

LAKELAND CITY COMMISSION
Regular Session
March 17, 2008

The Lakeland City Commission met in Regular Session in the City Commission chambers. Commissioners Glenn Higgins, Justin Troller, 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 – 8:59 a.m.

INVOCATION

Pastor Jeff White of First Alliance Church of the Christian & Missionary Alliance offered the invocation.

SALUTE TO THE FLAG

Jamia Gary, Boys & Girls Club of Lakeland & Mulberry Youth of the Year Winner, led the Pledge of Allegiance.

PRESENTATIONS

Water Utility – Water Conservation Update (Gary Ross & Ruffin Gray)

PROCLAMATIONS

Water Conservation Month
Boys & Girls Club Week 2008
Child Abuse Prevention Month
Parents and Children's Day
All American County Teen Summit

APPROVAL OF MINUTES (with any amendments)

- * **City Commission 2/29/08 – 03/03/08**

Action: The Commission approved these minutes on the Consent Agenda.

- * **Utility Committee 03/03/08**

Action: The Commission approved these minutes on the Consent Agenda.

Finance Committee 03/14/08

Commissioner Fields presented the Finance Committee minutes to the Commission.

Action: Commissioner Fields moved to approve the Finance Committee recommendations and the motion carried unanimously.

APPROVAL OF CONSENT AGENDA

- * City Commission Minutes 02/29/08 – 03/03/08
- * Utility Committee Minutes 03/03/08
- * Memo re: First Amendment to Interlocal Agreement with Polk County Providing for Wet-Weather Discharges into City of Lakeland Wetlands Treatment System
- * Memo re: Approval of Continuing Contract with Sargent and Lundy for Electric Power Engineering Services

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC

Danny Kushmer, SWFWMD Community and Legislative Affairs re Peace River Basin Board and State Funding

Mr. Kushmer gave a State of the District presentation concerning Amendment 1 and water projects in the area.

The group discussed:

- * Cooperative Funding Projects
- * Lake Hancock Project
- * Possible funding deferral
- * Cost of clean water

PUBLIC HEARINGS

Ordinances (Second Reading)

Proposed 07-106; Conditional Use Approval for a Bar at 215 East Main Street (1st Rdg 11/5/07, Contd 11/19/07, 1/22/08, & 2/18/08)

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 explained that the real estate deal relating to this project had not occurred. The applicant requested the Commission continue the public hearing until April 21, 2008.

Action: Commissioner Verplanck moved to continue the public hearing to April 21, 2008. Commissioner Yates seconded and the motion carried six to zero. Commissioner Fields was absent at that time.

Ordinance 4956; Proposed 08-011; Small Scale Amendment #SS-07-022 to Future Land Use Map Assigning Land Use to 1.05 Acres Located on Little Lake Bonny, West of Longfellow Boulevard, South of Shakespeare Street (1st Rdg 03-03-08)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-07-022 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 1.05 ACRES LOCATED ON LITTLE LAKE BONNY, WEST OF LONGFELLOW BOULEVARD, SOUTH OF SHAKESPEARE STREET, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Action: Commissioner Verplanck moved to approve the ordinance. Commissioner Higgins seconded.

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4957; Proposed 08-012; Establishing Zoning for 1.05 Acres Located on Little Lake Bonny, West of Longfellow Boulevard, South of Shakespeare Street (1st Rdg 03-03-08)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 1.05 ACRES OF RECENTLY ANNEXED PROPERTY LOCATED ON LITTLE LAKE BONNY, WEST OF LONGFELLOW BOULEVARD, SOUTH OF SHAKESPEARE STREET WITHIN THE CITY OF LAKELAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4958; Proposed 08-017; Small Scale Amendment #SS-08-002 to Future Land Use Map Assigning Land Use to 4 Acres Located East of North Road 98, West of North Florida Avenue, Approximately 650 Feet North of Tucker Street (1st Rdg 03-03-08)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-08-002 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 4 ACRES LOCATED EAST OF NORTH ROAD 98, WEST OF NORTH FLORIDA AVENUE, APPROXIMATELY 650 FEET NORTH OF TUCKER STREET, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKE LAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments.

Tim McCausland reviewed the revisions. The off loading of cars would happen within the property. If the dealership off loaded in the street, the access on Florida would be closed. A masonry wall was also required on the Florida side.

Steve Watson of Gray Robinson came forward. He questioned the closing of the access on Florida Av. He questioned the wording "shall" rather than "may."

Jim Studiale, Community Development Director explained that sections G and J were amended. Paragraph J said, "In the event that the Code Enforcement Board determines that this provision is being violated, the access to N. Florida Avenue shall be permanently closed. "It did not say it would have to be closed on the first violation but if the Code Enforcement Board found they were violating the condition they could close the access.

Steve Watson was concerned that the word "shall" would limit the Code Enforcement Board too.

Commissioner Fields explained he wanted the developer to have access only through North Road 98. This was a compromise.

The group discussed the language and the need for the Commission to be clear to the residents that they were serious about this issue.

Peggy Hixon said the drive way would open right in front of her house or her neighbors' house. North Florida was not big enough to handle transport trucks.

Mayor Fletcher asked how many transports would be coming in each day

Steve Watson explained that number would vary based on the economy. It could be three a month or three a week. Their transports would not use Tucker at all. The site plan was designed so that the transports would off load within the property.

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

Ordinance 4959; Proposed 08-018; Establishing Zoning for 6.5 Acres Located East of North Road 98, West of North Florida Avenue, Approximately 650 Feet North of Tucker Street (1st Rdg 03-03-08)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 6.5 ACRES LOCATED EAST OF NORTH ROAD 98, WEST OF NORTH FLORIDA AVENUE, APPROXIMATELY 650 FEET NORTH OF TUCKER STREET WITHIN THE CITY OF LAKE LAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKE LAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland explained that proposed ordinance 08-017 was the land use ordinance. This ordinance was the zoning ordinance. The amendments discussed previously would apply to this ordinance. He then read the short title.

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

Mayor Fletcher asked for comments.

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

Ordinance 4960; Proposed 08-019; Change in Zoning on 23 Acres Located South of Drane Field Road, East of Hamilton Road (1st Rdg 03-03-08)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 23 ACRES LOCATED SOUTH OF DRANE FIELD ROAD, EAST OF HAMILTON ROAD WITHIN THE CITY OF LAKELAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinances (Emergency Adoption)

Ordinance 4961; Proposed 08-020; Ordinance Authorizing the Redemption of the City's Energy System Variable Rate Refunding Revenue Bonds, Series 2006A-1 and 2006A-2, and Certain Other Changes to the City Investment Policy

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA, AMENDING AND SUPPLEMENTING ORDINANCE NO. 4951 ENACTED ON FEBRUARY 18, 2008 RELATED TO AN AMENDMENT TO THE CITY OF LAKELAND INVESTMENT POLICY; AUTHORIZING THE REDEMPTION OF THE CITY'S ENERGY SYSTEM VARIABLE RATE REFUNDING REVENUE BONDS, SERIES 2006A-1 AND 2006A-2; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolutions

Resolution 4674; Proposed 08-012; Resolution Authorizing Issuance of \$30,000,000 in Bonds on Behalf of Carpenter's Home Estates, Inc.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA, AUTHORIZING THE ISSUANCE OF THE CITY OF LAKELAND, FLORIDA RETIREMENT COMMUNITY FIRST MORTGAGE REVENUE AND REFUNDING BONDS (CARPENTER'S HOME ESTATES, INC. PROJECT), SERIES 2008, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$35,000,000 FOR THE PURPOSE OF MAKING A LOAN OF FUNDS TO CARPENTER'S HOME ESTATES, INC. TO BE USED TO REFINANCE OBLIGATIONS OF CARPENTER'S HOME ESTATES, INC. RELATED TO THE CITY OF LAKELAND, FLORIDA RETIREMENT COMMUNITY FIRST MORTGAGE REVENUE REFUNDING BONDS (CARPENTER'S HOME ESTATES PROJECT), SERIES 1998A, FINANCE CERTAIN EXPANSIONS AND IMPROVEMENTS TO A CONTINUING CARE RETIREMENT COMMUNITY OWNED BY CARPENTER'S HOME ESTATES, INC., FUND A PORTION OF A DEBT SERVICE RESERVE, FUND CERTAIN CAPITALIZED INTEREST AND PAY COSTS OF ISSUANCE RELATED TO SUCH BONDS; PROVIDING THAT SUCH BONDS SHALL NOT CONSTITUTE A DEBT, LIABILITY OR OBLIGATION OF THE CITY OF LAKELAND OR THE STATE OF FLORIDA OR ANY POLITICAL SUBDIVISION THEREOF, BUT SHALL BE PAYABLE SOLELY FROM THE REVENUES HEREIN PROVIDED; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST AND APPOINTING THE BANK OF NEW YORK TRUST COMPANY, N.A. AS INITIAL TRUSTEE THEREUNDER; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH CARPENTER'S HOME ESTATES, INC.; APPROVING THE FORM OF AN ASSIGNMENT OF CONTRACTS; APPROVING THE FORM AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT, AND AUTHORIZING THE EXECUTION AND DISTRIBUTION OF A FINAL OFFICIAL STATEMENT; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT AND DELEGATING THE AUTHORITY TO AWARD THE SALE OF THE BONDS TO HERBERT J. SIMS & CO., INC. AND APPROVING THE CONDITIONS AND CRITERIA OF SUCH SALE; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A TAX REGULATORY AGREEMENT AND NO ARBITRAGE CERTIFICATE; APPROVING THE FORM OF AND AUTHORIZING EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT WITH U.S. BANK

NATIONAL ASSOCIATION; AND PROVIDING CERTAIN OTHER DETAILS IN CONNECTION THEREWITH.

Tim McCausland read the short title.

Ed Vogel of Holland & Knight (bond counsel) came forward and gave a brief presentation on this item.

Mayor Fletcher asked for comments from the audience.

Edie Yates confirmed that if Carpenters Home were to default on these bonds, the City would have no obligation to repay them. If there were a default, it would not affect the City's credit worthiness or standing.

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

EQUALIZATION HEARINGS – None

COMMUNITY REDEVELOPMENT AGENCY - None

CITY MANAGER

Recommendation re: North Lakeland Eastern Connector Study

The City of Lakeland initiated a study in 2007 to evaluate potential transportation improvements to the east-west roadway network in the northern sections of the Lakeland City limits in an effort to improve mobility between US 98 and Lakeland Hills Boulevard/Socrum Loop Road. An emphasis was made to open Carpenter's Way to public access from east of Corporate Avenue to Wedgewood Estates Boulevard. This ongoing study administered by Dyer Riddle Mills and Precourt (DRMP) was nearing completion and as a follow-up to the January 22, 2008 City Commission Workshop, the preferred improvement alternative was being recommended to the City Commission for their concurrence and authorization to proceed.

As a result of the detailed analysis, which included data collection, traffic analysis, alternatives concepts evaluation, and public input, DRMP identified four alternatives:

- No Build/Do Nothing;
- Alternative One – Carpenter's Way Open;
- Alternative Two – Carpenter's Way Open & Crevasse-Lakeland Parkway Connection;
- Alternative Three – Carpenter's Way Open & Carpenter's Way extension to Lakeland Hills Boulevard

The group evaluated the four alternatives based on travel service, natural and environmental impacts, and overall project cost. Following evaluation of each alternative, Alternative – Two - Carpenter's Way Open and Crevasse-Lakeland Park Drive (diagram in the agenda packet), emerged as the preferred improvement. Staff anticipated that if approved, the preferred improvement could be implemented into two phases:

Phase 1:

- Open Carpenter's Way from east of Corporate Avenue to Wedgewood Estate Boulevard
- Re-align Heatherpoint Drive to match the intersection of Wedgewood Estates Boulevard and Carpenter's Way.
- Improvements to US98/Carpenter's Way intersection.

Phase 2:

- Provide a new two-lane roadway connection between Crevasse Street, near Union Drive, and Lakeland Park Drive.

In addition, the results of the North Lakeland Eastern Connector Study identified certain area intersections, which may require improvements by design year 2030. These locations could potentially be addressed by future projects depending on funding availability. These intersections include:

- Lakeland Hills Boulevard (SR33) and Griffin Road
- Lakeland Hills Boulevard (SR33) and North Socrum Loop Road
- West Daughtery Road and US98
- East Daughtery Road and Walt Loop Road and Socrum Loop Road

Staff recommended that the City Commission accept and approve the results of the North Lakeland Eastern Connector Study identifying Alternative #2 as the preferred improvement and direct staff to proceed with the associated design and project cost analysis.

Doug Thomas presented this item to the Commission.

Discussion

Justin Troller asked if this project was separate from the Carroll Drive issue. Greg James responded this was separate. They were doing a separate study on Carroll Drive.

Mayor Fletcher clarified this would only extend to Heather Point Drive.

Doug Thomas explained the Church Without Walls was concerned about the impact on their long-term development. The City discussed the potential need for traffic calming mitigations. What the Commission would vote on today was

the preferred alternative to allow staff to move forward with design, acquisition etc.

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

Recommendation re: Purchase and Implement a Nortel Voice Communications Switch

The City's current voice communications switch was over 10 years old and had been discontinued by the manufacturer. The manufacturer responded to the City's request to extend support over the past several years; however, such service would cease in January 2009. The City had limited internal staff with the skills to support the dated technology and costs to support the current system coupled with business risks associated with potential extended outages, continue to escalate. The City also had a number of other facilities that had dated, stand-alone systems that were not integrated with the balance of the municipal operations resulting in less than desired voice communications support and features.

Department of Information Technology staff determined that it would require an investment of approximately \$311,000 to continue the use of the current technology with a shelf life of only three years. This option would not reduce business risks and was not what staff recommended.

Staff evaluated eight suppliers of Voice over Internet Protocol (VoIP) technology and determined Cisco and Nortel best to meet City requirements. The City's existing data network was currently a Nortel environment, which naturally favored the continuation of utilizing the same manufacturer for both voice and data needs within the City. Nortel's on-going support costs had also been determined to be lower than Cisco's.

The Nortel VoIP option would provide the City with a solution that would meet current and known future business needs for voice communications. Administration of the system would require less physical labor for additions, moves, and changes and provide timely supplier support on associated hardware and software. The design of this solution also provided the City additional options for disaster recovery and eliminated critical single points of failure. Staff estimated to take eight to ten months to implement the new system throughout the municipal operations.

Staff projected purchase and implementation costs at \$1,714,264, with annual recurring costs of \$249,404 representing a \$64,605 savings over the current annual recurring costs. The City would amortize the proposed system's capital costs over seven years through an internal loan. The City would recover all capital and recurring costs throughout Departmental operating budgets through Department of Information Technology Internal Service Fund charges.

Staff recommended that the City Commission authorize the appropriate City officials to proceed with the purchase and implementation of the proposed Nortel VoIP Voice Communications Switch.

Doug Thomas presented this item to the Commission.

Justin Troller asked Terry Brigman to come forward to answer his questions. He had questions on some possible hidden costs. Does this cost include any rewiring or the switches that would be needed? Terry responded that staff was familiar with the equipment and performance monitoring. Additional training for current staff may be necessary but current staff would service the system. Could the current system last three more years? Terry responded that they could try to make it last three more years. The maintaining of the equipment and the external systems were risks. He recommended the City move forward with the new system.

Doug Thomas explained staff did not set the money aside because they anticipated financing the system through the internal loan fund.

Justin Troller wanted to see the city stay with the system they already had.

Terry Brigman reminded the Commission that the existing switch limited what the city could do with the Parker Street building

The group discussed selling the existing system. Terry Brigman did have the names of a few companies that do buy old equipment and they would be trying to sell the current equipment. Staff did not factor that money into the cost of the project.

Action: Commissioner Verplanck moved to approve the recommendation. Commissioner Higgins seconded and the motion carried six to one with Commissioner Troller voting nay.

Recommendation re: Task Authorization for Construction Engineering Services for Grasslands Boulevard/Harden Boulevard Signalized Intersection Improvements Project

The City of Lakeland Public Works Department recommended the following task authorization with Dyer, Riddle, Mills & Precourt, Inc. (DRMP) to administer Construction Engineering Inspection Services for the Harden Boulevard and Grasslands Boulevard signalized Intersection Project. Pursuant to City Commission action on March 3, 2008, the Harden/Grasslands Signalized Intersection Project would extend the north and southbound left-turn lanes, extend the northbound right-turn lanes and install a new traffic signal at the intersection. The Florida Department of Transportation permit for the project required that a

certified Construction Engineering & Inspection (CEI) professional be on the project site during construction activities. The scope of the task authorization will authorize DRMP to complete the following permit requirements:

1. Construction management and CEI:
 - a. Determine that the construction of the planned improvements was completed in reasonable conformance with the contract plans and specifications;
 - b. Provide a full-time Senior Inspector with a part-time Project Administrator;
 - c. Respond to construction issues and keep appropriate City Management (Public Works) updated with overall progress and issues.
 - d. Make and record any measurements necessary to document quantities, provide field inspection and testing, and all aspects of contract administration
2. DRMP's sub-consultant Nordarse & Associates, Inc. will perform the laboratory material and field-testing services.

The fee for CEI services was a not-to-exceed amount of \$35,080. The fee was based on a project completion within 45 working days from commencement of construction.

Staff recommended that the City Commission authorize the appropriate City officials to execute the task authorization with Dyer Riddle Mills & Precourt, Inc. to administer Construction Engineering & Inspection services for the Grasslands Boulevard/Harden Boulevard Signalized Intersection Improvements Project for a not-to-exceed fee of \$35,080.

Doug Thomas presented this item to the Commission.

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

Recommendation re: Successor Collective Bargaining Agreements between City of Lakeland Police Department and West Central Florida Police Benevolent Association for Police Officers, Sergeants and Lieutenants

On September 30, 2006, the 3-year collective bargaining agreements between the City and the West Central Florida Police Benevolent Association (WCFPBA) representing the Lakeland Police Department Officers, Sergeants and Lieutenants expired and in anticipation of the negotiation of successor agreements, the WCFPBA notified the City on June 21, 2006 of the initial issues it desired to advance through the negotiation process. The City and the WCFPBA officially commenced negotiations on successor Collective Bargaining Agreements in November 2006 following the WCFPBA's development of formalized proposals. Following an extensive series of negotiations spanning more than a year, the City of Lakeland and the WCFPBA have come to an

agreement with all three bargaining groups for successor contracts that will commence upon City Commission ratification and extend through September 30, 2009. The new agreements outlined a variety of modifications from their predecessors including compensation, benefit & pension standards and establishment of grievance procedures for disciplinary considerations through future negotiation periods regardless of the term of the Collective Bargaining Agreements. The following provided a condensed overview of the various adjustments included in the successor agreements:

- * A pay system which would provide bargaining unit members at Step 1 of the current pay plan an approximate 6% increase to the Fiscal Year 2007 pay tables upon ratification. Each of the bargaining unit members would be eligible for a maximum of 5% merit increase after their scheduled performance review. The maximum 5% merit increase was subject to the LPD current performance review policies. The pay table was expanded from 15 steps to 18 steps.
- * Bargaining unit members between steps 2 and 15 of the current pay plan would receive an approximate 4% pay increase over the Fiscal Year 2007 pay tables upon ratification. Each of the bargaining unit members would be eligible for a maximum 5% (2 steps) merit increase after their Annual Performance Review. An employee who has been in Step 15 or "topped out" of the current pay plan for more than a year will be eligible for a merit increase up to 5% (2 steps) upon contract ratification. This proposal would provide for salary increases dated to February 6, 2008 upon ratification for all members.
- * The proposed plan totaled approximately \$900,000, which was comprised of both COLA, and merit increases. This amount was reflected in the Proposed FY 2008 Budget.
- * In light of the PBA proposal to extend the contract period through FY 2009, represented employees would receive a COLA equal to the amount provided to General Employees on October 1, 2008.
- * An additional approximate 1% salary adjustment (\$150,000 gross) to be established at the time of contract ratification providing for an equal gross distribution of \$675.67 for 222 recipients. This payment would be excluded from base compensation and would not impact future year salary computations. The offer was contingent upon full acceptance of the City's proposal, including pay, structure of the pension system and contract extension through Fiscal Year 2009.
- * Pension related modifications included the removal of sworn officer's from the City's General Pension Plan and the subsequent merging of retirement benefits with the Police Supplemental Retirement Plan to allow for

enhancement of benefits commensurate with competing labor markets. It has been the City's and WCFPBA's goal from the onset of negotiations to review and negotiate benefit and pension options that would allow the Department to remain competitive in the area labor markets and enhance retention of the current officers, while recognizing the fiscal constraints of the City's General Fund budget.

The consolidation of the Police Officer pension plans would incorporate the assets attributed to those members of the collective bargaining groups and the non-union sworn membership along with the current assets of the Police Supplemental Pension Plan established under the Florida State Statute Chapter 185. The consolidation would allow for enhanced benefits establishing modifications to normal and early retirement conditions; a uniform multiplier accrual rate; enhanced in-the-line-of-duty disability provisions; changes to the member contributions rates by an additional 1%; and actuarial gain-sharing program allowing options for future benefit enhancement and methods to reduce City of Lakeland cost impacts. The City was still awaiting a final decision from the State regarding the future pension administration for Police Department Retirees who presently receive benefits from both the General Employees Pension Plan and the Police Supplemental Plan, although by law, their benefits cannot be altered.

Staff recommended that the City Commission authorize the appropriate City officials to execute the three Collective Bargaining Agreements (on file in the agenda packet) with the West Central Florida Police Benevolent Association representing Police Officers, Sergeants and Lieutenants in the Lakeland Police Department for terms commencing upon date of ratification through September 30, 2009.

Doug Thomas presented this item to the Commission.

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

CITY ATTORNEY

Ordinances (First Reading)

Proposed 08-021; Amending Article II, Section 25 of the Lakeland City Code Amending the City of Lakeland Employee Pension Plan

AN ORDINANCE RELATING TO THE CITY OF LAKELAND EMPLOYEES' PENSION AND RETIREMENT SYSTEM; AMENDING ARTICLE II OF DIVISION II OF THE CHARTER OF THE CITY OF LAKELAND, FLORIDA; INCREASING BENEFITS FOR RETIRED MEMBERS; 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 April 7, 2008.

Resolutions

Resolution 4675; Proposed 08-013; Resolution in Support of Continued Funding for the Florida Forever Program or a Successor Program that Would Support Florida Communities Trust

A RESOLUTION SUPPORTING REAUTHORIZATION OF FLORIDA FOREVER OR A SUCCESSOR PROGRAM WHICH WOULD ASSIST COMMUNITIES IN PROVIDING OUTSTANDING PARK, RECREATION AND CONSERVATION AREAS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4676; Proposed 08-015; Authorizing Application for State Revolving Fund Loan to Finance Construction of Water Pollution Control Facilities

A RESOLUTION OF THE CITY OF LAKE LAND, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCE; PROVIDING FOR CONFLICTS AND SEVERABILITY; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4677; Proposed 08-014; 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 Verplanck moved to approve the resolution. Commissioner Higgins seconded.

Mayor Fletcher asked for comments and there were none.

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

Resolution 4678; Proposed 08-016; Subordination Agreement with FDOT – Parcel 523.2 -- State Road 572 (Drane Field Road)

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR THE SUBORDINATION OF CITY UTILITY INTERESTS LOCATED WEST OF THE INTERSECTION OF STATE ROAD 572 (DRANE FIELD ROAD) AND WARING ROAD – PARCEL 523.2; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4679; Proposed 08-017; Subordination Agreement with FDOT – Parcel 523.3 -- State Road 572 (Drane Field Road)

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR THE SUBORDINATION OF CITY UTILITY INTERESTS LOCATED WEST OF THE INTERSECTION OF STATE ROAD 572 (DRANE FIELD ROAD) AND WARING ROAD – PARCEL 523.3; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4680; Proposed 08-018; Resolution in Support of Polk County's Membership in Tampa Bay Area Regional Transportation Authority

A RESOLUTION OF THE CITY OF LAKE LAND RELATED TO TRANSPORTATION; RECOGNIZING THE IMPORTANCE OF REGIONAL TRANSPORTATION PLANNING; INDICATING ITS SUPPORT FOR MEMBERSHIP IN THE TAMPA BAY AREA REGIONAL TRANSPORTATION AUTHORITY (TBARTA); URGING THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY TO SEEK LEGISLATION TO BECOME A MEMBER OF TBARTA; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the sort title.

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

Mayor Fletcher asked for comments.

Tim McCausland met with three of the five county commissioners. The County had a meeting on Wednesday. Tim had requested to appear before them as a member of the public. He would know more Wednesday.

Doug Thomas explained there might be a question of timing. The County had requested a study that would not be complete until early April.

Commissioner Fields said the City needed to convey that TBARTA allowed members to be involved in more than one group. It also did not permanently

attach the member county to a specific group. There were countywide benefits to being a member of this group.

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

Miscellaneous Reports and Communications

- * **Memo re: First Amendment to Interlocal Agreement with Polk County Providing for Wet-Weather Discharges into City of Lakeland Wetlands Treatment System**

This was an amendment to the interlocal agreement with Polk County providing for an increase in the County's maximum permissible reuse water flow quantities into the City's Wetlands Treatment System from 2.0 mgd to 4.0 mgd. This increase resulted from an expansion project to the Southwest WWTF currently underway. The City's wetlands have sufficient capacity to accommodate this increase in the County's excess effluent without detriment to the system.

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: Agreement with Tampa Bay Trane for Installation of Chillers at Lakeland Electric & Water Administration Building

This was an Agreement with Tampa Bay Trane for the design and installation of two new 200-ton Trane chillers, together with all associated valves, piping and controls, at the Lakeland Electric Administration Building. The existing chillers serving the LE Administration Building were inefficient and near the end of their life cycle. Staff projected a saving of approximately \$141,000 per year through greater energy efficiency because of the new chiller system. Staff chose Tampa Bay Trane for the project following a thorough evaluation of qualified contractors. Under the Agreement, the City would pay Trane a total contract price of \$981,352 for the design and installation. The City had separately procured the actual chillers at a cost of \$156,148 from Trane Corporation, the parent company of Tampa Bay Trane. Tampa Bay Trane was to substantially complete installation no later than October 15, 2008.

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

Tim McCausland presented this item to the Commission.

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

FINANCE DIRECTOR - None

AUDIENCE

David Pendry, City retiree, came forward. The Pension Board recommended a 2% benefit increase and Doug Thomas recommended 1.2%. Mr. Pendry asked the Commission to instruct the City Manager to provide a 2% benefit increase rather than a 1.2% increase.

Mayor Fletcher asked Doug Thomas to give a summary as to why he was recommending a 1.2% increase.

Doug Thomas explained that the current retirement system did not have a built in cost of living adjustment. There was no financing designed to accommodate an annual cost of living adjustment. The plan was designed as a profit sharing program. When there were sufficient profits in the plan to accomplish a benefit increase, a mechanism allowed the distribution of those dollars to the retirees up to a maximum 4%. The cost of active salaries was not the sole reason for the years of no benefit increase. The actuarial firm GRS did not fully factor in the costs associates with the classification compensation system. GRS did not take into account the transition cost.

As a result of the actuarial study of the actuarial firm, the report has assumptions that would increase the City's required contribution from 14.89% to 15.65%. Staff asked the pension board to ask GRS to run any new actuarial assumptions as a percentage of payroll as opposed to amortizing the amount. Doing that reduced the City's required contribution from 15.65% to 14.51%. That would represent a savings of 1.14%. That was a \$1.2 million annual cost. Staff proposed using a percentage of that savings for a benefit increase. The Pension Board recommended a 2% increase. He was concerned about that for a few reasons; 1) it would cause an increase in the City's contribution, 2) market volatility and 3) GASB 45 regulatory issues, which would require the city to address the post retirement healthcare subsidy cost that the city pays for retirees. That subsidy was based upon a percentage of the number of years an employee had.

Penny Chappell thanked Commission for the 1.2%.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Wiggs wished everyone a Blessed Easter

Justin Troller attended the 12th Congressional District Art Competition at the Polk Museum of Art. He also attended American Pie Day and the Police Open House was Saturday. These were great events in the community.

UTILITY - CONSIDERED AFTER 1PM UTILITY COMMITTEE MEETING

The Lakeland City Commission reconvened in Regular Session in the City Commission chambers. Commissioners Glenn Higgins, Justin Troller, Jim Verplanck, Howard Wiggs, Gow Fields, and Mayor Fletcher were present. Commissioner Yates was absent. City Manager Doug Thomas, City Attorney Tim McCausland, and City Clerk Kelly Koos were present.

Mayor Fletcher called the meeting to order at 2:46 p.m.

*** Memo re: Approval of Continuing Contract with Sargent and Lundy for Electric Power Engineering Services**

In July 2007, Lakeland Electric began the process of renewing its Continuing Contracts with power engineering firms in accordance with the Florida Consultants Competitive Negotiation Act. In September 2007, staff presented the City Commission with a ranked shortlist of twelve (12) proposed firms and a template contract. The ranked shortlist and the template agreement were approved, but with the caveat that if any changes were made to the template contract, the changes would be brought back to the Commission. At this point, the City had signed contracts with nine out of the twelve proposed firms. The remaining holdouts are Worley Parsons, Sargent & Lundy, and Burns & McDonnell. Each holdout was seeking some form of limitation of their liability. In the case of Sargent and Lundy, staff felt they had reached a sufficient compromise. Under the compromise, Sargent and Lundy would not be entitled to a blanket limitation of liability but nonetheless reserved the right to negotiate for liability limitations in the individual task authorizations for specific projects. The City retains the right to reject any Sargent and Lundy proposal it finds objectionable and enter into a task authorization with another firm.

Staff recommended that the Commission authorize the appropriate City officials to execute the Continuing Contract with Sargent and Lundy.

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

Memo re: Agreement with Babcock & Wilcox Power Generation Group for Engineering Services and Materials Related to SCR Retrofit Project at McIntosh Unit 3

In accordance with the City Commission's prior direction, Lakeland Electric (LE) was proceeding with the design and construction of a Selective Catalytic Reduction (SCR) system for McIntosh Unit 3 to reduce its NOx emissions and comply with the

Clean Air Interstate Rule (CAIR). To date, the primary focus had been on securing engineering and construction services, equipment, and materials (i.e. structural steel) necessary to support retrofitting an SCR to McIntosh Unit 3. Another dimension to the project was carefully examining and planning for any effects that the addition of the SCR may have on existing equipment, more specifically to the boiler, air heater, electrostatic precipitator, and the induced draft fans.

The most significant concern was making sure that Unit 3 does not experience a "structural collapse" anywhere in the "flue gas flow path" due to the addition of the SCR and modified induced draft fans. Such a collapse could be catastrophic, thereby causing the plant to be inoperable for a lengthy timeframe (i.e. months) depending upon the extent of the damage. Mitigating the structural problems caused by the SCR and modified induced draft fans were part of the SCR project plan from the beginning. The original plan was for the City's Engineer (Sargent & Lundy) to design any necessary modifications to the plant to account for the increased structural loads. However, staff later learned that there was an insufficient amount of detailed information (i.e. drawings & structural calculations) on file to support Sargent & Lundy's (S&L) work.

The City requested Babcock & Wilcox (B&W), the original equipment manufacturer of the Unit 3 boiler, to provide the missing information. They declined to do so based upon the proprietary nature of the information. This same type problem is frequently encountered when requesting information from companies such as Siemens, General Electric, and other companies. In this instance, staff had no other choice but to declare B&W as a "sole source" provider of the necessary structural engineering work. The City requested B&W submit a proposal to provide the structural engineering work. B&W stated that it would be willing to undertake the work only if it furnishes any structural steel reinforcing material that results from the structural engineering work. Bow's lump sum price to provide the structural engineering work was \$574,641.00 and all structural steel reinforcing material would be provided on a "cost plus basis" (i.e. direct cost + 33%). A material scope of supply could not be identified until after B&W completed the structural engineering work so it was not possible to quote a lump sum price for materials at this time. An initial allowance amount of \$300,000.00 was included in the contract. The contract schedule required that B&W complete the engineering work within 21 weeks after notice to proceed and deliver all materials within 8 weeks after receipt of approved drawings from the City. The schedule was tight but materials would be delivered in time to be installed during the SCR installation outage that was scheduled to begin on 10/25/08.

B&W estimated that it would expend 5,174 man-hours on this work, which yielded an average price of \$111.06/man-hour. For comparative purposes only, staff examined past S&L invoices for work performed on the SCR project and an average rate of \$99.59/man-hour was determined. Based upon this simple comparison, it would appear that B&W's price was reasonable.

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

Tim McCausland presented this item to the Commission.

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

CALL FOR ADJOURNMENT – 2:51 p.m.

LAKELAND CITY COMMISSION
Agenda Study Session
March 14, 2008

The Lakeland City Commission met for the Agenda Study Session in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Justin Troller, 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 staff and media.

Doug Thomas asked Chuck Barmby to introduce the representatives from FDOT, Richard Gillenwater, and Michael Cox. They were requesting the City crews construct some median closures with Quick Curb. Chuck distributed handouts depicting the medians FDOT wanted closed. Copies of those handouts are on file in the Agenda Packet. The Quick Curbs would be temporary until permanent medians could be installed. Full construction would begin by the end of the calendar year.

Doug Thomas covered the Presentations and Proclamations and Requests to Appear from the General Public.

Commissioner Fields announced that he might be out for jury duty on Monday.

Tim McCausland covered the Public Hearings. He recommended the Commission postpone proposed ordinance 07-106. Doug Thomas would give a report on Monday as to the status of this project.

Proposed Ordinances 08-017 and 08-018: Jim Studiale had language prepared that would require a masonry wall between the development and the neighborhood. The other concern was transports. The neighborhood did not want the trucks unloading on the right of way. The neighborhood did not want the dealership to have an access on North Florida Av. They were concerned about the traffic. The site plan had an unloading area and the access off North Florida was for employees only. The group discussed how forceful the City could be in enforcing the no loading on the street.

Items II-B and II-C will come before the finance committee.

Doug Thomas covered the City Manager agenda. The group discussed the North Lakeland Eastern Connector Study. Staff was recommending Alternative #2.

The group discussed the Nortel Voice Communications Switch.

Task Authorization for Construction Engineering Services for Grasslands Boulevard/Harden Boulevard Signalized Intersection Improvements Project: Doug Thomas explained that the private sector would do approximately 50% of the work. Doug

Thomas would ask Purchasing to get a report concerning what contractors were from the Lakeland area. Rick Lilyquist looked at the continuing contract that Kilebrew had with the County. It was mainly for under grounding utilities.

Successor Collective Bargaining Agreements between City of Lakeland Police Department and West Central Florida Police Benevolent Association for Police Officers, Sergeants and Lieutenants: The group discussed the separation of the police pension from the general pension. The retirees would like the opportunity to choose for themselves. If the state approved the plan, the City would like to allow the retirees to vote. The majority would rule and they would all have to stay or go.

Doug Thomas' Verbals:

Herb Hernandez and Earl Haines were present. Sam Simmons sent a letter concerning the Lakeland Housing Authority (LHA). Herb Hernandez responded to Mr. Simmons' concerns. A copy of Herb's response is on file in the agenda packet.

Jim Studiale reviewed the revised language for proposed ordinances 08-017 and 08-018. He gave the language to Tim McCausland to update the ordinances before Monday.

Tim McCausland covered the Ordinances for First Reading.

In Proposed Ordinance 08-021, staff recommended a 1.2% benefit increase to the retirees.

Tim McCausland covered the Resolutions.

Tom Mattiacci covered proposed resolution 08-015. This was for the English Oaks project. The project was broken into 3 phases. Phase I was for the pump station south of the airport and the pipeline up to the existing pump station. Phase II was for two pump stations and pipeline. Phase III would come forward later for pipeline east of the Glendale Plant. The State required the resolution to grant the loan. The City would repay the loan with the wastewater system revenues. The interest rate was approximately 2.3%

Proposed resolution 08-018 was for Tampa Bay Area Regional Transportation Authority (TBARTA). The TBARTA board consisted of 13 members based on the population of the member counties. If Polk County joined, it would be the third largest most populous county. Tim McCausland was proposing that Polk be given two seats one selected by the County Commission and one being the mayor (or his designee) of the most populous city in Polk County, Lakeland. He hoped that the County Commission would be supportive of the issue at their agenda study session today.

Palmer Davis, Assistant City Attorney, covered the Miscellaneous Reports and Communications.

The Agenda Study Session adjourned at 10:26 a.m.

**The Lakeland Center Rate Workshop
March 14, 2008**

The Lakeland City Commission met for this workshop in the City Commission conference room. Commissioners Edie Yates, Howard Wiggs, Justin Troller, and Mayor Fletcher were present. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Community Development Director Jim Studiale, Assistant City Manager Stanley Hawthorne, Finance Director Greg Finch, City Clerk Kelly Koos, and Lakeland Director Mike LaPan were present along with staff.

Doug Thomas called the meeting to order at 11:47 a.m.

Mike LaPan gave the presentation. He began by recapping the FHSA Championships and the income generated by the events.

Commissioner Troller expressed the need for credit/debit cards at the concession stands.

These championship events were scheduled through 2011. The Lakeland Center generated a positive cash flow on these championships. That was possible because of the Championship Committee and the funds they raise. The Lakeland Center made \$60,000 this year including the sponsorships.

Mike LaPan covered the Rental Rate Adjustment Proposal. TLC had not had a rental increase since 2000. He then covered the Parking Fee Adjustment. All of these proposals would come back to the Commission in resolution format at the first meeting in April.

The workshop adjourned at 12:22 p.m.