

# LAKELAND CITY COMMISSION

## Regular Session

May 4, 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 Deputy City Clerk Debbie Cason were present.

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

## INVOCATION

Dan Harvey, Lakeland Police Department Chaplain offered the invocation followed by the salute to the flag.

## PRESENTATIONS

### Beautification Awards

Frankie Martin and Eileen Clawson presented the residential award to Robert and Myrtle James of 1025 Caracara Circle North. The commercial award went to MidFlorida Federal Credit Union, 205 S Florida Avenue, with Kevin Jones accepting.

### Employee Service Awards

Doug Thomas and Mayor Fletcher presented these awards.

#### 10 Years

***	Robinson, Connie G	4-12-1999	Community Development
	Benton, Robert	3-28-1999	Parks & Recreation
	Bonnett, Cindy M	4-19-1999	Community Development
	Chen, Robert H	4-05-1999	Public Works
	Platt, Steven L	4-11-1999	Parks & Recreation
	Polk Jr, Cecil	4-11-1999	Police
	Willis III, Edgar N	4-25-1999	Lakeland Electric

#### 20 Years

***	Straughn, Curtis	4-09-1989	Lakeland Electric
	Soper, Randy	4-24-1989	Community Development
	Stewart, Jeff	4-24-1989	Public Works

#### 25 Years

***	Higgins, Mark	4-02-1984	Lakeland Electric
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Quinto, David	4-02-1984	Lakeland Electric
<b><u>30 Years</u></b>		
Ferris, Donald C	4-03-1979	Public Works
<b><u>35 Years</u></b>		
Williamson, Richard L	4-29-1974	Lakeland Electric

## PROCLAMATIONS

### **Be Kind to Animals Week**

Mayor Fletcher presented this proclamation.

### **Historic Preservation Week**

Commissioner Verplanck presented this proclamation.

### **Letter Carriers' Food Drive Day**

Commissioner Troller presented this proclamation.

### **Make A Wish Day**

No one appeared to accept.

### **Neurofibromatosis Awareness Month**

No one appeared to accept.

### **Nurses Week 2009**

Commissioner Fields presented this proclamation.

## EQUALIZATION BOARD

**Recess/convene:** Commissioner Wiggs moved to recess as the City Commission and convene as the Equalization Board. Commissioner Verplanck seconded.

### **Lots Cleaning and Clearing**

Tim McCausland presented the Assessment Roll for equalization. A copy of that roll is attached to the end of these minutes.

**Motion:** Commissioner Wiggs moved to approve the equalization. Commissioner Verplanck seconded.

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

## **COMMITTEE REPORTS AND RELATED ITEMS**

### **Municipal Boards & Committees**

The Municipal Boards Committee met in the Commission conference room on Friday, May 1, 2009. Commissioner Edie Yates, (chair) and Commissioners Glenn Higgins & Jim Verplanck (members) were present. Mayor Fletcher was present. City Manager Doug Thomas, Deputy City Manager Tony Delgado, City Attorney Tim McCausland, and Deputy City Clerk Deborah Cason, were also present, along with staff.

Commissioner Yates called the meeting to order at 8:16 a.m.

1. **Utility Committee** *Recommendation from Mayor Buddy Fletcher* to appoint **Karin Day McKnight** to fill the Undesignated Citizen Member seat vacated by Paula Druen. If appointed, Ms. McKnight will serve a three-year term which will begin May 4, 2009 and expire May 4, 2012.

**Action:** Commissioner Verplanck moved to approve the recommendation. Commissioner Higgins seconded. Commissioner Yates concurred and the motion passed unanimously.

Tim McCausland announced that Karin Day McKnight would not be able to attend the meeting on Monday.

The meeting adjourned at 8:18 a.m.

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Edith L. Yates, Chair

Commissioner Yates presented this report to the Commission.

**Action:** The Commission approved the recommendation unanimously.

## **APPROVAL OF CONSENT AGENDA**

All items listed with an asterisk (\*) were considered routine by the City Commission and 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 04/17/09 – 04/20/09
- ★ Utility Committee Minutes 04/20/09
- ★ Recommendation re: Renewal of Lakeland Police Department Helicopter Aircraft Insurance
- ★ Memo re: Lease Agreement with Elite LLC at Lakeland Linder Regional Airport
- ★ Memo re: Approval of Short Listed Firms for Engineering and/or Financial Consulting Firms to Prepare a Cost of Services Study

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

## REQUESTS TO APPEAR FROM THE PUBLIC-none

### PUBLIC HEARINGS

#### Ordinances (Second Reading)

**Ordinance 5087; Proposed 09-018; Amending Ordinance 4999; Providing for an Amended Transportation Impact Fee Schedule (1st Rdg 4/6/09, contd 4/20/09)**

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 4999; ADOPTING AN UPDATED TRANSPORTATION IMPACT FEE STUDY; UPDATING METHODOLOGY FOR CALCULATING INDEPENDENT IMPACT ANALYSIS; PROVIDING FOR AN AMENDED TRANSPORTATION IMPACT FEE SCHEDULE; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments.

Doug Thomas provided updated information and recommended adopting Type 2 as the county had done.

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

**Ordinance 5088; Proposed 09-024; Vacating a Portion of Public Right-of-Way Located East of Lakeland Hills Boulevard and South of I-4 (1st Rdg 4/20/09)**

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED EAST OF LAKELAND HILLS BOULEVARD AND SOUTH OF I-4 AND PART OF THE BRIDGEWATER DEVELOPMENT OF REGIONAL IMPACT, WITHIN THE CITY OF LAKELAND; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

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

#### **Proposed 09-025; Text Amendment #T-09-010 to the Transportation Element of the Lakeland Comprehensive Plan to Update the Element for Purposes of Functional Classification and Pathways Planning**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-09-010 TO THE LAKELAND COMPREHENSIVE PLAN 2000-2010 AS ADOPTED BY ORDINANCE 4140 TO UPDATE THE TRANSPORTATION ELEMENT FOR PURPOSES OF FUNCTIONAL CLASSIFICATION AND PATHWAYS PLANNING; MAKING A DETERMINATION THAT THIS ACTION IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland announced the Final Reading and Public Hearing would be on May 18, 2009.

Mayor Fletcher asked for comments.

Celeste Deardorff and Chuck Barmby presented a map of the project and gave a brief update.

Mayor Fletcher asked for additional comments and there were none.

#### **Proposed 09-026; Text Amendment #T-09-011 to the Future Land Use Element of the Lakeland Comprehensive Plan to Add Policies Regarding the Significant Role of Employment Based Land Uses in Lakeland**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-09-011 TO THE LAKELAND COMPREHENSIVE PLAN 2000-2010 AS ADOPTED BY ORDINANCE 4140 TO ADD POLICIES TO THE FUTURE LAND USE ELEMENT REGARDING THE SIGNIFICANT ROLE OF EMPLOYMENT BASED LAND USES IN LAKELAND; MAKING A DETERMINATION THAT THIS ACTION IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland announced the Final Reading and Public Hearing would be on May 18, 2009.

Mayor Fletcher asked for comments.

Celeste Deardorff and Chuck Barmby presented a map of the project and gave a brief update.

Mayor Fletcher asked for additional comments and there were none.

**Proposed 09-027; Removing Certain Parcels of Real Property from the Bridgewater Development of Regional Impact**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO LAND USE; TERMINATING SOLELY WITH RESPECT TO CERTAIN PARCELS OF REAL PROPERTY, ORDINANCE NO. 4193, AS AMENDED BY ORDINANCE NO. 4831, WHICH ADOPTED A DEVELOPMENT ORDER WITH CONDITIONS FOR A DEVELOPMENT OF REGIONAL IMPACT KNOWN AS BRIDGEWATER; MAKING A DETERMINATION THAT THE PUBLIC'S INTEREST HAS BEEN ADEQUATELY PROTECTED; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland announced the Final Reading and Public Hearing would be on May 18, 2009.

Mayor Fletcher asked for public comment. There was none.

**COMMUNITY REDEVELOPMENT AGENCY**

Recess/convene: Commissioner Verplanck moved to recess as the City Commission and convene as the Community Redevelopment Agency. Commissioner Higgins seconded.

This was a Tax Increment Financing (TIF) Agreement with Eventual, LLC for improvements to 210 East Pine Street. Marlon Lynn, the managing member of Eventual, LLC, planned to renovate the second floor of the existing building at this location for use as an architectural office. Improvements would include modifications to

make the second floor ADA accessible and reconstruction of the front balcony in order to enhance the streetscape. Estimated project costs were \$353,000.

The property appraiser would reassess the property after the renovations were complete and tax increment revenue would result from application of the millage rates of the various taxing authorities to the difference between the pre-construction assessed value of the property and the post-construction assessed value. This additional tax revenue would be deposited into the Downtown CRA Trust Fund. Under the TIF Agreement, the CRA would then rebate a percentage of the tax increment generated from this property based upon the following schedule:

Year One	100%	Year Seven	40%
Year Two	90%	Year Eight	30%
Year Three	80%	Year Nine	20%
Year Four	70%	Year Ten	10%
Year Five	60%	Beyond Year Ten	0%
Year Six	50%		

Staff recommended that the appropriate LCRA officials be authorized to execute the attached Agreement.

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

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

## CITY MANAGER

### **\*Recommendation re Renewal of Lakeland Police Department Helicopter Aircraft Insurance**

The current annual aircraft insurance policy covering the Lakeland Police Department (LPD) helicopter required renewal by May 8, 2009. In accordance with this deadline, the City of Lakeland Risk Management Department, through the City's local insurance agency - Falcon Insurance Agency of Florida, Inc., solicited ten specific aircraft and aviation related coverage providers for quotes. These companies included the incumbent, Old Republic/Phoenix Aviation Managers, Inc.; ACE; CV Starr; Allianz; AIG Aviation, Inc.; Britt/Paulk; Global; Travelers; W. Brown and Associates; Aerospace Insurance Managers; Berkley Aviation; XL Group; and Inter-Aero. All except for the City's current provider, Old Republic/Phoenix Aviation either declined to quote or came in with higher pricing.

The renewal premium for the period extending from May 8, 2009 to May 8, 2010, excluding terrorism coverage was \$17,599.00, which was the same as last year's premium.

The proposed renewal would provide the following coverage limits which remain the same as the previous year:

- Aircraft Hull Deductible - \$1,000 rotors not in motion / \$15,000 while rotors are in motion.
- Aircraft Physical Damage (Excluding War Risk) - \$300,000
- \$1,000,000 Single Limit including Bodily Injury and Property Damage with a limit of \$100,000 each passenger.

Acceptance of terrorism coverage for an additional premium of \$422.00 was not recommended.

Staff recommended that the City Commission authorize the appropriate City officials to execute the agreement with Falcon Insurance Agency of Florida, Inc. to provide specific aircraft insurance coverage for the LPD helicopter with Old Republic/Phoenix Aviation Managers Inc., for the period covering May 8, 2009 to May 8, 2010 for the annual premium of \$17,599.00.

**Action:** This item was approved on the consent agenda.

**Recommendation re Task Authorization for Wabash Avenue Extension Project Development and Environment (PD&E) Study**

The southern extension of Wabash Avenue from Ariana Street to Harden Boulevard had been a long-standing transportation need identified in the City's Comprehensive Plan and Polk Transportation Planning Organization Long-Range Transportation Plan (LRTP). The Wabash Extension was intended to relieve SR 563 (Harden Boulevard) and SR 37 (South Florida Avenue), which were both currently operating at Levels of Service (LOS) F during the P.M. Peak Period. The 2030 LRTP identified the Wabash Extension in this area as a two-lane facility; however, staff believed it was important to evaluate the need for a four-lane section so that right-of-way for the ultimate cross-section could be obtained in conjunction with the initial two lane improvement. The new north-south corridor would be approximately three miles in length.

The Oakbridge Development of Regional Impact Development Order (DO) contained a condition requiring the project developer (Drummond Company) to dedicate a 120-foot corridor along its western boundary to accommodate a four-lane curb-and-gutter cross-section for the proposed roadway. Prior to right-of-way dedication, the DO also required the project developer to conduct an associated cursory analysis to identify wetland boundaries and retention areas that could be needed for the roadway. This analysis was completed earlier in 2009 and provided preliminary data and analysis for this project.

In light of the estimated \$31 million cost for design, right-of-way acquisition and construction of the Wabash Extension (Source: 2030 LRTP), Community Development and Public Works staff determined that it would be critical to ensure this road project would be eligible for Federal funding in the event any grant or stimulus funds became available. In order to ensure federal project eligibility, a comprehensive Project Development and Environment (PD&E) Study was required to ensure compliance with all National Environmental Policy Act (NEPA) requirements.

City staff solicited a proposal from the firm of Dyer, Riddle, Mills, & Precourt, Inc. (DRMP), which was currently under continuing contract with the City. The Scope of Work proposed by DRMP, Inc. included all of the necessary right-of-way, traffic, community and environmental analyses necessary to comply with the NEPA requirements. It was important to note that the Wabash Extension PD&E would include an evaluation of numerous right-of-way alignments, including those outside of the Oakbridge DRI, to ensure that the most appropriate alignment was selected with consideration being given to all environmental and community impacts associated with each alignment. It was anticipated that the study will take approximately twenty-four (24) months to complete

A task authorization with Dyer, Riddle, Mills, & Precourt, Inc for the not-to exceed fee of \$445,629.45 was being recommended to commence with the PD&E Study. Simultaneously, staff was requesting an appropriation of \$445,629.45 from the Transportation Impact Fee Fund – District 2 to accommodate the project expense.

Staff recommended that the Lakeland City Commission authorize the appropriate City officials to execute the proposed Task Authorization with Dyer, Riddle, Mills, & Precourt in the amount of \$445,629.45 for the Wabash Avenue Extension Project Development and Environment (PD&E) Study. As noted above, additional authorization to appropriate \$445,629.45 from the Transportation Impact Fee Fund – District 2 to provide compensation for the project was also a component of the recommendation.

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

## **CITY ATTORNEY**

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

**Proposed 09-028; Small Scale Amendment #SS-09-007 to Future Land Use Map Assigning Land Use to 1.16 Acres Located at the Southwest Corner of Kathleen Road and Prine Road (3240, 3250, 3252 and 3260 Kathleen Road)**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-09-007

TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 1.16 ACRES LOCATED AT THE SOUTHWEST CORNER OF KATHLEEN ROAD AND PRINE ROAD (3240, 3250, 3252 AND 3260 KATHLEEN ROAD) ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; 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 May 18, 2009.

**Proposed 09-029; Application of O-1 Zoning on 1.16 Acres Located at the Southwest Corner of Kathleen Road and Prine Road (3240, 3250, 3252 and 3260 Kathleen Road)**

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 1.16 ACRES LOCATED AT THE SOUTHWEST CORNER OF KATHLEEN ROAD AND PRINE ROAD (3240, 3250, 3252 AND 3260 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.

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 May 18, 2009.

**Proposed 09-030; Small Scale Amendment #SS-09-008 to Future Land Use Map Assigning Land Use to 1.53 Acres Located at 3255 Kathleen Road**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-09-008 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 1.53 ACRES LOCATED AT 3255 KATHLEEN ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; 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 May 18, 2009.

**Proposed 09-031; Application of O-1 Zoning for an Existing Church on 1.53 Acres Located at 3255 Kathleen Road**

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 1.53 ACRES LOCATED AT 3255 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.

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 May 18, 2009.

## Resolutions

### Resolution 4758; Proposed 09-024; Lots Cleaning and Clearing

A RESOLUTION RELATING TO ASSESSMENTS; DETERMINING THE NECESSITY FOR HAVING CLEANED AND CLEARED CERTAIN PROPERTY WITHIN THE CITY OF LAKE LAND; 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 ordinance. Commissioner Higgins seconded.

Mayor Fletcher asked for comments. 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.

## Miscellaneous Reports and Communications

### Memo: Outside Legal Fees

Following are legal fees and expenses paid to outside law firms January - March of 2009 along with a comparison from the same time frame for 2008 and a comparison of this fiscal year to previous years.

Bush Ross	Personal Injury Subrogation	\$538.11
Gray Robinson	Miscellaneous Personal Injury Defense, Eminent Domain & Other Litigation	\$96,852.16
Hopping, Green & Sams	LE Regulatory Compliance	\$31,219.66
Mechanik Nuccio Williams Heame & Wester	Miscellaneous Bankruptcy Matters	\$110.00
Mitchell D. Franks, P.A.	Counsel Relating to Mini-Perc	\$320.00
Oertel, Fernandez, Cole & Bryant, P.A.	SWFWMD Permitting	\$38,703.82
Ogletree Deakins Nash Smoak & Stewart	Counsel Relating to Union Negotiations	\$59,905.25
Ross, Vecchio &	Miscellaneous Workers Comp.	\$70,871.64

Trussel P.A.	Defense	
Sugarman & Susskind	Counsel Relating to Pension Matters	\$16,819.50
Theriaque, Vorbeck & Spain	DRI Application/CSX Inc.	\$40.00
Valenti, Campbell, Trohn, Tamayo & Aranda	Personal Injury Defense	\$47,058.38

<b>JANUARY – MARCH 2009 TOTAL</b>	<b>\$36,438.52</b>
JANUARY – MARCH 2008 TOTAL	\$421,962.59

FY 2004 -2005 (Oct – Mar)	\$346,094.09
FY 2005 -2006(Oct – Mar)	\$366,676.76
FY 2006 -2007(Oct – Mar)	\$566,964.88
FY 2007 -2008(Oct – Mar)	\$756,999.50
<b>FY 2008 -2009(Oct – Mar)</b>	<b>\$671,154.29</b>

Tim McCausland presented this report to the Commission. No action was taken.

**\*Memo re: Lease Agreement with Elite LLC at Lakeland Linder Regional Airport**

This was a proposed Use Agreement with Elite Business Aircraft, LLC to operate an Air Charter Business at the Lakeland Linder Regional Airport. Elite was seeking to lease counter space inside the terminal building of the Airport, utilizing approximately 326 feet of office space previously occupied by DayJet, and using the King Air C90 aircraft to run its charter service.

This Use Agreement was for a one year period with a one year option of renewal. The renewal would be subject to an increased User Fee in accordance with the number of departures/takeoffs for any given month as set forth in the Agreement. The User Fee during the first six month period of the initial term would be \$500.00 per month and the remaining six month period would be \$750.00 per month, generating \$7,500.00 of revenue during the term of the Agreement.

The proposed Use Agreement represented an opportunity for the Airport to provide additional services and business for the community, with no additional investment required by the Airport since Elite would operate its charter service in existing available space.

Staff recommended that the Commission authorize the appropriate City officials to execute this Use Agreement with Elite Business Aircraft, LLC.

Action: This item was approved on the consent agenda.

**\*Memo re: Approval of Short Listed Firms for Engineering and/or Financial Consulting Firms to Prepare a Cost of Services Study**

The City of Lakeland recently published a Request for Proposal (RFP) for qualified firms to provide engineering and/or financial consulting services to prepare a comprehensive rate, impact fee and cost of service study for the Water Utilities Department. A total of five firms responded and after further evaluation by a review committee comprised of City of Lakeland staff members, the following three firms had been short-listed as follows:

1. Tetrattech, Inc.
2. Public Resource Management Group, Inc.
3. GAI Consultants, Inc.

Staff requested the City Commission authorize City of Lakeland staff to begin competitive negotiations with the recommended firms in accordance with the CCNA procedures, resulting in a negotiated contract with the most appropriate firm.

**Action:** This item was approved on the consent agenda.

## **FOR INFORMATIONAL PURPOSES ONLY**

### **Proposed Ordinance 09-022; Amendment to Police Officers' Defined Benefit Retirement Fund**

AN ORDINANCE OF THE CITY OF LAKELAND RELATING TO PENSIONS; AMENDING AND RESTATING CHAPTER 62, ARTICLE II, DIVISION 3, OF THE LAKELAND CITY CODE, CITY OF LAKELAND POLICE OFFICERS' DEFINED BENEFIT RETIREMENT SYSTEM; ADDING SECTIONS 62-51 THROUGH 62-82 INCLUSIVE OF THE CODE OF ORDINANCES OF THE CITY OF LAKELAND; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR APPLICABILITY; 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 SURVIVORS' BENEFITS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

No action was taken on this item.

**Proposed Ordinance 09-023; Amendment to City of Lakeland Employees' Pension Plan – Removing Police Members**

AN ORDINANCE RELATING TO THE CITY OF LAKEland EMPLOYEES' PENSION AND RETIREMENT SYSTEM (THE "PLAN"); AMENDING SECTIONS 21, 23, 24, 26, 27 AND 32 OF ARTICLE II OF DIVISION II OF THE CHARTER OF THE CITY OF LAKEland, FLORIDA; TO REMOVE SPECIFIC PROVISIONS OF THE PLAN THAT ONLY APPLY TO POLICE MEMBERS; PROVIDING AN EFFECTIVE DATE.

No action was taken on this item.

**Proposed Resolution 09-025; Providing a Procedure for Transfer of Assets from the Lakeland Employee Pension to the Police Officers' Retirement System**

A RESOLUTION OF THE CITY OF LAKEland EMPLOYEE PENSION PLAN; PROVIDING A PROCEDURE FOR THE TRANSFER OF ASSETS TO THE AMENDED AND RESTATED POLICE OFFICERS RETIREMENT SYSTEM; AUTHORIZING THE RETIREMENT SERVICES DIRECTOR TO TAKE ALL NECESSARY ADMINISTRATIVE ACTION; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

No action was taken on this item.

**FINANCE DIRECTOR-none**

**AUDIENCE**

**Miriam Franchi-Alfaro re: Eminent Domain Process and 516 Windsor Street**

Miriam Franchi-Alfaro appeared before the Commission re: Eminent Domain Process and 516 Windsor Street. She was requesting the city grant her access to her property from Edgewood Drive, via a second driveway.

Tim McCausland advised due to the active eminent domain lawsuit and the fact that Mrs. Franchi-Alfaro was represented by an attorney, he would respond to her attorney regarding her request.

### **Paul Auger re Permit for Upland Wall on Lake Parker**

Paul Auger appeared before the Commission to request a permit for an Upland Wall at his property on Lake Parker.

Doug Gleckler, Manager of Lakes and Stormwater, would work with Mr. Auger, to develop a mutually agreed upon acceptable plan.

### **Richmond Hauser**

Richmond Hauser appeared before the Commission to request a meeting with Doug Thomas. He was living in a home with no electricity and his water had been shut off.

## **MAYOR AND MEMBERS OF THE COMMISSION**

Commissioner Yates expressed her appreciation for nurses, especially the ones who had recently cared for her mother-in-law.

Commissioner Wiggs had not changed his stand, but wanted the residents be aware of all the alternatives before a decision was made on whether to put in a sidewalk or not on Parkview Place.

Commissioner Higgins had received numerous emails and phone calls from residents against the sidewalk.

**Motion: Commissioner Higgins moved to not construct a sidewalk on Parkview Place from Lakeland Hills Blvd. to Lake Parker without City Commission approval. Commissioner Verplanck seconded.**

Commissioner Troller agreed with not putting in the sidewalk; however he wanted to clarify that the city manager and staff were following the city ordinance that the commission approved. The Commission may need to revisit the ordinance to give staff latitude to make those decisions.

Commissioner Wiggs noted the policy was specific, to have sidewalks on one side of the street. If the Commission was changing their position, they need to give staff some direction.

Doug Thomas understood there was no interest in building a sidewalk on Parkview Place, however there had been some interest in letting the residents know of the potential options.

**Motion:** Commissioner Higgins moved to withdraw his motion. Commissioner Verplanck seconded.

Commissioner Verplanck wanted to make a personal announcement. His wife was a kindergarten teacher. She recently received word that a former student of hers, that was a disadvantaged student, was graduating from USF with a teaching degree. She had also received word that another one of her students, from last year, had been hit and killed by a car.

Commissioner Verplanck wondered why they were installing a sidewalk on Central Avenue when there was already a sidewalk on the other side of the street.

Commissioner Higgins offered congratulations to Mayor Fletcher, who would be receiving a Distinguished Service award at the USF Polytechnic graduation on May 4, 2009.

The meeting adjourned at 11:07 a.m.

## **Agenda Study Session**

**May 1, 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, Senior Planner Bruce Kistler, City Attorney Tim McCausland, Finance Director Greg Finch, Assistant City Manager Stanley Hawthorne, and Deputy City Clerk Deborah Cason were present, along with staff and members of the public and media.

Mayor Fletcher called the meeting to order at 8:31 a.m.

Tim McCausland took one item out of order due to Daryl Hicks, of Elite LLC, being in attendance. Tim covered the lease agreement at Lakeland Linder Regional Airport with Elite LLC.

Doug Thomas covered the presentations, proclamations, and committee reports. He also clarified if the requests to appear from the general public only affected the citizen making the request, they would now be placed at the end of the agenda, under the Audience portion.

Tim McCausland covered the Public Hearings.

Doug Thomas explained proposed ordinance 09-018 and made staff's recommendation to choose option 2, as the county had done.

Tim McCausland asked Palmer Davis and Anne Furr to comment on the Community Redevelopment Agency item re: Tax Increment Financing Agreement with Eventual LLC for improvements to 210 E. Pine Street.

Tim McCausland covered the Equalization Hearing and explained the Lots Cleaning and Clearing process and fee structure for Commissioner Troller.

Doug Thomas covered the City Manager agenda. He asked for the recommendation for renewal of Lakeland Police Department Helicopter Aircraft Insurance be put on the consent agenda.

Doug Thomas asked Rick Lilyquist to brief the Commission on the Wabash Avenue Extension Project Development and Environment (PD&E) Study. Rick gave a power point presentation, which is on file in the City Clerk's office.

Doug Thomas offered the following verbals:

- Update on Legislative session. CSX issue may come back on the floor that morning. Dave Schepp would keep them informed.
- Common Ground would be having a “Be a Kid For a Night” fundraiser on May 7.
- Carol Castagnero had her reconsideration hearing before the Code Enforcement Board. The Board did not change the amount of the fine, just extended the time in which to pay it.

Tim McCausland covered the city attorney’s agenda.

Tim asked Bruce Kistler to explain 09-028 and 09-029 re: small scale amendment and zoning.

Tim asked Greg Boettcher to explain the memo re: short listed firms for engineering consulting.

Tim McCausland explained the shade meeting scheduled for later in the morning and the exception to the Sunshine Law.

Tim McCausland recommended not engaging Miriam Franchi-Alfaro re: eminent domain of property at 516 Windsor Street, as it was an active lawsuit. Greg James explained the situation.

Doug Gleckler explained the situation re: Paul Auger’s request for permit for Upland Wall at his property on Lake Parker. He gave his recommendation. He felt the drawings that were submitted were insufficient.

The meeting adjourned at 9:45 a.m.

## **FY2010 Budget Prioritization Workshop 1**

**May 1, 2009**

The Lakeland City Commission met for the FY2010 Budget Prioritization Workshop 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 City Manager Stanley Hawthorne, Community Development Director Jim Studiale, City Attorney Tim McCausland, Finance Director Greg Finch, Deputy City Clerk Deborah Cason, and city staff were present.

Doug Thomas opened the meeting at 10:46 a.m.

Doug Thomas opened the workshop. This was an update to the prioritization process of municipal core services. They would discuss the operational and governance sides. The departments had gone through and assigned point values to their core services.

He would go over how they internally established a process to review the departments' assigned scores. The commission had the handouts containing the preliminary results. He asked the commission to review these over the weekend and they would discuss them at their meeting on Monday.

This would kick-off the FY2010 budget process. They were looking at the concerns of the city's financial challenges, some of which were the overall state of the economy, reduction in property tax revenues, and cuts that had filtered down from the state.

The exercise they were going through would help them determine how the city's core services fit into the strategic operating plan. When looking at revenue constraints, this would help them to prioritize those services and eventually determine resource allocations.

The meeting adjourned at 11:42 a.m.

## **FY2010 Budget Prioritization Workshop 2**

**May 4, 2009**

The Lakeland City Commission met for the FY2010 Budget Prioritization Workshop 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 City Manager Stanley Hawthorne, Community Development Director Jim Studiale, City Attorney Tim McCausland, Finance Director Greg Finch, Deputy City Clerk Deborah Cason, and city staff were present.

Doug Thomas opened the meeting at 11:23 a.m., gave a revised handout, which is on file in the City Clerk's office, and noted the next step was to get feedback from both the Commission and staff.

The Commission had questions about the process and the methodology used to rate the services. They were concerned that some lower ranking services might be ones they wanted to keep.

Doug said instead of cuts across the board, they could look at cutting more on the lower performing items and cutting less on the higher ones.

Doug noted that staff was working their way through the process and there would be tweaks made. He said this process opened a dialogue about the city's services that they had never had before. They would be looking at these services and how they advanced the strategic plan and to what degree.

Doug asked the Commission if they were comfortable with what they had done so far. This would become the foundation to begin the budget process.

Doug clarified this is not a reflection of how well or how poorly employees are performing this service, only how it fits in with the strategic plan.

The meeting adjourned at 12:39p.m.