

**LAKELAND CITY COMMISSION**  
**Regular Session**  
**November 5, 2007**

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

**CALL TO ORDER - 9:00 A.M.**

**INVOCATION**

Commissioner Gow Fields offered the invocation followed by the salute to the flag.

**PRESENTATIONS**

**Employee Service Awards**

**10 Years**

Hardie Foljambe	10/12/1997	P&R
Sok, Chanthou	10-27-1997	Public Works

**20 Years**

Bailey, G Kelley	10-18-1987	Lakeland Electric
Tyson, Carl D	10-26-1987	Lakeland Electric

**30 Years**

Mohler, Michael L	10-31-1977	Fire Department
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Doug Thomas and Mayor Fletcher presented these awards.

**Associate and Risk Management for Public Entities (ARMP) Certification**

Doug Thomas and Mayor Fletcher recognized Karen Lukhaub for achieving this designation in May 2007.

**Certificate of Achievement**

Doug Thomas and Mayor Fletcher recognized Greg Finch for the City's Certificate of Achievement of the Financial Report. This was the highest recognition in the area of governmental accounting. The City had received this certificate for the last 25 years.

Doug Thomas also recognized Terry Brigman the new director of DOIT. United Way named Terry as their Citizen of the Year.

## **Strategic Operating Plan Update (Doug Thomas, City Manager)**

Get a copy of the presentation for the record.

### **EQUALIZATION HEARINGS**

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

Tim McCausland presented the Lots Cleaning and Clearing Assessment Role, a copy of which is on file in the agenda packet.

**Motion:** Commissioner Wiggs moved to approve the role.

Mayor Fletcher asked for comments from the audience.

Bob Tuma, 2254 S Crystal Lake Dr Job # 07-0337

Mr. Tuma explained that he had a contract for purchase with the property owner. He was in the process of evicting the tenant and that process forbade him from accessing the property.

Steve Bissonnette recommended the Commission pull this job from the roll. Brian Rewis would meet with the man and bring it back if necessary.

Dennis Goosby Jr. 935 W 111th St. Job # 07-0295

Mr. Goosby explained there was a new home being built there. The property was not mowed because the trusses were lying across the yard.

Steve Bissonnette recommended the Commission pull this item from the roll. Brian Rewis would meet with the owner and bring this one back if necessary.

**Action:** Commissioner Wiggs moved to amend the motion to approve the role but with the removal of Job No. 07-0337 and 07-0295. Commissioner Verplanck seconded and the motion carried unanimously.

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

### **PRESENTATIONS CONTINUED**

#### **Beautification Awards:**

**Commercial:** 72 Lake Morton Dr ~ First United Methodist Church

**Residential:** 5824 Mallard Drive ~ Langbein Residence

## PROCLAMATIONS

Epilepsy Awareness Month (November)  
National Hospice and Palliative Care Month (November)  
Voice of Democracy Scholarship Award Week (Nov 1 – 7)  
Buddy Poppy Week (Nov 5 – 11)  
National Family Week (Nov 10 – 17)

## APPROVAL OF CONSENT AGENDA

- \* City Commission Minutes October 12-15, 2007
- \* Utility Committee Minutes October 15, 2007
- \* Memo re: Agreement with Lakeland Area Mass Transit District for Placement of Transit Bus Shelters within City
- \* Memo re: Interlocal Agreement with Polk County for Assistance in the Implementation of its Stormwater Management Program
- \* Memo re: Lease with Polk Community College at Lakeland Airside Center
- \* Appropriation and Increase in Estimated Revenues – Fleet Management Fund
- \* Appropriation and Increase in Revenue – Budget Carryovers

**Action:** Commissioner Wiggs moved to approve the Consent Agenda with the removal of item VI-C-3. Commissioner Verplanck seconded and the motion carried unanimously.

## REQUESTS TO APPEAR FROM THE GENERAL PUBLIC - None

## PUBLIC HEARINGS

### Ordinances (Second Reading)

**Ordinance 4920; Proposed 07-103; Amending Lakeland City Code Chapter 18 Regarding Business Tax Receipts (1<sup>st</sup> Rdg 10/15/07)**

AN ORDINANCE RELATING TO TAXATION; IMPOSING A TAX ON ALL BUSINESSES, PROFESSIONS AND OCCUPATIONS CARRIED ON WITHIN THE CORPORATE LIMITS; REQUIRING THAT BUSINESSES ACQUIRE A BUSINESS TAX RECEIPT ANNUALLY; PROVIDING FOR EXEMPTIONS, INSPECTIONS, REFUNDS AND MISCELLANEOUS ADMINISTRATIVE MATTERS; ESTABLISHING THE TAX FOR VARIOUS BUSINESS CATEGORIES; 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 Yates, Fields, Wiggs, Verplanck, Boring, Higgins and Mayor Fletcher voted aye. Ayes: seven. Nays: zero. The motion carried unanimously.

**Ordinance 4921; Proposed 07-104; Pertaining to Electric Rates; Amending Various Sections of Ordinance 4842 to Provide for Technical and Administrative Corrections (1<sup>st</sup> Rdg 10/15/07)**

AN ORDINANCE RELATING TO THE ELECTRIC UTILITY; AMENDING ORDINANCE 4842; AMENDING VARIOUS SECTIONS TO PROVIDE FOR TECHNICAL AND ADMINISTRATIVE CORRECTIONS; IMPLEMENTING REVISIONS FOR CONSISTENCY WITH THE RATE STUDY REFERRED TO THEREIN; 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, Fields, Yates and Mayor Fletcher voted aye. Ayes: seven. Nays: zero. The motion carried unanimously.

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

**Proposed 07-105; Revised Special Public Interest Zoning District Overlay for the Washington Park Renaissance Housing Complex**

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4737, MAKING CHANGES TO AN EXISTING SPECIAL PUBLIC INTEREST ZONING DISTRICT OVERLAY FOR THE WASHINGTON PARK RENAISSANCE HOUSING COMPLEX LOCATED NORTH OF WEST 10TH STREET, SOUTH OF WEST CRAWFORD STREET AND WEST OF NORTH FLORIDA AVENUE; REDUCING SETBACKS AND MODIFYING STRUCTURE DESIGNS; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title and asked for public comment. There was none.

**Proposed 07-106; Conditional Use Approval for a Bar at 215 East Main Street**

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A BAR IN AN EXISTING BUILDING LOCATED AT 215 EAST MAIN STREET; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title. He explained the Planning & Zoning Board denied the applicant. He was requesting a new hearing before the Commission.

Eric Velvet came forward representing the applicant, Sarasota Bars, Inc. They currently have 209 E Main ST under contract. They were currently approved if they owned the building and Lillian's closed. Those two things did happen.

The group discussed the other locations. The other locations open at noon. The traffic during the day was minimal.

Jim Studiale, Director of Community Development explained this applicant applied for a bar at 209 Main and received approval. That was based on Lillian's closing. Community Development was limiting bars to one per block face. With specific requirements, staff did approve the bar moving to 215 E Main ST.

The group discussed delaying the approval and approving the bar at 215 contingent upon the sell of the property.

Commissioner Wiggs preferred to see the bar at 209 be resolved prior to approval for 215.

Commissioner Verplanck clarified that there was a conditional use for 209 and to approve the conditional use at 215, Community Development would have to repeal the conditional use at 209. It would be best to wait until the issue at 209 was resolved.

Harris Estroff, Nathan's Men's Store preferred the bar be further away from his store.

Eric did not want to lose his conditional use at 209. He was comfortable with tabling the issue for now.

Ford Heacock, LDDA Chairman, explained the LDDA was agreement with the discussion this morning.

Gloria Brooke, business owner, spoke on behalf of downtown.

Jim Studiale explained that Community Development now does background checks and visits the other establishments. They also consider the locations and sensitive neighbors.

Tim McCausland explained this issue did not require action today.

Commissioner Fields asked Harris and Gloria to review the conditions and let Community Development staff know if they had concerns.

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

**\* City Commission -- October 12 -- 15, 2007**

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

**\* Utility Committee -- October 15, 2007**

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

### **Transportation-Airport Committee of November 5, 2007**

The Transportation-Airport Committee met on Monday, November 5, 2007 in the Commission conference room. Commissioners Gow Fields and Glenn Higgins (members) were present. Commissioner Jim Verplanck (chair) was present along with administrative staff.

Commissioner Verplanck called the meeting to order at 8:28 a.m.

The purpose of this meeting is to review a request by Frank Comparetto Jr. to vacate several portions of public right-of-way located north of Olive Street, south of the CSX railroad and west of Brooklyn Avenue. This item was previously approved by Transportation - Airport Committee but subsequently withdrawn by the applicant prior to appearing before the City Commission.

Tim McCausland explained the committee approved this item but asked for an environmental indemnification. He expected that Mr. Comparetto wanted reconsideration of the indemnification.

Mr. Comparetto attended with Jim Valenti and Lat Varn. They thought that the City did not have a liability. The homeowners sued the property owners years ago and the City would have been sued at that time.

Commissioner Verplanck reviewed the original approval as quoted below:

“Commissioner Fields moved to recommend the Commission approve the ROW vacation for \$1 per sq ft, (\$47,853), the re-imbusement cost of the utility relocation and an environmental indemnification for the City of Lakeland. Commissioner Higgins seconded and Commissioner Verplanck concurred.”

Frank Comparetto asked the Committee to reconsider the vacation fee and the indemnification. The roads did not exist.

Mr. Comparetto did an average of prior vacation fees. If the City would not waive the fees completely, he recommended a \$17,000 fee. That was the average of the other vacations.

The Committee discussed their prior recommendation.

**Recommendation:** Commissioner Fields moved to remove the indemnification requirement and leave the fee at \$47,853. Commissioner Higgins seconded and Commissioner Verplanck concurred.

Tim McCausland explained this would go to the full commission this morning.

The meeting adjourned at 8:44 a.m.

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

### **Municipal Boards Committee of November 5, 2007**

The Municipal Board Committee met on Monday, November 5, 2007 in the City Commission conference room. Commissioners Glenn Higgins and Jim Verplanck (members) were present. Commissioner Dean Boring (chair) was present along with administrative staff.

Commissioner Boring called the meeting to order at 8:44 a.m.

The purpose of the meeting was for the following appointment.

#### **1. Historic Preservation Board**

Recommendation from Jim Studiale to appoint Andrew Snyder to replace Lori Smith who resigned on September 19, 2007. He will fulfill the remainder of Lori Smith's term, which expires June 30, 2008. At that time, he will be eligible for two additional three-year terms.

**Recommendation:** Commissioner Verplanck moved to appoint Andrew Snyder to the Historic Preservation Board for the remainder of Lori Smith's term, which expires June 30, 2008. Commissioner Higgins seconded and the motion carried unanimously.

The meeting adjourned at 8:49 a.m.

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

## **COMMUNITY REDEVELOPMENT AGENCY - None**

### **CITY MANAGER**

#### **Recommendation re: Task Authorization for Intersection Improvements at Drane Field/Kidron Road & Air Park Drive Improvements/Realignment**

The City of Lakeland Public Works Department responsible for the development of the engineering design and construction of roadway improvements associated with the Firmenich Project, which would be located on the south side of Drane Field Road, west of Kidron Road. The roadway improvements included realignment and widening of Air Park Drive between Kelvin Howard Road and Kidron Road. Additionally, signalization and turn lane additions would be constructed at the intersection of Drane Field Road and Kidron Road. These improvements were required to accommodate the impacts of increased traffic accessing the Firmenich development. Staff anticipated that an Enterprise Florida Grant for \$1,950,000 would reimburse the full cost of these roadway improvements.

It has been determined that it would be in the best interest of the City and project to engage a consultant to perform the engineering services for the intersection improvements and utilize City in-house resources to perform design and construction of the Air Park Drive improvements. This arrangement would allow the City to better administer and stay within the budget of the anticipated grant award, coupled with the need to meet the scheduled Phase I opening of the Firmenich project in June 2009.

A Task Authorization with Keith & Schnars, P.A., in accordance with City of Lakeland Continuing Contract for General Municipal Engineering Services was recommended for engineering design services required to provide construction plans, specifications and documents and required permits for the construction of the intersection improvements at Drane Field Road and Kidron Road, in addition to associated Construction Engineering Inspection (CEI) services. The proposed not-to-exceed fee for the Task Authorization was \$234,390. Keith & Schnars had previously performed similar services for the widening of Drane Field Road for Polk County, including the segment of this improvement. Their experience and knowledge of Drane Field Road would be an asset to moving toward expediting this project.

Staff recommended that the City Commission authorize the appropriate City officials to execute the Task Authorization with Keith & Schnars, P.A. to administer the engineering design and construction engineering inspection services for the intersection improvements at Drane Field and Kidron Road for the not-to-exceed fee of \$234,390.

Doug Thomas presented this item to the Commission.

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

## CITY ATTORNEY

### Ordinances (First Reading)

#### **Proposed 07-107; Amending Article IV, of Chapter 2 of the Code of the City of Lakeland, Florida Relating to Code Enforcement Ordinance; Including Jurisdiction over Violations of Pole Attachment Ordinance**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO CODE ENFORCEMENT; AMENDING DIVISION 2 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF THE CITY OF LAKE LAND, FLORIDA; ADDING JURISDICTION OVER VIOLATIONS OF POLE ATTACHMENT ORDINANCE; 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 November 19, 2007.

#### **Proposed 07-108; Annexation of 8.68 Acres Located East of Longfellow Boulevard Approximately 450 Feet South of Lake Holloway Boulevard**

AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKE LAND, FLORIDA, THAT CERTAIN 8.68 ACRES LOCATED EAST OF LONGFELLOW BOULEVARD APPROXIMATELY 450 FEET SOUTH OF LAKE HOLLOWAY BOULEVARD; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; MAKING FINDINGS; 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 November 19, 2007.

#### **Proposed 07-109; Small Scale Amendment #SS-07-019 to Future Land Use Map Assigning Use on 8.68 Acres Located East of Longfellow Boulevard Approximately 450 Feet South of Lake Holloway Boulevard**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-07-019 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 8.68 ACRES LOCATED EAST OF LONGFELLOW BOULEVARD

APPROXIMATELY 450 FEET SOUTH OF LAKE HOLLOWAY BOULEVARD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; 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 November 19, 2007.

**Proposed 07-110; Text Amendment #07-018 to Update the 5 Year Capital Improvements Plan and Associated Text in the Lakeland Comprehensive Plan**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-07-018 OF THE LAKELAND COMPREHENSIVE PLAN 2000-2010, AS ADOPTED BY ORDINANCE 4140, UPDATING THE 5 YEAR CAPITAL IMPROVEMENTS PLAN AND ASSOCIATED TEXT IN THE CAPITAL IMPROVEMENTS ELEMENT; MAKING A DETERMINATION THAT THIS ACTION IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF COMMUNITY AFFAIRS; 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 November 19, 2007.

**Resolutions**

**Resolution 4651; Proposed 07-072; Lots Cleaning and Clearing**

A RESOLUTION RELATING TO ASSESSMENTS; DETERMINING THE NECESSITY FOR HAVING CLEANED AND CLEARED CERTAIN PROPERTY WITHIN THE CITY OF LAKELAND; 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.

**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, Fields, Wiggs, Verplanck, Boring, and Mayor Fletcher voted aye. Commissioner Higgins was absent at that time. Ayes: six. Nays: zero. The motion carried unanimously.

## Miscellaneous Reports and Communications

### \* **Memo re: Agreement with Lakeland Area Mass Transit District for Placement of Transit Bus Shelters within City**

This was an Agreement with the Lakeland Area Mass Transit District (LAMTD) providing terms and conditions for the installation of transit bus shelters throughout the City by LAMTD. Under the Agreement, LAMTD would make application to the City when it wished to install a bus shelter at a specific location. Staff anticipated that private parties in exchange for the right to place logo signage on the shelters would subsidize a number of LAMTD's shelters and the Agreement allowed for this upon review and approval of the proposed signage by the Community Development Department. Illustrations of the expected appearance of the shelters were attached to the Agreement.

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

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

### **Memo re: Legal Fee Report**

Following are legal fees and expenses paid to outside law firms July -September of 2007 along with a comparison from the same time frame for 2006 and a comparison of this fiscal year to last.

Bush Ross	Personal Injury Subrogation	\$531.64
Cardwell Law Firm	Miscellaneous Real Estate Matters	\$640.00
Dorman & Gutman	Eminent Domain Litigation	\$3,922.00
Foley & Lardner LLP	Bond Counsel	\$30,000.00
Gray Robinson	Miscellaneous Personal Injury Defense, Eminent Domain & Other Litigation	\$203,508.38
Holland & Knight LLP	Bond Counsel	\$70,000.00
Hopping, Green & Sams	Regulatory Compliance	\$9,361.99
John & Hengerer	Miscellaneous Regulatory Matters with FERC	\$1,400.00
Oertel, Fernandez, Cole & Bryant, P.A.	SWFWMD Permitting	\$884,712.68
William D. Preston, P.A.	McIntosh Landfill	\$1,306.45
Putnam & Creighton, P.A.	Miscellaneous Real Estate Matters	\$26,674.24
Ross, Vecchio, & Trussel P.A.	Miscellaneous Workers Comp Defense	\$91,787.58

Ruden, McClosky, Smith, Schuster & Russell, P.A.	Counsel Relating to Union Negotiations	\$30,070.26
Thornhill & Trakas, P.A.	Miscellaneous Municipal Ordinance Defense	\$600.00

<b>JULY - SEPTEMBER 2007 TOTAL</b>	<b>\$1,354,515.22</b>
JULY - SEPTEMBER 2006 TOTAL	<b>\$258,370.44</b>

FY 2005-2006	\$871,831.74
FY 2006-2007	\$2,326,470.84

**Action:** The Commission did not act on this item.

**Memo re: Agreement with Lakeland Shuffleboard Club**

The agreement between the City and the Lakeland Shuffleboard Club expired this month and the club requested to renew the agreement for another two-year term. The only significant change was the deletion of the in-city/out-of-city member fees. There was now a flat \$7.50 per member fee. A copy of the proposed new agreement is on file in the agenda packet. Staff requested that the Commission authorize the appropriate City officials to execute the agreement.

Tim McCausland presented this item to the Commission.

Doug Thomas explained that staff had begun to eliminate the inside/outside city limit fees

Bill Tinsley explained that The Lakeland Shuffleboard Club was an 85-year-old club. This group relocated to Lake Parker. There had been a decline in their membership. There has been a decline in revenue too. The appeal from the club was that they needed a way to stimulate membership. Their fees were relatively low compared to other organizations. The maintenance of these facilities was high. The club maintained those facilities.

By blending the inside/outside fees, Parks & Recreation expected to see the same amount of revenue. They were removing the inside/outside differential and adding a CPI adjustment.

**Action:** Commissioner Verplanck moved to approve the recommendation. Commissioner Boring seconded and the motion carried six to one with Commissioner Wiggs voting nay.

**Memo re: Task Authorization with Chastain Skillman for Engineering Services – T. B. Williams Water Plant Generator Relocation**

This was a Task Authorization with Chastain Skillman to provide engineering and construction services for the Generator Relocation project located at the T.B. Williams Water Plant. The T.B. Williams Water Plant began operations in March of 1983. Incorporated into the design were two 1,250 Kilowatt Standby Generators. Each generator was constructed at a discrete location obtaining fuel from a common fuel tank. Each generator was constructed with a custom steel enclosure to protect it from the elements that also incorporated its associated electrical switchgear. Over the years, the generators had their share of problems associated with the fuel system design, and switchgear. The generators themselves were in good condition; however, the enclosures and switchgear were beyond their useful life and required replacement. It became apparent that the relocation of the generators into a generator facility was the best option. Staff anticipated that the construction of a generator facility, replacement of the switchgear, and the relocation of the generators would cost approximately \$600,000, and funding for this project was available in the Water Fund. The design and construction of this project should take about one-year to complete.

This Task Authorization would permit Chastain-Skillman to provide Engineering Services as required for this project. Engineering Services consisted of design and construction phase services in accordance with the proposal. The not to exceed costs were as follows:

Design Phase Services:	\$47,510.00
Construction Phase Services	\$35,900.00
Reimbursable Expenses	\$ 1,500.00
Total Not to Exceed Cost	\$84,910.00

The schedule for services was for approximately one-year as stated above. Staff recommended that the Commission authorize the appropriate City Officials to execute this Task Authorization.

Tim McCausland presented this item to the Commission.

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

**\* Memo re: Interlocal Agreement with Polk County for Assistance in the Implementation of its Stormwater Management Program**

This Interlocal Agreement with Polk County was to provide the City assistance in the implementation of its stormwater management program. Terms of the Agreement included an annual payment of \$6,056.15 to the County for a five-year period from the effective date. Each party must obtain budget approval on an annual basis. Polk County administered the National Pollutant Discharge and Elimination System (NPDES) Municipal Separate Storm Sewer System permit for the municipalities and

entities, including the City of Lakeland, that were subject to the permit conditions. The County provided administrative and field services required for fulfillment of the permit obligations throughout the county and they assisted the co-permittees, of which there were 20, that operate storm sewer collection systems under the state and federally regulated permit. Polk County recovered the costs incurred through an annual fee assessment under the interlocal agreement.

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

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

\* **Memo re: Lease with Polk Community College at Lakeland Airside Center**

This Lease Agreement was between the City and Polk Community College (PCC) for the space formerly occupied by Keiser College at Lakeland Airside Center. This transaction was associated with adjacent space occupied by parts of the Information Technology operation for Publix. This concluded a significant effort by the City, Publix and PCC in coordinating space requirements, relocations and tenant improvements. The Commission previously approved Lease Agreements with Publix to renew the Lease on the space they presently occupy, as well as a two-phased effort on 35,000 sq. ft. in the same building. Publix moved into their first phase of 18,000 sq. ft. PCC completed most of their renovations and anticipated having students in the facility soon.

The term of the PCC Lease was for 20 years with one 5-year option. The rent commenced at \$9.00 per sq. ft. with an annual CPI adjustment. There was a pass through for utilities.

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

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

**Spencer Vice re: Bid Proposal for Dental/Vision Insurance Services**

Tim McCausland explained the City was re-bidding these benefits.

Tim McCausland reminded everyone that tomorrow was Election Day for the City of Lakeland.

**FINANCE DIRECTOR**

\* **Appropriation and Increase in Estimated Revenues – Fleet Management Fund**

An alternate fuel vehicle operated by Lakeland Electric was totaled in an auto accident on August 24, 2007. This unit, a 2003 Ford Ranger, was not scheduled for replacement until 2011. At the present time, there was \$13,068 available in the fleet replacement fund, a portion of the \$17,864 replacement cost. Lakeland Electric would be required to finance the shortfall of \$4,796 until the City collected any insurance proceeds.

Staff requested that the City Commission approve an additional appropriation within the Fleet Management Depreciation Reserve Fund for \$17,874 with an Increase in Estimated Revenue representing Lakeland Electric's contribution towards the replacement for \$4,796.

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

**\* Appropriation and Increase in Revenue – Budget Carryovers**

As of the close of the books for the fiscal year ended September 30, 2007, there were a number of projects budgeted within that fiscal year that had not been completed. These generally consisted of grant programs, donations, and construction projects that were still in process as of the end of the fiscal year. In order to enable these projects to continue, staff would need to revise the FY 2008 budget to include the appropriations and related budgets for revenue sources in the budget for the new year.

The fund-by-fund list of those projects is included in the agenda packet. Staff requested that the City Commission approve appropriations and increases in estimated revenues in the various City funds to accommodate completion of these projects.

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

**AUDIENCE - None**

**MAYOR AND MEMBERS OF THE CITY COMMISSION - None**

**Recess/reconvene:** The Commission recessed at 10:56 a.m. until after the Utility Committee meeting. They reconvened at 2 p.m.

The Lakeland City Commission reconvened in Regular Session in the City Commission chambers. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Fletcher were present. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch and City Clerk Kelly Koos were present.

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

**Memo re: Purchase and Sale Agreement with Aspen Power, LLC for a Decommissioned Steam Turbine and Generating Set**

This was a proposed Agreement with Aspen Power, LLC (“Aspen”) to sell the City’s decommissioned 50 Megawatt turbine generator set and associated auxiliaries for \$500,000.00. The unit, located at the Larson Plant, was first put into service in 1965 and last operated in 2003. On September 25, 2007, the City issued Bid No. 70006 offering the turbine generator set for sale as surplus property and offered the bidders an optional bid price reduction for removing the Foster Wheeler Steam Generator. Aspen bid \$500,000.00 for the turbine generator set and a \$300,000.00 bid price reduction for the removal of the steam generator, for a net to the City of \$200,000.00. The \$300,000.00 for the removal of the steam generator was less than what it would cost the City. Since 2003, the City has had a number of companies look at the decommissioned unit, but were not interested in acquiring it. Re-commissioning the unit was not financially prudent for the City to pursue.

Staff recommended that the Commission authorize the appropriate City Officials to execute the proposed Agreement on behalf of the City.

Tim McCausland presented this item to the Commission.

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

**Memo re: Coal Supply Agreement with Massey Coal Sales Company**

This was a proposed Agreement with Massey Coal for the sale of 680,000 tons over a three (3) year period at the base price of \$46.75 per ton shipped from the Big Sandy Freight District and \$44.75 per ton from the Kanawha Freight District. The City used the standard coal supply agreement used in the past, which included adjustments to the price for quality issues (BTU heating value and Ash Content), but did not contain an annual price escalator. The annual amounts were as follows:

Contract	Year Minimum Annual Quantity
2008	200,000 Tons
2009	240,000 Tons
2010	240,000 Tons

The agreement included a termination provision if the City was unable to negotiate an acceptable rail transportation agreement with CSX prior to the existing transportation agreement expiring on December 31, 2008. Staff recommended that the Commission authorize the appropriate City Officials to execute the proposed Agreement on behalf of the City.

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

**CALL FOR ADJOURNMENT – 2:02 p.m.**

**AGENDA STUDY SESSION**  
**November 5, 2007**

The Lakeland City Commission met in the Agenda Study Session in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Dean Boring, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Deputy City Manager Tony Delgado, City Manager Doug Thomas, 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 along with administrative staff.

Mayor Fletcher called the meeting to order at 7:34 a.m.

Doug Thomas reviewed the preliminaries

Tim McCausland reviewed the public hearings.

Doug Thomas covered the City Manager agenda.

Tim McCausland covered the Ordinances for City Attorney agenda.

Palmer Davis explained the agreement with Lakeland Area Mass Transit District.

Tim McCausland reviewed the Legal Fee Report. Tim expected a decision from the Administrative Law Judge on the SWFWMD issue. The City's attorney fees will most likely not be reimbursable.

The group discussed the agreement with Lakeland Shuffleboard Club and the inside/outside city fees. The Commission removed this item from Consent.

Tim McCausland announced that the Ethics Commission no longer required a Financial Disclosure for the Lakeland Housing Authority Board members. The Commission could continue the requirement if they so chose. The Commission wanted to continue the requirement. Tim would prepare an ordinance for their approval.

Greg Finch covered the Finance Director agenda. He added item VII-B Appropriation and Increase in Revenue-Budget Carryovers. The Commission added both of the Finance agenda items to the Consent Agenda.

Rick Lilyquist gave an update on the County's contribution to the Edgewood Drive Extension Project. The project was fully funded with the \$4 million from FDOT and the \$4 million from the County.

Commissioner Wiggs brought up an issue. A business built a new building and the City required a pad in front of the building for a dumpster. The business did not need the dumpster because they shred everything. They would like to be able to push a can out to

the curb every week. After much discussion, the Commission referred the issue to Public Works Director Rick Lilyquist.

Tim McCausland offered a verbal on Spencer Vice's concern on the bid for employee benefits. The issue he raised related to a statute under the insurance laws. Tim McCausland, Karen Lukhaub, and Doug Thomas reviewed the statute and debated the issue. They came to the decision that the City should re-bid the benefits. The City had already submitted a new RFP. They planned to complete the process by the end of the year.

Doug asked for permission to sign a newly selected agreement and bring it back for Commission ratification so staff could complete the work by the end of the year. The Commission agreed.

The meeting adjourned at 8:28 a.m.