the minimal change and the money saving opportunity. He expected to have to deal with this issue again before the election.

Carol Castagnero asked if they were voting to set the date for December 8, 2009. She was concerned about voter turnout.

James McCreary clarified the December 8, 2009 was for the special. Voting was very important to him.

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

COMMUNITY REDEVELOPMENT AGENCY – None

CITY MANAGER

Recommendation re: Ratification of Collective Bargaining Agreement with the Utility Workers Union of America Local 604

The Utility Workers Union of America (UWUA) was elected as the exclusive bargaining agent by unit employees on June 6, 2007. The bargaining unit was composed exclusively of Lakeland Electric employees and included roughly 54 classifications and over 300 bargaining unit members. The City and the Union negotiated over the course of nearly two years following UWUA certification and reached agreement on every article with the exception of the issue of wages. On April 19, 2009, the UWUA filed for impasse on that issue, and subsequently requested a Special Master pursuant to the comprehensive labor relations ordinance adopted by the City Commission. Special Master Thomas W. Young, III heard the matter at an impasse hearing on August 11, 2009. The parties submitted post-hearing briefs to the Special Master who then issued a Report and Recommendations of Special Master on September 8, 2009. On October 2, 2009, both the City and the UWUA filed rejections to various recommendations issued by the Special Master. The parties did however, proceed with further negotiations following the issuance of the Special Master's recommendations and came to a tentative agreement on the remaining Wage Article and related exhibits.

The proposed Collective Bargaining Agreement represented the conclusion of the negotiation process culminating in the recent ratification of the proposed agreement by the UWUA Local 604 membership, and awaited formal consideration from the Lakeland City Commission. The following provided a condensed overview of the contract:

- **TERM** The Agreement had a term that spanned from the date of ratification by the City and the UWUA through September 30, 2011, with the option by either party to reopen wage and economic articles subject to at least a 90 day written notice prior to September 30, 2010.

- **POLICIES** The parties agreed that the UWUA and its members shall comply with all written Lakeland Electric Policies and Procedures, and the City of Lakeland Personnel Policy and Procedure Manual. Any new policies and procedures made after the effective date of the contract which conflict with its associated terms may be made the subject of the appropriate grievance and arbitration provisions within the Agreement.

- **BENEFITS** Agreements were reached on major benefit proposals. Effective on the date of ratification of the contract, the City's contribution rate to the General Pension Plan on behalf of bargaining unit-represented employees would increase from 14.89% to 17.44% of pensionable wages and the employees' contribution rate will increase from 8.0% to 8.5%. Thereafter, the contribution rates for the defined benefit pension plan would be determined based on a qualifying actuarial report as required to maintain actuarial soundness based upon an annual study and approved by the Board of Trustees and the City Commission. The contribution amount of the City shall not be less than 180% of the contribution amount made by the employees. Active health care premium rates for bargaining unit represented employees rates would increase to the same level as other City of Lakeland employees not represented by a bargaining unit, upon the final ratification of the contract. Employee health plan premium rates effective January 1, 2010 and January 1, 2011 would increase by no more than 12% for each of those years in order to help meet the requirements of the Health Plan.

- **PAY RANGES** During Fiscal Year 2010, there would be no change in the minimum wage rates payable for each job classification in the bargaining unit; except the City would have the right to adjust pay ranges for "At Risk" job classifications by up to 10% in order to maintain market competitiveness. The maximum wage table rates would be adjusted 3% in accordance with the agreed upon across the board (ATB) wage increase described below. Future minimum and maximum rates would be subject to reopener negotiations with the parties endeavoring to maintain wages that were competitive with the Florida electric utility market. The wage terms cover Fiscal Year 2010 with future wages and all economic articles subject to being reopened by written notice provided by either party at least 90 days prior to September 30, 2010.

- **ACROSS THE BOARD (ATB) WAGE INCREASE** Upon final contract ratification by the Union and the City, a 3% ATB wage adjustment shall apply to all bargaining unit employees including a corresponding increase to the status quo (SQ) maximum pay plan range rates as described in the Pay Ranges Section above.

- **MERIT CONSIDERATION** Pursuant to merit criteria, the Agreement incorporated a progressive phase-in of a merit-based wage system applicable to bargaining unit employees. Those employees whose evaluation or anniversary date fell between the date of final contract ratification and September 30, 2010 would be eligible for up to a 4% merit wage increase and employee evaluations or anniversaries falling between October 1, 2010 and September 30, 2011 will be eligible for up to a 5% merit wage increase. Any merit amount earned above the maximum applicable wage rate would be paid in one lump sum payment on the applicable anniversary date and would be non-pensionable. All merit awards were subject to performance matrices (metrics) adopted as part of this contract as Exhibit B, which identified a comprehensive exhibit of job performance measurements for each job classification.
- **OVERTIME ASSIGNMENT** Assignment of work overtime required the City to first attempt to reach qualified bargaining unit employees before assigning to non-bargaining unit employees.
- **LONGEVITY PAY** Historical longevity pay policy provisions would continue to apply.
- All other articles that were tentatively agreed (TA) to before the declaration of impasse had been incorporated into the final Collective Bargaining Agreement.

Staff recommended that the City Commission authorize the appropriate City officials to execute the proposed City of Lakeland - Utility Workers Union of America Local 604 Collective Bargaining Agreement for a term expiring on September 30, 2011.

Doug Thomas presented this item to the Commission.

Troy McCain, President of the Employees Association, asked if the percentages applied just to union employees. Doug explained they were based on classifications, most positions would be union positions

Troy asked about the benefit study. Doug explained it was not a benefit study but a salary survey and that was for non-union positions.

Troy asked about Civil Service, was Civil Service involved in the promotional process. Doug responded yes. Civil Service would continue their involvement in hiring and promotional processes.

Troy asked about union employees that may be laid off and then recalled maintaining their years of service. Did that process apply to the community development employees that were laid off and then brought back? Doug responded that those provisions were applied to the community development employees.

Troy asked for confirmation that if someone was not topped out, they could get increases up to 12% over the two-year period. Doug responded that was correct.

Troy asked about a benefit study. Was a benefit study done as part of the union negotiations? Doug responded that staff reviewed related salaries in the private sector as part of the union negotiations.

CITY ATTORNEY

Ordinances (First Reading) – None

Resolutions

Resolution 4792; Proposed 09-058; Demolition of Buildings

A RESOLUTION PROVIDING FOR THE ASSESSMENT OF A LIEN AGAINST PROPERTY FOR EXPENSE INCURRED IN THE REMOVAL OF DILAPIDATED AND HAZARDOUS BUILDINGS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Motion: Commissioner Higgins moved to approve the resolution. Commissioner Troller seconded.

Mayor Pro Tem Verplanck asked for comments and there were none.

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

Resolution 4793; Proposed 09-059; Authorizing City Manager to Enter into a Maintenance Agreement with FDOT for Various Locations

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNATED REPRESENTATIVE TO ENTER INTO A MAINTENANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE AT VARIOUS LOCATIONS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Motion: Commissioner Higgins moved to approve the resolution. Commissioner Wiggs seconded.

Mayor Pro Tem Verplanck asked for comments and there were none.

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

Miscellaneous Reports and Communications

*** Memo re: Waiver of 5:01 P.M. Hearing Requirement**

During the month of November, the Community Development Department would present the Commission with an amendment to the Lakeland Comprehensive Plan, which would require at least one hearing after 5:00 p.m. Staff requested that the Commission waive the statutory requirement that at least one of the hearings on these matters be after 5 p.m.

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

*** Memo re: Contract Between Lakeland Police Department and Drug Prevention Resource Center d/b/a Inner Act Alliance**

This was an agreement which outlined service Drug Prevention Resource Center d/b/a Inner Act Alliance (DPRC) would provide on behalf of the Lakeland Police Department (LPD). DPRC would employ the equivalent of a full time qualified educator to work in schools previously served by the DARE program. Those prevention educators would provide the following services:

- Work in conjunction with the LPD Dare Programs.
- Provide prevention lessons to those schools being served using appropriate curricula. At least one grade level would be served at each school who accepted Inner Act Alliance services.

In return, LPD agreed to pay up to the sum of \$42,000.00 in matching funds as follows: Prevention Educator -- 2080 hours x \$20.20/hour not to exceed (NTE) \$42,000.00. The term of this agreement would run from November 1, 2009 through June 30, 2010 with payments made upon receipt of monthly invoices. Services for future school years would be negotiated each summer.

Staff recommended that the Commission authorize the appropriate City officials to execute this Agreement.

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

Memo re: Concession Agreement between Oventions Food Services, LP, and The Lakeland Center

This was a proposed Concession Agreement with Ovations Food Services, LP to be the exclusive food, beverage, and catering concessionaire at the Lakeland Center for a period of five (5) years with an option to extend for an additional five (5) years. By mutual agreement, the existing concessionaire, Aramark, agreed to a termination of their contract and to transition to a successor food and beverage provider. Staff selected Ovations as the preferred provider following a Request for Proposals by the Lakeland Center staff.

The contract granted to Ovations the sole and exclusive right to provide all food, beverage, and concession business on designated portions of the Lakeland Center property. Certain special services and City sponsored events were excluded.

Ovations agreed to:

- Make a capital investment in equipment improvements in the amount of \$300,000 within the first twelve (12) months of the agreement to be amortized over the first term of the agreement
- Maintain high quality standards for food products and service
- Pay to the City a commission based on the following:

Annual Concession Food and Beverage/Branded Products Gross Receipts	
0 to \$250,000	30.0%
\$250,001 - \$500,000	35.0%
Over \$500,000	40.0%
 Annual Catering Food and Beverage Gross Receipts	
0 to \$500,000	15.0%
\$500,001 - \$750,000	17.5%
\$750,001 – 1,000,000	20.0%
Over \$1,000,000	22.5%
 Annual Alcoholic Beverage Gross Receipts	
Up to \$200,000	35.0%
\$200,001 - \$400,000	40.0%
Over \$400,001	45.0%
 Catering Supplemental Fee	16.5%
Vending	50.0%
Net Subcontractor/Other Income	50.0%
 Off-Premise Catering Gross Receipts	10.0%

- Employ a general manager acceptable to the Lakeland Center
- Develop an effective sales and marketing program to be funded by a reserve account equal to 1% of gross receipts

Staff recommended that the Commission authorize the appropriate City officials to execute the Agreement.

Tim McCausland presented this item to the Commission.

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

FINANCE DIRECTOR

* **Appropriation and Increase in Estimated Revenue – Various Funds for FY 2009**

Throughout the fiscal year, the City received various donations from private individuals that were designated for expenditure on specific projects or operating expenses, at the donor's request. These donations were not included in the original annual operating budget of the City, because staff could not anticipate the dollar value.

The City also received reimbursement for certain types of expenses - most notably the reimbursement for overtime duties performed by Lakeland Police Officers. These reimbursements and the associated expenses were not included in the original operating budget of the City, because staff could not forecast them accurately. The budgeting practice adopted by the City for these transactions was to present these donations and expenses reimbursements to the City Commission semi-annually, at which time the operating budgets were amended accordingly.

Staff requested that the City Commission authorize an increase in estimated revenue and matching appropriation to the various operating budgets of the City as required based on the listing of donations and expense reimbursements received for the six-month period April 1, 2009 through September 30, 2009. A copy of that list is attached to the end of these minutes.

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

Carolos L. de Zayas – North West District A

Tim McCausland brought up this letter relating to elections. The letter raised issues about residency of candidates in the North West race. He recommended that Commission authorize him to respond to Mr. de Zayas. He did not think the issue was "ripe" for Commission action. He planned to respond to the attorney as such.

Motion: Commissioner Troller moved that the Commission request an opinion from the Attorney General's Office on the jurisdiction concerning sections 10, 11 & 12 of the charter. Commissioner Wiggs seconded, for discussion purposes.

Commissioner Troller explained that Section 10 talked about residency requirements, Section 11 talked about the 1-year commitment and Section 12 talked about the Commission being the judge of the elections and qualifications of the members of the Commission.

Tim McCausland explained that the Commission had a number of different responsibilities as the election process moves forward. All the people involved had rights that needed to be preserved. When the City Commission sits as the judge of its election, it fulfills one type of role. It also sits as the judge of the qualifications of its members. The Commission may have to decide this issue some day. There was no process in place for the Commission to respect the rights of all involved. There was no process in place to take action that would impact the elections already scheduled and put in motion. The Commission was entitled to rely on the papers filed by the candidates. In his opinion, this issue was not "ripe" yet. He did not think that a court would hear the issue right now. The candidates were continuing to fill the residency requirements because the election has not occurred yet. He recommended they do nothing for now. The issue may become moot as the court of public opinion weighs in during the election. When it did become "ripe" for Commission action, he would advise them.

The Commission discussed the need for an opinion and how to pose the question to the Attorney General. The Commission discussed how they would determine if a candidate was valid and if the AGO would apply to all races or just the one in which a complaint was filed. The Commission also discussed the past election code violations and if the Charter gave the Commission had investigative power. It was unclear if the Attorney General would respond before November 3, 2009. The Commission was concerned about being responsive to the citizens.

Mayor Pro Tem Verplanck asked Commissioner Troller to restate the motion.

Restated Motion: Commissioner Troller clarified that his motion was to seek an AGO on who is responsible for verifying residency when a complaint questions the sworn oath of a candidate?

Action: Mayor Pro Tem Verplanck called for the vote and the motion carried 4-2 with Commissioners Edie Yates and Gow Fields voting nay.

Mayor Pro Tem Verplanck asked Tim about his original question concerning the complaint. Commissioner Troller thought Tim's response would be that the Commission heard the complaint and was seeking the opinion of the Attorney General.

Canvassing Board

Tim McCausland announced that the Supervisor of Elections has asked that the Canvassing Board convene on October 28, 2009 to authorize staff to begin processing absentee ballots. Commissioner Yates may also serve on the canvassing board. The Clerk will contact the Canvassing Board for a specific time.

AUDIENCE

Carol Castagnero came forward and offered her opinion on the recent election issues. Ms. Castagnero explained her survey. She will be encouraging voters to vote for candidates that support her survey results.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Verplanck mentioned the 10th Annual Lake Mirror Classic. There was tremendous attendance with many people from out of town. He thanked Ford Heacock for bringing this event to Lakeland.

Commissioner Troller congratulated LFD for their open house.

CALL FOR ADJOURNMENT – 12:06 p.m.

**Appropriation and Increase in Estimated Revenue – Various Fund for FY 2009
April 1, 2009 – September 30, 2009**

General Fund

	<u>DONOR</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
Apr-09	Ms. Cornelia Waters	Library materials	101
Apr-09	Bright House	FCC's e-rate program	5,590
Apr-09	Polk Sports Mktg	Tennis Tournament	700
May-09	Cost Reimbursement	Police Services	43,651
May-09	Cost Reimbursement	Investigative Police Services	14,139
May-09	Cost Reimbursement	Parks – overtime	4,037
May-09	Cost Reimbursement	Traffic signs	1,344
May-09	Cost Reimbursement	Library materials	913
May-09	Multiple	Hollis Gardens Gift box	44
May-09	Cost Reimbursement	Employee Computer Purchase Plan	1,004
May-09	Cost Reimbursement	Personal Trainer Facility Use Fee	909
May-09	Cost Reimbursement	Confiscated Property	665
May-09	Polk Senior Games	Athletic Department materials	305
May-09	Jane Carver Holmes Fund	Library Materials	731
Jun-09	Cost Reimbursement	Police Services	84
	Publix & N. Lakeland		
Jun-09	Kiwanis	Do the Right Thing	2,500
Jun-09	Mark Ingram	Lost equipment	107
Jun-09	Universal Fire Systems	SRO Program	200
Jun-09	Deziree Fulcher	LPD Scholarship	252
Jun-09	Deziree Fulcher	LPD Scholarship	16
Jun-09	Cost Reimbursement	Vandalism repairs and stolen tools	389
Jun-09	Cost Reimbursement	Police Services	1,482
Jun-09	Cost Reimbursement	Police Services	45,423
Jun-09	Cost Reimbursement	Investigative Police services	13,054
Jun-09	Cost Reimbursement	Parks – overtime	9,217
Jun-09	Cost Reimbursement	Confiscated Property	1,880
Jun-09	Cost Reimbursement	Confiscated Cash	2,924
Jun-09	Cost Reimbursement	Confiscated Property	24,262
Jun-09	Cost Reimbursement	Confiscated Cash	11,104
Jun-09	Cost Reimbursement	Copies	43
Jun-09	Cost Reimbursement	Traffic signs	547
Jun-09	Cost Reimbursement	Library materials	2,308
Jun-09	Cost Reimbursement	Employee Computer Purchase Plan	2,179
Jun-09	Cost Reimbursement	Personal Trainer Facility Use Fee	843
Jun-09	Multiple	Common Ground Park Gift Box	356
Jun-09	Polk County Sports Mktg	Survey for Orange Cup Regatta	1,599
Jun-09	Polk County Sports Mktg	Supplies for Orange Cup Regatta	1,275
Jun-09	Sam's Club Foundation	Lifeguard incentives & umbrellas	500
Jun-09	Multiple	Copies	254
Jun-09	Serena Bailey Foundation	Library materials	45,000
	T Mims Corp/Buyer's Rep		
Jun-09	Inc.	Red, White & Kaboom fireworks	20,000
	Firefighters Charitable		
Jun-09	Foundation	Fire equipment	300

Jul-09	Cost Reimbursement	Replace items destroyed in a fire	603
Jul-09	Cost Reimbursement	Police Services	42,264
	<u>DONOR</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
Jul-09	Cost Reimbursement	Investigative Police Services	12,345
Jul-09	Cost Reimbursement	Parks – overtime	13,234
Jul-09	Cost Reimbursement	Traffic signs	189
Jul-09	Cost Reimbursement	Library materials	1,667
Jul-09	Cost Reimbursement	Employee Computer Purchase Plan	1,667
Jul-09	Cost Reimbursement	Personal Trainer Facility Use Fee	1,953
Jul-09	Cost Reimbursement	Confiscated Property	1,355
Jul-09	Cost Reimbursement	Confiscated Cash	11,942
Jul-09	Multiple	Common Ground Park Gift box	192
Jul-09	PCSO	Additional HIDTA grant funds	10,034
Aug-09	Cost Reimbursement	Police services	12,996
Aug-09	Cost Reimbursement	Investigative Police services	11,662
Aug-09	Cost Reimbursement	Parks – overtime	11,229
Aug-09	Cost Reimbursement	Confiscated Cash	10,713
Aug-09	Multiple	Common Ground Park Gift box	118
Aug-09	Cost Reimbursement	Copies	20
Aug-09	Cost Reimbursement	Traffic signs	292
Aug-09	Cost Reimbursement	Library materials	1,481
Aug-09	Cost Reimbursement	Employee Computer Purchase Plan	1,653
Aug-09	Florida Housing Finance Corp.	Additional SHIP grant funds	81,315
Aug-09	Dr. Bopp & Grasslands	SRO Golf Tournament	950
Aug-09	Cost Reimbursement	Copies	156
Aug-09	Girl Scouts of America	K9 unit	100
Aug-09	Multiple	Do the Right Thing	3,250
Aug-09	Cost Reimbursement	Copies	322
Aug-09	Peddy P.A.	Copies	8
Aug-09	Thomson Reuters	Refund for Legal Publication	324
Aug-09	Dept of Highway Safety	Refund of credit balance/tag transfers	110
Aug-09	Multiple	SRO Golf Tournament	1,500
Aug-09	Xerox	Refund of overpayment	272
Aug-09	Lakeland South Rotary Club	CSU Donation	1,500
Aug-09	Cost Reimbursement	Personal purchase on p-card	17
Sep-09	Allen & Company	Movies on the Promenade	2,000
Sep-09	Geico Insurance	Insurance settlement	2,601
Sep-09	First Acceptance Ins. Co.	Insurance settlement	10,000
Sep-09	National City Bank	Insurance settlement	1,416
Sep-09	Zurich American Ins. Co.	Insurance settlement	423
Sep-09	Auto-Owners Insurance	Insurance settlement	3,623
Sep-09	Carol Ann Comer	K9 Unit	500
Sep-09	Law Enforcement Supply	Refund of overpayment	69
Sep-09	Multiple	SRO Golf Tournament	3,640
Sep-09	Multiple	SRO Golf Tournament	5,704
Sep-09	Polk Sports Marketing	Tennis Tournament	2,000
Sep-09	Cost Reimbursement	Police services	2,907
Sep-09	Cost Reimbursement	Police services	30,557
Sep-09	Cost Reimbursement	Investigative Police services	9,740

Sep-09	Cost Reimbursement	Parks – overtime	3,026
Sep-09	Cost Reimbursement	Copies	48
	<u>DONOR</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
Sep-09	Cost Reimbursement	Scrap Sales	2,297
Sep-09	Cost Reimbursement	Traffic signs	337
Sep-09	Cost Reimbursement	Library materials	2,621
Sep-09	Cost Reimbursement	Employee Computer Purchase Plan	2,792
Sep-09	Cost Reimbursement	Personal Trainer Facility Use Fees	1,843
Sep-09	Multiple	Common Ground Park Gift box	195
Sep-09	Cost Reimbursement	Confiscated Cash	6,600
Sep-09	Cost Reimbursement	Confiscated Property	1,971
Sep-09	Cost Reimbursement	Red Light Camera Citations	115,070
Sep-09	Cost Reimbursement	Forfeited DC plan deposits	15,243
Sep-09	Multiple	City Commission Election Fees	2,117
Sep-09	State Farm Insurance	Insurance settlement	629
Sep-09	Multiple	SRO Golf Tournament	1,250
Sep-09	Dept of Motor Vehicles	Refund of overpayment	4
Sep-09	Xerox	Property Tax credit	5
Sep-09	West Thomson Reuters	Subscription cancellation refund	400
Sep-09	LPD Explorers	Table display	266
Sep-09	Cost Reimbursement	Copies/Police services	731
Sep-09	Mendota Insurance Co.	Insurance settlement	1,093
Sep-09	Direct General Ins. Co.	Insurance settlement	2,504
Sep-09	Office Depot	Returned office supplies	15
Sep-09	Cost Reimbursement	Lost uniform equipment	37
Sep-09	Cost Reimbursement	Police services	47,278
Sep-09	Cost Reimbursement	Investigative Police services	11,190
Sep-09	Cost Reimbursement	Parks – overtime	3,706
Sep-09	Cost Reimbursement	Traffic signs	592
Sep-09	Cost Reimbursement	Library materials	1,179
Sep-09	Multiple	Hollis Gardens Gift box	208
Sep-09	Cost Reimbursement	Employee Computer Purchase Plan	911
Sep-09	Cost Reimbursement	Confiscated Cash	9,155
Sep-09	Cost Reimbursement	Confiscated Property	10,562
Sep-09	Janet Magnuson	Park bench	1,047

Transportation Fund

	<u>DONOR</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
May-09	Developers	Developer contributions to sidewalks	1,764
Jun-09	Developers	Developer contributions to sidewalks	15,594
Jul-09	Developers	Developer contributions to sidewalks	2,970
Aug-09	Developers	Developer contributions to sidewalks	540
Sep-09	Developers	Developer contributions to sidewalks	324
Sep-09	Developers	Developer contributions to sidewalks	1,173

Public Improvement Fund

	<u>DONOR</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
May-09	Judge Mary Catherine Green	Camillia Garden in Common Ground Park	1,200

May-09	Pam Page	Common Ground Park	25
May-09	Polk County	Common Ground Park	100,000
Aug-09	Coca Cola	Annual Sponsorship	6,000

SHIP Grant Fund

	<u>DONOR</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
Aug-09	Florida Housing Finance Corp.	Additional Grant funds	81,315

Facilities Maintenance Fund

	<u>DONOR</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
May-09	Cost Reimbursement	Scrap Sales	216

Fleet Management Fund

	<u>DONOR</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
Jan-09	Cost Reimbursement	2 Kubota Utility Vehicles	16,500

Information Technology Fund

	<u>DONOR</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
Aug-09	Cost Reimbursement	Laptop for Water R&R	1,350

Cleveland Heights Golf Course Fund

	<u>DONOR</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
Aug-09	Coca Cola	Annual Sponsorship	6,000

Parking Fund

	<u>DONOR</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
Jul-09	Cost Reimbursement	Prox card readers	168

Water Operations Fund

	<u>DONOR</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
Aug-09	Cost Reimbursement	Scrap Sales	12,582
Aug-09	Cost Reimbursement	Pine Straw Sales	13,126

ATTACH SPECIAL ASSESSMENT ROLL