

LAKELAND CITY COMMISSION
Agenda Study Session
September 18, 2009

The Lakeland City Commission met for the Agenda Study Session in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Justin Troller, Jim Verplanck, Glenn Higgins, and Mayor Fletcher were present. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Assistant Community Development Director Steve Bissonnette, Finance Director Greg Finch, City Attorney Tim McCausland, Assistant City Manager Stanley Hawthorne, City Clerk Kelly Koos, and staff were present.

Mayor Fletcher called the meeting to order at 8:32 a.m.

Doug Thomas covered the preliminaries.

Tim McCausland covered the Public Hearings.

Tim McCausland explained staff had been working on Proposed Ordinance 09-055 (Red Light Cameras) to make the changes the Commission requested however; they were not ready to pass the ordinance on an emergency basis. Staff needed the Commission to clarify the retroactive aspect. Would people get automatic refunds or would they have to wait the 12 months to get the refund? Would the City refund the money now and then bring the other tickets back to life and enforce them if the citizen has another violation within 12 months? As staff was working to make the changes, the initial violation created the 30-day clock. Any violations that occur during the 30-days, the City would hold in abeyance and any violations that occur outside the 30-day period would cause the citizen to be responsible for any violations received during the 30-day period.

The group discussed the "forgiveness opportunity" and to whom it should apply. Should the City send letters to previous offenders as they roll out the "forgiveness" program? This would cause the citizen to take an active role in resolving the issue. The letter should be clear that this forgiveness opportunity was only for right turn on red.

The group discussed how ATS tracked the violations and what the ordinance actually required. The ordinance speaks to the owner not the individual vehicles. It did not consider different vehicles when increasing the fine amount. The Commission planned to continue with that practice. ATS actually tracked the violations by the vehicle tag number. They did not have the owner information. The group discussed adjusting the ordinance accordingly. ATS and the City's IT staff have not met as of yet to resolve the differences.

Tim McCausland clarified the changes the Commission was requesting:

- For multiple violations in the 30-day period, the City would send notice asking if they wanted a refund and explaining the requirements for that refund.
- He will add the language for right turn violations.

Tim McCausland felt they had direction on how to craft the ordinance but they were not ready to pass it on an emergency basis. He planned to have the First Reading on Monday, September 21, 2009 and the Second Reading & Public Hearing on Monday, October 5, 2009.

The group discussed the Ledger article concerning the retention requirements of the videos.

Tim McCausland covered the Resolution for Public Hearing relating to the Comp Plan Evaluation Appraisal Report (EAR). Celeste Deardorff distributed a memo concerning the resolution. She planned to make a brief presentation on Monday. She distributed the Planning & Zoning Board's Recommendation, a copy of which is on file in the City Clerk's Office.

Doug Thomas covered the City Manager agenda. He explained that the dollar amount on the airport insurance would be an "up to" amount as Risk Manager Karen Lukhaub was negotiating for a lesser premium. The labor contract was a five-year agreement.

Doug Thomas offered the following verbals:

- Street Sweeping In Orangewood: The streets in Orangewood were private streets and that was why street sweepers had not been in that neighborhood. The homeowners would have to negotiate with the city to sweep the streets or bring the roads up to city standards for the city to take ownership. Assistant City Attorney Palmer Davis was reviewing the legal issues, as there was no homeowners association to work with the City. The initial problem in Orangewood was the retention pond, which led to stormwater and wastewater. The road maintenance was never addressed. The residences were under the impression that the initial assessment would take care of everything including the roads. That was not the case.
- Ms. Ritz asked about traffic enforcement on S Edgewood Dr. The speed limits were lowered to 30 mph because both ends were 30 but the middle was 40. LPD was having enforcement issues, lowered the limit, and implemented a no passing zone because of the school.

Tim McCausland explained that he was adding an emergency ordinance to approve the ballot. Qualifying would close today at noon.

Tim McCausland covered the City Attorney agenda.

Tim McCausland covered the right of way donation for the East-West Roadway.

Tom Cloud was present representing Williams Acquisition Holding Company. The City offered to extend traffic concurrency beyond the 2015 to 2020 in exchange for their cooperation and to help move the East-West Roadway forward. Tom Cloud added that DOT was telling everyone the road would be complete in Nov 2011. DOT would like to approve the RFP in early October. In order to do that, Lakeland must provide a letter assuring that Lakeland had the ROW. Williams wanted to help that happen. DOT would move forward if Lakeland received the ROW from Williams. Williams was willing to "back stop" the ROW if the other party did not provide the ROW in a timely manner. The original alignment, that was completely on Williams property, would still be available should the other party fail to contribute the ROW for the preferred route.

The group discussed bicycle and pedestrian paths.

As of yesterday afternoon, Brown Development Group (BDG) had executed the documents. The mortgage release had also been executed and they were being delivered yesterday afternoon.

The group discussed the build out options

Greg Finch gave a verbal: Lakeland's water/wastewater system had received a AAA rating. He expected ratings on the electric bonds Monday.

Dixieland Post Office: The Commission decided to pass a resolution in support of keeping the post office. Staff would bring the Resolution on Monday.

Holiday Inflatables: Doug Thomas would bring this issue back for Commission discussion prior to the holiday season.

Doug Thomas offered a verbal on the Federal Building. The City sent out RFPs for the Federal Building and received two proposals. Tony Delgado had scheduled presentations for Tuesday. Staff would bring a recommendation soon.

The meeting adjourned t 10:17 a.m.

LAKELAND CITY COMMISSION
Regular Session
September 21, 2009

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

CALL TO ORDER - 9 a.m.

INVOCATION

Jesse McNeal, LPD Chaplain, offered the invocation followed by the salute to the flag.

PRESENTATIONS

United Way Presentation (Terry Worthington, President)

Lakeland Police Department – Tiburon (Chief Boatner, Lt. Henson, & David Ramirez)

Above and Beyond Awards - David Bivens, Katherine Elsaesser, and Beverly Lewis (Chief Mohler)

PROCLAMATIONS

Domestic Violence Awareness Month

COMMITTEE REPORTS AND RELATED ITEMS

Land Acquisition & Disposition Committee 09/18/09

The Land Acquisition/Disposition Committee met in the Commission conference room. Commissioner Troller & Mayor Fletcher (members) and Commissioner Higgins (chair) were present. Commissioner Verplanck, City Manager Doug Thomas, Deputy City Manager Tony Delgado, Assistant Community Development Director Steve Bissonnette, City Attorney Tim McCausland, Assistant City Manager Stanley Hawthorne, CRA Manager Tamara Sakagawa, and City Clerk Kelly Koos were present along with staff.

Commissioner Higgins called the meeting to order at 8:17 a.m.

714 E Magnolia Street

Tamara updated the Committee on this address. Staff recommended selling the lot to Habitat for Humanity for \$1,000. The balance (\$7,536) would remain as a

lien on the property. The City would forgive this lien at the rate of 10% per full year of occupancy by the ultimate homebuyer.

The families close on the other two lots today. Tamara distributed copies of the plans for the homes. Planning and the LCRA were weighing in on the design of the homes so they would not appear as low-income housing.

Tim McCausland asked if the Land Acquisition/Disposition Committee would be interested in delegating this authority to the staff. Staff would bring any issues that deviated from the standard protocol.

Commissioner Troller wanted to know the addresses.

Action: Mayor Fletcher moved to approve the sale of 714 E Magnolia to Habitat for Humanity. Commissioner Troller seconded and Commissioner Higgins concurred.

Action: Mayor Fletcher moved to delegate the authority to staff to proceed with these type sales provided they did not deviate from the standard protocol and staff kept the Committee up to date on sales. Commissioner Troller seconded and Commissioner Higgins concurred.

The meeting adjourned at 8:21 a.m.

Commissioner Higgins gave the report.

Commissioner Wiggs left the meeting at 9:58 a.m. and did not return before the recess.

Contract for Sale and Purchase – Lakeland Community Redevelopment Agency to Lakeland Habitat for Humanity, Inc. – 714 East Magnolia Street

This Contract for Sale and Purchase was between the Lakeland Community Redevelopment Agency (LCRA) and Lakeland Habitat for Humanity, Inc. for the sale of property located at 714 East Magnolia Street. This was a vacant lot owned by the LCRA, which lay within the Mid Town Community Redevelopment Area. Lakeland Habitat for Humanity, Inc. was the sole respondent to Request for Proposals No. 9194, which the Purchasing Department issued in June 2009. Lakeland Habitat's proposal was to acquire the property for constructing a single-family residence for sale as part of the neighborhood stabilization efforts outlined in the Mid Town CRA Redevelopment Plan and the Parker Street Conceptual Master Plan. Purchase prices and development procedures under the LCRA's Model Block Program would be consistent with the City of Lakeland's existing Urban Homesteading Program. The City would sell lots for the current assessed value as provided by the Polk County Property Appraiser's office.

Under the proposed Contract, the LCRA would sell the lot for \$8,536.00. Lakeland Habitat for Humanity, Inc. would pay \$1,000.00 at closing, and the City would secure the balance

due on the purchase price in the form of a 10-year deferred payment lien against the property. The City would forgive this deferred payment lien at the rate of 10% per full year of occupancy by the ultimate homebuyer.

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

Action: The Commission approved this contract unanimously (6-0), upon recommendation from the Land Acquisition/Disposition Committee.

APPROVAL OF CONSENT AGENDA

All items listed with an asterisk (*) were considered routine by the City Commission and were to be 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 09/04/09 – 09/09/09
- * Utility Committee Minutes 09/08/09
- * Recommendation re: Renewal of Statutory Accidental Death and Dismemberment (ADD) and Accidental Death (AD) Insurance Policy for all City Employees
- * Recommendation re: Renewal of Insurance for Property/Boiler and Machinery, Excess Workers' Compensation, Crime, Electronic Data Processing/Golf Carts, Surety Bond for City Treasurer
- * Recommendation re: Renewal of Airport General Liability/Control Tower Insurance
- * Memo re: Agreement for Business Continuity Planning Services with DSM. net, Inc.
- * Memo re: Subordination of Easement Rights Agreement Among Williams Acquisition Holding Company, Inc., University of South Florida and City of Lakeland for East-West Roadway

Action: Commissioner Verplanck moved to approve the Consent Agenda and the motion carried unanimously (6-0).

APPROVAL OF MINUTES (with any amendments)

- * **City Commission 09/04/09 – 09/09/09**

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

- * **Utility Committee 09/08/09**

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

REQUESTS TO APPEAR FROM THE PUBLIC - None

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5123; Proposed 09-049; Proposed Changes to the Land Development Regulations (1st Rdg 9/8/09)

AN ORDINANCE RELATING TO LAND DEVELOPMENT REGULATIONS; ADOPTING VARIOUS AMENDMENTS TO THE CITY OF LAKE LAND DEVELOPMENT CODE; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 5124; Proposed 09-050; Conditional Use to Allow a Nail Salon on Property Located at 1412 South Florida Avenue (1st Rdg 9/8/09)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE TO ALLOW A NAIL SALON LOCATED AT 1412 SOUTH FLORIDA AVENUE; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Proposed 09-051; Conditional Use to Allow 150,000 Square Feet of Retail, Office, Hotel and Other Uses on 22.34 Acres Located North of Interstate 4 and West of Kathleen Road (1st Rdg 9/8/09)

Tim McCausland explained that the applicant requested a delay. Tim requested the Commission continue the public hearing to October 5, 2009.

Action: Commissioner Verplanck moved to continue the public hearing to October 5, 2009. Commissioner Higgins seconded and the motion carried unanimously, 6-0.

Ordinance 5126; Proposed 09-052; Authorizing the Issuance of City of Lakeland Variable Rate Energy System Refunding Bonds, Series 2009, in an Aggregate Principal Amount Not to Exceed \$ 200,000,000 (1st Rdg 9/8/09)

AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF LAKELAND, FLORIDA VARIABLE RATE ENERGY SYSTEM REFUNDING BONDS, SERIES 2009 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$200,000,000 TO CURRENTLY REFUND ALL OR A PORTION OF THE CITY'S OUTSTANDING VARIABLE RATE ENERGY SYSTEM REVENUE AND REFUNDING BONDS, SERIES 2008A AND SERIES 2008B; PROVIDING FOR CERTAIN TERMS OF THE 2009 BONDS, INCLUDING DESIGNATING EACH OF THE MATURITIES OF SUCH BONDS AS DESIGNATED MATURITY OBLIGATIONS; AUTHORIZING THE REDEMPTION OF THE 2008B BONDS; ESTABLISHING A FORM OF THE 2009 BONDS; APPOINTING THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS REGISTRAR, PAYING AGENT AND CALCULATION AGENT FOR THE 2009 BONDS; AUTHORIZING THE MAYOR, THE MAYOR PRO TEM, THE CITY MANAGER OR THE FINANCE DIRECTOR ON BEHALF OF THE CITY, TO APPROVE THE FORM OF A PRELIMINARY OFFICIAL STATEMENT WITH RESPECT TO THE SERIES 2009 BONDS AND DEEM SAID PRELIMINARY OFFICIAL STATEMENT FINAL FOR PURPOSES OF SEC RULE 15C2-12 AND AUTHORIZING THE MAYOR OR THE MAYOR PRO TEM, THE CLERK AND THE CITY MANAGER TO EXECUTE AND DELIVER ON BEHALF OF THE CITY AN OFFICIAL STATEMENT; AUTHORIZING THE MAYOR, THE MAYOR PRO TEM, THE CITY MANAGER OR THE FINANCE DIRECTOR TO ESTABLISH THE PRINCIPAL AMOUNT OF THE BONDS, THE INTEREST RATE SPREAD ABOVE SIFMA PAYABLE ON THE BONDS WITHIN CERTAIN PARAMETERS, THE REDEMPTION TERMS AND MATURITY SCHEDULE, AND TO SELECT THE SERIES 2008 BONDS TO BE REFUNDED, TO AWARD THE SALE OF THE 2009 BONDS TO GOLDMAN SACHS & CO. ON A NEGOTIATED BASIS, AND ESTABLISH THE CONDITIONS TO SUCH SALE AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT; AUTHORIZING THE MAYOR OR THE MAYOR PRO TEM AND THE CLERK TO APPROVE, EXECUTE AND DELIVER ON BEHALF OF THE CITY A CONTINUING DISCLOSURE AGREEMENT WITH RESPECT TO THE 2009 BONDS AND APPROVING DIGITAL ASSURANCE CORPORATION, L.L.C. AS DISCLOSURE DISSEMINATION AGENT THEREUNDER; AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE ACTIONS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH ANY OF THE FOREGOING; PROVIDING FOR OTHER MATTERS RELATING THERETO; AND PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinances (Emergency Adoption)

Proposed 09-056; Approving Form of Ballot

AN ORDINANCE RELATING TO MUNICIPAL ELECTIONS; APPROVING A FORM OF BALLOT; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Kelly Koos explained there could be a change to the ballot and requested time to meet with the City Attorney before the Commission took action.

Action: Commissioner Verplanck moved to table the ordinance until after the Utility Committee meeting. Commissioner Higgins seconded and the motion carried unanimously, 6-0.

Resolutions

Resolution 4781; Proposed 09-047; Adopting the Lakeland Comprehensive Plan: 2000-2010 Evaluation Appraisal Report Celeste Deardorff gave a brief update on this item.

A RESOLUTION RELATING TO COMPREHENSIVE PLANNING; ADOPTING THE LAKELAND COMPREHENSIVE PLAN: 2000- 2010 EVALUATION AND APPRAISAL REPORT (EAR); STATING THE INTENT OF THE CITY OF LAKELAND CITY COMMISSION TO AMEND THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT AND APPROVING TRANSMITTAL OF THE REPORT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments.

Carol Castagnero asked about replacing old mobile homes with new ones. Celeste explained that as part of the LDR, mobile homes in the City limits could not be replaced with new mobile homes unless they were specifically inside mobile home parks.

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

EQUALIZATION HEARINGS – None

COMMUNITY REDEVELOPMENT AGENCY - None

CITY MANAGER

- * **Recommendation re: Renewal of Statutory Accidental Death and Dismemberment (ADD) and Accidental Death (AD) Insurance Policy for all City Employees**

Risk Management issued a Request for Proposal on July 16, 2009 for the provision of Statutory ADD and AD for law enforcement, firefighters, and all other employees as the current policy would expire on September 30, 2009. This policy would insure the City of Lakeland remained compliant with Florida Statutes 112.19 and 112.191 to provide ADD and AD coverage.

The bid was sent to twenty vendors with proposals submitted by Ace USA, L B Bryan and Company, and Hartford Life (Current Carrier). Proposed benefits by the three bidders mirrored the current policy with the exception of L B Bryan and Company who proposed a lesser premium allowance for the continuation of medical coverage. Hartford Life and L B Bryan and Company proposed 2-year prepaid premiums and higher than that proposed by Ace USA. A comparison of the proposed benefits are listed below:

Benefits	Hartford Life (Current)	Ace USA (Proposed)	L B Bryan and Company (Proposed)	Hartford Life (Proposed)
In Line of Duty AD & D *	\$59,694.46	\$59,694.46	\$59,694.46	\$59,694.46
Fresh Pursuit AD *	\$59,694.46	\$59,694.46	\$59,694.46	\$59,694.46
Unlawful and Intentional Death (AD) *	\$179,083.29	\$179,083.29	\$179,083.29	\$179,083.29
Accident Total Disability (weekly benefits)	\$100.00	\$100.00	\$100.00	\$100.00
Education (yearly)	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
Spouse Education (yearly)	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
Day Care (yearly)	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
Continued Medical Premium (e.g. COBRA premium for dependents only up to 5 years)	N/A	\$5,000.00	\$2,984.72	\$5,000.00

* Florida Statue sets the rates for In Line of Duty, Fresh Pursuit, and Unlawful & Intentional Death annually and these are the mandated benefits.

Below is a comparison of the proposed two-year premium:

Period	Ace USA	L B Bryan & Company	Hartford Life
2 Year Prepaid Premium Period effective October 1, 2009	\$23,844.88	\$26,200.00	\$29,708.00

Based upon the above, staff recommended that the City Commission authorize the appropriate City officials to execute documents with Ace USA for Statutory Accidental Death and Dismemberment (ADD) and Accidental Death (AD) Insurance Policies for all City employees effective October 1, 2009 for two consecutive years.

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

- * **Recommendation re: Renewal of Insurance for Property/Boiler and Machinery, Excess Workers' Compensation, Crime, Electronic Data Processing/Golf Carts, Surety Bond for City Treasurer**

The City has completed the annual renewal process for the above referenced coverages for FY 2010. The City's current Broker of Record was Arthur J. Gallagher Risk Management Services. The variety of quotations for noted coverages were as follows and were for the period October 1, 2009 to September 30, 2010.

1. Property and Boiler Machinery: The program provided risk coverage for City property and boiler machinery for all City operations including the 501G unit. The current loss limit on the policy was \$250,000,000. This coverage provided a schedule of deductibles from \$100,000 (non-utility properties) to \$750,000 (McIntosh Steam Unit #3); \$500,000 (Larsen Unit #8); and \$1,500,000 (501G Turbine). Deductible for named windstorm was 3% of the

location's total insured value at the time of loss, subject to a minimum of \$1,000,000.

Total insured value of City properties was \$1,906,348,311, which represented a 3.6% increase over the FY 2009 values. The primary increase in the property values was due to the addition of the Selective Catalytic Reduction System (SCR) at McIntosh Power Plant Unit #3 (\$60,185,950).

The FY 2010 premium would be \$2,200,000, which represented a 10.3% increase in comparison to the FY 2009 premium of \$1,993,793. This increase was due to the 3.6% increase in City property values coupled with property claim losses the City had incurred over the past several years including the West Substation fire loss (reserved at \$4,900,000); Glendale fire loss (reserved between \$1,000,000 and \$1,250,000); and the McIntosh Cooling Tower fire loss, for which a total of \$456,000 was paid in damages.

The following carriers would provide respective quota share coverages for FY 2010: National Union (A.M. best rate A+ XV) 50% quota share; Zurich (A.M. best rate A XV) 30% quota share; Westport Insurance {Swiss Re} (A.M. best rate A XV) 10% quota share; and Princeton Excess and Surplus Lines Insurance {Munich Re} (A.M. best rate A + XV) 10% quota share.

2. Excess Workers' Compensation: The City currently self-insures its workers' compensation program with a retention limit of \$350,000.

The incumbent, Florida Municipal Insurance Trust (FMIT) has again offered a competitive program. The premium for FY 2009 was \$372,386, which was based upon \$109,422,149 of payroll, and equated to .340/\$100. However, given that the City has maintained a very successful self-insured program for excess workers' compensation for several years, even though the payroll has increased by 6.7% to \$116,715,872, FMIT offered the FY 2010 renewal at .313/\$100 for an annual premium of \$365,129 representing a 1.9% decrease.

3. Electronic Data Processing/Golf Cart: Policy terms and conditions remain unchanged from the current policy, as did the rate for the computer coverage, which was .12/\$100. Hartford Insurance Company of the Southeast remained the carrier for this coverage. The FY 2009 annual premium was \$40,196.10. The annual premium for FY 2010 increased to \$49,144.39, representing a 22.3% adjustment attributable to valuation changes and new equipment and machinery, primarily the new Caterpillar machine at the McIntosh Plant.

4. Crime: There have been no changes in this coverage, which was provided by National Union Fire Insurance Company. The premium increased slightly from \$11,545 to \$11,617.
5. Surety Bond for City Treasurer: There were no changes in coverage, which was provided by Hartford Fire Insurance Company. The premium increased slightly from \$700 to \$707.

A summary of coverage premiums and comparisons to FY 2009 is as follows:

COVERAGES	FY2009	FY2010	Difference	% Difference
Property/Boiler & Machinery	\$1,993,793	\$2,200,000	\$ 206,207	10.3%
Electronic Data Processing/Golf Cart	\$ 40,196	\$ 49,144	\$ 8,948	22.3%
Crime	\$ 11,545	\$ 11,617	\$ 72	0.6%
Treasurer Surety Bond	\$ 700	\$ 707	\$ 7	1.0%
Excess Workers' Compensation	\$ 372,386	\$ 365,129	\$ (7,257)	(1.9)%
Total Premium:	\$2,418,620	\$2,626,597	\$ 207,977	8.6%

Staff recommended that the City Commission approve the property/boiler machinery quota share coverage, which utilized National Union, Zurich, Westport Insurance (Swiss Re), and Princeton Excess and Surplus Lines Insurance (Munich Re) with the current \$250 million loss limit effective October 1, 2009 for a total annual premium of \$2,200,000. Staff further recommended that the City Commission approve renewing the excess workers' compensation through the Florida Municipal Insurance Trust, with the current self-insured retention (SIR) level of \$350,000 per claim with an annual premium of \$365,129. Lastly, staff recommended that the Commission approve the electronic data processing/golf cart coverage, crime policy, and surety bond for the City Treasurer with the above noted carriers, all of which had an October 1, 2009, effective date. As recommended, total net premium for all coverages for FY 2010 would be \$2,626,597.

The City's insurance broker from Arthur J. Gallagher did not receive commissions on any of these policies. In lieu of commissions, the City would continue the annual contracted fee of \$78,000 for FY 2010.

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

*** Recommendation re: Renewal of Airport General Liability/Control Tower Insurance**

The City of Lakeland annual airport general liability/control tower insurance policy would terminate on October 1, 2009. Falcon Insurance, the City's local agent, solicited quotes. Several companies passed on the bid due to the limits of liability, control tower endorsement, or not writing airports in Florida.

W. Brown and Associates offered a quote of \$40,652.50 to mirror existing coverage. Old Republic/Phoenix Aviation Managers, Inc., the incumbent insurer, presented the lowest quote of \$35,350. Additional War and Terrorism Risk coverages were not included in the quotes, as the City has historically elected to waive such coverages.

Staff recognized that the single source contract with the Federal Aviation Administration (FAA) which had historically provided funding for Air Traffic Control (ATC) services at Lakeland Linder Regional Airport (LLRA) would expire on September 30, 2009. This agreement had provided funding in recent years to cover the costs and benefits associated with City employees who provided ATC services at the airport. The FAA's action would transition LLRA's historical Air Traffic Control operations to Robinson Aviation, Inc (RVA) as their National Contractor. Risk Management staff was meeting with RVA staff to accurately define respective liability exposures for each entity under the new arrangement and the City may be able to reduce premium costs for Control Tower coverage in the future. Pending the resolution of the matter, staff felt it best to require AVR to file appropriate insurance documentation with the City and maintain existing general liability and tower control coverages.

The renewal option provided the same level of coverage as the existing policy, which was \$30,000,000 limit of liability per occurrence with no deductible, including personal/advertising injury, property damage combined limit, and non-owned aircraft liability with an annual premium of \$35,350 for the period commencing October 1, 2009 through September 30, 2010.

Staff recommended that the City Commission authorize the appropriate City officials to renew the annual Airport General Liability/Control Tower insurance policy with Old Republic/Phoenix Aviation Managers, Inc., at the current limit and premium of \$35,350 commencing October 1, 2009.

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

Recommendation re: Renewal of Labor Services Contract

The City issued a Request for Proposals on July 28, 2009 for Contract Labor Services in anticipation of the current agreement with MOR PPM expiring on September 30, 2009. This contract would provide contract labor services upon request to all departments.

The City sent the bid to over 20 vendors, with proposals submitted by Aquilex/AMS, Rita Staffing, Iplacement, and MOR PPM. Proposed services by the four bidders mirrored the current agreement with the exception of an expanded list of position titles and enhanced requirements for pre-employment checks. The following table represented an abstract of the bid responses:

	<u>Cost Category</u> *	Bidder:	Aquilex AMS	/ Rita Staffing	Iplacement Inc dba/Source2	MOR PPM Inc
A.1	Administrative/Professional					
	Straight Time Hourly Wage		N/A	24.50%	30%	43%
A.2	Administrative/Professional					
	Overtime Hourly Wage		N/A	23.50%	30%	42.78%
A.3	Construction/Maintenance – Straight					
	Time Hourly Wage without Tools		N/A	N/A	40%	48%
A.4	Construction/Maintenance – Overtime					
	Hourly Wage without Tools		N/A	N/A	40%	44.67%
A.5	Construction/Maintenance - Straight					
	Time Hourly Wage with Tools		152%	N/A	N/A	52%
A.6	Construction/Maintenance - Overtime					
	Hourly Wage with Tools		137%	N/A	N/A	48.67%
A.7	Outage Assistance Labor - Straight					
	Time Hourly Wage with Tools		156%	N/A	N/A	115%
A.8	Outage Assistance Labor - Overtime					
	Hourly Wage with Tools		137%	N/A	N/A	110%

* Cost multiplier expressed as a percentage of wage cost.

Based upon the above proposals, staff recommended that the City Commission authorize the award of Administrative and Professional titles to Rita Staffing and award the Construction, Maintenance, and Outage titles, along with necessary ancillary services (Welding tests, Respirator training, equipment, etc.), to MOR PPM.

Motion: Commissioner Verplanck moved to approve the recommendation. Commissioner Yates seconded and the motion carried unanimously, 5-0. Commissioners Glenn Higgins and Howard Wiggs were absent.

CITY ATTORNEY

Ordinances (First Reading)

Proposed 09-019; Providing for Collection of Criminal History Information on All Employees and Vendors

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA; PROVIDING FOR THE COLLECTION OF STATE AND NATIONAL CRIMINAL HISTORY INFORMATION ON ALL EMPLOYEES AND VENDORS THAT MAINTAIN ACCESS TO FACILITIES THAT ARE CRITICAL TO THE SECURITY OR PUBLIC SAFETY OF THE CITY OF LAKELAND; 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 October 5, 2009.

Proposed 09-055; Amending the Red Light Camera Ordinance to Provide Conditional Relief for Motor Vehicle Owners Receiving Multiple Violation Notices for Illegal Turns on Red

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO RED LIGHT CAMERAS; AMENDING ARTICLE III OF CHAPTER 98 OF THE CODE OF THE CITY OF LAKELAND; DELETING REQUIREMENT FOR CERTAIN INFORMATION TO BE INCLUDED ON NOTICES OF VIOLATION; PROVIDING FOR A CONDITIONAL STAY OF ENFORCEMENT ACTION WITH RESPECT TO MOTOR VEHICLES INVOLVED IN MULTIPLE ILLEGAL TURN INFRACTIONS WITHIN A CERTAIN TIME PERIOD; CLARIFYING THAT PENALTIES ARE VEHICLE-SPECIFIC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 5, 2009.

Resolutions

Resolution 4782; Proposed 09-048; Establishing Various Cemetery Fees

A RESOLUTION RELATING TO CEMETERIES; ADOPTING A SCHEDULE OF FEES; REPEALING RESOLUTION 4480 AND OTHER RESOLUTIONS IN CONFLICT THEREWITH; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4783; Proposed 09-049; Adopting Building Code Fees

A RESOLUTION RELATING TO THE CITY OF LAKELAND BUILDING CODE; ESTABLISHING A SCHEDULE OF FEES; REPEALING RESOLUTION NO. 4475; PROVIDING FOR SEVERABILITY; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments.

Doug Thomas explained that staff had been in touch with the Polk County Builders Association and they did not object to the fees.

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

Resolution 4784; Proposed 09-050; Amending Previously Established Regulatory Review Fees

A RESOLUTION RELATING TO REGULATORY FEES; ESTABLISHING FEES FOR REVIEWING APPLICATIONS FOR ZONING AND RE-ZONING, PLANNED UNIT DEVELOPMENTS, CONDITIONAL USES, VOLUNTARY ANNEXATION, VARIANCE, INITIAL REQUESTS FOR DEVELOPMENTS OF REGIONAL IMPACT AND REQUESTS FOR DETERMINATION OF SUBSTANTIAL DEVIATION, COMPREHENSIVE PLAN AMENDMENTS, APPLICATIONS FOR SALE OF ALCOHOLIC BEVERAGES, SUBDIVISION REVIEW, PLAT REVIEW, CONSTRUCTION PLANS REVIEW, FIELD INSPECTIONS, MOBILE HOME PARKS, DEVELOPMENT PLANS, CONSTRUCTION PLANS AND FIELD INSPECTION, AND SITE PLAN REVIEW; PROVIDING METHOD OF

COMPUTING ACREAGE; ESTABLISHING THE TIME FOR PAYMENT;
REPEALING RESOLUTION 4668; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4785; Proposed 09-051; Providing for Uniform Schedule of Monthly Sewer Service Charges

A RESOLUTION RELATING TO THE CITY OF LAKELAND WASTEWATER SYSTEM; PROVIDING FOR UNIFORM SCHEDULE OF MONTHLY SEWER SERVICE CHARGES; PROVIDING FOR SURCHARGES FOR ABNORMAL STRENGTH WASTES OF COMMERCIAL/INDUSTRIAL USERS; PROVIDING A DETERMINATION THAT REVENUES WILL BE SUFFICIENT TO OPERATE A FINANCIALLY SELF-SUPPORTING WASTEWATER UTILITY; REPEALING RESOLUTION 4715; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Proposed 09-052; Establishing the Environmental Compliance Cost Charge (Rate Schedule BA-3) for FY 09-10

Commissioner Yates asked if the Utility Committee should vote on this first. The Commission decided to send it to the Utility Committee for a recommendation.

Resolution 4786; Proposed 09-054; Recommending Reconsideration of the Proposed Closure of the Dixieland Post Office by the United States Post Office

A RESOLUTION RELATING TO THE PROPOSED CLOSURE OF THE DIXIELAND POST OFFICE BY THE UNITED STATES POSTAL SERVICE; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Miscellaneous Reports and Communications

- * **Memo re: Agreement for Business Continuity Planning Services with DSM.net, Inc.**

This was the proposed Business Continuity Planning Services Proposal with DSM.net, Inc. The City of Lakeland sought to improve its ability to sustain business transactions in the event of a disaster or as a result of a significant business disruption. Business Continuity Planning provided a process that established priorities and determined the means necessary to enable an organization to withstand a business disruption, thereby enabling the City to continue providing service for essential business functions to customers, employees, and constituents through normal or alternate operations. The services provided by this proposal were a Business Impact Analysis, a Risk Assessment, and a Gap Analysis for all City functions and departments.

Using this information, a Recovery Strategy Plan and Roadmap would be documented. This would provide the City with a prioritized list of needs that could be approved and funded as deemed appropriate. The services pursuant to this Agreement could be completed in approximately 36 working days or 270 hours. The total cost of this project would be \$49,000, in addition to related reasonable expenses.

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

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

Memo re: Right of Way Donation for East-West Roadway from Williams Acquisition Holding Company, Inc.

This was the proposed Right of Way Donation and Concurrency Agreement between the City and Williams Acquisition Holding Company, Inc. This Agreement related to the

East-West Connector Road between State Road 33 and the Pace Road Interchange on the Polk Parkway that was intended to serve the proposed University of South Florida Poly-Technic (USFP) Campus. The Development Order for the Williams Development of Regional Impact (DRI) required Williams to contribute the right of way necessary for this connector roadway. This Agreement was intended to memorialize the terms upon which Williams would fulfill that requirement.

In recognition of the impact of the USFP campus, this roadway project was approved for Federal stimulus funding. The Florida Department of Transportation (FDOT) had programmed this road project, which required a confirmation of the road right of way prior to permitting. The preferred alignment for the right of way had been determined, subject to some minor modifications, which would be determined during the design process. Regardless of the ultimate alignment, the parties agreed to cooperate in determining the alignment and completing the property transfer.

In consideration of this Agreement, Williams requested that their trip capacity reservations for concurrency purposes be extended another five (5) years until the end of 2020 and to consider future extensions if appropriate.

Staff requested that the Commission authorize the appropriate City officials to execute this East-West Road Right of Way Donation and Concurrency Agreement.

Tim McCausland presented this item to the Commission.

Action: Commissioner Verplanck moved to approve the recommendation. Commissioner Higgins seconded and the motion carried unanimously, 6-0. Commissioner Wiggs was absent.

- * **Memo re: Subordination of Easement Rights Agreement Among Williams Acquisition Holding Company, Inc., University of South Florida and City of Lakeland for East-West Roadway**

This was a Subordination of Easement Rights among Williams Acquisition Holding Company, Inc., the University of South Florida Board of Trustees and the City related to the East-West Road project. Title work prepared in conjunction with efforts to clear title to the new roadway revealed several encumbrances that needed to be cleared before proceeding, including access and drainage easements between Williams and USF. Under the Subordination of Easement Rights, Williams and USF both agree to subordinate their easement rights to the rights of the City in road right-of-way and slope easements to be donated by Williams and USF. The City, in turn, agrees to cooperate with Williams and USF during the design and construction of the roadway to minimize impact to their subordinated easement rights.

Staff recommended that the Commission authorize the appropriate City officials to execute the Subordination of Easement Rights.

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

FINANCE DIRECTOR - None

AUDIENCE

Carol Castagnero came forward and distributed a handout, a copy of which is on file in the City Clerk's Office. She then reviewed her list of concerns with the Commission.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Yates echoed Terry's comments (United Way Presentation) on the need to read to children.

Commissioner Troller complimented LPD for catching the alleged assailant against the meter readers.

Recess/reconvene: The Commission recessed at 10:49 a.m. until after the Utility Committee meeting. They reconvened at 1:48 p.m.

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

UTILITY - CONSIDERED AFTER 1PM UTILITY COMMITTEE MEETING

Action: Commissioner Verplanck moved to remove proposed ordinance 09-056 from the table. Commissioner Yates seconded and the motion carried unanimously.

Resolution 4787; Proposed 09-052; Establishing the Environmental Compliance Cost Charge (Rate Schedule BA-3) for FY 09-10

A RESOLUTION RELATING TO THE ELECTRIC UTILITY; ESTABLISHING THE ENVIRONMENTAL COMPLIANCE COST CHARGE FOR ALL CUSTOMER CLASSES, COMMENCING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010; REPEALING RESOLUTION 4718; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title and explained that the Utility Committee recommended approval.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4788; Proposed 09-053; Establishing Fuel Charge Effective October 1, 2009

A RESOLUTION RELATING TO THE ELECTRIC UTILITY; ESTABLISHING THE FUEL CHARGE FOR ALL CUSTOMER CLASSES, COMMENCING OCTOBER 1, 2009 AND THEREAFTER; MAKING FINDINGS; REPEALING RESOLUTION 4764; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title and explained that the Utility Committee recommended approval.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinances (Emergency Adoption)

Ordinance 5125; Proposed 09-056; Approving Form of Ballot

AN ORDINANCE RELATING TO MUNICIPAL ELECTIONS; APPROVING A FORM OF BALLOT; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim read the short title and explained that one of the candidates listed a title to appear on the ballot. Titles were not permitted on a ballot. Staff had deleted that title from the ballot.

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

Mayor Fletcher asked for comments and there were none.

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

CALL FOR ADJOURNMENT – 1:51 p.m.

LAKELAND CITY COMMISSION
Budget Hearing
September 21, 2009

The Lakeland City Commission met for the Budget Hearing in the Commission Chambers. Commissioners Glenn Higgins, Justin Troller, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates, and Mayor Fletcher were present. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch, and City Clerk Kelly Koos were present.

CALL TO ORDER – 6 p.m.

INVOCATION

Commissioner Higgins offered the invocation followed by the salute to the flag.

Presentation of Proposed FY2010 Annual City Budget

Doug Thomas and Greg Finch gave this presentation, a copy of which is on file in the City Clerk's Office. They covered the following.

- Budget
- 2010 Proposed Property Tax Millage
- 2010 Budget Policies
- Comparative Annual Cost of Services
- Cumulative Personnel Reductions
- 2010 Budget Schedule

Mayor Fletcher asked for questions from the audience. There were none.

Mayor Fletcher asked for questions from the Commission.

Commissioner Wiggs confirmed that the budget, as presented, did not include T-Hangar rent increases for 6-months.

The group discussed the Aviation Unit Options, which included:

1. "Decommission" Aviation Unit
2. Maintain "Airworthy" Status by flying minimum hours
3. Maintain "Airworthy" Status and deploy for a Maximum of 35 Hours
4. Maintain and fund full operational status of the Aviation Unit
5. Aviation Unit assistance by the Polk County Sheriff's Office (PCSO)

Action: Commissioner Verplanck moved to approve Option 2. Commissioner Higgins seconded.

The Commission discussed the possibility of maintaining the aviation unit at the Police Department and obtaining that service from the Sheriff's Department.

Staff hoped to sell the parts for a better price after the market rebounded by keeping the helicopter in flight condition.

This option would give the City a years worth of experience of working with the sheriff department's aviation unit. It would be an opportunity to see how well that worked. The sheriff's department was supporting the City now, as the City was not operating the helicopter at this time.

There was some support for Option 1 amongst the Commission.

Chief Boatner explained that the rules under which the City gained the helicopter prohibited the city from leasing or making money from the helicopter.

The Commission discussed if the value of the parts would be worth the expense of Option 2. Some local experts believed the value would come back but they were uncertain as to when.

The group discussed the City giving up the aviation unit, ensuring public safety and partnering with the Sheriff's Department.

Action: Mayor Fletcher called for the vote and the motion carried five to two with Commissioners Fields and Higgins voting nay

Doug Thomas explained that staff would finance this option with carryovers. He confirmed that the Commission agreed with delaying the T-Hangar Rent Increase for 6-months. The Airport Advisory Board (AAB) will bring a recommendation.

PUBLIC HEARINGS

Tim McCausland explained there were two ordinances before the Commission tonight. The Commission had already tentatively approved both ordinances. This public hearing had been duly advertised.

Proposed 09-052; Ad Valorem Millage Rate for 2009-2010 Fiscal Year

AN ORDINANCE RELATING TO AD VALOREM TAXATION; ESTABLISHING THE MILLAGE RATE FOR THE CITY OF LAKELAND, FLORIDA, FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010; PROVIDING FOR THE LEVY OF AD VALOREM TAXES; FINDING THE MILLAGE RATE EQUALS THE ROLLED BACK RATE; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Proposed 09-054; Appropriations; Budget for 2009-2010 Fiscal Year

AN ORDINANCE RELATING TO APPROPRIATIONS; PROVIDING FOR THE APPROPRIATION OF MONIES FOR THE CITY OF LAKELAND, FLORIDA, FOR VARIOUS PURPOSES FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title and explained that the ordinances were now properly before the Commission.

Commissioner Verplanck asked if the millage rate was equal to the rollback rate.

Greg Finch explained it was less than the rollback rate.

Tim McCausland suggested that as an amendment to the ordinance to indicate that it is less than the rollback rate.

Motion: Commissioner Higgins moved to approve proposed ordinance 09-053, as amended, Ad Valorem Millage of 3.6538 FY 2009-2010. Commissioner Wiggs seconded.

Mayor Fletcher asked for comments and there were none.

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

Action: Commissioner Verplanck moved to approve the proposed budget FY2009-2010, proposed ordinance 09-054. Commissioner Higgins seconded.

Mayor Fletcher asked for comments. There were none.

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

City Commission Set Compensation

City Commission

Motion: Commissioner Verplanck moved the Commission salary remain the same. Commissioner Yates seconded.

Mayor Fletcher asked for comments and there were none.

Action: The motion carried unanimously.

City Attorney

Motion: Commissioner Verplanck moved the City Attorney salary remain the same. Commissioner Higgins seconded.

Mayor Fletcher asked for comments and there were none.

Action: The motion carried unanimously.

City Manager

Motion: Commissioner Verplanck moved the City Manager salary remain the same. Commissioner Higgins seconded.

Mayor Fletcher asked for comments and there were none.

Action: The motion carried unanimously.

CITY MANAGER

Recommendation re: Compensation for City Manager's Assistants

The City Charter specified that the City Commission set the annual compensation of the City Manager and his Assistants. Traditionally, the City Manager recommended the proposed levels of compensation for his Assistants at the second Annual Budget Hearing to coincide with the adoption of the Annual Budget. Given the unprecedented economic climate coupled with the unique organizational financial challenges that have been incorporated in the development of the FY 2010 Budget, Doug did not propose any wage increases for Deputy City Manager Tony Delgado, Assistant City Manager Stanley Hawthorne, or any Department Directors for the upcoming year. He also stated that he would not accept any proposed base wage adjustment in his salary for the upcoming year. This by no means diminished the contributions the Assistants and Department Directors had provided to the organization, but rather reflected a consistent position to what he recommended in the FY 2010 Budget for the balance of the organization. Please know that the decision to freeze merit increases and not provide any across the board wage increases for the organization in the upcoming year was a difficult posture; but it was nevertheless required in order to provide a financially prudent and balanced budget in the current economically challenging times. The decision was also directly related to projected increases in the City's contribution rates for the various defined benefit pension plans, (which were required by law) which in essence prevented the granting of other discretionary wage increases. That said, the municipal workforce continued to provide exemplarily core services for residents and utility customers.

Doug Thomas presented this item to the Commission.

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

As was discussed during the City Attorney and City Manager Performance evaluations, the City had traditionally treated employer and employee contribution rates identical between the defined benefit (DB) and defined contribution (DC) retirement plans dating back to 1992. During that period, there had been only minor increases in both employer and employee contribution rates. In that the DB plans were now projected to require a 10% increase over the next three years, one could question whether the historical practice should be continued going forward. Presently, the employer contribution was 15.39% and the employee contribution was 8.5% for both DB and DC retirement plans. Contrary to popular belief, the City's current DC plan was not offered solely to senior executive management, which often occurred in other local governments and presently had over 30 employee participants across the organization. Doug recommended that the City review how the various plans should be treated going forward and suggested that in the interim, the City Commission ratify the current 15.39% employer contribution and 8.5% employee contribution rates for the DC plan pending any recommended plan changes that may be considered in the future.

Doug Thomas presented this item to the Commission. He just wanted the Commission to ratify where the rates were at the current time

Action: Commissioner Yates moved to approve the recommendation. Commissioner Fields seconded and the motion carried unanimously.

Compensation for Assistant City Attorneys

The Charter of the City of Lakeland required that the City Commission establish the salaries of the Assistant City Attorneys and the City Attorney in the annual budget. He made this recommendation, mindful of the unprecedented financial challenges facing the City in these difficult economic times.

Ramona Sirianni had been with the organization for eighteen months. She had done everything he expected of her and more. She continued to grow as her understanding of the organization and its complexity improved. She was hardworking, diligent, and a quick study. During the last year, she completed the Masters Program in Public Administration at USF. Her present compensation was \$89,502.40.

Palmer Davis had stepped up to his expanded role in the office and the organization. He had assumed the lead in a number of important projects and was regarded in the organization as one who seeks solutions to problems. His present compensation was \$97,531.20.

Tim recommended that the compensation for the Assistants remain at the current level. This should not be construed as a reflection on their contribution or performance, but in recognition of these difficult economic times, and the sacrifice others in the organization were making. He hoped that in the future, their worth to the organization would be recognized.

He thanked the assistants publicly.

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

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Yates commended staff for taking a long-term look at the budget and for making plans so that the City did not face layoffs. The Commission knew that staff would not get raises but appreciated them and their hard work.

AUDIENCE

Kelly Brayton asked if the Commission was going to vote on the RLC tonight? She had concerns. She had three violations. She had not heard about the first violation until she got a notice that they were going to put a lien against her home.

Tim McCausland explained the Commission instructed his office to prepare an ordinance to provide relief for those with multiple violations. That would be heard on Oct 5, 2009. He would take her comments under consideration.

Ms. Brayton explained that she got a letter for nonpayment but never received the first violation.

The group discussed the lack of timely notices, the ordinance, and what generated a camera violation.

The meeting adjourned at 7:27 p.m.