

**LAKELAND CITY COMMISSION**  
**Regular Session**  
**July 2, 2007**

The Lakeland City Commission met in Regular Session in the Commission chambers. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Howard Wiggs, Edie Yates and Mayor Fletcher were present. Commissioner Gow Fields was out of town. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch and Deputy City Clerk Deborah Cason were present.

**CALL TO ORDER**

Mayor Fletcher called the meeting to order at 9:04 a.m.

**INVOCATION**

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

**PRESENTATIONS**

Public Works – Lakes and Stormwater Division

Public Works Director Rick Lilyquist introduced Manager of Lakes and Stormwater Doug Gleckler, who made the department presentation.

**PROCLAMATIONS**

**Lakes Appreciation Month**

Mayor Fletcher presented this proclamation and Doug Gleckler accepted. Doug also introduced Cindy Hill, the Lakes Project Program Coordinator and three students from Blake Academy. The students, Katherine Anthony, Heather Hill, and Jordan Eggert, put together an apple snail science project. They presented the girls with trophies for receiving 2nd place in the Technology Student Association state competition.

**PRESENTATIONS – cont.**

**Employee Service Awards**

Doug Thomas and Mayor Fletcher presented these awards.

<b><u>10 Years</u></b>		
Blaschke, Samantha D	06-22-1997	Public Works
Sharp, Cynthia L	06-08-1997	Police Department
Tillett, Robin	06-03-1997	Communications
<b><u>20 Years</u></b>		
Adcock Jr, James A	06-29-1987	Water Utilities
Giles Jr, Curtis	06-05-1987	Fire Department
Rogers, David W	06-15-1987	Water Utilities
<b><u>30 Years</u></b>		
Cissell, Garret R	06-12-1977	LE-Energy Production
Day, Thomas Martin	06-20-1977	Police Department

**Beautification Awards**

Commercial: 930 Griffin Road – Gunder’s Paint and Body  
 Residential: 1003 13<sup>th</sup> Street – John Tankson

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

**\*City Commission 6/15/07 – 6/18/07**

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

**\*Utility Committee 6/18/07**

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

**Finance Committee Minutes**

**FINANCE COMMITTEE  
 June 29, 2007**

The City of Lakeland Finance Committee met on Friday, June 29, 2007, in the Commission conference room. Commissioner Gow Fields (chair) and Commissioners Howard Wiggs and Edie Yates (members) were present. Commissioner Higgins and Mayor Fletcher were present. Commissioners Dean Boring and Jim Verplanck were absent. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, City Attorney Tim McCausland, Finance Director Greg Finch, Communications Director Kevin Cook, Assistant to the City Manager Stanley Hawthorne and Deputy City Clerk Deborah Cason were present.

Gow Fields called the meeting to order at 10:07 a.m. and introduced Greg Finch, who made the presentation.

Greg explained the investment of "City" cash is separated into three categories - Pension Trust funds, Pooled Investments, and Miscellaneous Trust funds. The focus today was on adjusting the written policy regarding investment of money within the Pooled Investments and Miscellaneous Trust Funds.

The purpose of this meeting was to discuss the recommended changes to the City's Investment Policy for Pooled Investments and Miscellaneous Trust Funds and to make a change to the Derivatives policy. All of these issues are included on the July 2<sup>nd</sup> City Commission agenda for consideration:

Proposed Ordinance 07-074 - revises the existing Pooled Investment Policy to allow for:

- Investment in any security backed by the full faith and credit of the US government
- Investment of up to 5% of the total portfolio in high grade corporate bonds
- Investment in mutual funds that limit their underlying investment to the same securities and terms included in the City's Pooled Investment policy
- Securities Lending

Proposed Ordinance 07-075 adopts a New Investment Policy for Certain Miscellaneous Trust Funds:

- Generally follows the same parameters as the investment policy for the Pension Trust Funds
- Allows no more than 70% investment in Equities/30% in Fixed Income Securities

Proposed Resolution 07-040 applies all limitations and compliance requirements currently existing within the City's Derivatives Policy to Derivative instruments utilized within the Pooled Investment portfolio.

Greg was also requesting authorization to extend the effective date of the interest rate swap agreement that was entered into in March 2006 for the upcoming 2007 Electric Revenue Bond issuance to accommodate a delay in the issuance of those bonds from September 2007 to March 2008. This action will also appear on the July 2<sup>nd</sup> City Commission agenda as proposed resolution 07-041.

**Action:** Commissioner Wiggs moved to recommend the Commission adopt the proposed changes to the City's investment policy and authorize the Finance Director to extend the swap agreement entered into in March 2006. . Commissioner Yates seconded. Commissioner Fields concurred.

The meeting adjourned at 10:32 a.m.

Commissioner Yates presented these minutes to the Commission.

Action: The minutes were unanimously approved.

## CONSENT AGENDA

Motion: Commissioner Wiggs moved to approve the consent agenda that included:

\*City Commission Minutes 6/15/07 – 6/18/07

\*Utility Committee Minutes 6/18/07

\*Memo re: Determining Hearing Date for Notice of Proposed Change – Oakbridge  
Development of Regional Impact

\*Memo re: Lakeland Reuse Initiative Artificial Wetlands

Action: Commissioner Verplanck seconded and the motion carried unanimously.

## REQUESTS TO APPEAR FROM THE GENERAL PUBLIC

### Edgewater Beach Neighborhood re Noise from Right Connections Audio Store

Members of the Edgewater Beach Neighborhood, with a petition signed by 79 residents, appeared to complain about the noise from Right Connections Audio Store.

Chief Boatner reported the Police Dept. received the first complaint in April 2007. They have issued 4 citations thus far. They have cited the business owner twice for noise complaints. They are continuing to address the situation and working with the business owner, in an attempt to resolve the matter.

Tim McCausland noted the city had been in contact with the State Attorney's office and may have heightened the level of awareness in regards to the prosecution in this matter.

## PUBLIC HEARINGS

### **Ordinance 4866; Proposed 07-064; Amending Ordinance 2978, As Amended, Regarding Transportation Impact Fees, Defining Core Improvement Area and Amending Fee Schedules (1<sup>st</sup> rdg 6/18/07)**

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2978, AS AMENDED; AMENDING SECTION 5(A) TO DEFINE CORE IMPROVEMENT AREA; AMENDING SECTION 5(C)(1) TO PROVIDE FOR A REVISED IMPACT FEE SCHEDULE FOR TRANSPORTATION FACILITIES; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

**Action:** Upon roll call vote Commissioners Higgins, Boring, Verplanck, Wiggs, Yates and Mayor Fletcher voted aye. Ayes: six. Nays: zero. The motion carried unanimously.

**Ordinance 4867; Proposed 07-065; Amending Ordinance 2979, As Amended, Regarding Parks and Recreation Impact Fees, Defining Core Improvement Area (1<sup>st</sup> rdg 6/18/07)**

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2979, AS AMENDED; AMENDING SECTION 5(A) TO DEFINE CORE IMPROVEMENT AREA; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments.

**Action:** Upon roll call vote, Commissioners Yates, Wiggs, Verplanck, Boring, Higgins and Mayor Fletcher voted aye. Ayes: six. Nays: zero. The motion carried unanimously.

**Ordinance 4868; Proposed 07-066; Amending Ordinance 2980, As Amended, Regarding Fire Impact Fee, Defining Core Improvement Area (1<sup>st</sup> rdg 6/18/07)**

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2980, AS AMENDED; AMENDING SECTION 5(A) TO DEFINE CORE IMPROVEMENT AREA; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

**Action:** Upon roll call vote Commissioners Higgins, Boring, Verplanck, Wiggs, Yates and Mayor Fletcher voted aye. Ayes: six. Nays: zero. The motion carried unanimously.

**Ordinance 4869; Proposed 07-067; Amending Ordinance 2981, As Amended, Regarding Law Enforcement Impact Fees, Defining Core Improvement Area (1<sup>st</sup> rdg 6/18/07)**

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2981, AS AMENDED; AMENDING SECTION 5(A) TO DEFINE CORE IMPROVEMENT AREA; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments.

**Action:** Upon roll call vote, Commissioners Yates, Wiggs, Verplanck, Boring, Higgins and Mayor Fletcher voted aye. Ayes: six. Nays: zero. The motion carried unanimously.

**EQUALIZATION HEARINGS - 9:30 a.m.**

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

Tim McCausland presented the assessments for lots cleaning & clearing. A copy of the assessment roll is on file in the City Commission Agenda Packet.

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

Mayor Fletcher asked for comments.

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

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

**CITY MANAGER**

**Recommendation re: Request Approval to Engage an Employee Benefits**

Broker/Consultant to assist in the preparation of RFP's and negotiation services for major personnel benefits (e.g. Medical, Pharmacy, Mental Health/Employee Assistance

Program, Life Insurance, Dental, Vision, Long-Term Disability, Statutory Accidental Death & Dismemberment and Volunteer coverage).

In the past, the City utilized a combination of independent brokerage firms and consultants to prepare RFP's for benefits and to summarize the compiled information in order to select the desired benefits in the market. The fees for these services were historically paid on a percentage of premiums basis or consulting fees. It has subsequently been determined that the City should be able to reduce the brokerage cost by moving toward a fix fee.

The RFP was posted through the City of Lakeland's website and sent to eighteen potential bidders who were registered with the City's Purchasing Bidder's List. The RFP was also posted on nine professional bulletins/journals. Responses were received from the following five entities: Benalytics Consulting Group, LLC; Cornerstone Group, Inc.; Crowne Group; Gallagher Benefit Services, Inc.; and Mercer Health and Benefits.

Cornerstone was selected as a finalist because they had an alliance with a local (Auburndale) group, Sunbelt Worksite Marketing, Inc. Gallagher was selected because of their demonstrated abilities through past services provided to the City of Lakeland, in addition to their negotiating abilities in the marketplace. Mercer was selected due to their size and scope of services to be provided.

The City formed a Review Committee comprised of representatives from the Employee/Retiree Health Insurance Committee; Employee Association Board of Directors; Stanley Hawthorne, Assistant to the City Manager; John Hilton, Assistant Purchasing Manager; Karen Lukhaub, Director of Risk Management and Purchasing; and Bryan Riley, Health Benefits Coordinator to review the responses to the RFP. The Committee subsequently requested interviews with representatives from Cornerstone Group, Gallagher Benefit Services, Inc. and Mercer Health and Benefits

After considering various proposals and interviewing the finalists, the Review Committee reached a consensus as to which Employee Benefits Broker/Consultant would best serve the interests of City of Lakeland, its employees and retirees. This consensus was based on comprehensive services offered, experiences in the governmental entity market, references provided, services being provided by company employees and competitive pricing, and proven abilities.

The Review Committee ranked the finalists as follows:

1. Gallagher Benefit Services, Inc.
2. Mercer Health and Benefits
3. Cornerstone Group, Inc.

Gallagher has agreed to a fixed fee to include all services requested in the RFP, including all related actuarial or legal input for the Government Accounting Standard Board 45 (GASB 45) and all compliance issues to include Health Insurance Portability and Accountability Act (HIPAA), and Medicare Part D. Additionally, Gallagher has placed 10% of their annual fee at risk based on negotiated performance guarantees and unlimited on-

site visits. These on-site visits will be critical and frequent as all major benefits will be placed out to bid and rates negotiated.

Staff recommended that the City Commission authorize acceptance of Gallagher's annual fixed, 3-year fee proposal with 2-Year renewal option of \$160,000 to be effective July 3, 2007 (based on 2007 premiums and consulting fees paid). It should be noted that the proposed fee represents an annual savings of \$44,997 when compared to the existing commission based fee and consulting fees totaling \$204,997.

Doug Thomas presented this item to the Commission.

**Action:** Commissioner Verplanck moved to accept the recommendation. Commissioner Boring seconded and the motion carried unanimously.

**Recommendation re: Bid Award N. Florida Avenue Stormwater Improvements**

On June 4, 2007, sealed bids were received for the construction contract for North Florida Avenue Stormwater Improvements / Basin C. The scope of the project consists of:

1. Construction of closed underground drainage system along N. Florida Avenue between Carver Street and Petteway Drive.
2. Construction of a stormwater management pond on the west side of N. Florida Avenue between Hennessee Street and Hull Street.
3. Enhancement and restoration of an existing drainage ditch between N. Florida Avenue and Lakeland hills Blvd.
4. Other related construction associated with the above improvements.

Bids were received by three qualified firms with a fourth being unresponsive. Keith & Schnars, the City of Lakeland's consultant on the project, along with City staff have evaluated the bids and identified the firm of Kamminga & Roodvoets, Inc. of Tampa, Florida to be most responsive qualified bidder and met the full requirements of the project specifications. Listings of the bids are as follows:

<b>Contractor Office</b>	<b>Location</b>	<b>Original Bid Amount</b>
Alto Construction Co., Inc.	Tampa, FL	Non-responsive
Gibbs & Register, Inc.	Winter Garden, FL	\$1,671,900.00
Kamminga & Roodvoets, Inc.	Tampa, FL	\$1,093,299.40
Southern Site Works, Inc.	Zephyrhills, FL	\$1,562,331.00

The engineers cost estimate for the original bid was \$1,277,737.78. The contract would be funded through the FEMA Hazards Mitigation Grant Program (75%) and by the City Stormwater Utility Fund (25%). The City was required to obtain Phase II Construction Notice to Proceed documentation from FEMA prior to entering into the contract. In light of this requirement, construction on the project would not commence until October 1, 2007 and was expected to be completed within 240 calendar days.

Staff recommended that City Commission authorize the appropriate City officials to award the bid to Kamminga & Roodvoets, Inc. and execute the contract to construct the outlined N. Florida Avenue stormwater system improvements for the fee of \$1,093,299.40.

Doug Thomas presented this item to the Commission.

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

Doug Thomas invited everyone to attend Red, White and Kaboom on Tuesday evening from 6 p.m. to 9:30 p.m.

## **CITY ATTORNEY**

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

#### **Proposed 07-068; Vacating a Portion of West Lemon Street**

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING A PORTION OF WEST LEMON STREET LOCATED NORTH OF WEST OLIVE STREET, SOUTH OF THE CSX RAILROAD, NORTHWEST OF ARAPAHOE AVENUE, AND NORTHEAST OF SOUTH GRADY AVENUE, WITHIN THE CITY OF LAKELAND; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; 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 July 16, 2007.

#### **Proposed 07-069; Vacating a Portion of Alicia Road**

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING A PORTION OF ALICIA ROAD LOCATED NORTH OF EAST MAIN STREET, SOUTH OF ROSE STREET, AND WEST OF NORTH FERN ROAD, WITHIN THE CITY OF LAKELAND; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; 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 July 16, 2007.

#### **Proposed 07-070; Modification of PUD Zoning for Polymer Electrolyte Battery Manufacturing on Property Located at 2700 Interstate Drive**

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR A MODIFICATION OF PUD ZONING ON PROPERTY LOCATED AT 2700

INTERSTATE DRIVE; AMENDING ORDINANCE 3589; PROVIDING CONDITIONS; 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 July 16, 2007.

**Proposed 07-072; Modification of Oakbridge PUD to Allow Two Hotels on 9.69 Acres Located at the Southeast Corner of Polk Parkway and Harden Boulevard**

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR A MODIFICATION OF PUD ZONING ON 9.69 ACRES LOCATED AT THE SOUTHEAST CORNER OF POLK PARKWAY AND HARDEN BOULEVARD; AMENDING ORDINANCE 4329; PROVIDING CONDITIONS; 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 July 16, 2007.

**Proposed 07-073; Modification of Oakbridge PUD for Additional Office Space on 8.09 Acres Located South of Polk Parkway, East of Harden Boulevard, and West of Lockheed Martin Corporation**

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 3440, AS AMENDED, OF THE CITY OF LAKELAND, FLORIDA; PROVIDING FOR MODIFICATION TO PUD ZONING FOR 8.09 ACRES LOCATED SOUTH OF POLK PARKWAY, EAST OF HARDEN BOULEVARD, AND WEST OF LOCKHEED MARTIN CORPORATION; PROVIDING CONDITIONS; 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 July 16, 2007.

**Proposed 07-074; Adopting Pooled Investments Policy**

AN ORDINANCE RELATING TO INVESTMENT POLICIES; ADOPTING A CITY OF LAKELAND INVESTMENT POLICY FOR CERTAIN LONG TERM FUNDS; 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 July 16, 2007.

**Proposed 07-075; Adopting New Investment Policy for Certain Designated Funds**

AN ORDINANCE RELATING TO INVESTMENT POLICIES; REPEALING ORDINANCE NOS. 4776 AND 4830; ADOPTING AN AMENDED CITY OF LAKE LAND INVESTMENT POLICY; 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 July 16, 2007.

## **Resolutions**

### **Resolution 4619; Proposed 07-039; 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.

Tim McCausland read the short title and recommended the Commission approve the resolution.

**Motion:** Commissioner Verplanck moved to approve the resolution as amended. Commissioner Boring seconded.

Mayor Fletcher asked for comments and there were none.

**Action:** Upon roll call vote, Commissioners Yates, Wiggs, Verplanck, Boring, Higgins and Mayor Fletcher voted aye. Ayes: six. Nays: zero. The motion carried unanimously.

### **Resolution 4620 Proposed 07-040; Changes to City of Lakeland Derivatives Policy**

RESOLUTION OF THE COMMISSION OF THE CITY OF LAKE LAND, FLORIDA, REPEALING THE PRIOR POLICY AND ADOPTING A NEW POLICY RELATING TO INTEREST RATE DERIVATIVE PRODUCTS FOR USE IN REDUCING INTEREST RATE RISK, REDUCING THE NET COST OF BORROWING, HEDGING CERTAIN INVESTMENT ACTIVITIES, AND/OR IMPROVING THE ASSET/LIABILITY RISK PROFILE OF THE CITY; PROVIDING CERTAIN DETAILS WITH RESPECT THERETO; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

**Action:** Upon roll call vote Commissioners Higgins, Boring, Verplanck, Wiggs, Yates and Mayor Fletcher voted aye. Ayes: six. Nays: zero. The motion carried unanimously.

**Resolution 4621; Proposed 07-041; Authorizing the Extension of the Effective Date for a Forward Starting Interest Rate Swap with Goldman Sachs Matsui Marine L.P.**

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA, AUTHORIZING THE CITY TO EXTEND THE EFFECTIVE DATE OF A FORWARD STARTING INTEREST RATE SWAP WITH GOLDMAN SACHS MITSUI MARINE DERIVATIVE PRODUCTS, L.P. RELATING TO THE CITY'S ANTICIPATED ISSUANCE OF ITS ENERGY SYSTEM REVENUE AND REFUNDING BONDS, SERIES 2007; DELEGATING TO EACH AUTHORIZED REPRESENTATIVE AUTHORITY TO NEGOTIATE, ENTER INTO, EXECUTE AND DELIVER THE CONFIRMATION RELATING TO SUCH EXTENSION WITHIN DELEGATED PARAMETERS; PROVIDING CERTAIN DETAILS WITH RESPECT THERETO; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

**Action:** Upon roll call vote Commissioners Higgins, Boring, Verplanck, Wiggs, Yates and Mayor Fletcher voted aye. Ayes: six. Nays: zero. The motion carried unanimously.

**Miscellaneous Reports and Communications**

**\*Memo re: Determining Hearing Date for Notice of Proposed Change – Oakbridge Development of Regional Impact**

The Drummond Company, the developers of the Oakbridge DRI, recently submitted a notice of proposed change to the City outlining changes planned for the DRI. The changes are generally necessary to include revisions to the transportation plan that the Harden/Parkway CRA was created to implement. Changes to the southeast quadrant to allow a second hotel site are also included.

Under Florida Statutes, the City must set a hearing date to determine whether the proposed changes constitute a substantial deviation to the DRI requiring further review.

Staff recommended that the hearing be set for July 16, 2007. Your consideration of this matter is requested.

**Action:** This item was approved on the consent agenda.

**Memo re: Lakeland Reuse Initiative Artificial Wetlands**

This was a Task Authorization with Boyle Engineering to perform a study for the City and Polk County to determine the potential for the construction of a reuse water reservoir at the City's Artificial Wetlands. The Task Authorization was in the amount of \$49,896.00 with the County providing half of the funding.

The City and the County wish to consider a cooperative program which would use part of the City's wetlands treatment site for the construction of a large storage facility allowing for the storage of potentially numerous sources of water to be made available to both City and County reuse customers. This Task Authorization would provide for a study that would determine the feasibility of this initiative. Staff recommended that the appropriate City officials be authorized to execute the Task Authorizations.

**Action:** This item was approved on the consent agenda.

**Memo re: Lease with Publix Supermarkets, Inc. at Lakeland Airside Center**

There were two documents that represent the lease arrangement with Publix at the Lakeland Airside Center for use by portions of their Information Technology operation.

Publix presently occupies the eastern 25,000 square feet of the former Geico Building at Airside Center. They are proposing to lease up to an additional 35,000 square feet of space, not adjacent but in the same building. The documents to accomplish this arrangement were as follows:

**1. First Modification to Lease Agreement.** This document related to the 25,000 square feet that were presently occupied. Although the existing Lease is for a two year term, this modification extended it to a total of seven (7) years from August 1, 2007. One five (5) year renewal option was included. Rent was reduced from \$10.00 to \$9.75 per square foot. All other terms related to ad valorem pass-through, utilities and maintenance remain the same.

**2. Lease Agreement.** The second document was a new lease for the 35,000 square feet of space in the western portion of the building. Occupancy would be in two phases. Phase I, available on August 1, 2007, consisted of 17,000 square feet. The City would be responsible for securing the separate tenant spaces. Rent was \$9.75 per square foot for a term of seven (7) years commencing August 1, 2007. Rent was increased annually by the percentage change in the CPI-U with a 3% annual cap. Exterior maintenance was the City's responsibility with interior

maintenance handled by the tenant. Phase II, or an additional 18,000 square feet, would be available for occupancy by August 1, 2009. Rent was the same as above for the remainder of the same term. All of the remaining terms were typical of Airside leases.

Staff recommended that the appropriate City officials be authorized to execute these Lease documents.

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

### **AUDIENCE**

Raydene Read spoke about her concerns of the homeless around her Edgewater Beach neighborhood. She felt her neighborhood was being neglected and overlooked by the city.

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

**Action:** Commissioner Verplanck moved to designate Commissioner Wiggs as the voting delegate at the upcoming Florida League of Cities Conference. Commissioner Boring seconded and the motion carried unanimously.

**RECESS – 10:38 a.m.**

**RECONVENE – 2:17 p.m.**

The Lakeland City Commission reconvened in Regular Session in the Commission chambers on Monday, July 2, 2007. Commissioners Higgins, Verplanck, Wiggs, Yates and Mayor Fletcher were present. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch and Deputy City Clerk Deborah Cason were present.

### **UTILITY - CONSIDERED AFTER 1PM UTILITY COMMITTEE MEETING**

#### **Memo re: Agreement with Osmose Utilities Services, Inc. for Pole Inspection and Treatment**

This was a proposed agreement with Osmose Utilities Services, Inc. for the inspection and treatment of wood poles within the City's inventory. The City is required by the Florida Public Service Commission (FPSC) to implement a Pole Inspection Program and to complete an inspection cycle of all wood poles every eight (8) years to comply with hurricane hardening standards being developed for Florida. The City's plan was to have 7,500 to 8,500 wood poles inspected and treated each year for the next eight (8) years so that all 65,000 wood poles in use are inspected by FY 2015. The estimated cost of \$182,500 had been budgeted to pay for the services.

Orlando Utilities Commission (OUC) had already implemented such a program through the competitive bidding process utilizing the services of Osmose. Lakeland staff, after approval of the City's Purchasing Department, contacted Osmose and OUC about the possibilities of piggy-backing upon the OUC-Osmose Contract, with permission being secured. If approved, Osmose would start work in early July, 2007. The agreement would terminate July 31, 2008. Staff would then write and issue its own Pole Inspection RFP and have its own contract in place by August 1, 2008.

Staff recommended that the appropriate City Officials be authorized to execute the proposed agreement on behalf of the City.

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

### **Memo re: Consulting Agreement with Pace Global Energy Services, LLC to Evaluate Options for a Capacity Addition**

This was a proposed consulting services agreement for the fixed price of \$487,000, plus \$6,000 for expenses, with Pace Global Energy Services, LLC to assist Lakeland Electric in evaluating options to add capacity to its generation portfolio. The work is of particular importance due to the green house gas/carbon issue which will impact any decision on new generation options. Three large pulverized coal fired generating plants that were recently proposed have been rejected by the state due in part to the uncertainty of green house gas emissions.

In January of this year, Lakeland issued a Request for Qualifications seeking consultants to assist Lakeland Electric in evaluating options to add capacity to its generation portfolio. On May 5, 2007, the City Commission approved the selection of Pace Global, Inc. as the best firm to perform the services and authorized staff to negotiate a contract. The contract was structured to pay Pace on percentages of the contract value for completion of agreed milestones/deliverables.

Staff recommended that the appropriate City Officials be authorized to execute the proposed agreement on behalf of the City.

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

### **AUDIENCE**

Resident Rudolph Orbitz was new to Lakeland and offered his opinions regarding Lakeland Electric:

- Newspaper only published complaints; no suggestions or recommendations
- Only hears about Units 3 & 5. Wanted to know what happened to Units 1, 2, and 4.

- Company in Auburndale had filed bankruptcy; might be able to pick their unit inexpensively; would increase customer base and capacity.
- Heard talk of an atomic nuclear reactor being built; does not recommend it.
- Heard that Lakeland Electric did not own all of its units.

LE General Manager Jim Stanfield responded:

- Units 1 and 2 were still in operation. Unit 4 was planned but never built
- Unit in Auburndale was never for sale; they are recovering from bankruptcy.
- No plans to build any nuclear reactors.
- Only one unit – Unit 3 is partially owned by the Orlando Utilities Commission

The meeting adjourned at 2:26 p.m.

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Ralph L. Fletcher, Mayor

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Deborah M. Cason  
Deputy City Clerk

**LAKELAND CITY COMMISSION**  
**AGENDA STUDY SESSION**  
**June 29, 2007**

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 Fletcher were present. Commissioner Verplanck was absent. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, City Attorney Tim McCausland, Police Chief Roger Boatner, Assistant to the City Manager Stanley Hawthorne, LE General Manager Jim Stanfield, Communications Director Kevin Cook, LDDA Director Anne Furr, Airport Director John DuBose, Public Works Director Rick Lilyquist, and Deputy City Clerk Deborah Cason were present, along with administrative staff.

Mayor Fletcher called the meeting to order at 8:39 a.m.

Doug Thomas covered the presentations and proclamations.

Doug Thomas introduced Chief Boatner to address the Request to Appear from the Public-Edgewater Beach neighborhood re Noise from Right Connections Audio Store.

Tim McCausland reminded the commission about the options to addressing noise problems. There are objective standards and subjective standards.

Chief Boatner covered the issue with Right Connections noting the audio store had been cited four times for noise. LPD had a meeting scheduled with the business owner to explain the city's noise ordinance and the ramifications of that, and hoped to resolve the issue.

Commissioner Higgins presented a petition containing 79 signatures from the neighborhood complaining about the noise. He had also been receiving phone calls and emails about the situation.

Tim McCausland covered the Public Hearings.

Doug Thomas covered the city manager's agenda.

1. Request Approval to Engage an Employee Benefits Broker/Consultant to Assist in the Preparation of RFP's and Negotiation Services for Major Personnel Benefits.

Gallagher was being recommended. Karen Lukhaub offered comments on the interview process and noted that the city had a history with Gallagher and had been very pleased with them.

2. Bid Award N. Florida Avenue Stormwater Improvement

The bid had been awarded to Kamminga & Roodvoets, Inc. of Tampa.

Verbals:

1. Red, White, and Kaboom would be held on July 3<sup>rd</sup> on Lake Mirror from 6 p.m. to 9:30 p.m.
2. The tax reform issue was having an effect on the cities around the state. Numerous lay-offs had been in the news recently. Staff would continue to update the Commission throughout the budget process.

Tim McCausland covered the city attorney agenda and noted that item #4 had been taken off the agenda.

Jim Studiale offered comments on the vacant property on Mall Hill Rd. that would allow commercial, office, and warehouse usage.

The meeting adjourned at 10:05 a.m.