

LAKELAND CITY COMMISSION
Regular Session
January 5, 2009

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

CALL TO ORDER – 9 a.m.

INVOCATION

Reverend Robert Moore of Hope Hospice offered the Invocation followed by the salute to the flag.

PRESENTATIONS

Water - Conditions, Challenges, and Opportunities in Water Utilities (Greg Boettcher)

Employee Service Awards

10 Years

Brooks Jr, George A	01-04-1999	Human Resources
Brown, Matthew A	01-19-1999	Fire
Howser, Brian J	01-04-1999	Water Utilities
Hutton, Warren Scott	01-04-1999	Police
Knobloch, Kim K	01-04-1999	Police
Rivers, Carol Y	01-17-1999	Electric Utilities
Swick, Rebecca Lee	01-06-1999	Police

20 Years

Butts, Richard D	01-09-1989	Water Utilities
Davis, Del	01-16-1989	Electric Utilities
Gleason, Steve	01-17-1989	Water Utilities
Prater, John D	01-16-1989	Electric Utilities
Robinson, Gwendolyn L	01-30-1989	Electric Utilities

25 Years

Bell, Daniel A	01-22-1984	Parks & Recreation
Bigelow, Gilbert	01-15-1984	Parks & Recreation
Jackson, Charles L	01-22-1984	Electric Utilities
More, Christine D	01-30-1984	Electric Utilities

30 Years

Croft, Tommy
Toy, Jeffrey A

01-17-1979
01-22-1979

Electric Utilities
Electric Utilities

Mayor Fletcher and Doug Thomas presented these awards.

Florida League of Cities 20-Year Award

Commissioner Wiggs presented Mayor Fletcher with a proclamation from the Florida League of Cities for his 20 years of service to the City of Lakeland.

EQUALIZATION HEARINGS

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

Lots Cleaning and Clearing

Tim McCausland presented the assessment roll for lots cleaning and clearing. A copy of that roll is attached to the end of these minutes.

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

Mayor Fletcher asked for comments and there were none.

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

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

Beautification Awards

1611 Harden Boulevard – Harden Boulevard Professional Centre
1832 West Lake Parker Drive - Think Van Trinh

Frankie Martin presented these awards and announced the Garden Lecture Series the 1st Monday at the Main Branch and the 3rd Monday at the Larry Jackson Branch.

2009 LAKELAND CITY COMMISSION

Action: Commissioner Wiggs moved to adjourn Sine Die. Commissioner Verplanck seconded and the motion carried unanimously.

Action: Commissioner Wiggs moved to convene as the 2009 City Commission. Commissioner Verplanck seconded and the motion carried unanimously.

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

ELECTION OF MAYOR PRO TEM

Action: Commissioner Wiggs moved to elect Commissioner Verplanck as the 2009 Mayor Pro Tem. Commissioner Higgins seconded and the motion carried unanimously.

COMMITTEE REPORTS AND RELATED ITEMS – None

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 was removed from the consent agenda and considered in its normal sequence.

- * City Commission Minutes 12/15/08
- * Utility Committee Minutes 12/15/08
- * Memo re: Cultural Assistance Fund Appropriation
- * Memo re: Department of Information Technology Fund Appropriation and Increase in Estimated Revenue
- * Memo re: General Fund Appropriation and Increase in Estimated Revenue for LPD Bullet Proof Vest Grant
- * Memo re: Agreement with Lakeland Regional Health Systems, Inc. for Use of Dark Fiber Optic Filaments
- * Memo re: Maintenance Service Agreement with Positron, Inc. for Call-In Support for Lakeland's Synchronous Optical Network

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 Minutes 12/15/08
- * Utility Committee Minutes 12/15/08

REQUESTS TO APPEAR FROM THE PUBLIC

Carol Castagnero

Ms. Castagnero distributed a list of eleven issues before the meeting began. A copy is on file in the City Clerks Office. She requested an investigation into the Police Department and the Code Enforcement Division. She requested to meet with someone concerning Code Enforcement and the permitting process.

Brian Rewis explained that he has met with Ms. Castagnero.

Commissioner Verplanck recommended that someone from Community Development contact her.

Doug Thomas committed to meeting with her after the Commission meeting to obtain her contact information and put her in touch with the appropriate staff member.

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5073; Proposed 08-065; Change in Zoning on Approximately 19 Acres Located South of Griffin Road, Approximately 1,400 Feet East of Kathleen Road (1st Rdg 8/18/08)

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 LAKE LAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKE LAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 5074; Proposed 08-075; Change in Zoning on Approximately 44 Acres Located East of Tomkow Road and South of Old Polk City Road (1st Rdg 8/18/08)

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 LAKE LAND, PURSUANT TO

THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 5075; 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 (1st Rdg 8/18/08)

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.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

COMMUNITY REDEVELOPMENT AGENCY – None

CITY MANAGER – None

CITY ATTORNEY

Ordinances (First Reading)

Proposed 09-001; Conditional Use for a New Building for Church Accessory Uses to be Located on the Campus of Resurrection Catholic Church, 3720 Old Highway 37

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A NEW BUILDING FOR CHURCH ACCESSORY USES TO BE LOCATED ON THE CAMPUS OF RESURRECTION CATHOLIC CHURCH, 3720 OLD HIGHWAY 37; REPEALING ORDINANCES 3445, 3640 AND 4018; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; 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 January 20, 2009.

Proposed 09-002; Conditional Use for a Daycare Center at 1205 North Lincoln Avenue

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A DAYCARE CENTER AT 1205 NORTH LINCOLN AVENUE; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; 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 January 20, 2009.

Proposed 09-003; Establishing PUD Zoning for Office and Commercial Uses on 13.3 Acres Located North of Griffin Road, West of Kathleen Road

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR PUD ZONING FOR OFFICE AND COMMERCIAL USES ON 13.3 ACRES LOCATED NORTH OF GRIFFIN ROAD, WEST OF KATHLEEN ROAD; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on January 20, 2009.

Proposed 09-004; Amending Ordinance 4957; Making Effective Date Concurrent with Companion Large Scale Amendment

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4957; CHANGING THE EFFECTIVE DATE; 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 January 20, 2009.

Resolutions

Resolution 4735; Proposed 09-001; Lots Cleaning and Clearing

A RESOLUTION RELATING TO ASSESSMENTS; DETERMINING THE NECESSITY FOR HAVING CLEANED AND CLEARED CERTAIN PROPERTY WITHIN THE CITY OF LAKELAND; PROVIDING FOR THE ASSESSMENT OF LIENS AGAINST SUCH PROPERTY FOR EXPENSES INCURRED IN THE CLEANING AND CLEARING THEREOF; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4736; Proposed 09-002; Authorizing Execution of Two Settlement Agreements with FDOT for Reimbursement of Landscape Improvement Expenses Pursuant to Highway Beautification Grants

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNATED REPRESENTATIVE TO ENTER INTO TWO SETTLEMENT AGREEMENTS WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF LANDSCAPE IMPROVEMENT EXPENSES PURSUANT TO HIGHWAY BEAUTIFICATION GRANTS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Miscellaneous Reports and Communications

Memo re: Task Authorization with Glatting Jackson for the Development of Form-Based Zoning Regulations

This Task Authorization with Glatting Jackson Kercher Anglin, Inc. was to assist with the development of new zoning regulations for the City. The next generation of the Land Development Regulations would be “form-based,” putting more emphasis on physical design, building scale, and neighborhood character. The primary objectives of the new regulations would be:

- To create urban design standards and incentives that result in sustainable development patterns and buildings, including the revitalization of older urban areas
- To improve the predictability of development outcomes
- To improve the usability of the code

A Design Districts Map, created during an earlier contract phase, provided the organizing principle for the new regulations. It identified four types of urban form districts (Corridors, Neighborhoods, Centers, and Single-Use Districts) within each of three general area types (Urban, Suburban, and Rural Areas). Work under this task authorization would produce the regulations that would apply within the various districts and areas.

The not-to-exceed fee for this Task Authorization was \$100,000. Funding had been budgeted in the current fiscal year in the Community Development budget. Work would begin immediately and staff expected it to last approximately one year. Staff recommended that the Commission authorize the appropriate City officials to execute the Task Authorization.

Tim McCausland presented this item to the Commission.

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

Memo re: Lease Agreement with 1st Source Bank for Guzzler Truck

This Supplemental Lease Agreement and corresponding documents between the City and 1st Source Bank was for a guzzler truck to clean sumps and other areas around the utility plants. The Commission approved a Master Lease Agreement with 1st Source Bank on October 6, 2008. This vehicle was a budgeted replacement for this fiscal year and needed replacement due to its age and heavy use. The vehicle has over 11,000 hours of use on the guzzler unit and 170,000 miles on the truck. The truck was a critical piece of equipment utilized at the City's power plants. Without this equipment on site for a period of three or more days, staff must contract for a replacement. Environmental Products of Florida manufactures this truck, which the City would lease through 1st Source Bank.

The annual payment for the lease of this vehicle would be \$57,421, for a total of \$287,105 over the five-year lease period. Fleet Management's Vehicle Replacement Fund would fund the cost of this Lease, which included maintenance and a replacement machine if the unit was down for a period of more than three (3) days. Leasing this equipment would save the City approximately \$26,000 over the life of the Lease. Fleet Management Staff determined that an operating lease was the best option for the City.

Staff recommended that the Commission authorize the appropriate City officials to approve this Lease Agreement for the guzzler truck with 1st Source Bank.

Tim McCausland presented this item to the Commission.

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

FINANCE DIRECTOR

Memo re: Cultural Assistance Fund Appropriation

The Fiscal Year 2009 City of Lakeland Budget proposed that the Cultural Assistance Grant funding request, previously administered from the interest borne by the Cultural Assistance Grant set aside corpus in addition to contributions from the City of Lakeland Annual General Fund Budget, be funded in Fiscal Year 2009 at the same levels provided in FY 2008. Consistent with the fiscal strategies incorporated that were incorporated into the FY 2009 Budget, the proposed funding mechanism for the proposed grants were to fully be derived from the Cultural Assistance Grant set aside corpus. This was for FY 2009 only, with further research and review to determine future year options for the continued financial viability of the grant program.

The organizations to receive funding and the levels proposed are as follows:

<u>Organization</u>	<u>Amount</u>	
Arts in the Park	\$ 10,927	
Explorations V, Inc.	\$ 17,210	
Imperial Symphony Orchestra	\$ 47,768	(includes a carry over from FY07')
Polk Museum of Art	\$ 81,955	
Polk Theatre	\$ 36,060	
Florida Dance Theatre	\$ 9,289	
Education & Enlightenment Group	\$ 5,000	
Lakeland Concert Band	\$ 12,000	(includes \$7,000 facility rent abatement)
Platform Florida	\$ 5,000	
Mayfaire Art Purchase	\$ 500	
Total	\$ 225,709	

Staff recommended that the City Commission authorize an appropriation from the Cultural Assistance Fund in the amount of \$225,709 and authorize the appropriate City officials to execute the Cultural Assistance Grant Funding program as modified for Fiscal Year 2009.

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

Memo re: Department of Information Technology Fund Appropriation and Increase in Estimated Revenue

The City utilizes a software package called RouteSmart to accommodate the design of meter reading and solid waste collection routes. The Solid Waste Division would like to add some additional functionality to that system, which only the original vendor could program. The costs of these upgrades were approximately \$8,500. The Department of

Information Technology (DoIT) would manage this project. Solid Waste would reimburse DoIT for the costs.

Staff requested that the City Commission approve a budget adjustment to accommodate accounting for this project within the Department of Information Technology. This would require an increase in Estimated Revenues and a corresponding increase in Appropriations in the amount of \$8,500 within the Department of Information Technology Fund. Funds were available in the Solid Waste Division budget to accommodate reimbursing DoIT for the actual costs of this work.

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

Memo re: General Fund Appropriation and Increase in Estimated Revenue for LPD Bullet Proof Vest Grant

The Federal Bureau of Justice Assistance awarded the City a grant to purchase bulletproof vests. The grant was in the amount of \$33,071, which would cover half of the cost of replacing 109 vests. This was typically an annually re-occurring grant program. Funds were not included in the original FY 2009 Budget due to uncertainty as to whether the grant funds would be made available this year.

Staff requested that the City Commission authorize an amendment to the FY 2009 General Fund Budget by increasing Estimated Revenues by \$33,071 and increasing Appropriations \$66,142 to accommodate acceptance of this grant.

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

AUDIENCE

Jesse Williams and Jewel Daniels came forward concerning issues with their electric billings. Some bills had been wrong and not corrected until the next billing cycle. Now the amounts are unmanageable. They had spoken with the Customer Service Division. Doug Thomas committed to meet with them after the Commission meeting.

Mr. McCreary of 219 W Crawford St. came forward concerning a problem with speeding in his neighborhood. He wanted speed bumps in his neighborhood and closer patrol in the area. Doug Thomas committed to follow up with Mr. McCreary after the Commission meeting this morning.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Happy New Year!

UTILITY COMMITTEE

*** Memo re: Agreement with Lakeland Regional Health Systems, Inc. for Use of Dark Fiber Optic Filaments**

This proposed Fiber Optic (Dark Fiber) License Use Agreement between the City and Lakeland Regional Health Systems, Inc. was to transmit data services from Lakeland Regional Medical Center (LRMC) to its various offices/satellite facilities. This License Agreement was similar to previous agreements the City had with LRMC. Pursuant to this Agreement, LRMC will be leasing six (6) Dark Fibers from the City to provide connectivity from LRMC's main offices on Lakeland Hills Boulevard to a disaster recovery site located at 6810 New Tampa Highway.

This Agreement would be for an initial period of three (3) years commencing on approval by the City Commission, with successive renewal options thereafter. LRMC shall be responsible for all costs relating to connectivity/make-ready and use of the Dark Fiber. Pursuant to this Use Agreement, LRMC would pay the City a one-time fee of \$18,000.00 for connectivity/make-ready and \$62,640.00 annually for the use of the six (6) fibers, representing increased revenue for the City. The City based the rate charged to LRMC on \$100.00 per fiber, per mile, per month on an 8.7-mile route for the six (6) fibers or \$100.00/fiber-mile x 6 fibers x 8.7 miles x 12 months/year.

The License Use Agreement with Lakeland Regional Health Systems, Inc. enabled the City to provide LRMC with a core network of communication that could be transmitted long distances and had a high data-carrying capacity allowing LRMC to serve their facilities and the community as a whole.

Staff recommended that the Commission authorize the appropriate City officials to execute the License Use Agreement for Fiber Optic (Dark Fiber) with Lakeland Regional Health Systems, Inc.

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

*** Memo re: Maintenance Service Agreement with Positron, Inc. for Call-In Support for Lakeland's Synchronous Optical Network**

This proposed Maintenance Service Agreement with Positron, Inc. would provide call-in support for Lakeland's Synchronous Optical Network (SONET), which was the fiber transport equipment that transmitted data along its fiber optic network.

Positron, the equipment manufacturer, provided Lakeland with call-in support/maintenance on its SONET since 2003. This Agreement would enable the City to receive call-in support/maintenance on the SONET twenty-four (24) hours a day, seven (7) days a week. Pursuant to this Agreement, Positron would provide the City with troubleshooting support services via telephone and by remote connection.

The Agreement would be for an initial period of one (1) year commencing on approval by the City Commission and was renewable for five (5) additional one (1) year periods thereafter. The annual cost of this Agreement would be \$11,700.

Staff recommended that the Commission authorize the appropriate City officials to execute this Maintenance Service Agreement with Positron, Inc.

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

CALL FOR ADJOURNMENT – 10:22 a.m.

Ralph L. Fletcher, Mayor

Kelly S. Koos, CMC, City Clerk

AGENDA STUDY SESSION
January 5, 2009

The Lakeland City Commission met in the Agenda Study Session in the Commission conference room. Commissioners Howard Wiggs, Gow Fields, Jim Verplanck, Glenn Higgins, and Mayor Fletcher were present. Commissioner Edie Yates was ill. Commissioner Justin Troller had mandatory in-service training at school. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, and City Clerk Kelly Koos were present along with staff and the media.

Mayor Fletcher called the meeting to order at 8:02 a.m.

Doug Thomas covered the preliminaries.

Tim McCausland covered the Public Hearings, the City Attorney agenda and the Utility Committee agenda.

Tim McCausland offered the following verbals:

- The Nicholson dispute has been resolved. The City has entered a settlement agreement.
- The (MRT) Mineral Resources Technology dispute was still outstanding. He would keep the Commission posted.

Greg Finch covered the Finance Agenda.

The meeting adjourned at 8:19 a.m.

Ralph L. Fletcher, Mayor

Kelly S. Koos, CMC, City Clerk