

LAKELAND CITY COMMISSION
Regular Session
June 16, 2008

The Lakeland City Commission met in Regular Session in the Commission chambers. Commissioners Gow Fields, Justin Troller, Jim Verplanck, Gow Fields, Edie Yates, and Mayor Fletcher were present. Commissioner Howard Wiggs was out of town. 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

Chaplain Mike Zarle of Victory Assembly of God offered the invocation followed by the salute to the flag.

PRESENTATIONS

Communications – Citizen Survey Results (Kevin Cook)

City University Graduates

| Graduate | F | 1 | 2 | 3 |
|----------------------|---|---|---|---|
| Almon, Debra S. | | x | x | |
| Baucom, Bennie | x | | | |
| Bayhan, Sr., David | x | | | |
| Billaut, Sebastien | | x | x | x |
| Buchanan, Mark | x | | | |
| Burnett, Shirley | x | x | | |
| Campbell, Eric | x | | | |
| Castelnovo, Laura | x | | | |
| Cherundolo, Patricia | x | | | |
| Costine, Joseph | x | x | | |
| Dehne, Jim | | | x | |
| Dixon, Villadean | x | | | |
| Gibson, Annie | x | x | | |
| Gillem, Clayton | | x | | |
| Glenn, Matthew | | x | | |
| Goodwin, Santina | x | | | |
| Goostree, Dwayne | x | x | | |
| Gries, Laurie | x | x | | |
| Gschwender, Jane | | x | x | x |
| Guisseppi, John | x | | | |
| Guisseppi, Shelley | x | | | |

| | | | | |
|-----------------------|---|---|---|---|
| Haas, Karininia | x | | | |
| Hamilton, Terry | x | x | x | |
| Heacox, Margaret | x | | | |
| Highsmith, Valerie | x | | | |
| Hill, Cindy | x | | | |
| Jack, Monique | x | | | |
| Johnson, Betty E. | x | x | | |
| Justice, Terry | x | x | | |
| Mathis, Craig | x | x | | |
| McFarland, Michael P. | | x | x | |
| McLeod, Marvena | x | | | |
| McLeod, Steve W. | x | | | |
| Nichols, Steve | x | | | |
| Otten, Darrin | x | | | |
| Ouzts, Jonathan | x | | | |
| Paholski, Joseph | | | x | |
| Pollock, Susan | x | | | |
| Pride, Julie | x | | | |
| Pultz, Bonnie | x | | | |
| Robinson, Greg | x | | | |
| Robinson, Linda | x | | | |
| Romberger, Janet | | x | | |
| Sebena, Paul | x | | | |
| Seger, Marcus | x | | | |
| Smith, Robert | x | x | | |
| Trulson, Tom | x | x | x | |
| Turbeville, Sammie | x | | | |
| Wallace, Brenda | x | x | | |
| Warren, Sheila | x | | | |
| Black, Charles | x | | | |
| Bonnett, Cindy | x | | | |
| Borg, Michael V. | | x | | |
| Camilleri, Shirley | | | x | |
| Carrillo, Michael | | x | | |
| Conner, Robert | | x | | |
| Dotson, Randall | | | | x |
| Driggers, Nina | x | x | x | |
| Engleman, Bridget | | | x | |
| Gale, Brenda | x | | | |
| Gash, Diane | x | x | | |
| Grenkowski, Thom | | x | x | |
| Grigalunas, Jennie | x | | | |
| Halbert, Kregg | | | x | |
| Hardies, Donald | | x | | |
| Hewitt, Karen | x | | | |
| Hilliard, Tamika | x | | | |
| Howard, James M. | x | | | |
| Jaynes, Richard | x | | | |

| | | | | |
|---------------------|---|---|---|---|
| Key, M. David | | x | | |
| Lukhaub, Alan | | | | x |
| McCain, Amy | x | x | | |
| McClelland, Johnnie | x | | | |
| McKnight, Jeff | | x | x | |
| Meador, Trent | x | x | | |
| Meyer, Paul | x | x | x | |
| Pavelich, Catherine | x | | | |
| Platt, Jimmy | x | | | |
| Postiglione, Tony | | x | x | |
| Pratt, James | x | | | |
| Schiel, Gail | | | x | |
| Schuler, Larry | | x | | |
| Semprini, Cheryl | | x | | |
| Shaver, Debbie | x | | | |
| Shirah, Mark | x | | | |
| Smits, Paul | x | | | |
| Tarpley, Faye | | x | | |
| Tison, Tammy | x | | | |
| Tucker, Suzanne | x | | | |

APPROVAL OF MINUTES (with any amendments)

- * City Commission 05/30/08 – 06/02/08
- * Utility Committee 06/02/08

*** APPROVAL OF CONSENT AGENDA**

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

- * City Commission 05/30/08 – 06/02/08
- * Utility Committee 06/02/08
- * Memo re: Vacation of a Public Utility Easement Located Within Lots 15 and 16 on Hollingsworth Hill Avenue
- * Memo re: Partial Vacation of a Sanitary Sewer and Drainage Easement – 2770 Mall Hill Road
- * Memo re: Partial Vacation of a Public Utility Easement – 1711 Tierra Alta Drive
- * Memo re: Award of Debris Management Contracts to Wood Resource Recovery, LLC, ATL Disaster Recovery, Inc. and AshBritt, Inc.
- * Appropriation - General Fund

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC - None

PUBLIC HEARINGS

Ordinances (Second Reading)

Proposed 06-047; Large Scale Amendment #LS-06-005 to Future Land Use Map Assigning Land Use on 324 Acres Within the Lakeland Central Park Development of Regional Impact Located South of Old Tampa Highway, North of the Polk Parkway and West of Airport Road (1st Rdg 8/21/06, Contd 11/19/07, 1/22/08, 3/3/08 & 5/5/08)

Tim McCausland explained that the applicant requested the Commission continue this hearing until July 21, 2008. He then asked for public comments and there were none.

Action: Commissioner Verplanck moved to continue the hearing to July 21, 2008. Commissioner Higgins seconded and the motion carried unanimously.

Ordinance 4976; Proposed 08-031; Text Amendment #T-08-013 to Update Illustration VIII-7, Certification Area Boundary, in the Intergovernmental Coordination Element of the Lakeland Comprehensive Plan (1st Rdg 4/21/08)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A TEXT AMENDMENT #T-08-013 TO UPDATE THE CERTIFICATION AREA ILLUSTRATION WITHIN THE INTERGOVERNMENTAL COORDINATION ELEMENT TO THE LAKELAND COMPREHENSIVE PLAN 2000-2010, AS ADOPTED BY ORDINANCE 4140; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Motion: Commissioner Verplanck moved to approve the ordinance. Commissioner Yates 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. Ayes: six. Nays: Zero. The motion carried unanimously

Tim McCausland suggested to the Commission that they might want to make one motion to approve the following three ordinances at the same time. If so, he

would read the short titles for the three ordinances and then the Commission could hear public comment on the ordinances before voting.

Ordinance 4977; Proposed 08-037; Amending Ordinance 2979, As Amended, Regarding Parks and Recreation Impact Fees (1st Rdg 6/2/08)

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2979, AS AMENDED; AMENDING SECTION 5(C) TO PROVIDE FOR A REVISED IMPACT FEE SCHEDULE FOR PARKS AND RECREATION FACILITIES IN ACCORDANCE WITH THE INDEXING PROCEDURE PROVIDED THEREIN; ADOPTING THE CITY OF LAKELAND 2008 IMPACT FEE INDEXING STUDY - PARKS AND RECREATION, FIRE PROTECTION, AND LAW ENFORCEMENT DATED MAY 27, 2008; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Ordinance 4978; Proposed 08-038; Amending Ordinance 2980, As Amended, Regarding Fire Impact Fees (1st Rdg 6/2/08)

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2980, AS AMENDED; AMENDING SECTION 5(C) TO PROVIDE FOR A REVISED IMPACT FEE SCHEDULE FOR FIRE PROTECTION FACILITIES IN ACCORDANCE WITH THE INDEXING PROCEDURE PROVIDED THEREIN; ADOPTING THE CITY OF LAKELAND 2008 IMPACT FEE INDEXING STUDY - PARKS AND RECREATION, FIRE PROTECTION, AND LAW ENFORCEMENT DATED MAY 27, 2008; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Ordinance 4979; Proposed 08-039; Amending Ordinance 2981, As Amended, Regarding Law Enforcement Impact Fees (1st Rdg 6/2/08)

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2981, AS AMENDED; AMENDING SECTION 5(C) TO PROVIDE FOR A REVISED IMPACT FEE SCHEDULE FOR LAW ENFORCEMENT FACILITIES IN ACCORDANCE WITH THE INDEXING PROCEDURE PROVIDED THEREIN; ADOPTING THE CITY OF LAKELAND 2008 IMPACT FEE INDEXING STUDY – PARKS AND RECREATION, FIRE PROTECTION, AND LAW ENFORCEMENT DATED MAY 27, 2008; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Doug Thomas reviewed impact fees for the Commission. Local governments usually update every few years. At the leading of Commissioner Dean Boring, the City of Lakeland decided to update in small increments every year rather than large increments every 4-5 years. There was discussion in the community about the timing. New development paid impact fees not current residents. After meeting with the Chamber of Commerce, staff recommended a compromised proposal of a 3% increase for police and fire and a 5% increase for parks & recreation impact fees.

Motion: Commissioner Verplanck moved to approve the ordinances at the level of staff recommendation. Commissioner Yates seconded.

Jim Studiale reviewed what the change in the dollars collected would be with the reduced increase.

Mayor Fletcher asked for comments.

Kathleen Munson of the Chamber came forward. The Chamber's Government Affairs Committee supported the 3% for police & fire and 5% for parks & recreation.

Scott Coulombe of the Polk County Builders Association came forward to ask the Commission to hold off on the increases for this year.

Allen Sale, citizen and insurance agent, came forward in support of the increase in index fees.

Mayor Fletcher asked for additional comments from the audience or commission.

Commissioner Yates understood the construction industry's concerns. In the past, the City only increased the fees every 3-4 years and the increases were substantial. The only way to avoid substantial increases was to index the fees each year.

Commissioner Higgins said he would not be supporting the increase. He had been speaking to different groups and made a promise not to do any increases in fees or millage while the economy was so bad. He planned to keep his word. He did support indexing but not at this time.

Commissioner Troller had some questions. What was currently in the impact fee accounts? What would the overall increase mean for the accounts? Did the City need any more money in those accounts? He was concerned about the maintenance of facilities. He would not be supporting the increase.

Doug Thomas explained that the money in the accounts was marked for the 10-year CIP program. The money in those accounts was not a "windfall" for the City.

Mayor Fletcher did not think the timing was right but it was not going to get any better. If the City put it off today, it would only be worse tomorrow.

Scott Coulombe of PCBA came forward again to ask the Commission to hold off this year.

The balance in impact fees would be \$2.2 million at the end of this budget year. Most of the money was slated for District 1, at \$1.5 million. The City had been accumulating for a park in that district. Staff did not plan or budget to spend the funds until one year after collected.

The increase would contribute \$96,000 for parks and \$20,000 for police and \$30,000 for fire for one year. It is not a lot of money but it is important to do a little each year.

Commissioner Fields felt impact fees work. A prior commission implemented impact fees and this commission needed to continue.

Action: Upon roll call vote Commissioners Yates, Fields, Verplanck, and Mayor Fletcher voted aye. Commissioners Troller and Higgins voted nay. Ayes: four. Nays: two. The motion carried.

Tim McCausland clarified that the vote was an approval for proposed ordinance 08-037 at a 5% increase, proposed ordinance 08-038 at a 3% increase and proposed 08-039 at a 3% increase.

Ordinance 4980; Proposed 08-040; Conditional Use for a 95 Bed Assisted Living Facility and a 120 Unit Independent Living Facility for the Elderly on Property Located at 4141 Lakeland Hills Boulevard (1st Rdg 6/2/08)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A 95 BED ASSISTED LIVING FACILITY AND A 120 UNIT INDEPENDENT LIVING FACILITY FOR THE ELDERLY ON PROPERTY LOCATED AT 4141 LAKELAND HILLS BOULEVARD; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4981; Proposed 08-041; Conditional Use for a Church and Day Care Center in Existing Structures Located at 2120 and 2128 South Crystal Lake Drive (1st Rdg 6/2/08)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A CHURCH AND DAY CARE CENTER IN EXISTING STRUCTURES ON PROPERTY LOCATED AT 2120 AND 2128 SOUTH CRYSTAL LAKE DRIVE; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4982; Proposed 08-042; Conditional Use for a Day Care Center and Consolidation of Existing Conditional Uses on an Existing Church Campus Located South of Lynncrest Road, North of Sylvester Road, and West of Bartow Road (2025 U.S. Highway 98 South) (1st Rdg 6/2/08)

AN ORDINANCE RELATING TO ZONING; REPEALING ORDINANCES 4279, 4430 AND 4778; APPROVING A CONDITIONAL USE FOR A DAY CARE CENTER AND CONSOLIDATION OF EXISTING CONDITIONAL USES ON AN EXISTING CHURCH CAMPUS LOCATED AT 2025 U.S. HIGHWAY 98 SOUTH; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4983; Proposed 08-043; Conditional Use for a Parking Lot to Serve the McDonald's Restaurant at 2835 South Florida Avenue (1st Rdg 6/2/08)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A PARKING LOT TO SERVE THE McDONALD'S RESTAURANT LOCATED AT 2835 SOUTH FLORIDA AVENUE; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4984; Proposed 08-044; Conditional Use for Off-Street Parking on Property Located at the Southeast Corner of Lincoln Avenue and Pear Street (726/730 Pear Street) (1st Rdg 6/2/08)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR OFF-STREET PARKING AT THE SOUTHEAST CORNER OF LINCOLN AVENUE AND PEAR STREET (726/730 PEAR STREET); PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4985; Proposed 08-045; Amending Sections 1-14 and 30-152 of the Code of the City of Lakeland re Unfair Campaign Practices (1st Rdg 6/2/08)

AN ORDINANCE RELATING TO ELECTIONS; AFFIRMING THE CITY OF LAKELAND'S POLICY IN SUPPORT OF NON PARTISAN CAMPAIGNS FOR ELECTIVE CITY OFFICE; AMENDING SECTION 1-14 TO EXCEPT UNFAIR CAMPAIGN PRACTICES FROM MUNICIPAL CODE VIOLATIONS; AMENDING SECTION 30-152 OF THE CODE OF THE CITY OF LAKELAND TO REMOVE THE PENALTY PROVISION; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments.

Alan Sale, a citizen, came forward on this issue. He discussed the fact that Republican and Democrat were registered trademark names. The local clubs were bound by the rules set in Tallahassee. The City's rule to allow all city candidates the opportunity to speak at partisan political party functions would limit the opportunities for speaking forums. He also opposed the City having rules without penalties.

Commissioner Troller reviewed his proposed changes as listed below. A copy of his handout is on file in the agenda packet.

Recommendation #1: Remove the following statement from Section 1-14, that reads "...or imprisonment in the county jail or other county detention facility for a term not exceeding 60 days."

Rationale: 1) There does not seem to be any other jail time punishment for a violation of any other City Ordinances. 2) Aligns the Lakeland Ordinance for non-partisan races violations closer to that of State Statute Title IX, Chapter 105.071, which includes up to a \$1,000 civil fine

Recommendation #2: Remove the following statement from Section 30-152, subsection a, number 4, that reads "...and may attend and speak at political party function or event, provided all candidates for city office have been invited and permitted to participate in the same manner or to the same extent."

Rationale: 1) Removing this statement will align the Lakeland Ordinance for a non-partisan race closer to that of State Statute Title IX, Chapter 105.071, which does not include this statement. 2) Removing this statement from the ordinance will allow candidates to speak to any group that will listen without punishing the candidate or the group. 3) Removing this statement will also address the concerns of the unconstitutionality of prohibiting the freedom of association and the freedom of speech.

The group discussed the constitutionality of Sec. 30-152 and the fact that the threat of penalty did not prevent violations in the 2007 election.

With this change, the City would not make a determination on whether or not a candidate violated the ordinance. The voters would make that determination and vote accordingly.

Action: Upon roll call vote Commissioners Yates, Fields, Higgins, and Mayor Fletcher voted aye. Commissioners Verplanck and Troller voted nay. Ayes: four. Nays: two. The motion carried.

Ordinance 4986; Proposed 08-046; Including Certain Lands within the Boundaries of the Lakeland Area Mass Transit District (1st Rdg 6/2/08)

AN ORDINANCE RELATING TO THE LAKELAND AREA MASS TRANSIT DISTRICT; MAKING FINDINGS; APPROVING THE INCLUSION OF CERTAIN LANDS LOCATED WITHIN THE CITY OF LAKELAND WITHIN THE BOUNDARIES OF THE LAKELAND AREA MASS TRANSIT DISTRICT; PROVIDING FOR SEVERABILITY; 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. Ayes: six. Nays: Zero. The motion carried unanimously.

Ordinance 4987; Proposed 08-047; Amending Ordinance 4919; Correcting Scrivener's Error in the Florida Southern College Special Public Interest Zoning Classification (1st Rdg 6/2/08)

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4919 OF THE CITY OF LAKELAND, FLORIDA; CORRECTING A SCRIVENER'S

ERROR IN THE SPECIAL PUBLIC INTEREST ZONING DISTRICT CLASSIFICATION FOR FLORIDA SOUTHERN COLLEGE; 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 and there were none.

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

Resolutions - NONE

EQUALIZATION HEARINGS – None

COMMUNITY REDEVELOPMENT AGENCY - None

CITY MANAGER

Recommendation re Parker Street Transportation Enhancement Project

In 2006, the Florida Department of Transportation awarded the City of Lakeland \$400,000 through a standard Local Agency Program (LAP) Agreement for the Parker Street Multi-Modal Corridor Transportation Enhancement Project. The LAP agreement provided matching funds for the design and construction activities programmed in Fiscal Year 2010/11 and Fiscal Year 2011/12 of the FDOT's Five-Year Work Program. The Mid-Town Community Redevelopment Agency (CRA) would be providing the necessary matching funds (\$400,000) to fund the project, in addition to the necessary maintenance and operational funding following construction of the project.

The project would focus on improvements to a one-mile long segment of Parker Street between Lake Parker Avenue and Massachusetts Avenue in the Parker Street and Shore Acres neighborhoods. The improvements would provide for the conversion of Parker Street from an undivided four-lane typical road section to a three-lane section with bicycle lanes, landscaped medians, and dedicated turn lanes at side streets and business driveways. The project would also include transit amenities at stops along the corridor. Parker Street was a component of the City's Lake-to-Lake Greenway Connector Network between Lake Parker Avenue and Lakeshore Drive. This section of Parker Street was also identified as part of the "Fort Fraser-Lake Parker Connector" trail, which would eventually provide linkage with the Fort Fraser Trail and to the Tenoroc State Preserve.

In order to maximize the projects benefits, the City of Lakeland and the Mid-town CRA were requesting that the project be accelerated to the earliest potential fiscal period. Accordingly, the Mid-Town CRA would advance the total necessary funding (\$800,000) to allow the project design component of the LAP agreement to be administered in Fiscal Year 2008/09, with construction occurring following acceptance of the final design plans by the FDOT. In order to advance the project as outlined, the FDOT LAP agreement must be executed by July 1, 2008. The \$400,000 in Transportation Enhancement funding awarded for this project would be reimbursed to the City in the following State funding periods:

- \$ 50,000 for project design in FY2011; and
- \$350,000 for project construction in FY2012

Staff recommended that the City Commission authorize the appropriate City officials to execute the Local Agency Program Agreement with the Florida Department of Transportation for funding equaling \$400,000 to advance the Parker Street Multi-Modal Corridor Transportation Enhancement Project as outlined.

Doug Thomas presented this item to the Commission.

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

CITY ATTORNEY

Ordinances (First Reading) – NONE

Miscellaneous Reports and Communications

- * **Memo re: Vacation of a Public Utility Easement Located Within Lots 15 and 16 on Hollingsworth Hill Avenue**

This was a proposed quitclaim deed from the City of Lakeland to Marion Burns and Dana Burns, his wife. Conner Construction was requesting the vacation of a 2' x 52' portion of the 7.5-foot public utility easement located along the rear property line at 1711 Tierra Alta Drive on behalf of the current property owners. The applicant was requesting this vacation to accommodate the construction of a screen enclosure designed to surround an existing swimming pool, which already encroaches over a portion of the easement.

The various City and private utilities have reviewed this request and have no objections to the partial vacation of this public utility easement. However, Lakeland Electric and Verizon indicated that they had facilities within the easement that they required access to for maintenance. If any of these utilities

require relocation as a result of the proposed construction, it shall be done at the expense of the applicant.

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: Partial Vacation of a Sanitary Sewer and Drainage Easement – 2770 Mall Hill Road**

This was a proposed quitclaim deed from the City of Lakeland to Kathleen Pointe Partners, LLLP. Madden, Moorhead & Glunt, Inc. was representing Cambridge Cove development in requesting the vacation of a small portion of an existing sanitary sewer and drainage easement located at 2770 Mall Hill Road. Upon developing the second phase of the Cambridge Cove apartment complex, the applicant constructed a new building over a portion of an existing sanitary sewer and drainage easement. The new building encroached over a small triangular section of the easement, which totaled approximately 43 square feet in size. The various City and private utilities reviewed the request and had no objections to the partial vacation of this public utility easement. However, Lakeland's Water Utilities Department indicated that the developer would be required to replace 60 feet of the existing PVC sewer main with an epoxy lined ductile iron pipe. The developer executed a Sanitary Sewer Encroachment Agreement with the City's Water Utilities Department.

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: Partial Vacation of a Public Utility Easement – 1711 Tierra Alta Drive**

This was a proposed quitclaim deed from the City of Lakeland to Louis F. Garrard and James A. Smith and a proposed Public Utility Easement Agreement. Garrard Building Contractors were requesting the vacation of an existing 7.5-foot public utility and drainage easement, located within Lots 15 and 16 on Hollingsworth Hill Avenue, on behalf of the current owners to accommodate the construction of two new residential homes, one on each lot. As part of the applicants' request to vacate, they have agreed to grant a new 10-foot public utility easement along the rear of each adjacent lot in exchange for the vacated easement. The various City and private utilities have reviewed this request and have no objections to the vacation of this public utility easement subject to the granting of a new 10-foot public utility easement.

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: Award of Debris Management Contracts to Wood Resource Recovery, LLC, ATL Disaster Recovery, Inc. and AshBritt, Inc.**

The Public Works Department requests that the Lakeland City Commission award RFP No. 8093, approve the short-listed firms, and execute the necessary contracts to engage those certain firms to provide disaster debris management services. Services may include: collecting and removing debris from the public right-of way, streets and roads; processing debris including sorting, grinding, and mulching; and disposing of debris at designated sites; establishing and operating temporary debris staging and processing sites; and assisting the City's Federal and State reporting and reimbursement efforts.

The City received responses from eighteen (18) firms. Each respondent was evaluated by a review committee on their technical response in the following four areas: company experience, resources and availability, project management, and past performance. Respondents receiving favorable review in all four areas of technical responses were short-listed and subsequently ranked based upon their price proposals. References were contacted regarding the top three (3) firms. Public Works staff recommended that Wood Resource Recovery, LLC (Gainesville, Florida) be awarded the primary contract, ATL Disaster Recovery (Lake Worth, Florida) awarded a secondary contract, and AshBritt, Inc. (Pompano Beach, Florida) be awarded a tertiary contract. As the two existing debris management service contracts expire on July 17, 2008, the effective date of the three new contracts is July 18, 2008.

Staff recommended that the Commission approve the short list and authorize the appropriate City officials to execute the respective Debris Management Services Contracts.

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

FINANCE DIRECTOR

* **Appropriation - General Fund**

The existing FY 2008 budget for fuel in the Fire Department was \$131,826, which represented the estimated cost of regular and diesel fuel for 12 months. Based on the price increases of regular and diesel fuel during FY 2008, the Fire Department expected to exceed the budget for fuel purchases by approximately \$30,000.

Staff requested that the City Commission authorize an additional appropriation within the Fire Department from the General Fund surplus in the amount of \$30,000 for fuel.

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

PROCLAMATIONS

Juneteenth Day

Dee Dee Postell came forward to accept the proclamation and invited everyone to attend the 15th Annual Juneteenth Day Celebration on Friday, June 20, 2008, from 7:30--9:00 p.m. at the Harmony Missionary Baptist Church

AUDIENCE - None

Recess/reconvene: The Commission recessed at 11:10 a.m. until after the Utility Committee. The Commission reconvened at 2:09 p.m.

The Lakeland City Commission reconvened in Regular Session in the Commission chambers. Commissioners Gow Fields, Justin Troller, Jim Verplanck, Gow Fields, Edie Yates, and Mayor Fletcher were present. Commissioner Howard Wiggs was out of town. 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

Resolutions

Resolution 4695; Proposed 08-034; Establishing Fuel Charge Effective July 1, 2008

A RESOLUTION RELATING TO THE ELECTRIC UTILITY; ESTABLISHING THE FUEL CHARGE FOR ALL CUSTOMER CLASSES, COMMENCING JULY 1, 2008 AND THEREAFTER; MAKING FINDINGS; REPEALING RESOLUTION 4681; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Motion: Commissioner Higgins 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, Verplanck, Higgins, and Mayor Fletcher voted aye. Commissioner Troller voted nay. Ayes: five. Nays: one. The motion carried.

Memo re: Agreement with NoNOx Components, LLC for the Supply of Large Particle Ash Screens for Unit 3

Lakeland Electric (LE) was proceeding with the design and construction of a Selective Catalytic Reduction (SCR) system for McIntosh Unit 3 to reduce its nitrogen oxide (NOx) emissions and comply with the Clean Air Interstate Rule (CAIR). To date, the City had entered into approximately sixteen (16) different contracts to purchase and/or install equipment, foundations, structural steel, or ductwork necessary to construct the SCR. The purpose of Invitation to Bid (ITB) No. 8134 was to obtain bids from qualified companies to design and furnish large particle ash (LPA) screens to install in the economizer outlet duct of the Unit 3 boiler. The purpose of the LPA screens was to intercept large ash particles, also known as "popcorn ash," before they could accumulate and begin to plug the SCR catalyst, thereby inhibiting its NOx removal capability and potentially increasing its pressure drop, which causes operating costs to increase.

The scope of supply for the proposed contract included engineering, manufacturing, equipment supply, and delivery of the LPA screens to the site. Installation of the LPA screens would be performed by others and was not part of the proposed contract. Three (3) firms responded to the ITB and the City's Engineer, Sargent & Lundy, evaluated the corresponding bids. NoNOx Components, LLC (NoNOx) submitted the second lowest cost bid. Sargent & Lundy recommended NoNOx as the most responsive bidder. NoNOx guaranteed a lower operating pressure drop than did the low bidder, Power & Industrial Services (P&IS) and the increased operating cost that the City would incur resulting from a higher-pressure drop was a very important consideration. A comparison of the estimated "life cycle costs" would illustrate why NoNOx was the selected bidder.

| | P&IS | NoNOx |
|-------------------------------|------------------|----------------|
| Capital Cost, PV \$ | 146,695 | 295,654 |
| O&M Cost, 20 Year PV \$ | 1,236,600 | 412,200 |
| Life Cycle Cost, PV \$ | 1,383,295 | 707,854 |

Staff recommended that the Commission authorize the appropriate City officials to enter into a contract with NoNOx Components, LLC to furnish the LPA screens for the McIntosh Unit 3 SCR project. The final contract price is \$295,654.

Tim McCausland presented this item to the Commission.

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

CALL FOR ADJOURNMENT – 2:10 p.m.

LAKELAND CITY COMMISSION
Agenda Study Session
June 16, 2008

The Lakeland City Commission met in the Commission conference room. Commissioners Edie Yates, Gow Fields, Justin Troller, Jim Verplanck, Glenn Higgins, and Mayor Fletcher were present. Commissioner Howard Wiggs was out of town. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, Assistant City Attorney Palmer Davis, and City Clerk Kelly Koos were present along with other staff members and the media.

Mayor Fletcher called the meeting to order at 7:35 a.m.

Doug Thomas reviewed the preliminaries.

Palmer Davis covered the public hearings.

Proposed ordinance 06-047 should be continued to July 21, 2008.

Staff recommended accepting the Chambers recommendation on the indexing of impact fees, which would be an increase of 3% for police and fire and 5% for parks & recreation. Scott Coulombe, Executive Director of the Polk County Builders Association (PCBA) spoke against the increase this year. Kathleen Munson of the Chamber said the Government Affairs Committee discussed the increase and indexing. They did not recommend the full amount suggested by the study but rather the 3% and 5%.

The Commission discussed proposed ordinance 08-045 relating to unfair campaign practices.

Doug Thomas covered the City Manager portion of the agenda and offered the following verbal:

- * Most budget cut impacts will be felt in the Parks & Recreation arena. Parks & Recreation Director Bill Tinsley provided a summary of the pending service cuts. The closing dates would begin July 5, 2008. Lake Bonney Park will be closed on Sundays and City Holidays. Peterson Park. Lake Parker Park will have new park hours and be closed Sundays and Wednesdays. No restrooms or trash pick up on weekends in other parks. (get copy of the summary from Bill) The mowing schedule will remain at 10 days.

Palmer Davis covered the City Attorney's portion of the agenda.

Greg Finch covered the Finance agenda.

The Commission discussed CSX and their efforts to protect Lakeland from additional freight train traffic.

The meeting adjourned at 8:35 a.m.

**Legislative Wrap-Up Workshop
June 16, 2008**

The Lakeland City Commission met for the Legislative Wrap-Up Workshop in the Commission conference room. Commissioners Edie Yates, Justin Troller, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Commissioner Howard Wiggs was out of town. Commission Gow Fields was absent for a meeting. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Assistant City Manager Stanley Hawthorne, City Clerk Kelly Koos and David Shepp of the Florida Strategic Group, LLC was present.

David distributed and reviewed a handout detailing the results of the 2008 Florida Legislative Session as it related to the City of Lakeland Legislative Agenda. A copy of that document is on file in the agenda packet.

The workshop adjourned at 11:59 a.m.

Ralph L. Fletcher, Mayor

Kelly S. Koos, CMC, City Clerk