

**LAKELAND CITY COMMISSION**  
**Regular Session**  
**March 19, 2007**

The Lakeland City Commission met in Regular Session on Monday, March 19, 2007 in the Commission chambers. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Fletcher were present. Deputy City Manager Tony Delgado, City Attorney Tim McCausland, Assistant Finance Director Mike Brossart and City Clerk Kelly Koos were present.

Mayor Fletcher called the meeting to order at 9:01 a.m.

**INVOCATION**

Pastor Alonzo Watkins of Refuge Church of Our Lord offered the invocation followed by the salute to the flag.

**PRESENTATIONS**

**Community Development - New Commercial Site Plan Review Process**

Steve Bissonnette made the presentation on behalf of the Site Plan Review Team.

Mayor Fletcher announced that the Utility Committee would meet this afternoon at 1 p.m.

**Institute for Elected Municipal Officers Certificate - Commissioner Wiggs**

Mayor Fletcher presented this award to Commission Wiggs.

**PROCLAMATIONS**

**Community Development Week**

**Fair Housing Month**

**Boys & Girls Club Week**

**APPROVAL OF CONSENT AGENDA**

- \* City Commission Minutes 3/2/07-3/5/07
- \* Utility Committee Minutes 3/5/07
- \* Memo re: Second Amendment to Joint Project Agreement with FDOT - Lakeland In-Town By-Pass - Phase II
- \* Memo re: Supplemental Agreement to Task Authorization with Dyer, Riddle, Mills & Precourt, Inc. to Update Roadway Construction Plans - Lakeland In-Town By-Pass - Phase II

- \* Memo re: Change Order to Construction Contract with Gibbs & Register, Inc. for Fort Fraser Trail Project
- \* Memo re: Approval of Short Listed Environmental Consulting Firms for Risk Management
- \* Memo re: Amendment to Coal Supply Agreement with the New Coal Company

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

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

- \* **City Commission 03/02/07-03/05/07**

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

- \* **Utility Committee 03/05/07**

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

### **Municipal Boards & Committees 03/16/07**

The Municipal Boards Committee met on Friday, March 16, 2007 in the Commission chambers. Commissioners Jim Verplanck and Glenn Higgins (members) were present. Commissioner Boring (chair) was absent. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Community Development Director Jim Studiale, City Attorney Tim McCausland, Assistant to the Finance Director Stanley Hawthorne and City Clerk Kelly Koos were present along with administrative staff.

Commissioner Verplanck called the meeting to order at 9:46 a.m.

#### **Affordable Housing Review Committee:**

*Recommendation from Housing Division Staff to appoint Sandra Serletic to replace Bill Little whose second term expired January 31, 2007. Mrs. Serletic will fill the position of the member who is "actively engaged in the banking or mortgage industry," and her term will be for three years and expire March 31, 2010.*

Recommendation: Commissioner Higgins moved to approve the appointment of Sandra Serletic to the Affordable Housing Review Committee. Commissioner Verplanck concurred.

#### **Code Enforcement Board:**

*Recommendation from Brian Rewis to appoint Neil Merrill to replace Lorrie Delk Walker who resigned as an alternate member of the committee. Mr. Merrill will fill the remainder of Mrs. Walker's term, which expires July 31, 2008 and will be eligible for two additional terms.*

**Recommendation:** Commissioner Higgins moved to approve the appointment of Neil Merrill to the Code Enforcement Board as an Alternate Member. Commissioner Verplanck concurred.

**Central Florida Development Council (CFDC):**

The Lakeland appointment to the Board of Directors of the CFDC, Anu Saxena, has resigned. Greg Ruthven has been suggested to fill the City Commission appointed seat and is willing to serve if chosen. The term would run through September 2009.

**Recommendation:** Commissioner Higgins moved to approve the appointment of Greg Ruthven to the CFDC. Commissioner Verplanck concurred.

**Historic Preservation Board:**

Jim Studiale recommended the appointment of Mary Ann Zender as the 10<sup>th</sup> member and representative of the Lake Morton Neighborhood Association and Lori Smith as the 11<sup>th</sup> member.

**Recommendation:** Commissioner Higgins moved to approve the appointments of Mary Ann Zender and Lori Smith to the Historic Preservation Board.

The Committee adjourned at 9:52 a.m.

**Action:** Commissioner Verplanck moved to approve the recommended appointments and the motion carried unanimously.

**REQUESTS TO APPEAR FROM THE PUBLIC**

**Deborah Garringer of Carter Belcourt and Atkinson, P.A. presenting the Comprehensive Annual Financial Report for Year Ending September 30, 2006**

Ms. Garringer explained CBA was Issuing an unqualified audit report, also known as a clean audit report. The will meet with the Finance Committee in two weeks.

**PUBLIC HEARINGS**

**Ordinances (Second Reading)**

**Ordinance 4839; Proposed 07-015; Amending Lakeland City Code Section 78-9 Regarding Street Solicitation (1st Rdg 2/19/07, Contd 3/05/07))**

AN ORDINANCE RELATING TO SOLICITATION, PEDDLERS; AMENDING CHAPTER 78 OF THE CODE OF THE CITY OF LAKELAND, FLORIDA; PROHIBITING THE PRESENCE OF ANY PERSON ON ANY STREET WITHIN THE CITY OF LAKELAND FOR THE PURPOSE OF SOLICITING AS DEFINED HEREIN; 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.

Commissioner Wiggs asked about the City's contact with the County re people soliciting on the edge of the City limits. Tim McCausland communicated with the County on the issue and they were still discussing the best way to approach the issue. He thought there had been a bill filed in Tallahassee that would only allow FDOT to make those decisions. Everyone was waiting to see how that bill progressed.

**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 4840; Proposed 07-018; Amending Ordinance 4681; Revising Fire Permit Fees to Provide for Recovery of Costs for HAZMAT Response (1st Rdg 3/05/07)**

AN ORDINANCE RELATING TO FIRE PROTECTION; AMENDING ORDINANCE 4681; PROVIDING FOR REIMBURSEMENT FOR HAZARDOUS MATERIALS RESPONSE COSTS; PROVIDING FOR SEVERABILITY; 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.

**Ordinance 4841; Proposed 07-019; Establishing PUD Zoning for 42.35 Acres Located in the Northwest Quadrant of Grasslands, North of the Polk Parkway, West of Harden Boulevard (1st Rdg 3/05/07)**

Enter short title

Tim McCausland read the short title. He explained they had discussed delaying action on this order however; Jim Studiale had comments concerning the ordinance.

Jim Studiale, Community Development Director, explained that this zoning related to the rewrite of the Drummond DRI/DO and the CRA. Issues have been resolved with the County. Jim was just waiting for written confirmation. The Commission could approve the ordinance now because the ordinance required the Development Order issues to be resolved prior to the issuance of the first building permit.

Edward Wood, Trammel Crow representative, presented the zoning case for this project.

Peter Croes, Turnberry Residence, presented a brief history of this project:

- \* submitted petition in Dec 2006
- \* presented minutes from P7Z meeting 6/16/98 that reflected second entrance connecting to Harden Blvd. with a gate similar to The Enclave
- \* July applicant asked for delay because of residential objections
- \* August Mr. Barber sent letter to Jim Verplanck stating that he would install sidewalks when property was donated. Drummond owned the property and no sidewalks were installed.
- \* August 18 P&Z Mr. Barber commitments for gates sidewalks and speed signs
- \* September 8 hearing Drummond (Rick Barber) Turnberry would have its own gate to the connector road to Harden Blvd.

He requested the City drop the requirement for the Access G requirement. The developer promised that the gate would be installed and the public would not be able to access the road. The residents did not want that access to The Villages at all. They were concerned about safety for the residents.

Ordinance 4501 included Access G. The City's planning department requested this access and the residents did not want that.

Commissioner Verplanck explained that this public hearing was to discuss the apartments not Access G.

Commissioner Wiggs asked if written representation was ever made that there would be no access to The Villages.

Commissioner Higgins agreed with the residents on this issue.

Richard Fansler, Turnberry Residence, asked if the traffic was going to be low, why the gate was needed. Once the road was there, there will be the potential for it to become a two-way road. He was against the access to Lakeside Village.

Commissioner Verplanck asked why staff requested Access G.

Jim Studiale explained the access from Turnberry was to give people in the southern reaches of Grasslands access to Lakeside Village. It was also and more importantly in there because the master plan showed interconnections. This was a development with 1400 houses with one way in and one way out. They wanted more than one way in and

one way out. The original objections had everything to do with redesigning the apartment complex from an apartment complex, which was urban in feel and a part of Lakeside Village to a gated community that the public could not enter. In listening to the residences, they created a two-way system with gates that were sliding both for pedestrians and for vehicles so that in leaving Turnberry you had to go through two gates. It was staff's view that those southern subdivisions would be the users. He had received calls from residences in those subdivisions that wanted the access. The real reason this was put in the master plan was to try to get the internal connections to have less traffic going out on the main roads.

Commissioner Fields clarified that staff believed that the residents in Grasslands that lived closest to the southern end would use the exit to access Lakeside Village not so much to get to west Lakeland.

Jim Studiale explained that when the residents come out they would still have to wind all around Lakeside Village to get out to Harden Blvd. Staff believed the access was there for those in the southern regions. Grasslands was very circuitous. Once a driver is north of Winged Foot, they would be more likely to go out Harden Blvd.

Commissioner Fields clarified that Mr. Croes believed that residents that were more northerly in the development led him to believe they would be coming through on Turnberry as well, which is contrary to what the planning staff believed would happen.

Jim Studiale explained that the cul de sac was built with a median in the middle and an access that showed it going to the future southern road. He believed the development needed it as an emergency exit because there was only one exit and a train yard next door. There could be a scenario where the residents from the 1400 homes would need to evacuate and you would want a second way out. Staff had said from day one that there would be an access as had been shown in Lakeside Village and in the Turnberry zoning. The second issue was can people use it as an exit and how much traffic would that bring. Staff believed it made sense to use it as an exit as opposed to somebody who lived in Turnberry to have to go all the way out and come down Harden Blvd to get to Lakeside Village.

Commissioner Verplanck clarified that the original plan for the area known as Turnberry was to access through Oakbridge Blvd. The original plat for Fairway Lakes they stubbed out an area in case that other plan was not implemented. So, the way Turnberry developed was an after thought. They had to come through the golf course to get to it. If the City thought that people should be driving through Turnberry to get to the south, they should have required a better road design. Those roads are not adequate for through traffic.

Commissioner Wiggs asked if the Commission had the legal authority to deny the apartments.

Jim Studiale replied that the Commission had the authority to approve and not approve zoning and all its specifics. This was a PUD so the Commission could look at every

condition. The point, does it have the right land use? Yes. Having the right land use means it going to be multifamily. There has been quite a debate that many residents understood it to be townhouses and preferred it to be townhouses and now it has become apartments in their view. Staff never saw that distinction. When staff looked at multifamily, it could be ownership or rental. He thought that ultimately the HOA should control the gate. The gate should be closed in the middle of the night. People react out of fear. The reality was that if it was as bad a situation as the residents believed, they should have some control. He believed that once the gate is in operation for a year, people would see what it is. Yes, there will be more trips leaving Legend Circle or Turnberry to go to Lakeside Village but there will not be people wanting to turn it into the primary access out of the development. It will simply be the last two subdivisions at the end of a long road called Grasslands Drive will go that way because the live right there. With that in mind, I think they have the ability to put the gate in control of the HOA and ultimately let the HOA control the gate. In the short term, you need an emergency exit for this large development and it should be built. The neighborhood should live with it and see that their worst fears are not realized. It would still serve to interconnect an urban community that was a DRI planned many years ago. The Turnberry zoning and Lakeside Village always showed the access.

Eddie Yates asked how the residents north of Turnberry felt about Turnberry traffic traveling through their neighborhood. Would that alleviate some traffic in their subdivisions? She felt they should install the de-access and then let the HOA make the decision on it. There are more homeowners involved than just the ones in Turnberry.

Commissioner Verplanck had heard from residents in Fairview Lakes that did not want the access. He had not heard from anyone who wanted the access.

Jim Studiale thought the middle ground was to look at how it works, give the residents the right to come back and address it. Perhaps the traffic should be monitored to see what it does for a period. They could add speed ramps too. He did not believe it was going to get a ton of through traffic.

Dick Alsopp, Turnberry Resident, was concerned about driving on Harden Blvd. and he wanted the access to Lakeside Village. He was also concerned about the 312 apartments that were going up. He preferred townhouses or condominiums. He felt apartments would lower the value of their homes. There were burglaries in the apartments across Harden and he was concerned about crime in the new apartments too. He was in support of the gate.

Commissioner Boring clarified that the developer had the legal right to build the units.

Jim Studiale said the issue at the Planning and Zoning hearing was that the residences did not want the apartments. Staff worked on the buffering.

Dean Boring clarified that staff was recommending the access as an emergency exit.

Jim Studiale explained this large development needed an emergency exist. It made sense with the access at that point because it was planned in the Lakeside Village and it was planned in Turnberry and it has been planned through out the experience of developing this master planned DRI community. It is both an emergency access because there should not be that many units tied to one point of entry or exit and secondly, it is for circulation.

Commissioner Fields asked if the developer was amenable to giving control of the gate to the homeowners.

Jim Studiale explained that all of these subdivisions ultimately are run by the residents in the subdivision. At some point, if the HOA lived with it for two years, then came back, and said this was ruining their quality of life, by then they would control the HOA. If 2/3 of them voted to keep the gate closed except on an emergency basis, he could accept that. He said they would monitor the traffic and see what it did. He still thought it was very important. The project was designed with the gate.

Commissioner Fields asked Jim if he communicated this to the residents.

Jim Studiale replied no. He believed this southern exit only was good for Grasslands and good for the development and he thought the City should maintain it. He said a middle ground would be to do that but he had not thrown that at the residents.

Commissioner Verplanck could accept the proposal on the gate as long as the developer would work with the residents on the gate.

**Motion: Commissioner Verplanck moved to approve the ordinance. Commissioner Boring seconded assuming that the developer would work with the homeowners on the gate.**

Jim Studiale asked to lay that out as a condition of the approval so that it is clear. He would put on Drummond, the developer, to monitor the traffic at six months and one year and then allow the residents to come and talk to the Commission. After the monitoring at six and twelve months, the City could look at a provision that allowed 2/3 vote of the Turnberry HOA to control the gate. The developer wanted to give up these gates ultimately. At that point, if this Commission determined that there was sufficient traffic, it did hurt the quality of life, and Mr. Croes was petitioning as he has in the past then the City would turn it over to them. He felt the developer should look at the traffic and provide that information at six and twelve month intervals. He requested the Commission approve the ordinance with that condition.

Commissioner Boring raised the issue of getting input from the entire area rather than just Turnberry.

Jim Studiale thought the City would hold a public hearing if it came to the point that they were going to make that change.

Peter Croes asked to redirect. He was hoping the gate would go away. He said the Drummond Co. controlled the HOA. They had the supermajority and would for two more years. There were not 1400 houses behind the gate. The original master plan that everyone keeps referring to planned for a primary exit for Turnberry through Oakbridge Blvd, which Community Development allowed to slip away. That was the future road that was intended for Turnberry as discussed in the minutes that he presented earlier. Their worst fears were that they would be stuck with the problem. 189 residents were against the gate.

Commissioner Wiggs asked Mr. Croes if he thought that a compromise might be reached by allowing the HOA to close it off in a year or 18 months.

Mr. Croes did not think so.

Mayor Fletcher thought the compromise would be controlled by the HOA.

Commissioner Verplanck thought the HOA would be turned over to the homeowners as soon as Trammel Crow signed their contract.

Mr. Croes did not agree. Drummond re-elected themselves just two weeks ago.

Commissioner Verplanck asked to homeowners to give the City a chance. If it did not work then they would take action to do something about it.

Commissioner Wiggs was not going to support the amendment as proposed if the citizens did not support it. He did think that the additional access would increase crime.

Mayor Fletcher asked if they could get a unanimous vote if the gate was just a safety gate, put in to hold the opening. Later on if the HOA wanted to open the gate, they could or they could leave it lock permanently, except for an emergency.

Jim Studiale said that was not what he was proposing. What he was proposing was that they monitor it for a year and a half and at the end of the year and a half, if the HOA continued to believe that the change was detrimental to the enjoyment of their property, then the City would allow them through a formal action to show that they voted and 2/3 of majority in Turnberry and they close the gate. If they come before that then certainly this Commission could consider it. His point was that they were working on fear.

Commissioner Verplanck clarified that Trammel Crow apartments would be fenced and gated.

Richard Fansler preferred it be an emergency gate for fire trucks, ambulances and emergencies only.

Mayor Fletcher said the chair was looking for a compromised motion on this.

Mr. Croes said the residents were going to be disappointed that staff recommendations would win over their personal interests.

Mayor Fletcher asked to hear the motion again.

**Restated Motion:** Commissioner Verplanck moved to approve proposed ordinance 07-019 and along with that the compromise that Jim Studiale add to monitor the traffic for up to 18 months and that the HOA control the egress gate at the south end of Turnberry.

Mr. Alsopp came forward to ask that the apartments only be two stories.

Jim Studiale explained the buffering and that the developer did have the right to go three stories high.

**Action:** Mayor Fletcher called for the vote and upon roll call vote, Commissioners Yates, Fields, Verplanck, Boring, Higgins and Mayor Fletcher voted aye. Commissioner Wiggs voted nay. Ayes: six. Nays: one. The motion carried.

## CITY MANAGER

### Recommendation re: Martin Luther King, Jr. Boulevard Beautification Project

Components of the Martin Luther King, Jr. Boulevard (MLK) beautification project from Myrtle Street to Memorial Boulevard were currently underway. The last phase of the project included landscaping, irrigation and street pavers, which would include inspirational words on the boulevard within the center medians that were reflective of Dr. Martin Luther King's vision. The project was equally funded by the Mid-Town CRA and a FDOT Highway Beautification Grant at a budget of \$400,000. The landscape theme would complement the recently completed landscaping elements on MLK Boulevard north of Memorial Boulevard. Landscaping elements included palm trees in the medians and crape myrtles along the boulevard edge.

The City has received the following four qualified and responsive bids for the landscaping and irrigation components of the project:

Commercial Landscaping & Irrigation	\$174,200
Vila & Sons	\$198,688
Garden World	\$170,391
US Lawns of Lakeland	\$173,249

After review by City staff and the Purchasing Department, staff recommended that the Commission award the low bid from Garden World of Kissimmee, Florida the landscaping and irrigation components of the project. Currently Grade-away Construction was administering the asphalt cuts and curbs for the new medians and Central Pavers, Inc. would provide materials and installation of the median pavers.

Staff recommended that the City Commission authorize the appropriate City officials to execute an agreement with Garden World to construct landscaping and irrigation of the MLK Boulevard Beautification Project for the fee of \$170,391.

Tony Delgado presented this item to the Commission.

**Action:** Commissioner Verplanck moved to approve the recommendation. Commissioner Boring seconded and the motion carried six to zero. Commissioner Fields was absent at that time.

## CITY ATTORNEY

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

Tim McCausland explained that the Commission planned to reconvene after the Utility Committee and then have the first reading for Proposed Ordinance 07-020.

#### **Proposed 07-024; Vacating a Portion of West Peachtree Street, a Portion of North Missouri Avenue and a Portion of an East/West Alleyway**

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING A PORTION OF WEST PEACHTREE STREET, A PORTION OF NORTH MISSOURI AVENUE, AND A PORTION OF AN EAST/WEST ALLEYWAY, ALL LOCATED NORTH OF WEST OAK STREET, SOUTH OF WEST MAGNOLIA STREET, EAST OF NORTH NEW YORK AVENUE AND WEST OF NORTH FLORIDA AVENUE, LOCATED WITHIN THE CITY OF LAKE LAND; 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 April 2, 2007.

#### **Proposed 07-025; Providing for Year Round Water Conservation Measures and Temporary Water Shortage Restrictions; Recognizing Southwest Florida Water Management District (SWFWMD) Rules**

AN ORDINANCE RELATING TO THE IMPLEMENTATION OF YEAR ROUND WATER CONSERVATION MEASURES AND TEMPORARY WATER SHORTAGE RESTRICTIONS; PROVIDING FOR RECOGNITION OF RELATED RULES OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT ON A CITYWIDE BASIS; PROVIDING DEFINITIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; REPEALING ANY INCONSISTENT

PROVISIONS; REPEALING ORDINANCE 4166; PROVIDING FOR SEVERABILITY; AND 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 2, 2007.

## **Resolutions**

### **Resolution 4598; Proposed 07-018; 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 Boring seconded.

Mayor Fletcher asked for comments and there were none.

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

## **Miscellaneous Reports and Communications**

- \* **Memo re: Second Amendment to Joint Project Agreement with FDOT - Lakeland In-Town By-Pass - Phase II**

The Lakeland City Commission previously authorized a Joint Project Agreement (JPA) between the Florida Department of Transportation (FDOT) and the City of Lakeland on July 17, 2006. This Agreement provided for the City to receive \$621,524.43 in State funding to update and complete the design/roadway construction plans for the West section of the Lakeland In-Town By-Pass (S.R. 548) from existing S.R. 600 (George Jenkins Highway) to S.R. 35 (Florida Avenue). As a result, the City has entered into a Task Authorization with the firm of Dyer, Riddle, Mills & Precourt, Inc. (DRMP) in the not-to-exceed amount of \$621,524.43 to perform the professional engineering services.

The First Amendment to the JPA, submitted and approved on December 4, 2006, provided for additional funding for the redesign of the concrete beam bridge and the design for the retaining wall across the severed portion of the Florida Tile pond. The total dollar amount for this amendment was \$130,517.58. The addendum was for the design services to remove the existing concrete-lined retention facility located on the

former Florida Tile property and to fill it in with embankment during construction of the westerly section of the Lakeland In-Town By-Pass. The total amount for this amendment was \$26,034. FDOT reviewed and approved this additional cost.

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

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

\* **Memo re: Supplemental Agreement to Task Authorization with Dyer, Riddle, Mills & Precourt, Inc. (DRMP) to Update Roadway Construction Plans - Lakeland In-Town By-Pass - Phase II**

This Supplemental Agreement would permit DRMP to update roadway construction plans for the western section of the Lakeland In-Town By-Pass (S.R. 548) from existing S.R. 600 (George Jenkins Highway) to S.R. 35 (Florida Avenue), to remove the former Florida Tile concrete-lined retention facility and fill it in with embankment material. The City and the Florida Department of Transportation (FDOT) will execute a second amendment to the Joint Project Agreement (JPA), which you previously considered in this meeting, wherein the Department committed to funding the subject services for \$26,034. Reimbursement for services performed would be on a quarterly basis. An appropriation was necessary in order to fund the services initially and prior to reimbursement. Staff recommended that the Lakeland City Commission take the following action:

- Authorize the City Manager to execute this Supplemental Agreement to the Task Authorization with Dyer, Riddle, Mills & Precourt, Inc. on behalf of the City of Lakeland in an amount not-to-exceed \$26,034.
- Authorize the Finance Department to make the necessary appropriation to fund the services, preceding reimbursement by FDOT.

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

**Memo re: Leases for Grounds Keeping Equipment for Cleveland Heights Golf Course**

These were two proposed lease packages with GE Capital Corporation for new grounds keeping equipment (mowers) for Cleveland Heights to replace the outdated Ransome equipment. The replacement cost of the equipment was \$38,165.42 and included a mix of both new and refurbished Toro equipment. The new equipment was financed over a four-year period while the refurbished was over a two-year period. The deferred payment arrangement dovetailed with the Cleveland Heights operating budget.

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

Tim McCausland presented this item to the Commission.

**Action:** Commissioner Verplanck moved to approve the recommendation. Commissioner Boring seconded and the motion carried six to zero. Commissioner Wiggs was absent at that time.

\* **Memo re: Change Order to Construction Contract with Gibbs & Register, Inc. for Fort Fraser Trail Project**

The Fort Fraser Trail construction was almost complete. This Change Order, (No. 6) for \$46,227.00, will add the following items to the construction contract:

- \* Add eleven (11) directional signs to direct trail users to trailhead parking.
- \* Add 1,317 linear feet of rail fence to reduce non-authorized vehicle use of the trail.
- \* Add sixteen (16) bollards to reduce non-authorized vehicle use of the trail.
- \* Add seven (7) Dogipot Pet Stations.
- \* Add one (1) encased bulletin board on the Highland City Trailhead restroom building.
- \* Retrofit the pole mounted banners with wind pockets to reduce wind loading and future maintenance of the banners.
- \* Due to the special order items, this change order will also grant 113 additional calendar days to the contract.

Funding for \$46,227.00 was available in the budget for this project, which increased the contract amount from \$5,518,756.00 to \$5,564,983.00.

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

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

\* **Memo re: Approval of Short Listed Environmental Consulting Firms for Risk Management**

Enter item

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

**AUDIENCE - None**

**MAYOR AND MEMBERS OF THE CITY COMMISSION**

Commissioner Fields congratulated staff on a good job on the MLK Blvd beautification.

**Recess/reconvene:** The Commission recessed at 11:13 a.m. and reconvened at 4:18 p.m.

The Lakeland City Commission reconvened in Regular Session on Monday, March 19, 2007 in the 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.

Mayor Fletcher called the meeting to order at 4:18 p.m.

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

#### **Proposed 07-020; Establishing Rates for Electric Service for the City of Lakeland and Related Matters**

AN ORDINANCE RELATING TO THE ELECTRIC UTILITY; PROVIDING FOR AVAILABILITY OF SERVICE AND CONDITIONS THEREOF; ESTABLISHING RATES FOR ELECTRIC SERVICE BY THE CITY OF LAKE LAND; ESTABLISHING A SURCHARGE FOR CUSTOMERS RECEIVING SERVICE OUTSIDE THE CORPORATE LIMITS OF THE CITY OF LAKE LAND; ESTABLISHING GENERAL PROVISIONS; PROVIDING RATES AND GENERAL PROVISIONS FOR PRIVATE AREA LIGHTING; PROVIDING FOR AN ENVIRONMENTAL COMPLIANCE COST CHARGE; PROVIDING GENERAL PROVISIONS OF MEDICALLY ESSENTIAL SERVICE FOR RESIDENTIAL CUSTOMERS; PROVIDING FOR A REDUCTION IN THE ENERGY CHARGE FOR CERTAIN CLASSES OF CUSTOMERS IN AN AMOUNT EQUAL TO THE CAPITAL RECOVERY COMPONENT AS SPECIFIED HEREIN; PROVIDING FOR AN IMPLEMENTATION PROCEDURE; PROVIDING DEFINITIONS; REPEALING ORDINANCES 3681, 3692, 3720, 3793, 3804, 3972, 4572, 4621, AND 4664 OF THE CITY OF LAKE LAND, FLORIDA NOT SUPERSEDED HEREIN, AND ALL PRIOR ORDINANCES REPEALED THEREBY; 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

Tim McCausland read the short title as amended by the Utility Committee.

**CALL FOR ADJOURNMENT – 4:22 p.m.**

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Ralph L. Fletcher, Mayor

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Kelly S. Koos, CMC, City Clerk

**CITY OF LAKELAND  
AGENDA STUDY SESSION  
March 16, 2007**

The Lakeland City Commission met for the Agenda Study Session on Friday, March 16, 2007 in the Commission conference room. Commissioners Edie Yates, Gow Fields, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Commissioner Wiggs and Commissioner Boring were absent. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, City Attorney Tim McCausland, Assistant to the City Manager Stanley Hawthorne and City Clerk Kelly Koos were present along with administrative staff.

Doug Thomas called the meeting to order at 8:31 a.m.

Doug explained that most of the Commission was heading to Tallahassee next week. One initiative was the USF campus funding. Dr. Marshall Goodman and David Steele were present.

Dr. Goodman thanked the Commission and Steve Scruggs for their support on this project. This campus was going to be Florida's first polytech university. It was very special. It was hugely expensive. Polytechs focus on some of the most expensive fields and research that universities get into. He distributed a handout, which is on file in the agenda packet. By April 30, USF will have title to the land. To begin building they needed three things:

1. programs and faculty (recurring dollars) They have a Legislative Budget Request of \$1 million for this year. \$40 million was the total for the built out program. Half of that money would come from enrollment.
2. Facilities - successful in request to Board of Governors and Board of Trustees. They are on the PICO list. They would like the legislature to move the time line forward. The buildings would require a good deal of infrastructure. They were requesting \$48 million, \$20 million for infrastructure and \$20 million for building.
3. 3 Pace Road interchange. They have not formally submitted a bill to request this funding but they know it is an item the City and the County are discussing with the Toll Way Authority. The group was discussing a form of a special assessment on the properties that would benefit from the interchange.

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

Tim McCausland covered the Public Hearings.

1. He announced that his staff had posted an updated proposed ordinance 07-015 re solicitation this morning.
2. Proposed 07-019; Establishing PUD Zoning for 42.35 Acres Located in the Northwest Quadrant of Grasslands, North of the Polk Parkway, West of Harden Boulevard (1st Rdg 3/05/07) Staff would request a delay of the second hearing for two weeks, possibly more.

Doug Thomas presented the City Manager agenda.

Brick Paving on Kentucky Avenue in the Central Business District - Rick Lilyquist presented the proposed plans on this project. Because of costs, one alternative could be brick crosswalks. Crosswalks would better distribute the funds for improvements throughout downtown. Rick met with LDDA and DLP. Both groups favored the brick crosswalks over the brick paving. They were concerned about the closure of the streets during construction.

Anne Furr, LDDA Executive Director, thought that just bricking 3 blocks of Kentucky would have divided the downtown. Brick crosswalks in the intersections would be another signal that people are entering the downtown area.

Tim McCausland covered the City Attorney and Utility Committee agendas. He hoped to be able to do the first reading on proposed ordinance 07-020 re electric rates after the Utility Committee. There may be a delay to make changes after the Utility Committee.

The meeting adjourned at 9:46 a.m.

After the Municipal Board Committee adjourned, Commissioner Higgins asked about traffic on Lake Shore. Citizens were asking why it was closed during March, the busiest time of the year. It was a FDOT project not a City project. The City sent out a press release as FDOT started the project. Kevin would provide that press release to the Commission again to help with their questions.