

**LAKELAND CITY COMMISSION**  
**Agenda Study Session**  
**April 3, 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, Glenn Higgins and Mayor Fletcher were present. Commissioner Jim Verplanck was out of town. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, Assistant City Manager Stanley Hawthorne and City Clerk Kelly Koos were present.

Tony Delgado called the meeting to order at 8:34 a.m. He covered the preliminaries and asked the Commission to delay the election presentation until the next Agenda Study Session. He covered the Requests to Appear from the Public.

Jim Studiale covered Michael Leyman's request to appear.

Tony Delgado covered the City Manager agenda.

Tony Delgado offered the following verbals:

- Neighborhood Services Division needed to change homeowner assistance levels. Home prices have gone down. Polk County has made changes and they were asking to mirror those changes. This did not need an official vote. Commissioner Troller asked for those figures in writing. The consensus was to make the change.
- TECO - legal documentation was finalized. The City had a contract with TECO to move forward. They met the March 31st deadline.

Tim McCausland covered the public hearings and equalization hearing. The demo was from the previous meeting.

Tim McCausland covered the ordinances for first reading.

Jim Studiale gave a brief overview of the history of impact fees. He distributed a handout, a copy of which is on file in the City Clerk's Office.

George Lindsey commented on the impact fees ordinance. He asked the City to adopt 100% of Option 2 rather than 85% of Option 1.

Lakeland Economic Development Council Director Steve Scruggs spoke at the County Commission to support Option 2. He supported the City's position to collect fees at permit time rather than CO. He felt the City should adopt Option 2 like the County. He was concerned about the industrial and high tech customers.

Commissioners Troller and Higgins supported Option 2.

Tim McCausland confirmed there would be no public debate on Monday.

Tim McCausland covered the resolutions.

Tom Mattiacci covered change order request with Chastain Skillman.

Tim McCausland covered the Utility Committee Agenda.

The meeting adjourned at 10:31 a.m.

### **DOWNTOWN CRA PLAN WORKSHOP**

**April 3, 2009**

The Lakeland City Commission met for the Downtown CRA Plan Workshop in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Justin Troller, Glenn Higgins and Mayor Fletcher were present. Commissioner Jim Verplanck was out of town. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, Assistant City Manager Stanley Hawthorne and City Clerk Kelly Koos were present.

Mayor Fletcher called the meeting to order at 11:42 a.m.

CRA Manager Tamara Sakagawa introduced the representatives from Glatting Jackson who gave the presentation. A copy of the presentation is on file in the City Clerk's Office.

Tamara explained she needed approval from the Commission that this general premise and approach was good so she could write the plan. The consensus was in favor of the general premise and approach.

The meeting adjourned at 12:43 p.m.

**LAKELAND CITY COMMISSION**  
**Regular Session**  
**April 6, 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.

Mayor Fletcher called the meeting to order at 9:03 a.m.

**INVOCATION**

The New World Celts presented the colors. Reverend David Drain of First Presbyterian Church offered the invocation followed by the salute to the flag.

**PROCLAMATIONS**

**National Tartan Day**

The New World Celts accepted the proclamation.

**PRESENTATIONS**

**CRA's – Update of Activity and Presentation of Annual Reports**

Tamara Sakagawa made this presentation.

**United Way Presentation – City of Lakeland Coordinators**

George Brooks made this presentation.

**Employee Service Awards**

**10 Years**

***	Benton, Robert E	03-28-1999	Parks & Recreation
***	DiMonaco, Diane M	03-15-1999	Electric Utilities
***	Pinson, Michael E	03-15-1999	Electric Utilities
***	Whitehead, Eric N	03-15-1999	Electric Utilities
	Davis, Cynthia A	03-22-1999	Parks & Recreation
	DeGroat Jr, Clark A	03-21-1999	Parks & Recreation
	Flynn, Theodore S	03-28-1999	Electric Utilities
	Goodman, James C	03-21-1999	Parks & Recreation
	Hardwick, Daniel M	03-01-1999	Public Works
	Lambert, Carlton E	03-15-1999	Parks & Recreation
	Kohlmeyer, Sandra J	03-21-1999	Community Development

Marrino, Cathy A	03-21-1999	Parks & Recreation
Mathews, Louie F	03-22-1999	Parks & Recreation
Sloan, Mark C	03-14-1999	Fire
Stefanski, Deborah A	03-21-1999	Retirement & Investment Services
Tucker, Suzanne T	03-22-1999	Parks & Recreation

**20 Years**

Brown, Betty Joyce	03-20-1989	Electric Utilities
McCain, Troy D	03-26-1989	Public Works
Pollock, Susan A	03-06-1989	Police

**35 Years**

*** English, Charles D	03-05-1974	Parks & Recreation
Black, G. Steven	03-11-1974	Electric Utilities

\*\*\* Unable to attend City Commission meeting

Doug Thomas and Mayor Fletcher presented these awards.

**Beautification Awards**

Frankie Martin and Eilene Clawson presented the awards:

Commercial: 1805 Lakeland Hills Boulevard – Agnini Family Dental Center  
 Residential: 4302 Forest Hills Drive – Frank Buzzanca

**PROCLAMATIONS**

**Arbor Week**

Smokey the Bear accepted the proclamation.

**Child Abuse & Neglect Prevention Month**

**Community Development Week**

**Donate Life Month**

**Fair Housing Month**

**COMMITTEE REPORTS AND RELATED ITEMS**

**Finance Committee - 4/3/09**

The Finance Committee met in the Commission conference room. Commissioner Gow Fields (chair) and Commissioners Edie Yates & Howard Wiggs (members) were present. Commissioners Justin Troller, Glenn Higgins, and Mayor Fletcher were present. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance

Director Greg Finch, City Attorney Tim McCausland, Assistant City Manager Stanley Hawthorne, and City Clerk Kelly Koos were present along with staff and the media.

Commissioner Fields called the meeting to order at 10:31 a.m.

Greg Finch introduced Debra Garringer and Trisha Floyd, of Crowe Horwath, the external auditors.

Greg Finch explained that the new audit standards required establishment of a formal audit committee. The auditors would need to communicate with that committee before and during the audit to explain the audit process and procedures and to review interim results. The City could designate the finance committee as the audit committee. That would require two additional meetings during the audit process. The Finance Committee agreed to that change.

Ms. Garringer then reviewed the audit report:

- ★ Independent Auditors' Report on the Basic Financial Statements
- ★ Report on Internal Control over Financial Reporting and on Compliance and Other Matters based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards
- ★ Report on Compliance with Requirements Applicable to each Major Program and Internal Control over compliance in Accordance with Chapter 10.500, Rules of the Auditor General
- ★ Management Letter

Debra advised that the audit report included a clean, "unqualified" opinion from the auditors.

She then reviewed the Schedule of Findings and Questioned Costs, and Greg provided the City's response. There were no material weaknesses noted and no questioned costs.

There was one significant deficiency noted, which represented an accumulation of small problems encountered during the review of internal pension plan procedures. The management letter included a number of suggestions to improve best practices, which the City is adopting.

The committee adjourned at 11:18 a.m.

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Gow B. Fields, Chair

Commissioner Fields gave this committee report.

**Land Acquisition & Disposition Committee – 4/3/09**

The Land Acquisition & Disposition Committee met in the Commission conference room. Commissioner Glenn Higgins (chair) and Mayor Fletcher & Commissioner Justin Troller (members) were present. Commissioners Edie Yates, Howard Wiggs, and Gow Fields were present. Jim Verplanck was out of town. Deputy City Manager Tony Delgado, City Attorney Tim McCausland, Community Development Director Jim Studiale, and City Clerk Kelly Koos were present, along with staff.

Commissioner Higgins called the meeting to order at 11:19 a.m.

Public Works Director Rick Lilyquist introduced Lakes & Stormwater Manager Doug Gleckler who gave a presentation on the Lake Parker Southwest Drainage Basin project.

Under friendly negotiations, the City offered U.S. Foodservice, Inc. 5% above appraisal value, putting the initial offer at \$303,975. Following extensive discussions and negotiations, staff submitted a revised offer of \$315,000, which was accepted. The offer included the City bearing all legal fees and costs in conjunction with effecting the transfer of various US Foodservice, Inc. properties acquired from legacy companies, and all real estate closing fees and costs. The additional legal fees and costs of clearing the necessary encumbrances together with real estate closing fees and costs equated to approximately \$5,600.

Public Works was recommending that the City purchase the U.S. Foodservice, Inc.'s site (5.381 acres or 235,403 sq. ft.) by approving the Purchase Agreement for Property in Fee Simple. The acquisition funds to purchase this property were budgeted as part of the Lake Parker Southwest Drainage Basin project funded with 50/50 matching funds from the Stormwater Utility Fund and Cooperative funding from SWFWMD.

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

The group discussed the purchase price.

**Action:** Mayor Fletcher moved to approve staff's recommendation. Commissioner Higgins seconded and the motion carried 2-1 with Commissioner Troller voting nay.

The meeting adjourned at 11:37 a.m.

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Glenn E. Higgins, Chair

Commissioner Higgins presented this committee report.

Commissioner Troller clarified why he voted nay. He felt the city should not pay more than the appraised price for land.

Mayor Fletcher stated that eminent domain would cost more than what staff proposed to pay.

The money would come from the Stormwater Fund.

## **EQUALIZATION HEARINGS**

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

### **Demolition of Buildings**

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.

Mayor Fletcher asked for comments.

Leah Brown came forward. She claimed she had not received notice that the City planned to demolish the house.

Brian Rewis explained the notice process and showed evidence that staff followed the notice process.

Commissioner Troller asked if the property was in such bad shape, why it did not go before the Nuisance Abatement Board.

Brian Rewis stated because there were no crimes involved.

Tim McCausland noted that the decision today was whether to equalize the lien.

Commissioner Fields asked if the process for sending notice was different from the process for sending legal notice.

Tim McCausland explained that all local governments rely on the public record for address for legal notices.

Commissioner Wiggs wanted to make sure that his vote would not reflect badly on the Code Enforcement Division. He would not support the motion.

**Action:** Mayor Fletcher called for the vote and the motion carried 5 to 2, with Commissioners Troller and Wiggs voting nay.

## **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 Verplanck moved to approve the equalization. Commissioner Yates seconded.

Mayor Fletcher asked for comments.

Commissioner Wiggs asked about George Body's name that keeps appearing. He had passed away and his name keeps popping up.

Brian Rewis explained that until the heirs do something to settle the estate or until the taxes go unpaid long enough, the fines are out there and whoever purchases the property would owe the money.

**Action:** Mayor Fletcher called for the vote 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.

## **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 3/13/09 – 3/16/09
- \* Utility Committee 3/16/09
- \* Memo re: Waiver of 5:01 p.m. Hearing
- \* Memo re: Vacation of Sewer Easement Located South of East Bella Vista Street And East of North Florida Avenue
- \* Memo re: Agreement with Polk County for Transfer to City of Providence Road From Interstate 4 to Crevasse Street
- \* Memo re: Agreement with Lakeland Regional Health Systems, Inc. for Use of Dark Fiber Optic Filaments

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

## **REQUESTS TO APPEAR FROM THE PUBLIC**

**Scott Coulombe, Executive Director Polk County Builders Association re: Waiving Impact Fees for Go Green Show Case Home**

Scott Coulombe explained the project to the Commission. This request was just for this one house.

Doug Thomas explained the impact fees would be \$3,647 and an additional \$2730 for water and wastewater.

**Motion:** Commissioner Wiggs moved to eliminate all impact fees by whatever means necessary. Commissioner Higgins seconded.

Staff would bring a recommendation on how to reimburse the money.

Doug Thomas asked that the city be able to use photos of the home for marketing purposes.

Scott Coulombe explained the PCBA would recognize the City as a contributor.

**Action:** The motion carried unanimously.

**Michael Leyman re: Noise from Car Wash at 3425 Cleveland Heights Boulevard and Animals/Rodents in Retention Pond Area of 624 Robin Road**

Mr. Leyman showed pictures of the retention pond and voiced his concerns about the area.

Jim Studiale explained that Mr. Leyman had legitimate complaints and they have enforced the code for compliance. The property was zoned commercial and needed better buffering.

The Commission asked staff to follow up on the noise ordinance violations and directed Community Development to look into getting a vegetative buffer.

**PUBLIC HEARINGS**

**Final Hearing re: One Year Action Plan and Projected Use of Funds, 35<sup>th</sup> Year Community Development Block Grant (CDBG) and 15<sup>th</sup> Year HOME Investment Partnership Grant**

This was the City's One Year Action Plan and Projected Use of Funds for the 35<sup>th</sup> Year Community Development Block Grant (CDBG) and 15<sup>th</sup> Year HOME Investment Partnership (HOME) programs. The program year would begin June 1, 2009 and end May 31, 2010.

The recommendations continued to emphasize benefits to low and moderate income residents of the City. The funding continued to be directed to housing rehabilitation, home purchase assistance, code enforcement, and public services ranging from summer recreation to services for the elderly.

For program year 2009-2010, the anticipated allocations were \$765,677 for CDBG and \$421,041 for HOME. The Neighborhood Services Division had conducted three public meetings, published the notice in the local newspaper, posted information on the city's website, and today was the second of two public hearings.

Staff requested the Commission's authorization to submit the plan to U. S. Housing and Urban Development by April 15, 2009.

**Motion:** Commissioner Verplanck moved and Commissioner Higgins seconded to grant authorization to submit the plan to U.S. Housing and Urban Development.

Mayor Fletcher asked for comments. There were none.

**Action:** The motion carried unanimously.

## **COMMUNITY REDEVELOPMENT AGENCY - none**

### **CITY MANAGER**

#### **Recommendation re Task Authorization with Dyer, Riddle, Mills & Precourt, Inc. for Design Services – SR 33 Improvements**

Back in 2006 concurrency failure on SR 33 was identified based on existing and then approved development between Interstate 4 Exits 33 and 38. City staff required Bridgewater developers to conduct transportation analyses (documented as the Bridgewater DRI/SR 33 Corridor Study, Lakeland Florida, Transportation Analysis [updated November 15, 2007, as supplemented January, 2008]), prepared by Wilson Miller & Associates, Inc. The analysis was accepted and subsequently, the City of Lakeland and the Bridgewater Developers entered into the Bridgewater DRI Development Agreement on October 6, 2008. This Agreement set forth the transportation facilities that would be provided by improvements to SR 33 and fair-share costs to signalize SR 33 at Interstate 4 Exit 38.

The City also negotiated a \$5.1 million concurrency trust fund contribution (\$5,096,906.00 received via wire 9/19/08) from the University of South Florida (USF), representing its fair-share of cost to four-lane SR 33 between Exit 33 and Exit 38. This agreement was memorialized in the Campus Development Agreement between the City of Lakeland and the University Of South Florida Board Of Trustees, executed December 21, 2007.

The Bridgewater Developers had hired the engineering firm of Barraco and Associates, Inc. (Barraco) who were already underway with the design of Bridgewater's transportation

facilities/improvements. Given that the two (2) projects would tie together, it the parties agreed that it would be more cost effective for both projects to be built together as one (1) project. The City of Lakeland would act as the permittee and bid and administer the construction contract for both projects.

City staff had assigned Dyer, Riddle, Mills & Precourt (DRMP), under the City's Municipal Engineering Continuing Contract to administer design services for that section of proposed roadway improvements on SR 33 from Jenkins Nissan to Old Combee Road. The total distance of roadway was approximately 5,280 feet or one mile. These services consisted of the preparation of Construction Plans for the improvements of SR 33 (Lakeland Hills Blvd.). The project also included extending the existing sidewalk on the south side of SR 33 from Jenkins Nissan to the I-4/SR 33 intersection. From the I-4/SR 33 intersection northeast to Old Combee Road, SR 33 would be converted from a 2-lane rural roadway to a 4-lane divided rural roadway. The sidewalk would continue along the south side from the I-4/SR 33 intersection to Old Combee Road. This project would tie to the existing 4-lane divided roadway at the south end of the project and connect to the proposed construction project on the north end. All improvements would occur within the existing right-of-way.

Approval of this Task Authorization in the amount of \$260,268.33 would authorize DRMP to prepare and design final contract plans and specifications for the SR 33 Improvements (Jenkins Nissan to Old Combee Road). Elements of the scope of work would include roadway plans, drainage analysis, drainage plans, signing and marking plans, maintenance of traffic plans, drainage and environmental permitting, geotechnical survey and analysis, and design survey. Funding would be provided from the FY2009.

Transportation Fund via partial use of \$5.1 million already received from USF to fund this design activity.

Staff recommended that the City Commission authorize the appropriate City officials to execute the Task Authorization with Dyer, Riddle, Mills & Precourt, Inc. in the amount of \$260,268.33, for Design Services for SR 33 Improvements from Jenkins Nissan to Old Combee Road.

Doug Thomas presented this item to the Commission.

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

## **CITY ATTORNEY**

### **Ordinances (1<sup>st</sup> Reading)**

**Proposed 09-010; Annexation of Approximately 6.5 Acres Located North of Old Combee Road, South of North Road 33, East of the Current City Limits and West of Lakeland Commerce Parkway**

AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKE LAND, FLORIDA, THAT CERTAIN 6.5 ACRES LOCATED NORTH OF OLD COMBEE ROAD, SOUTH OF NORTH ROAD 33, EAST OF THE CURRENT CITY LIMITS AND WEST OF LAKE LAND COMMERCE PARKWAY; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; MAKING FINDINGS; 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 April 20, 2009.

**Proposed 09-016; Conditional Use to Allow a Day Spa on Property Located at 200 Allamanda Drive**

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A DAY SPA ON PROPERTY LOCATED AT 200 ALLAMANDA DRIVE; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

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

**Proposed 09-017; Amending Section 102 of the Lakeland City Code; Providing for Amendments to the Industrial Pretreatment Program**

AN ORDINANCE RELATING TO WASTEWATER; AMENDING CHAPTER 102 OF THE CODE OF THE CITY OF LAKE LAND, FLORIDA; PROVIDING NEW AND AMENDED DEFINITIONS; REVISING COMPLIANCE STANDARDS; ESTABLISHING AN AFFIRMATIVE DEFENSE; ESTABLISHING LOCAL LIMITS FOR WEST LAKE LAND WASTE LOAD REDUCTION FACILITY; ESTABLISHING LOCAL LIMITS FOR BIOCHEMICAL OXYGEN DEMAND (BOD) AND CONDUCTIVITY; ESTABLISHING NATIONAL CATEGORICAL PRETREATMENT STANDARDS; 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 April 20, 2009.

**Proposed 09-018; Amending Ordinance 4999; Providing for an Amended Transportation Impact Fee Schedule**

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.

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

## **Resolutions**

### **Resolution 4749; Proposed 09-012; Demolition of Buildings (Continued from 3/16/09)**

A RESOLUTION PROVIDING FOR THE ASSESSMENT OF A LIEN AGAINST PROPERTY FOR EXPENSE INCURRED IN THE REMOVAL OF DILAPIDATED AND HAZARDOUS BUILDINGS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

**Action:** Upon roll call vote Commissioners Yates, Verplanck, Higgins, and Mayor Fletcher voted aye. Commissioners Troller and Wiggs voted nay. Commissioner Fields was absent at the time. Ayes: four. Nays: Two. The motion carried.

### **Resolution 4750; Proposed 09-016; 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 resolution. 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.

**Resolution 4751; Proposed 09-017; Amended Joint Participation Agreement with FDOT, Polk County, City of Lakeland and Williams Acquisition Holding Company, Inc. for Pace Road Interchange / Polk Parkway**

A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO A JOINT PARTICIPATION AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION, POLK COUNTY, AND WILLIAMS ACQUISITION HOLDING COMPANY, INC. FOR THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE PACE ROAD INTERCHANGE / POLK PARKWAY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

**Motion:** Commissioner Wiggs moved to approve the resolution. Commissioner Higgins seconded.

Mayor Fletcher asked for comments.

Craig Bostic of the Turnpike thanked the Commission for the participation on this project and answered questions from the Commission.

**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.

**Resolution 4752; Proposed 09-018; Accepting and Adopting the City of Lakeland State Revolving Fund Wastewater Facility Plan Amendment of April 2008**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA; ACCEPTING AND ADOPTING THE CITY OF LAKELAND STATE REVOLVING FUND WASTEWATER FACILITY PLAN AMENDMENT OF APRIL 2008; 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, Wiggs, Verplanck, Troller, Higgins, and Mayor Fletcher voted aye. Ayes: seven. Nays: Zero. The motion carried unanimously.

**Resolution 4753; Proposed 09-019; Renaming a Portion of Lake Wire Drive that Will Become a Continuation of SIKES BOULEVARD**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO PUBLIC STREETS; RENAMING A PORTION OF LAKE WIRE DRIVE TO "SIKES BOULEVARD"; 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, Wiggs, Verplanck, Troller, Higgins, and Mayor Fletcher voted aye. Ayes: seven. Nays: Zero. The motion carried unanimously.

**Resolution 4754; Proposed 09-020; Renaming a Portion of Lake Wire Drive that Will Become a Continuation of MARTIN L. KING JR AVENUE**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO PUBLIC STREETS; RENAMING A PORTION OF LAKE WIRE DRIVE TO "MARTIN L. KING JR. AVENUE"; 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. 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.

**Resolution 4755; Proposed 09-021; Renaming a Portion of Public Right of Way that Will Remain After the Realignment of Kathleen Road to PEOPLES LANE**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO PUBLIC STREETS; RENAMING A PORTION OF PUBLIC RIGHT OF WAY (FORMERLY KATHLEEN ROAD) TO "PEOPLES LANE"; 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. 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.

### **Miscellaneous Reports and Communications**

#### **\* Memo re: Waiver of 5:01 p.m. Hearing**

During the month of April, the Community Development Department would be presenting the Commission with various amendments to the Comprehensive Plan, which would require at least one hearing after 5:00 p.m.

Staff requested that the Commission waive the statutory requirement that at least one of the hearings on these matters be held after 5:00 p.m.

**Action:** The Commission approved this item on the consent agenda.

#### **Memo re: Task Authorization with AmHerst Consulting Company, Inc. / Page One Consultants, Inc. for the Redesign of Taxiway G/A4 at Lakeland Linder Regional Airport**

The Airport had previously received grants from the FAA and FDOT for purposes of providing increased safety and security at the airport, most notably fencing and security access controls.

Through additional discussions with the FAA, the Airport staff had been able to secure a FY2009, 95% FAA Grant. The total estimated project costs \$115,290 with the FAA obligation set at \$109,526 for the current 2009 fiscal year. FDOT and the City would share the remaining project funds of \$5,764, each with a 2.5% or \$2,882 share.

Task Authorization #13 with AmHerst Consulting Company, Inc. / Page One Consultants, Inc. for design services in the amount of \$110,384 was submitted to provide these design services. This task authorization provided for design only. Completion of the construction of the project would allow the airport to improve the aircraft flow and safety between Taxiway G/A-4 to Runway 9-27. Grant revenue would need to be recorded for both the FAA and FDOT's obligations for our 2009 budget while the City's share would be funded within our current budget.

Staff recommended that the City Commission authorize the appropriate City officials to execute this Task Authorization with Amherst/Page One in an amount not to exceed \$110,384 and post the appropriate increases in the Airport's revenue and expense budget. The remaining \$4,906 was for administrative and other incidental expenses.

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

### **Memo re: Change Order Request No. 2 from Chastain Skillman for Professional Engineering Services – English Oaks Phase III**

This was a Second Modification to the existing contract with Chastain Skillman for engineering services for the English Oaks Accommodations Phase III Project (Southwest Wastewater Capacity Project). Since the project's inception in June 2006, its routing, sequencing and implementation had been constantly changing in response to external factors such as easements, new construction, negotiations, and capacity needs. These dynamics had required the engineering consultant to amend its work efforts with corresponding revisions to schedule and compensation. On July 7, 2008, Chastain Skillman's agreement increased from \$820,000 to \$1,225,200 to provide for scope changes and easement procurement. The current amendment under consideration corrected the agreement's schedule and compensation for such matters as: buried pipeline validation work, updating survey data, scope changes, Turnpike Authority submissions/meetings, segmenting of construction, alternative route evaluations, and other additional tasks as detailed in the consultant's itemized request for additional compensation.

These additional engineering services were necessary for the completion of the project; and produced a net benefit for Lakeland. These additional engineering efforts had already yielded \$925,000 in construction cost savings and \$1,000,000 in donated easements. Staff expected current efforts to produce an additional \$3,000,000 in cost savings if the Turnpike Authority allowed the force main along the Turnpike Authority's right-of-way at three key locations. Accordingly, these investments in additional engineering services had produced a compounded payback for the City as well as being necessary for the proper completion of this project. The design decisions on this project evolved with time and justified the periodic true up of the agreement for any out-of-scope activities. Accordingly, a second modification to the Chastain-Skillman agreement was justified to adjust the not-to-exceed cost ceiling for these additional services. The existing contract value of \$1,225,200 was being increased by \$255,000 for a new contract value of \$1,480,200.

Staff recommended that the Commission authorize the appropriate City Official to enter into this modification on behalf of the City.

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

**\* Memo re: Vacation of Sewer Easement Located South of East Bella Vista Street and East of North Florida Avenue**

This was a proposed quitclaim deed from the City of Lakeland to Watson Clinic for the vacation of a 10-foot sewer easement located south of East Bella Vista Street and east of North Florida Avenue. More specifically, the easement is identified within Deed Book 992, Page 441 of the Public Records of Polk County and is physically located within parcel number 242807-000000-033030. This request is in conjunction with a new medical facility being constructed for the Watson Clinic. The applicant was requesting that the City vacate the original platted easement, as depicted on the map. The applicant has granted a replacement easement to relocate the existing sewer line. There are no operating utilities within the defined area.

Staff recommended that the Commission authorize the appropriate City officials to execute the quitclaim deed.

**Action:** The Commission approved this item on the consent agenda.

**\* Memo re: Agreement with Polk County for Transfer to City of Providence Road from Interstate 4 to Crevasse Street**

This was an Agreement with Polk County for the transfer of Providence Road to the City from its terminus immediately north of Interstate 4 to Crevasse Street, a distance of approximately .28 miles. The road lies entirely within Lakeland's city limits. The road transfer is part of the redevelopment of the Hooters' site north of the interstate. Hooters has completed improvements to the road to bring it up to City standards and will be dedicating additional right-of-way for the road. In return, Hooters will be eligible for impact fee credits as it redevelops its site.

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

**Action:** The Commission approved this item on the consent agenda.

**FINANCE DIRECTOR-none**

**AUDIENCE**

Carol distributed handouts. She was there concerning the same issues she cited on the agendas she distributed at previous meetings. She said the board did not give her an extension relating to her code enforcement case. She wanted the city to hand out the code enforcement brochure to citizens. She cautioned the Commission that not everyone uses the computer.

**MAYOR AND MEMBERS OF THE CITY COMMISSION-none**

**Recess/reconvene:** The City Commission recessed at 12:04 p.m. and reconvened at 2:20 p.m.

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

Mayor Fletcher called the meeting to order at 2:20 p.m.

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

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

This was the proposed Fiber Optic (Dark Fiber) License Use Agreement between the City and Lakeland Regional Health Systems, Inc. to transmit data services from Lakeland Regional Medical Center (LRMC) to its various offices/satellite facilities. This License Agreement was similar to previous agreements the City had with LRMC, wherein it leased four (4) Dark Fibers from the City. This particular Agreement would provide connectivity from LRMC's main offices on Lakeland Hills Boulevard to a site located at 1629 Lakeland Hills Boulevard.

This Agreement would be for an initial period of three (3) years commencing on approval by the City Commission, with successive renewal options thereafter. The Agreement contained an escalation clause providing that the first annual renewal shall be the rate for the initial term plus 10% and the license fee for any annual renewal thereafter shall be the rate for the preceding year plus 3%. LRMC shall be responsible for all costs relating to connectivity/make-ready and use of the Dark Fiber. Pursuant to this Use Agreement, LRMC would pay the City a one-time fee of \$7,150.00 for connectivity/make-ready and \$4,800.00 annually for the use of the four (4) fibers, representing increased revenue for the City. The rate charged to LRMC was based on \$100.00 per fiber, per mile, per month.

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

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

**Action:** The Commission approved this item on the consent agenda.

## **Memo re: Agreement with Burns and McDonnell for a Rate Study for Lakeland Electric**

This was a proposed Agreement with Burns & McDonnell to conduct a rate study, which entailed preparing an analysis of Lakeland Electric's electric tariffs. The rate study would encompass a base cost analysis, rate design recommendation, cost allocation, and a cost of service analysis.

Pursuant to Request for Proposal (RFP) #9009, a review committee comprised of four Utility Committee members and Lakeland Electric staff, reviewed the proposals submitted and ranked all ten responding firms. The review committee invited the top four ranked firms to participate in follow-up interviews, which staff evaluated. The review committee selected Burns & McDonnell as the highest ranked proposal based on evaluation of staff experience, familiarity with technical issues, experience with municipal utility systems and understanding of the scope of work. On March 16, 2009, the City Commission and Utility Committee approved staff's recommendation to enter into contract negotiations with Burns & McDonnell to perform the rate study.

This Agreement would commence on approval by the City Commission and shall remain in effect until all services are completed in accordance with the Agreement's schedule, with a total cost of \$84,000.

A new rate study was necessary to fund operating expenses, reestablish cost allocations among the various customer rate classes, provide for planned capital expenditures and prepare analyses in anticipation of new programs related to mandated conservation targets and renewable energy standards.

Staff recommended that the Commission authorize the appropriate City officials to execute this Agreement to conduct a rate study for Lakeland Electric with Burns & McDonnell.

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

The meeting adjourned at 2:20 p.m.

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Ralph L. Fletcher, Mayor

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Kelly S. Koos, City Clerk, CMC

