

LAKELAND CITY COMMISSION
Regular Session
August 18, 2008

The Lakeland City Commission met in Regular Session in the Commission Chambers. Commissioners Glenn Higgins, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates, and Mayor Fletcher were present. Commissioner Justin Troller was absent. City Manager Doug Thomas, Assistant City Attorney Palmer Davis, Finance Director Greg Finch, and Deputy City Clerk Deborah Cason were present.

CALL TO ORDER

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

INVOCATION

Reverend Jean Coole of Westminster Presbyterian Church offered the invocation followed by the salute to the flag.

PRESENTATIONS

United Way Presentation

Terry Worthington, President and Weymon Snuggs, Campaign Chair gave this presentation.

Parks & Recreation – Athletic Programming Software

Bill Tinsley introduced Michael Marotz, who made this presentation, a copy of which is on file in the City Clerk's Office.

PROCLAMATIONS – NONE

EQUALIZATION HEARING

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

Demolition of Buildings

Palmer Davis presented the assessments to the Equalization Board. A copy of the assessment roll is on file in the City Clerk's Office.

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

Mayor Fletcher asked for comments. There were none.

Action: The motion carried unanimously.

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

APPROVAL OF MINUTES (with any amendments)

- * City Commission 08/01/08 – 08/04/08

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

- * Utility Committee 08/04/08

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

Transportation Airport Committee – 08/15/08

The Transportation Airport Committee met in the Commission conference room. Commissioners Gow Fields & Glenn Higgins (members) were present. Commissioner Jim Verplanck (chair) was present. Commissioners Edie Yates, Justin Troller, and Mayor Fletcher were present. Commissioner Howard Wiggs was attending the Florida League of Cities conference. Deputy City Manager Tony Delgado, Economic Development Coordinator Jason Willey, Finance Director Greg Finch, Assistant City Attorney Palmer Davis, Assistant City Manager Stanley Hawthorne, and City Clerk Kelly Koos were present.

Commissioner Jim Verplanck called the meeting to order at 9:21 a.m.

Request by CDG for Lease Amendment at Lakeland Linder Regional Airport

CDG Management, LLC, a telephone call center operating at the Airside Center has occupied 6,800 square feet of office at 3200 Flightline Drive since 2005. Recently CDG approached airport staff requesting a restructuring of their lease agreement. In business for over twenty years, the company indicated that they have seen a substantial downturn in business beginning in 2006 and the current economic environment further stalled their anticipated recovery. As their collections continued to decrease, they consolidated the number of physical locations and attempted to reduce rents in the remaining locations to avoid a possible bankruptcy filing.

Airport administration proposed the following lease agreement modification:

- Reduce the rent due for August and September to \$15,275 and reduce the deposit to \$20,000 from \$35,275 accordingly in order to maintain revenues to the Airport at Fiscal Year 2008 projections;
- Revise the annual CDG rent to \$77,180 per year plus tax and the ad valorem pass through (presently \$96,900) for the remaining two years under their current lease term;
- Require both parties consent to any renewal options. The rental rate for the renewal option would increase to the **current** annual rental plus CPI for the two years, not to exceed 6% plus tax and ad valorem pass through.

Tony Delgado presented this item to the Committee.

Recommendation: Commissioner Higgins moved to approve the amendments to the lease. Commissioner Verplanck concurred.

Commissioner Yates asked if doing this was just delaying the inevitable.

John Dubose responded it may be but this was a hard time for aviation. The tenant did keep this office open when they closed others and they hired an additional 35 employees. John saw this as a small hit to the revenue stream. He thought working with them would encourage the business to keep this office open if they had to file Chapter 11. This tenant has never been late on their rent.

Commissioner Fields agreed with the recommendation.

Request for Parkland Properties Lease Amendment at Lakeland Linder Regional Airport

Parkland Properties was a responsible tenant who made improvements to the existing structure, substantially improved its appearance, and maintained an excellent payment history. Accordingly, Parkland Properties requested to expand their hangar. To accommodate their need, they would need to lease .43 acres of additional land and make improvements to the Airport's taxiway immediately west of their facility.

Parkland offered to fund the taxiway infrastructure cost in exchange for an abatement of land rent payments. Because the Airport did not have funding for this taxiway improvement, airport administrative staff recommended an amendment to the Parkland lease to permit their building expansion together with the taxiway improvements. The airport's consulting engineer estimated the taxiway improvements to cost approximately \$300,000. Ownership of the taxiway improvements would immediately vest with the Airport. In consideration of Parkland's taxiway investment, staff recommended a fifteen (15) year abatement on the land lease payments.

Recommendation: Commissioner Higgins moved to approve the recommendation. Commissioner Fields seconded and Commissioner Verplanck concurred.

Mr. John Collins requested the vacation of a portion of unimproved public right-of-way located north of W. Peachtree Street, south of W. Magnolia Street, east of Lincoln Avenue and west of N. Ohio Avenue.

Mr. John Collins requested the vacation of a portion of public right-of-way located North of W. Peachtree Street, South of W. Magnolia Street, East of N. Lincoln Avenue, and West of N. Ohio Avenue. More specifically, the right-of-way lay to the south of parcel #232813-067500-010071 and north of parcel #232813-067500-010080, both of which the applicant owned. He made the request to accommodate the consolidation of the two parcels of property. The various City and private utilities reviewed this request and had no objection to the vacation.

The Community Development Department estimated the value of the existing right-of-way to be \$1.50 per square foot. The area contained 485 square feet, making the estimated value of the vacated area \$727.50.

Staff recommended that the Commission authorize the appropriate City officials to execute the necessary instruments to complete the vacation.

Jason Willey updated the Committee on this issue.

Recommendation: Commissioner Higgins moved to approve the vacation. Commissioner Fields seconded and Commissioner Verplanck concurred.

Morgan-Phillips Engineering Group represented Mr. Fred Sumner in requesting the vacation of the entire remaining portion of Hermosa Drive right-of-way located east of N. Florida Avenue, north of Glenwood Drive and South of I-4.

Morgan-Phillips Engineering Group represented Mr. Fred Sumner in requesting the vacation of the entire remaining portion of Hermosa Drive right-of-way located east of N. Florida Avenue, north of Glenwood Drive and south of I-4. The right-of-way consisted of the entire 25-foot by 600-foot portion of existing Hermosa Drive right-of-way commencing at N. Florida Avenue and moving west to east. Morgan-Phillips made the request to accommodate the redevelopment of Orangewood Village Mobile Home Park. Mr. Sumner purchased all of the property south of the requested portion of right-of-way. The owner of the Victoria Manor Apartment Complex, which lay north of Hermosa Drive, had no objection to the vacation of the remaining portion of Hermosa Drive.

The various City and private utilities reviewed this request and had no objection to the vacation. Lakeland Water Utilities indicated that they maintain an existing 12" asbestos cement (AC) water main that would require removal and replacement with a similar 12" ductile iron pipe (DIP) at the expense of the property owner. That action would require a temporary easement over the AC water main upon approval of the right-of-way vacation. A permanent easement would be recorded to cover the new 12" DIP water main upon its completion and acceptance by the Water Utilities Department.

Staff recommended that the Commission approve the requested 15,180 sq. ft. right-of-way vacation subject to the conditions established by Lakeland Water Utilities, including the reservation of a 20-foot by 565-foot easement to cover the existing 12" AC water main.

The Community Development Department estimated the value of the existing right-of-way to be \$2.25 per square foot with a 50% reduction for the portion requiring a utility easement. Staff estimated that the value of the area to be \$21,442.50.

Staff recommended that the Commission authorize the appropriate City officials to execute the necessary instruments to complete the vacation.

Jason Willey presented this item to the committee.

Ed Lock with Simco showed a drawing of the building they planned to build. Mr. Lock did request the waiver of the \$21,000 fee for the applicant replacing the old line, a \$30,000 job. He was also adding in 1 or 2 fire hydrants.

Recommendation: Commissioner Fields moved to approve staff's recommendation. Commissioner Higgins seconded and Commissioner Verplanck concurred.

The Committee adjourned at 9:57 a.m.

Action: Commissioner Verplanck presented the minutes and moved for the approval of the recommendations. The motion carried unanimously.

Land Acquisition & Disposition Committee – 08/15/08

The Land Acquisition & Disposition Committee met in the Commission conference room. Commissioner Troller & Mayor Fletcher (members) and Commissioner Higgins (chair) were present. Commissioners Edie Yates, Gow Fields, and Jim Verplanck were present. Commissioner Howard Wiggs was attending the Florida League of Cities Conference. Deputy City Manager Tony Delgado, Finance Director Greg Finch, Assistant City Attorney Palmer Davis, Assistant City Manager Stanley Hawthorne, and City Clerk Kelly Koos were present.

Commissioner Higgins called the meeting to order at 9:12 a.m.

Easement Acquisition from Bobby Moore Properties, Ltd. – English Oaks Phase II

This proposed Contract for Sale and Purchase was for a permanent easement on property located at the intersection of Drane Field and Waring Roads. The Southwest Wastewater Capacity Project (English Oaks Phase II) involved the installation of new wastewater force mains to address inadequate capacity and provide for future needs. The City needed this property to install the proposed force main and to provide an access road for an existing lift station. Bobby Moore Properties, LTD rejected the appraised value offer, necessitating negotiation of a purchase arrangement. The Purchase and Sale Agreement for the

required easements reflected a purchase price of \$191,000. While this amount exceeded the appraisal target, City staff recommended that the City Commission approve this transaction as the other option of condemnation could result in even greater net costs for this acquisition.

Staff recommended that the Commission authorize the appropriate city officials to execute the Purchase and Sale Agreement.

Recommendation: Mayor Fletcher moved to purchase the easements. Commissioner Troller seconded and Commissioner Higgins concurred.

The meeting adjourned at 9:21 a.m.

Action: Commissioner Higgins presented the minutes and moved for the approval of the recommendation. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

All items listed with an asterisk (*) were considered routine by the City Commission and were enacted by one motion. There was no separate discussion of these items unless a City Commissioner or Citizen so requested, in which event the item would be removed from the consent agenda and considered in its normal sequence.

- * City Commission 08/01/08 – 08/04/08
- * Utility Committee 08/01/08
- * Recommendation re CDG Lease Amendment
- * Recommendation re Parkland Properties Lease Amendment
- * Memo re: Fire Protection Agreement with Polk County
- * Memo re: Agreement for Post Disaster Document Restoration Services with Munters Corporation
- * Memo re: Task Authorization with AmHerst Consulting for Site Study for Tower and Fuel Pump Locations at Airport

Action: Commissioner Wiggs moved to approve the consent agenda. Commissioner Verplanck seconded and the motion carried unanimously.

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC – NONE

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5003; Proposed 08-060; Conditional Use for a Duplex on Property Located at 5525 and 5527 Yale Street (1st Reading 8/4/08)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A DUPLEX ON PROPERTY LOCATED AT 5525 AND 5527 YALE STREET; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 5004; Proposed 08-061; Conditional Use to Expand an Existing Day Care Center and to Allow a Parking Lot on Property Located at 1234, 1236, and 1242 Martin Luther King Jr. Avenue (1st Reading 8/04/08)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE TO EXPAND AN EXISTING DAY CARE CENTER AND TO ALLOW A PARKING LOT ON PROPERTY LOCATED AT 1234, 1236 AND 1242 MARTIN LUTHER KING JR. AVENUE; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Verplanck moved and Commissioner Wiggs seconded to approve the ordinance.

Mayor Fletcher asked for comments and there were none.

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

Ordinance 5005; Proposed 08-062; Amending Section 78-9 of the Lakeland City Code, Amending Street Solicitation Provisions (1st Reading 8/4/08)

AN ORDINANCE RELATING TO STREETS; 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 SUBJECT ONLY TO THE EXCEPTIONS PROVIDED HEREIN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Verplanck moved and Commissioner Yates seconded to approve the ordinance.

Mayor Fletcher asked for comments and there were none.

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

Proposed 08-063; Amendment to Police Officers' Defined Benefit Retirement Fund (1st Reading 8/4/08)

AN ORDINANCE OF THE CITY OF LAKE LAND AMENDING AND RE STATING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 2, CITY OF LAKE LAND POLICE OFFICERS' DEFINED BENEFIT RETIREMENT SYSTEM; ADDING SECTIONS 62-51 THROUGH 62-81 INCLUSIVE OF THE CODE OF ORDINANCES OF THE CITY OF LAKE LAND; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR DOMESTIC RELATIONS ORDERS AND EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR POLICE SERVICE; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR RE-EMPLOYMENT AFTER RETIREMENT; PROVIDING FOR AN ACTUARIAL GAIN SHARING ACCOUNT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AND EFFECTIVE DATE.

Action: Commissioner Verplanck moved to continue this public hearing to the September 2, 2008 meeting. Commissioner Higgins seconded and the motion carried unanimously.

Ordinances (First Reading)

Proposed 08-064; Large Scale Amendment #LS-08-003 to Future Land Use Map Assigning Land Use on Approximately 19 Acres Located on North Griffin Road, West of Mall Hill Road and East of Kathleen Road

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-08-003 TO THE FUTURE LAND USE MAP FOR APPROXIMATELY 19 ACRES LOCATED ON NORTH GRIFFIN ROAD, WEST OF MALL HILL ROAD AND EAST OF KATHLEEN ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Celeste Deardorff explained the ordinance.

Motion: Commissioner Verplanck moved to transmit the ordinance to the Department of Community Affairs (DCA) . Commissioner Yates seconded.

Mayor Fletcher asked for comments.

Commissioner Wiggs asked if there would be a sidewalk connection to the shopping center.

Celeste pointed out that there were several small parcels owned by others and she didn't know if they could effectuate a connection to the shopping center, but if there was any ability to do that, they would ask for it.

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

Proposed 08-065; Change in Zoning on Approximately 19 Acres Located South of Griffin Road, Approximately 1,400 Feet East of Kathleen Road

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 19 ACRES LOCATED SOUTH OF GRIFFIN ROAD, APPROXIMATELY 1,400 FEET EAST OF KATHLEEN 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.

Palmer Davis read the short title.

Bruce Kistler explained the ordinance.

Mayor Fletcher asked for comments. There were none.

The foregoing is the title of an ordinance read for the first time by short title. The Commission will hold the second reading and final public hearing on a future date to be advertised.

Proposed 08-066; Large Scale Amendment #LS-08-004 to Future Land Use Map Assigning Land Use on Approximately 33 Acres Located South of South Edgewood Drive, West of US 98 (Bartow Road) and East of Lakeland Highlands Road

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-08-004 TO THE FUTURE LAND USE MAP FOR 33 ACRES LOCATED SOUTH OF SOUTH EDGEWOOD DRIVE, WEST OF US 98 (BARTOW ROAD) AND EAST OF LAKELAND HIGHLANDS ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; MAKING A DETERMINATION THAT THIS ACTION IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF COMMUNITY AFFAIRS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Celeste Deardorff explained the ordinance.

Mayor Fletcher asked for comments. There were none.

The foregoing is the title of an ordinance read for the first time by short title. The Commission will hold the second reading and final public hearing on a future date to be advertised.

Proposed 08-067; Large Scale Amendment #LS-08-005 to Future Land Use Map Assigning Land Use on Approximately 92 Acres Located South of Medulla Road, North and South of West Pipkin Road, East of County Line Road

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-08-005 TO THE FUTURE LAND USE MAP FOR 92 ACRES LOCATED SOUTH OF MEDULLA ROAD, NORTH AND SOUTH OF WEST PIPKIN ROAD, EAST OF COUNTY LINE ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND

COMPREHENSIVE PLAN 2000-2010; MAKING A DETERMINATION THAT THIS ACTION IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF COMMUNITY AFFAIRS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Celeste Deardorff explained the ordinance.

Mayor Fletcher asked for comments. There were none.

The foregoing is the title of an ordinance read for the first time by short title. The Commission will hold the second reading and final public hearing on a future date to be advertised.

Proposed 08-068; Large Scale Amendment #LS-08-006 to Future Land Use Map Assigning Land Use on Approximately 108 Acres Located on West Pipkin Road, West of Old Medulla Road and East of County Line Road

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-08-006 TO THE FUTURE LAND USE MAP FOR 108 ACRES LOCATED ON WEST PIPKIN ROAD, WEST OF OLD MEDULLA ROAD AND EAST OF COUNTY LINE ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKE LAND COMPREHENSIVE PLAN 2000-2010; MAKING A DETERMINATION THAT THIS ACTION IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF COMMUNITY AFFAIRS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Celeste Deardorff explained the ordinance.

Mayor Fletcher asked for comments. There were none.

The foregoing is the title of an ordinance read for the first time by short title. The Commission will hold the second reading and final public hearing on a future date to be advertised.

Proposed 08-069; Annexation of Approximately 48 Acres Located at the Intersection of Kathleen Road and Jim Galloway Road

AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKE LAND, FLORIDA, THAT CERTAIN 48 ACRES LOCATED AT THE INTERSECTION OF KATHLEEN ROAD AND JIM GALLOWAY ROAD; FINDING COMPLIANCE WITH CHAPTER

171, FLORIDA STATUTES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Celeste Deardorff explained the ordinance.

Mayor Fletcher asked for comments. There were none.

The foregoing is the title of an ordinance read for the first time by short title. The Commission will hold the second reading and final public hearing on September 2, 2008.

Proposed 08-070; Large Scale Amendment #LS-08-011 to Future Land Use Map Assigning Land Use on Approximately 48 Acres Located at the Intersection of Kathleen Road and Jim Galloway Road

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-08-011 TO THE FUTURE LAND USE MAP FOR 48 ACRES LOCATED AT THE INTERSECTION OF KATHLEEN ROAD AND JIM GALLOWAY ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Celeste Deardorff explained the ordinance.

Motion: Commissioner Verplanck moved to transmit the ordinance to the Department of Community Affairs (DCA) . Commissioner Wiggs seconded.

Mayor Fletcher asked for any comments. There were none.

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

Proposed 08-071; Large Scale Amendment #LS-08-012 to Future Land Use Map Assigning Land Use on Approximately 65 Acres Located North of Interstate 4, East of US 98 and North of Crevasse Street

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-08-012 TO THE FUTURE LAND USE MAP FOR 65 ACRES LOCATED NORTH OF INTERSTATE 4, EAST OF US 98 AND NORTH OF CREVASSE STREET, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND

COMPREHENSIVE PLAN 2000-2010; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Celeste Deardorff explained the ordinance.

Motion: Commissioner Verplanck moved to transmit the ordinance to the Department of Community Affairs (DCA) . Commissioner Yates seconded.

Mayor Fletcher asked for comments.

Celeste clarified which property was inside city limits and which property would be inside city limits through annexation.

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

Proposed 08-072; Annexation of Approximately 302 Acres Located at the Southeast Corner of County Line Road and Swindell Road

AN ORDINANCE RELATING TO ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKE LAND, FLORIDA, THAT CERTAIN 302 ACRES LOCATED AT THE SOUTHEAST CORNER OF COUNTY LINE ROAD AND SWINDELL ROAD; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Mayor Fletcher asked for comments. There were none.

The foregoing is the title of an ordinance read for the first time by short title. The Commission will hold the second reading and final public hearing on September 2, 2008.

Proposed 08-073; Large Scale Amendment #LS-08-014 to Future Land Use Map Assigning Land Use on Approximately 28 Acres Located at the Southeast Corner of County Line Road and Swindell Road

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-08-014 TO THE FUTURE LAND USE MAP FOR 28 ACRES LOCATED AT THE SOUTHEAST CORNER OF COUNTY LINE ROAD AND SWINDELL ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKE LAND COMPREHENSIVE PLAN 2000-2010; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Celeste Deardorff explained the ordinance.

Motion: Commissioner Verplanck moved to transmit the ordinance to the Department of Community Affairs (DCA) . Commissioner Yates seconded.

Mayor Fletcher asked for comments.

Michael English, representative for the property owners, came forward to answer any questions. There were none.

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

Proposed 08-074; Large Scale Amendment #LS-08-015 to Future Land Use Map Assigning Land Use on Approximately 44 Acres Located East of Tomkow Road and North of State Road 33 within the Green Swamp Area of Critical State Concern

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-08-015 TO THE FUTURE LAND USE MAP FOR 44 ACRES LOCATED EAST OF TOMKOW ROAD AND NORTH OF STATE ROAD 33 WITHIN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Celeste Deardorff explained the ordinance.

Motion: Commissioner Verplanck moved to transmit the ordinance to the Department of Community Affairs (DCA) . Commissioner Yates seconded.

Mayor Fletcher asked for comments. There were none.

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

Proposed 08-075; Change in Zoning on Approximately 44 Acres Located East of Tomkow Road and South of Old Polk City Road

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 44 ACRES LOCATED EAST OF TOMKOW ROAD AND SOUTH

OF OLD POLK CITY 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.

Palmer Davis read the short title.

Bruce Kistler explained the ordinance.

Mayor Fletcher asked for comments. There were none.

The foregoing is the title of an ordinance read for the first time by short title. The Commission will hold the second reading and final public hearing on a future date to be advertised.

Proposed 08-076; Large Scale Amendment #LS-08-016 to Future Land Use Map Assigning Land Use on Approximately 23.3 Acres Located East of Tomkow Road and North of State Road 33 within the Green Swamp Area of Critical State Concern

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-08-016 TO THE FUTURE LAND USE MAP FOR 23.3 ACRES LOCATED EAST OF TOMKOW ROAD AND NORTH OF STATE ROAD 33 WITHIN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Celeste Deardorff explained the ordinance.

Motion: Commissioner Verplanck moved to transmit the ordinance to the Department of Community Affairs (DCA) . Commissioner Yates seconded.

Mayor Fletcher asked for comments. There were none.

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

Proposed 08-077; Change in Zoning on Approximately 23.3 Acres Located East of Tomkow Road, Approximately 1,700 Feet North of State Road 33

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 23.3 ACRES LOCATED EAST OF TOMKOW ROAD, APPROXIMATELY 1,700 FEET NORTH OF STATE ROAD 33 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.

Palmer Davis read the short title.

Bruce Kistler explained the ordinance. The area was traditional warehouse type use and was compatible with the I-2 zoning.

Mayor Fletcher asked for comments. There were none.

The foregoing is the title of an ordinance read for the first time by short title. The Commission will hold the second reading and final public hearing on a future date to be advertised.

Proposed 08-078; Annexation of Approximately 20 Acres Located at the Southeast Corner of Airport Road and Old Tampa Highway

AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKELAND, FLORIDA, THAT CERTAIN 20 ACRES LOCATED ON THE SOUTHEAST CORNER OF AIRPORT ROAD AND OLD TAMPA HIGHWAY; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Mayor Fletcher asked for comments. There were none.

The foregoing is the title of an ordinance read for the first time by short title. The Commission will hold the second reading and final public hearing on September 2, 2008.

Proposed 08-079; Large Scale Amendment #LS-08-017 to Future Land Use Map Assigning Land Use on Approximately 20 Acres Located at the Southeast Corner of Airport Road and Old Tampa Highway

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-08-017 TO THE FUTURE LAND USE MAP FOR 20 ACRES LOCATED ON THE SOUTHEAST CORNER OF AIRPORT ROAD AND OLD TAMPA HIGHWAY, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Celeste Deardorff explained the ordinance.

Motion: Commissioner Verplanck moved to transmit the ordinance to the Department of Community Affairs (DCA) . Commissioner Yates seconded.

Mayor Fletcher asked for comments. There were none.

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

Proposed 08-080; Large Scale Amendment #LS-08-018 to Future Land Use Map Assigning Land Use on Approximately 1.05 Acres Located on Little Lake Bonny, West of Longfellow Boulevard, South of Shakespeare Street

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-08-018 TO 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; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Celeste Deardorff explained the ordinance.

Motion: Commissioner Verplanck moved to transmit the ordinance to the Department of Community Affairs (DCA) . Commissioner Wiggs seconded.

Mayor Fletcher asked for comments. There were none.

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

Proposed 08-081; Text Amendment #T-08-023 to the Future Land Use Element of the Lakeland Comprehensive Plan Related to Future Land Use Designations

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-08-023 TO THE FUTURE LAND USE ELEMENT OF THE LAKELAND COMPREHENSIVE PLAN 2000-2010 AS ADOPTED BY ORDINANCE 4140 RELATED TO FUTURE LAND USE DESIGNATIONS; MAKING A DETERMINATION THAT THIS ACTION IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Celeste Deardorff explained the ordinance.

Mayor Fletcher asked for comments. There were none.

The foregoing is the title of an ordinance read for the first time by short title. The Commission will hold the second reading and final public hearing on a future date to be advertised.

COMMUNITY REDEVELOPMENT AGENCY – NONE

CITY MANAGER

Recommendation re: CDG Lease Amendment

CDG Management, LLC, a telephone call center operating at the Airside Center had occupied 6,800 square feet of office at 3200 Flightline Drive since 2005. Recently the CDG Management CFO approached airport staff requesting a restructuring their lease agreement.

CDG, which had been in operation for over twenty years had indicated that they had seen a substantial downturn in business beginning in 2006, and the current economic environment had further stalled their anticipated recovery. As their collections continued to decrease, they were forced to consolidate the number of physical locations and attempt to reduce rents in the remaining locations, or possibly be forced to look at a bankruptcy filing.

Airport staff had reviewed the CDG lease in connection with the preparation of the FY 2009 Budget and determined that there was room to make a short-term interim rent reduction and maintain a square foot rent comparable to other LLRA tenants. In addition, staff proposed adding a lease provision to the existing agreement that would provide for additional control over the renewal terms and conditions.

In further discussion with airport staff, the company's CFO stated that it was CDG's desire to remain in business in Lakeland. They had negotiated a buyout from their Sarasota office and transferred the workload to Lakeland. This would result in some additional hiring at Lakeland. They still planned to administer a 24-hour, three daily shift operation.

The proposed amended lease agreement incorporated the following:

LLRA would reduce the rent due for August and September 2008 to \$15,275 and reduce their deposit to \$20,000 from \$35,275 accordingly in order to maintain revenues to the Airport at Fiscal Year 2008 projections;

Revise the annual CDG rent to \$77,180 per year plus tax and the ad valorem pass through (representing an effective rate reduction of 20% from the existing \$96,900 per year) for the remaining two years under their current lease term;

Require both parties consent to any renewal options. The rental rate for the renewal option would be increased to the current annual rental rate plus CPI for the two years, not to exceed 6% plus tax and ad valorem.

This proposal would retain the Airport revenue necessary to maintain equity with other tenants and remain in compliance with FAA requirements, while helping maintain cash flow over the next two-year period. The LLRA has similarly worked with other tenants in previous years to restructure lease agreements due to business downturns, while achieving mutually beneficial terms to both the tenant and the airport.

Staff recommended that the City Commission authorize the appropriate City officials to prepare and enter into the proposed lease amendment with CDG Management, LLC to administer modifications to the current lease agreement as outlined above.

Action: This item was approved on the consent agenda.

Recommendation re: Parkland Properties Lease Amendment

In January 1986, the City of Lakeland entered into an Airport land lease for 1.56 acres with Lance Aviation upon which the tenant constructed an aircraft hangar. The initial term was for 30 years with three 10 year renewal options. Early in 2008, Parkland Properties LLC acquired the building from the previous owner and the City accepted a lease assignment. Parkland Properties had shown to be a responsive tenant who had made improvements to the existing structure, substantially improved its appearance and had maintained an excellent payment history. Recently, Parkland Properties had requested that they be able to expand their hangar. To accommodate their need, they would need to lease an additional .43 acres and undertake improvements to the Airport's taxiway immediately west of their facility.

LLRA staff review of the proposed taxiway improvement had found it to be in accordance with the approved Airport Master Plan. The Master Plan provided for additional points of safety for aircraft entering/crossing the primary runway from both Taxiway G and Taxiway H. Because the improvement eliminated the direct north-south connection from Taxiway G to the south side of the airfield, it would also provide enhanced safety during the Annual Sun 'n Fun event. Equally important, it would augment the opportunity for the rental/development of the land parcels west of the revised taxiway.

Parkland had offered to fund the taxiway infrastructure cost in exchange for an abatement of land rent payments. Because the Airport did not currently have funding for this taxiway improvement, staff was recommending an amendment to the Parkland lease to permit their building expansion together with the taxiway improvements. The taxiway improvements were estimated by the LLRA consulting engineer to cost approximately

\$300,000. Ownership of the taxiway improvements would immediately vest to the Airport. In consideration of Parkland's taxiway investment, staff was recommending approval of a fifteen (15) year abatement on the land lease payments.

The increase in the additional .43 acres would generate additional revenues after the rental abatement period. The net present value of the cash flows of the existing lease including option renewals with no expansion or improvements to the Airport totaled \$309,409. The net present value of the lease with the additional acreage including options renewals totaled \$189,723.

Based on these findings and the opportunity to provide enhancements to taxiway infrastructure associated with the proposal, staff recommended that City Commission authorize the appropriate City officials to draft and execute a contract amendment with Parkland Properties, LLC to provide a land lease payment abatement for a period of fifteen (15) years in exchange for the proposed taxiway improvements.

Action: This item was approved on the consent agenda.

CITY ATTORNEY

Ordinances (First Reading) – None

Resolutions

Resolution 4703; Proposed 08-042; Agreement with FDOT for Road Safety Project – Memorial Boulevard from Kettles Avenue to North Florida Avenue

A RESOLUTION AUTHORIZING EXECUTION OF A LOCALLY FUNDED AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR FINANCIAL PROJECT NO. 423149-1-52-02 FOR A ROAD SAFETY PROJECT ON MEMORIAL BOULEVARD FROM KETTLES AVENUE TO NORTH FLORIDA AVENUE; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

Mayor Fletcher asked for comments. There were none.

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

Resolution 4704; Proposed 08-043; 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.

Palmer Davis read the short title.

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

Mayor Fletcher asked for comments. There were none.

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

Resolution 4705; Proposed 08-044; Vacating a Portion of Public Right-of-Way Located North of West Peachtree Street, South of West Magnolia Street, east of North Lincoln Avenue and West of North Ohio Avenue

A RESOLUTION RELATING TO PUBLIC RIGHT-OF-WAY; DECLARING INTENTION TO ADOPT AN ORDINANCE VACATING A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED NORTH OF WEST PEACHTREE STREET, SOUTH OF WEST MAGNOLIA STREET, EAST OF NORTH LINCOLN AVENUE AND WEST OF NORTH OHIO AVENUE, LOCATED WITHIN THE CITY OF LAKE LAND; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

Mayor Fletcher asked for comments. There were none.

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

Resolution 4706; Proposed 08-045; Vacating the Remaining Portion of Hermosa Drive Located Just East of North Florida Avenue, North of Glenwood Drive and South of I-4

A RESOLUTION RELATING TO PUBLIC RIGHT-OF-WAY; DECLARING INTENTION TO ADOPT AN ORDINANCE VACATING A 15,180 SQUARE FOOT PORTION OF HERMOSA DRIVE LOCATED EAST OF NORTH FLORIDA AVENUE, NORTH OF GLENWOOD DRIVE AND SOUTH OF I-4, LOCATED WITHIN THE CITY OF LAKE LAND; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

Mayor Fletcher asked for comments. There were none.

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

Resolution 4707; Proposed 08-046; Authorizing Finance Director to Liquidate Shares of Factory Card & Party Outlet Corp. Stock

A RESOLUTION RELATING TO INVESTMENTS; DETERMINING THAT CERTAIN INVESTMENTS SHOULD BE LIQUIDATED; AUTHORIZING THE FINANCE DIRECTOR TO EXECUTE ANY NECESSARY DOCUMENTS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

Mayor Fletcher asked for comments. There were none.

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

Miscellaneous Reports and Communications

Memo re: Fire Protection Agreement with Polk County

This was a proposed agreement between the City and Polk County to provide fire service in portions of the unincorporated areas adjacent to the City.

The City, through its Fire Department, arranged on an annual basis, an agreement whereby the City accepted a response obligation to incidents located in certain identified areas adjacent to the City limits. As compensation, the County paid 50% of the annual fire assessment collected on properties in the designated area to the City. The assessment amount to be paid was \$377,756.00 compared to \$373,706.00 in the previous fiscal year, an increase of \$4,050.00.

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

Action: This item was approved on the consent agenda.

Memo re: Easement Acquisition from Bobby Moore Properties, Ltd. – English Oaks Phase II

This was a proposed Contract for Sale and Purchase for a permanent easement on property located at the intersection of Drane Field and Waring Roads. The Southwest Wastewater Capacity Project (English Oaks Phase II) involved the installation of new wastewater force mains to address inadequate capacity and provide for future needs. This property was needed to install the proposed force main and to provide an access road for an existing lift station. Bobby Moore Properties, Ltd. had rejected the appraised value offer, necessitating negotiation of a purchase arrangement. This was a Purchase and Sale Agreement for the required easements which reflected a purchase price of \$191,000. While this amount exceeded the appraisal target, City staff recommended that the City Commission approve this transaction as the other option of condemnation was predicted to result in even greater net costs for this acquisition.

Reed Appraisal Company valued the unencumbered land at \$7.00 per square foot. The portions of the property that have an existing drainage and utility easement have been appraised at a lesser value of \$2.10 per square foot. Since the City seeks easements (rather than title) to the subject property, the easement compensation was recommended at a rate of 70% of the total land valuation. For the temporary construction areas that are being obtained, the appraisal established value using a lease rate of \$51.80 per day for a 21 day construction period. On those portions of the proposed easement area that would be used for lift station access road, the City would install fencing which further impacted the future use of the subject property. Accordingly, for those easement areas that would include provisions for lift station access (fencing), the easement compensation was recommended at a rate of 95% of total land valuation. Application of these various land values and adjustments for specific easement purposes resulted in an appraised value of \$120,848.00 for the proposed easement on the subject property.

While the City's counter-offer was \$54,120.00 over the value indicated by the appraisal report, the transaction costs for a condemnation proceeding were predicted at above \$225,000. Due to the complexities of this parcel with differing land values and the multiple easements (pipeline, lift station access and construction), the condemnation process would be complex and involved. Given these factors, staff recommended that the City approve the Purchase and Sale Agreement with Bobby Moore Properties, Ltd. for \$175,000.00, plus reimbursement of the property owner's allowable legal fees (as per Florida State Statutes) of \$16,000.00. The total payment would be \$191,000.00 for all eligible costs.

Staff recommended that the appropriate City officials be authorized to execute the Purchase and Sale Agreement.

Action: This item was approved with the approval of the Land Acquisition and Disposition Committee minutes.

Memo re: Agreement with Tiburon, Inc. for Computer Aided Dispatch and Records Management System for Police and Fire

These were proposed Agreements between the City and Tiburon, Inc. for a new police and fire computer aided dispatch and records management system. This project was comprehensive and would replace dozens of existing computer systems that are over 10 years old that no longer meet the needs of Lakeland's police and fire departments.

This new system would enable the City to collaborate with Polk County's Sheriff and Fire Departments by utilizing crime and firefighting information to better serve the community and reduce the overall costs to the City by sharing expenses of the system with the County.

This project encompassed a Master Support Agreement, System Implementation Agreement and Software License Agreement. The term of these agreements would be for a period of four years (FY 2008 through FY 2011), commencing on approval by the City Commission. The total capital expenses during this four year period were \$1,180,000.00. The annual maintenance expenses with this project may be broken down into annual estimates over the four year period as follows:

FY 2008 = \$338,257.00 Existing Systems

FY 2009 = \$225,198.00 New System

FY 2010 = \$255,534.00 New System after first year warranty for Fire expired

FY 2011 = \$268,311.00 New System expense at a maximum 5% increase

This shared computer system would provide critical information relating to police and fire service protection to citizens in Lakeland and throughout Polk County. The project would be managed by the Information Technology Director, with assistance from the Lakeland Police Department.

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

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

Memo re: Equipment Lease Agreement with Caterpillar Financial Services Corporation for a Replacement 992K Wheel Loader

This was a proposed Equipment Lease Agreement between the City and Caterpillar Financial Services Corporation for a replacement 992K Wheel Loader for use in the McIntosh Coal yard to move coal off the trestle to the yard and feed coal plows operating under the trestle to fuel Unit 3.

The current 992K Wheel Loader was approximately 5 years old and beginning to incur high maintenance costs. While the City would generally purchase a replacement loader, due to budgetary constraints, a lease plan was evaluated against the cost of purchasing this needed equipment. After assessing the cost, it was determined that a lease option

was a way of distributing the cost over the life of the loader and would result in a lower cost alternative for the City. The lease option would save the City \$135,098.60.

This lease encompassed an Equipment Lease Agreement and relevant documents relating to an Amendment to the Lease, Negative Pledge Agreement and Consent Agreement. The term of this lease agreement would be for a period of seventy-two (72) months, commencing on approval by the City Commission. The total lease price during this seventy-two month term was \$1,453,071.60, with a monthly cost of \$20,181.55. There was also a monthly maintenance cost of \$3,609.87 associated with this lease.

This Wheel Loader was the only one with the capability to reach the trestle for feeding the coal plows and is integral in the operation of the McIntosh Coal yard.

Staff recommended that the Commission authorize the appropriate City officials to execute this Equipment Lease Agreement and corresponding documents.

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

Memo re: Agreement for Post Disaster Document Restoration Services with Munters Corporation

This was a proposed Agreement between the City and Munters Corporation for professional and consultation services to facilitate document restoration in the event of a man-made or natural disaster. Document restoration and/or recovery services contemplated under this Agreement include magnetic media (computer disks, audio and video tapes), optical discs, microforms, film, paper documents, manuscripts, maps, plans, books and photographs

The City issued a Request for Qualifications (#6321) seeking disaster document restoration services from firms capable of handling all types of restoration processes in accordance with records/document recovery techniques set forth by the State of Florida following a disaster. Pursuant to the City's Request for Qualifications, Munters Corporation was chosen as the most responsive applicant.

This Agreement would be for a period of four (4) years commencing on approval by the City Commission, with one (1) additional twelve (12) month option of renewal. There was no cost associated with this Agreement unless and until the City required document restoration services. Furthermore, the City was receiving the benefit of discounted pricing based on Orange County, Florida's agreement with Munters Corporation.

The Agreement with Munters Corporation enables the City to not only meet stringent FEMA standards for reimbursement, but protects and preserves valuable City documents in the event of a disaster.

Staff recommended that the Commission authorize the appropriate City officials to execute this Agreement for post disaster document restoration services with Munters Corporation.

Action: This item was approved on the consent agenda.

Memo re: Agreement for Enterprise Software License Agreement with Environmental Systems Research Institute, Inc.

This was a proposed License Agreement between the City and Environmental Systems Research Institute, Inc. (ESRI) for software, data, web services, documentation and maintenance. This Agreement would support a number of the City's technology projects in the upcoming year with regard to the significant increase in applying Geographic Information System (GIS) technology to many operational and technical areas.

The term of this Agreement would be for a period of thirty-seven and one half (37.5) months, commencing on approval by the City Commission. The License Agreement would grant the City and all of its departments, including Electric and Water/Wastewater, access to ESRI core products, including maintenance on all software during the term of the agreement. The total expenses associated with this Agreement would be \$312,055. The City's current three year expenditure was estimated to be \$195,000. Without this License Agreement, the City would incur additional expenses of a minimum of \$500,000 in FY 2009. Thus, this Agreement represented a significant cost savings for the City.

This Enterprise Software License Agreement would provide numerous benefits to the City such as a lower cost per unit for licensed software, substantially reduced administrative/procurement expenses, maintenance on all ESRI software deployed under this agreement and flexibility to deploy products when and where needed. The project would be managed by the Information Technology Department.

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

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

Memo re: Task Authorization with AmHerst Consulting for Site Study for Tower and Fuel Pump Locations at Airport

In anticipation of the requirement to update the existing master plan, airport staff previously requested and received an FDOT aviation grant to fund an Air Traffic Control Tower (ATCT) and Fuel Farm site selection project. The need to ultimately relocate the tower resulted from the Runway 9-27 extensions in the late 1980s and early 1990s leaving the existing tower, built in 1970, not meeting current FAA criteria. A proposed location of a new tower will be required to be included in the updated Airport Layout Plan (ALP) as part of the upcoming master plan update.

In addition, the Airport staff was exploring potential sites for location of a fuel farm. The engineer would analyze cost estimates, air field access, tank sizes, security, and other relevant factors in recommending potential sites for this facility.

Total cost of the site selection and fuel farm project was \$40,000. The FDOT had issued grant number 4-204231-94-01 whereby 80% of the total cost, or \$32,000, would be covered by FDOT funding with the remaining 20% or \$8,000 to be paid by Airport funds. Both the FDOT grant revenue and the expenditure had been included in this year's original airport budget.

Task Authorization No. 12 with AmHerst Consulting Company, Inc./Page One Consultants, Inc., in accordance with a City of Lakeland continuing contract for engineering consulting services at the Airport, was recommended for the professional services required for the ATCT and fuel farm site selection project.

Staff recommended that the City Commission authorize the appropriate City officials to execute the Task Authorization with AmHerst/Page One and the related appropriation for the engineering services in connection with the project for the not-to-exceed fee of \$40,000.

Action: This item was approved on the consent agenda.

FINANCE DIRECTOR – NONE

AUDIENCE – NONE

MAYOR AND MEMBERS OF THE CITY COMMISSION

Mayor Fletcher noted that Commissioner Troller was absent today due to it being the first day of school.

Commissioner Fields expressed concerns about the service fee for online registration payments to the Parks & Recreation Department.

Commissioner Wiggs had just attended the Florida League of Cities annual conference. He expressed the need to form strong alliances with cities and counties throughout the state in light of some of the proposals coming from the state.

Commissioner Higgins asked about how things were going related to red light running.

Palmer Davis noted there would be a recommendation coming within the next few weeks.

The meeting adjourned at 11:07 a.m.

LAKELAND CITY COMMISSION
Agenda Study Session
August 15, 2008

The Lakeland City Commission met for the Agenda Study Session in the Commission conference room. Commissioners Edie Yates, Gow Fields, Justin Troller, Jim Verplanck, Glenn Higgins, and Mayor Fletcher were present. Commissioner Howard Wiggs was attending the Florida League of Cities conference. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, Assistant City Attorney Palmer Davis, Assistant City Manager Stanley Hawthorne, and City Clerk Kelly Koos were present.

Tony Delgado covered the presentations.

Palmer Davis covered the public hearings. Celeste Deardorff will make a brief presentation on each ordinance on Monday. The City will need send some of the ordinances for first reading to the Department of Community Affairs.

Tony Delgado covered the city manager agenda and offered the following verbals:

- Grasslands/Harden Intersection Improvement: The City saved an additional \$17,000 by using City crews on this project.
- ILC/DRI meeting last Wednesday: Jim Studiale gave a brief on that meeting. Tim wants to meet with the Commission one-on-one with the DRI attorney. The FDOT study would be complete in March 2009.

Palmer Davis covered the city attorney agenda.

Tony Delgado reminded everyone about the budget workshop Monday August 18, 2008 at 6 p.m.

Glenn Higgins/Mass Transit Survey: The paper said the City paid funds for the survey but that was not correct. LAMTD paid for that study.

**CITY OF LAKELAND
PUBLIC BUDGET WORKSHOP
AUGUST 18, 2008**

The Lakeland City Commission met in a Public Budget Workshop in the Commission chambers. Commissioners Justin Troller, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Fletcher were present. Commissioner Glenn Higgins was absent. City Manager Doug Thomas, Assistant City Attorney Palmer Davis, Finance Director Greg Finch and Deputy City Clerk Deborah Cason were present along with administrative staff.

Mayor Fletcher called the meeting to order at 6:01 p.m.

City Manager Doug Thomas and Finance Director Greg Finch gave the presentation, which is on file in the City Clerk's office.

Doug reviewed the budget cutbacks that took place in June 2008 for the 2008 budget. He noted that current financial stresses were not directly attributed to the Property Tax Reform, but were due to the state of the economy. But he also noted the Property Tax Reform would clearly impact the FY 2009 budget.

City departments were tasked with identifying 5% cuts in their FY2008 controllable budget expenses. All departments shared the impact of revenue constraints.

City budget cuts totaled \$11.2 million.

Greg Finch covered the 2009 Budget Issues brought on by Constitutional Amendment 1 and the decline of the current economy.

Doug covered the 2009 Budget Challenges and Possible Additional Cuts:

- neighborhood incentive reimbursement program
- closure of on-site utility billing payment center
- elimination of general fund support for cultural & community service grants
- elimination of Scream Acres, Aquafest and reduction in summer rec camp offerings
- holiday decorations limited to core downtown area
- charging youth leagues for maintenance costs
- Additional 1% city contribution to pension (commencing April 09)
- revised take home car policies
- elimination of GF maintenance costs for downtown federal building

Additional Challenges

- redeployment of LPD officers
- reduce personnel costs or face prospect of layoffs and/or further municipal service reductions
- cost of living and merit raises

- union negotiations

David Pendry, retired employee, came forward to asked if a committee had been appointed yet to find a permanent fix for the COLA for retired employees. The COLA does not cover current expenses. It had been 6 years with no increase.

Doug noted they had just selected the new retirement director and would be forming the committee to look at this within the next few weeks.

Pastor Alonzo Watkins asked the city to keep the PAL program in place just as it was. It was working. PAL program was very important to him and others.

Troy McCain, Employee Association president asked about the Lakeland Electric merit & COLA under LE union.

Doug answered they were still in negotiations with the union.

Jeannette Estes asked the city to keep the PAL program and both officers. The program worked. 7200 children had been in the program; only 4 have criminal records.

Doug clarified the PAL program was not being cut, just delivered in a different fashion.

Mayor Fletcher commented they had major decisions to make and they did not come from the inside. They came down from the state.

The Commission discussed some of the options of the cultural assistance and community support grants.

Commissioner Fields - if there are organizations that are willing to partner for these programs, we need to explore those options.

Deane Palmer - raise millage if necessary to keep our quality of life.

Commissioner Troller thanked citizens for coming out and expressing their opinions. He asked Greg if the city had a rainy day fund and if they were dipping into it.

Greg answered they were dipping into the rainy day fund for FY 2008 by an estimated half a million and if they did everything they proposed tonight, they would be dipping into in by another \$400,000.

Commissioner Troller suggested options for the merit and cost of living raises.

The commission discussed other options and challenges to the upcoming budget.

The meeting adjourned at 8:13 p.m.