

**LAKELAND CITY COMMISSION**  
**August 6, 2007**

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

**CALL TO ORDER**

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

**INVOCATION**

Pastor Buddy Pyles of Edgewood Baptist Church offered the invocation followed by the salute to the flag.

**REQUEST TO APPEAR FROM THE GENERAL PUBLIC**

**City of Lakeland Association of Retirees re Cost of Living Adjustment**

Penny Chappell and Katrinah Gagnier came forward to make their presentation.

Penny acknowledged the board members who helped with the presentation.

The group requested a one time supplemental payment to current retirees of \$500 per retiree - cost to City approximately \$500,000. and the opportunity to develop a permanent COLA Provision such as provided by social security and Florida Retirement System with City Commission and City Administration.

Mayor Fletcher thanked them for coming and expressed appreciation of the retirees. They could not make a decision today based on the property tax reform issues.

Doug Thomas explained the City was facing a number of budgetary issues. Doug asked to handle this request as part of the budget process. He anticipated having a recommendation during that process.

**PRESENTATIONS**

**Strategic Operating Plan Quarterly Report**

Doug Thomas made this presentation.

**EQUALIZATION HEARINGS**

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

Tim McCausland presented the assessments for Lots Cleaning and Clearing

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

Mayor Fletcher asked for comments and there were none.

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

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

## **PRESENTATIONS CONT.**

### **Employee Service Awards**

#### **10 Years**

Chaffin, Phil	06-02-1997	PW-Fleet Management
Corley, Matthew S	07-20-1997	Fire Department
Harris, Andrea V	07-06-1997	Lakeland Electric

#### **20 Years**

Carter, James R	07-30-1987	Water Utilities
McGrath Jr, James H	07-30-1987	Fire Department

Mayor Fletcher and Doug Thomas presented these awards.

### **Beautification Awards**

Commercial: 3222 Highland Fairways Blvd – Highland Fairways  
Residential: 839 Mississippi Avenue – John & Ursula Radabaugh

Frankie Martin and Eileen Claussen presented these awards.

## **CONSENT AGENDA**

- \* City Commission Minutes (with any amendments) 07/13/07-07/23/07
- \* Utility Committee Minutes (with any amendments) 07/16/07
- \* Memo re: Municipal Election Administration Agreement with Polk County Supervisor of Elections
- \* Memo re: Approval of Short Listed Firms for Engineering Services for Coating of T.B. Williams Water Plant Filters

- \* Memo re: Task Authorization with Dyer, Riddle, Mills & Precourt, Inc. for Construction Engineering Inspection Services on the Fairbanks Street Extension Project

Action: Commissioner Wiggs moved to approve the consent agenda. Commissioner Verplanck seconded and the motion carried unanimously.

### **APPROVAL OF MINUTES (with any amendments)**

- \* **City Commission 07/13/07-07/25/07**

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

- \* **Utility Committee 07/16/07**

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

### **Community Development Committee What day did they meet?**

The City of Lakeland Community Development Committee met in the Commission conference room. Commissioner Edie Yates (chair), Commissioners Dean Boring and Jim Verplanck (members) and member Beth Mason were present. Member Homer Hooks was out sick. Commissioners Howard Wiggs, Gow Fields, and Glenn Higgins were present. Deputy City Manager Tony Delgado, Assistant to the City Manager Stanley Hawthorne, and City Clerk Kelly Koos were present along with staff and the media.

Commissioner Yates called the meeting to order at 9:39 a.m.

Tony Delgado reviewed criteria and guidelines for application consideration. The groups reapply every three years. The three-year funding cycle includes a 3% CPI each year. The successful groups provide annual financial statements to the City Manager. The City contributes \$100,000 every year from the Public Improvement Fund to build the trust. The goal is to reach a principal amount of \$2 million.

Commissioner Yates prefaced these requests with the fact that the general fund was suffering due to tax reform, decreased sales tax and decreased communications tax.

Commissioner Boring thought that with all the uncertainty the City could not add anyone to the group. It would be hard to add anything right now. He recommended funding the current organizations at their 2007 rate. The funding would be for one year not for three and without the 3% CPI increase.

Commissioner Verplanck supported the recommendation.

Beth Mason suggested a contribution of some kind to the new applicants so they could go forward and seek other funding. This "stamp of approval" from the City would improve their credentials as they seek other funding.

Commissioner Yates asked everyone in the room to introduce themselves to the group.

Commissioner Wiggs said the contributions the arts made to economic development were significant. Students exposed to the arts did better in school. He wished the City could contribute the \$100,000 to the fund this year. The group agreed to continue to try and do that this year.

Commissioner Fields appreciated what the arts do for the community. Two of the three new organizations were directed by staff to make application here. EEG was enticed by the City to help solve a problem. The group should keep that in mind as that group seeks assistance.

Commissioner Yates asked for input from the committee on the proposal to provide some funding to the new requestors.

Commissioner Verplanck asked to hear from those groups.

Ann Wilson, of Platform Florida, explained that they were there to showcase emerging artists. They garner the largest audience of any art event in the county other than Mayfair or other art festivals. Their last two events had 600 people. It was multi generational. The focus was to broaden the art audience for the community. Platform Florida considered themselves the farm team for the museum or other galleries. The program for which they were requesting funding was Platform for Youth. They would be working with Parker Street Ministries and the Prodigy at Risk 7-17 year old youth. Those would be the first participants in that program. They wanted to start growing the next generation of art lovers. They wanted to provide disadvantaged youth with an opportunity for them to feel good about themselves.

Don Rayborn, of the Lakeland Concert Band, explained they were starting their 28th year this season. They presented six concerts per year. They were composed of 80 musicians. They come every year and stay 6 months from Canada and different states around the country. They fit approximately 2000 people in the auditorium every concert. They give free concerts. They exist solely on donations. They pay \$1,000 each time they use the auditorium. They barely make enough to pay the rent. They have to buy their own liability insurance. Also, they have a swing band that plays 4 dances a year at the Lake Mirror Center. They pay rent there. They do not charge admission. The band also furnishes free refreshments. They have discussed charging a small admission but the band members said they would not play anymore. This was something they wanted to do for the community. No

band member was paid for playing in the band. They rehearse once a week September thru April. They needed money to help pay rent.

Lynn Simpkins, of the Education Enlightenment Group, explained that the group started as a support mechanism for the City as it looked at alternatives to the aftermath of the Martin Luther King Jr. parade. The EEG provided parade marshals. They provided a week of activities based on education. They prided themselves in the partnerships they have developed. The fees they request help to offset the cost of the city facilities.

Commissioner Yates thanked everyone for sharing.

Commissioner Verplanck asked the new applicants if the City could fund a portion of their request if that would help. The response was yes. Commissioner Verplanck recommended funding 20% of each of the new applicants' request.

Commissioner Fields pointed out that part of assisting EEG or the Lakeland Concert Band would be moving money from one fund to another. It may show up here but that would mean that it was relieving another fund.

Commissioner Boring suggested another committee meeting to find out what money the City was contributing to EEG and Lakeland Concert Band through in-kind contributions.

Tony Delgado said the staff could provide those figures in writing without another meeting.

Commissioner Wiggs thought the support should be a flat dollar amount rather than a percentage.

Tony Delgado said staff will provide the information on EEG and the Lakeland Concert Band but Platform Florida was a different situation.

Commissioner Yates clarified the recommendation as approving a one-year grant to the existing agencies at the 2007 rate without the 3% CPI and look further at the dollars the City is contributing through in-kind support to the new applicants and determine an appropriate contribution from that number.

Beth Mason relayed her discussion with Homer Hooks on the issue. They wanted to see some funding for the new applicants. She wanted the playing field to be even across the board for all art associations. She thought it might be worthwhile for the Lakeland Concert Band to look at some type of donation process or sponsorship. One idea given was sponsorship from the many restaurants that benefited from the band patrons.

Tony Delgado clarified the recommendation as being fund the current participants at the 2007 level without the 3% CPI and fund the new applicants equally at a level to be determined based upon prior in-kind contributions. The funding for the 2008 support would come from the fund interest and the general fund.

Commissioner Wiggs asked about the 3% CPI.

Commissioner Yates said it would be just under \$6,000 if the City did include the 3% CPI increase.

Commissioner Boring amended the recommendation to include the 3% CPI.

**Amended recommendation:** Fund the current participants at the 2007 level with the 3% CPI and fund the new applicants equally at a level to be determined based upon prior in-kind contributions. The funding for the 2008 support would come from the fund interest and the general fund.

Commissioner Verplanck seconded and the recommendation carried unanimously.

The meeting adjourned at 10:25 a.m.

Commissioner Yates presented these minutes to the Commission. She publicly thanked Beth Mason and Homer Hooks for their work on the committee

**Action:** The Commission approved the Committee recommendations unanimously.

### **Land Acquisition & Disposition Committee**

The Land Acquisition & Disposition Committee met in the Commission conference room on Friday, August 3, 2007. Commissioner Higgins (chair), Mayor Fletcher and Commissioner Boring (members) were present. Commissioners Edie Yates, Howard Wiggs, Gow Fields, and Jim Verplanck were present. Deputy City Manager Tony Delgado, City Attorney Tim McCausland, Assistant to the City Manager Stanley Hawthorne, and City Clerk Kelly Koos were present along with staff and the media.

Commissioner Higgins called meeting to order at 10:28 a.m.

#### **Proposed Purchase of 821 E. Oleander Street for Relocation of Lakeland Police Department's Impound Lot**

This property was needed for the City's plan to relocate the Lakeland Police Department impound lot, which was being displaced by the LDDA Revitalization Project. The material provisions of the contract were:

1. PROPERTY – The Property was described as Lots 10, 11, 12, and 13 in Block L of Morton's Addition, less right-of-way for the in-town bypass, and

consists of 60,318± square feet of land area with a 9,440± square foot warehouse/office building and related site improvements.

2. PURCHASE PRICE - The purchase price of the Property was \$650,000.00 payable in cash at closing.

3. DUE DILIGENCE – Prior to closing, the City would obtain a boundary survey, a title commitment, and an environmental inspection. Subject to the satisfactory completion of these reports, closing would occur as soon as practical thereafter, which staff estimated to be early September.

The balance of the Contract contained the typical terms and conditions. Staff recommended that the Commission authorize the appropriate City officials to execute the contract.

Tim McCausland briefed the committee on this item.

ACOP Charles Thompson planned to move the traffic unit back to this location. Florida statutes required they keep confiscated vehicles covered because they must return them in the same condition as when they were confiscated.

**Recommendation:** Mayor Fletcher moved to recommend the Commission approve the purchase. Commissioner Boring seconded and Commissioner Higgins concurred.

### **Proposed Acceptance of 33 Acre Parcel on the South Side of Edgewood Drive South for Future Park Use**

For several months, Parks and Recreation staff had been in discussions with Ed Holloway, as the Trustee of the Edgewood Trust, for the contribution of a parcel of land on the south side of Edgewood Drive South consisting of 33 acres more or less. The City intended to develop the property as a significant recreational complex to include six soccer fields and amenities.

It was important to recognize the people associated with the Trust. Although Ed Holloway was the Trustee, E. Edward Holloway, Jr.; Fay Marie Troiano as Trustee of the D. A. Troiano Revocable Living Trust U/T/D May 15, 1998; Kimberli Ann Roberts; H. Guy Smith; and Harold Sale also made this generous gift possible. Without the commitment of these longtime Lakeland citizens, this exciting project would not be possible. They deserve special thanks.

The property was former mining land that has been reclaimed and as such, contained mine tailings and clays. Portions of it were subject to drainage easements, which would remain or be relocated. An environmental audit was performed which confirmed the history and recommended certain construction practices if the site was intended to be developed with any significant building construction. It also noted, in the northeast corner of the site, the presence of a remediate offsite underground storage tank. If the City contemplated development

for that area, they would explore that issue. No action was required at this time. Staff would provide further details relating to the project and timing when it was available.

The city agreed to restrictions on this property. This would always be used for recreation.

Bill Tinsley intended to bring forward the concept of the use for this land in a couple of weeks.

The meeting adjourned at 10:41 a.m.

Commissioner Higgins presented the minutes to the Commission.

**Action:** The Commission approved the Committee recommendations unanimously.

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

## **PUBLIC HEARINGS**

### **Ordinances (Second Reading)**

**Ordinance 4878; Proposed 07-045; Large Scale Amendment #LS-07-006 to Future Land Use Map Assigning Use to Approximately 44 Acres Located East of S.R. 572 (Airport Road) and Gay Road, South of C.R. 542 (Old Tampa Highway) (1st Rdg 6/4/07)**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-07-006 TO THE FUTURE LAND USE MAP FOR APPROXIMATELY 44 ACRES LOCATED EAST OF S.R. 572 (AIRPORT ROAD) AND GAY ROAD, SOUTH OF C.R. 542 (OLD TAMPA HIGHWAY), ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

**Ordinance 4879; Proposed 07-046; Change in Zoning on 43.95 Acres Located East of the Intersection of Gay Road and Airport Road (1st Rdg 6/4/07)**

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 43.95 ACRES OF RECENTLY ANNEXED PROPERTY LOCATED EAST OF THE INTERSECTION OF GAY ROAD AND AIRPORT 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.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

**Ordinance 4880; Proposed 07-048; Large Scale Amendment #LS-07-007 to Future Land Use Map Assigning Use of Approximately 13.3 Acres Located West of Kathleen Road and North of Griffin Road (1st Rdg 6/4/07)**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-07-007 TO THE FUTURE LAND USE MAP FOR APPROXIMATELY 13.3 ACRES LOCATED WEST OF KATHLEEN ROAD AND NORTH OF GRIFFIN ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

**Ordinance 4881; Proposed 07-050; Large Scale Amendment #LS-07-008 to Future Land Use Map Assigning Use to Approximately 19 Acres Located on North Griffin Road, West of Mall Hill Road and East of Kathleen Road (1906 Griffin Road) (1st Rdg 6/4/07)**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-07-008 TO THE FUTURE LAND USE MAP FOR APPROXIMATELY 19 ACRES LOCATED NORTH OF GRIFFIN ROAD, WEST OF MALL HILL ROAD AND EAST OF KATHLEEN ROAD (1906 GRIFFIN ROAD), ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

**Ordinance 4882; Proposed 07-051; Change in Zoning on 19 Acres Located at 1906 Griffin Road (1st Rdg 6/4/07)**

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 19 ACRES OF RECENTLY ANNEXED PROPERTY LOCATED AT 1906 GRIFFIN 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.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

**Ordinance 4883; Proposed 07-053; Large Scale Amendment #LS-07-010 to Future Land Use Map Assigning Use to Approximately 437.8 Acres Located North of Ewell Road and West of Yates Road (1st Rdg 6/4/07)**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-07-010 TO THE FUTURE LAND USE MAP FOR APPROXIMATELY 437.8 ACRES LOCATED NORTH OF EWELL ROAD AND WEST OF YATES ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

**Ordinance 4884; Proposed 07-055; Large Scale Amendment #LS-07-012 to Future Land Use Map Assigning Use to Approximately 166 Acres Located Northeast of the I-4 and State Road 33 Interchange within the Green Swamp Area of Critical State Concern (1st Rdg 6/4/07)**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-07-012 TO THE FUTURE LAND USE MAP FOR APPROXIMATELY 166 ACRES LOCATED NORTHEAST OF THE I-4 AND STATE ROAD 33 INTERCHANGE WITHIN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

**Ordinance 4885; Proposed 07-058; Text Amendment #T-07-005 to the Intergovernmental Coordination Element of the Lakeland Comprehensive Plan to Update the Certification Area Illustration (1st Rdg 6/4/07)**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A TEXT AMENDMENT #T-07-005 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 Boring seconded.

Mayor Fletcher asked for comments and there were none.

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

**Ordinance 4886; Proposed 07-061; Text Amendment #T-07-015 to the Future Land Use Map to Update Policy X11 relating to the Green Swamp Area of Critical State Concern (ACSC) (1st Rdg 6/4/07)**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A TEXT AMENDMENT #T-07-015 TO THE FUTURE LAND USE ELEMENT TO UPDATE POLICY X11 RELATING TO THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN 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 Boring seconded.

Mayor Fletcher asked for comments and there were none.

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

**Ordinance 4887; Proposed 07-062; Proposed Changes to the Land Development Regulations (1st Rdg 6/4/07)**

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

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

**Ordinance 4888; Proposed 07-071; Modification of PUD Zoning to Allow Commercial, Office and Warehouse Uses and to Amend Development Conditions on Property Located North of Interstate 4, South of Griffin Road, and East of Kathleen Road, Repealing Ordinance 4635 (1st Rdg 7/16/07)**

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR PUD ZONING ON PROPERTY LOCATED NORTH OF INTERSTATE 4, SOUTH OF GRIFFIN ROAD, AND EAST OF KATHLEEN ROAD; REPEALING ORDINANCE 4635; 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 Boring seconded.

Mayor Fletcher asked for comments and there were none.

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

### **Miscellaneous**

**Memo re: Development Agreement for Property Located North of Interstate 4, South of Griffin Road and East of Kathleen Road (Mall Hill Drive)**

This proposed Development Agreement with North Lakeland Development, Inc. related to property located generally south of Griffin Road, north of Interstate 4 and on both sides of

Mall Hill Drive. This development represented a significant multi-use project consisting of the following:

1. Office use up to a total of 298,000 feet
2. Light industrial up to 305,000 square feet
3. Commercial (C-2) uses – a maximum of 68,300 feet
4. Multi-family residential use up to 305 dwelling units

This project represented a potential employment center located near housing, transportation facilities, and shopping opportunities. Florida Statutes 163.3220-163.3243, known as the Florida Local Government Development Agreement Act, allowed local governments to enter into agreements with developers that would provide certain assurances as to the character of the development and the public improvements that the developer will make to support the project, and guaranteed approvals for the developer for the period of the agreement. Large projects of this type were typically developed over a number of years and the assurances that an agreement provide facilitates an orderly development. Specifically, the agreement commits the developer to the following transportation improvements:

1. Provide a northbound right turn lane on Kathleen Road at Mall Hill Drive
2. Provide a northbound right turn lane on Mall Hill Drive at Griffin
3. Provide an eastbound right turn lane on Griffin Road at U.S. 98
4. Install three (3) transit shelters along adjacent public street system
5. Install sidewalk along the Mall Hill Drive frontage

The City agreed to commit to a determination of transportation concurrency that was good until February 29, 2012 so long as the developer met certain milestones. The balance of the agreement contained administrative provisions. Staff recommended that the appropriate Commission authorize City officials to execute this Development Agreement.

Tim McCausland presented this item to the Commission.

**Action:** Commissioner Verplanck moved to approve the agreement. Commissioner Boring seconded and the motion carried unanimously.

### **CITY MANAGER**

August 7, 2007 was National Night Out. The Police department had programs prepared for tomorrow at Lake Wire Park at 6 p.m. There were several events taking place around the City.

Doug Thomas reminded the Commission they would need to recess this afternoon until after the Utility Committee meeting.

Doug Thomas reminded the Commission that the Administrative Hearing relating to the water permit would begin this afternoon at 1 p.m. at The Lakeland Center.

## CITY ATTORNEY

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

#### **Proposed 07-076; Conditional Use for an Administrative Church Office in an Existing Single Family Dwelling at 2205 Martin Luther King Avenue**

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR AN ADMINISTRATIVE CHURCH OFFICE IN AN EXISTING SINGLE FAMILY DWELLING AT 2205 MARTIN LUTHER KING AVENUE; 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 August 20, 2007.

#### **Proposed 07-077; Change in Zoning on 4 Acres Located West of North Socrum Loop Road, North of Vineyard Drive (6350 North Socrum Loop Road)**

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 4 ACRES OF PROPERTY LOCATED WEST OF NORTH SOCRUM LOOP ROAD, NORTH OF VINEYARD DRIVE (6350 NORTH SOCRUM LOOP ROAD) WITHIN THE CITY OF LAKE LAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKE LAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

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 August 20, 2007.

#### **Proposed 07-078; Change in Zoning on Property Located West of Sikes Boulevard, South of Josephine Street (919 Sikes Boulevard)**

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 0.42 ACRES OF PROPERTY LOCATED WEST OF SIKES BOULEVARD, SOUTH OF JOSEPHINE STREET (919 SIKES BOULEVARD) WITHIN THE CITY OF LAKE LAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKE LAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

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 August 20, 2007.

**Proposed 07-079; Relating to Procedure for Election of Members to the Civil Service Board**

AN ORDINANCE RELATING TO THE CIVIL SERVICE BOARD; REPEALING ORDINANCE 2003 AND ORDINANCE 3856; RELATING TO THE PROCEDURE FOR FULL TIME EMPLOYEES OF THE CITY OF LAKE LAND TO ELECT MEMBERS TO THE CIVIL SERVICE BOARD OF THE CITY OF LAKE LAND IN ACCORDANCE WITH THE CHARTER OF THE CITY OF LAKE LAND; 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 August 20, 2007.

**Resolution**

**Resolution 4624; Proposed 07-044; 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 Boring seconded.

Mayor Fletcher asked for comments and there were none.

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

**Resolution 4625; Proposed 07-045; Authorization for Execution of Railroad Reimbursement Agreement – Synchronization of Grade Crossing Traffic Control Devices – Municipal at SR 33 / Massachusetts Avenue**

A RESOLUTION AUTHORIZING EXECUTION OF A “RAILROAD REIMBURSEMENT AGREEMENT – SYNCHRONIZATION OF GRADE CROSSING TRAFFIC CONTROL DEVICES – MUNICIPAL” WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION AND CSX TRANSPORTATION, INC. FOR A RAILROAD GRADE CROSSING LOCATED AT SR 33 / MASSACHUSETTS AVENUE; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

**Resolution 4626; Proposed 07-046; To Provide Future Maintenance and Other Attendant Costs Related to Fairbanks Street Extension after Completion**

A RESOLUTION RELATING TO THE MAINTENANCE OF THE FAIRBANKS STREET EXTENSION; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

**Resolution 4627; Proposed 07-048; Urging Congress to Increase Funding for the Community Oriented Policing Services Program**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA URGING CONGRESS TO INCREASE FUNDING FOR THE COMMUNITY ORIENTED POLICING SERVICES PROGRAM; RECOGNIZING THE BENEFIT TO LOCAL LAW ENFORCEMENT PROGRAMS, INCLUDING CRIME PREVENTION AND SCHOOL SAFETY; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

**Resolution 4628; Proposed 07-047; Urging Congress to Protect and Enhance Funding for Federal Affordable Housing Programs**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA URGING CONGRESS TO PROTECT AND ENHANCE FUNDING FOR FEDERAL AFFORDABLE HOUSING PROGRAMS; EXPRESSING SUPPORT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, SECTION 8 VOUCHERS, AND HOPE VI; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

**Miscellaneous Reports and Communications**

- \* **Memo re: Municipal Election Administration Agreement with Polk County Supervisor of Elections**

This was the proposed Municipal Election Administration Agreement between the City and the Polk County Supervisor of Elections. The Supervisor's office has committed to provide all the support necessary to conduct the elections and the run-off election, if necessary. The agreement spelled out each of the party's responsibilities and a timeline for certain activities. The City Clerk and the City Attorney have been in regular contact with the Supervisor's office in preparation for the election.

Staff recommended that the appropriate Commission authorize the appropriate City officials to execute this agreement on behalf of the City.

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

- \* **Memo re: Approval of Short Listed Firms for Engineering Services for Coating of T. B. Williams Water Plant Filters**

The Thomas B. Williams Water Treatment Plant operated three filters as an integral part of the water treatment process. The coating system applied to the filters required periodic replacement along with the filter media. There were necessary structural repairs as well. Engineering services were required to design the needed replacements. In June of 2007,

the City of Lakeland Water Utilities Department sought proposals from qualified firms to provide services as required for the Coating of T.B. Williams Water Plant Filter Project. On June 19, 2007, the City received three proposals and a team of three Water Utilities staff members evaluated and the short-listed three firms as follows:

Tetrattech, Inc.  
Boyle Engineering Corporation  
Dyer, Riddle, Mills & Precourt, Inc.

Staff requested authorization for the Water Utilities Department to begin competitive negotiations in accordance with the CCNA procedures resulting in a negotiated contract with the best firm to perform the work for a reasonable fee.

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

- \* **Memo re: Task Authorization with Dyer, Riddle, Mills, & Precourt, Inc. for Construction Engineering Inspection Services on the Fairbanks Street Extension Project**

This Task Authorization with Dyer, Riddle, Mills & Precourt, Inc. (DRMP) was for providing construction engineering inspection services to be performed by DRMP in conjunction with the construction of the Fairbanks Street Extension project. The existing Fairbanks Street would be reconstructed and improved from its intersection with Kathleen Road to CSX's right-of-way to the west, where a new railroad crossing would be constructed. The new portion of Fairbanks Street would be constructed to the west and north of the intersection with the CSX right-of-way and would ultimately intersect with W. Bella Vista Street. The CSX railroad crossing at W. Bella Vista Street would be closed, thereby diverting traffic onto Fairbanks Street. A map of the project follows.



The Task Authorization was for a not-to-exceed cost of \$125,265.00. DRMP would provide one full-time senior inspector and one part-time project administrator to coordinate preconstruction, construction and project closeout activities. DRMP's services would include updating and consulting with City staff on the overall progress of the project and any construction issues that may arise, making and recording measurements necessary to document pay item quantities, providing field inspection and testing, and generally providing all aspects of contract administration.

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

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

## Memo re: Outside Legal Fees

Following are legal fees and expenses paid to outside law firms April - June of 2007 along with a comparison from the same time frame for 2006 and a comparison of this fiscal year to last.

Boswell & Dunlap LLP	Civil Service Litigation	\$1,305.00
Gail M. Cheatwood	Miscellaneous Municipal Ordinance Defense	\$41.38
Michael B. Frost	Counsel Relating to PERC	\$447.21
Gray Robinson	Miscellaneous Personal Injury Defense, Eminent Domain & Other Litigation	\$150,015.94
Hopping, Green & Sams	Regulatory Compliance	\$1,399.18
Leibowitz & Associates	Cable Franchise Renewal	\$75.00
Mitchell D. Franks P.A.	Counsel Relating to Mini-PerC	\$3,841.40
Oertel, Fernandez, Cole & Bryant, P.A.	SWFWMD Permitting	\$152,016.95
David W. Pettis, Jr., P.A.	Trademark Registration	\$700.00
Putnam & Creighton, P.A.	Miscellaneous Real Estate Matters	\$1,275.00
Ross, Vecchio, & Trussel P.A.	Miscellaneous Workers Comp Defense	\$64,895.84
Ruden, McClosky, Smith, Schuster & Russell, P.A.	Counsel Relating to Union Negotiations	\$26,648.42
WilsonMiller, Inc.	Eminent Domain Litigation	\$2,329.42
<b>APRIL – JUNE 2007 TOTAL</b>		<b>\$404,990.74</b>
APRIL – JUNE 2006 TOTAL		\$131,860.21
FY 2005-2006		\$613,461.30
FY 2006-2007		\$971,955.62

Tim McCausland presented this item to the Commission.

**Action:** The Commission did not act on this item.

## Memo re: Proposal from Crom Corporation in the Amount of \$1,007,042.00 to Construct a 1.5 million Gallon Effluent Storage Tank at the Northside Wastewater Treatment Plant

This proposal from the Crom Corporation for \$1,007,042.00 was for construction of a 1.5 million gallon effluent storage tank at the Northside Wastewater Treatment Plant (WWTP.) When the Northside Wastewater Treatment Plant was constructed in 1988, the design capacity was 4.0 million gallons per day (MGD). As part of the original project, the Crom Corporation constructed a 1.5 million gallon, pre-stressed concrete storage tank to provide

industrial reuse water for use in the cooling towers at the McIntosh Power Plant. The City expanded the Northside WWTP in 1996 to 6.25 MGD. During the design process, the City decided to defer final improvements to 8.0 MGD until needed. With the Bridgewater, USF, and Williams projects pending, the City will need the full 8.0 MGD. The City decided to have an identical effluent storage tank constructed by Crom as a sole source supplier. With this improvement, the Northside WWTP could be rated to 8.0 MGD. Please note that all other improvements necessary for the 8.0 MGD rating were complete or in progress.

Staff recommended that the Commission authorize the appropriate City Officials to enter into a purchase agreement with Crom Corporation.

Tim McCausland presented this item to the Commission.

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

### **Memo re: Modification to Existing Lease Agreement with Columbia Air Services**

This was a proposed Modification to Land Lease Agreement between the City and Columbia Air Services to modify the terms of the Land Lease Agreement dated September 6, 2005. The original Lease Agreement stated that Columbia Air Services shall complete construction of a new FBO facility within 24 months of the effective date of the Land Lease Agreement (September 6, 2007). Columbia experienced some delays and cost increases, which have resulted in delays although they remain committed to the project. They have requested changes to their lease to accommodate their revised building plan. The Modification provided for Columbia Air Services to complete the construction of a new FBO facility in two phases. The Modification stated that Columbia shall complete Phase I, construction of a 5,000 sq ft. FBO building near the Airport's Terminal Building ramp expansion project, on or before September 6, 2009. Commencement of Phase II, a 20,000 to 30,000 sq. ft. hanger, shall be within three (3) years following completion of Phase I, with completion not to exceed 12 months.

Staff recommended that the Commission authorize the appropriate City Officials to execute the Modification to Land Lease Agreement.

Tim McCausland presented this item to the Commission.

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

### **Memo re: Contract for Sale and Purchase - 821 East Oleander Street**

This was a proposed Contract for Sale and Purchase for property located at 821 East Oleander Street. The property was needed for the City's plan to relocate the Lakeland Police Department impound lot, which was being displaced by the LDDA Revitalization Project. The material provisions of the contract were:

1. PROPERTY – The Property was described as Lots 10, 11, 12, and 13 in Block L of Morton’s Addition, less right-of-way for the in-town bypass, and consists of 60,318± square feet of land area with a 9,440± square foot warehouse/office building and related site improvements.
2. PURCHASE PRICE - The purchase price of the Property is \$650,000.00 payable in cash at closing.
3. DUE DILIGENCE – Prior to closing, the City would obtain a boundary survey, a title commitment, and an environmental inspection. Subject to the satisfactory completion of these reports, closing will occur as soon as practical thereafter, which staff estimated to be early September.

The balance of the Contract contained the typical terms and conditions. Staff recommended that the Commission authorize the appropriate City officials to execute this contract.

Tim McCausland presented this item to the Commission.

**Action:** Commissioner Verplanck moved to approve the contract. Commissioner Boring seconded and the motion carried unanimously.

### **Memo re: Land Donation – Edgewood Drive South**

For several months, the Parks and Recreation staff had been in discussions with Ed Holloway, as the Trustee of the Edgewood Trust, for the contribution of a parcel of land on the south side of Edgewood Drive South consisting of 33 acres more or less. The City intended to develop the property as a significant recreational complex to include six soccer fields and amenities.

It was important to recognize the people associated with the Trust. Although Ed Holloway was the Trustee, this generous gift was also made possible by E. Edward Holloway, Jr., Fay Marie Troiano as Trustee of the D. A. Troiano Revocable Living Trust U/T/D May 15, 1998, Kimberli Ann Roberts, H. Guy Smith, and Harold Sale. Without the commitment of these longtime Lakeland citizens, this exciting project would not be possible. They deserved special thanks.

The property was reclaimed mining land and as such, contained mine tailings and clays. Portions of it were subject to drainage easements, which would remain or be relocated. An environmental audit was performed which confirmed the history and recommended certain construction practices if the site was intended to be developed with any significant building construction. It also noted, in the northeast corner of the site, was a remediated offsite underground storage tank. The City would explore that issue if the contemplated development for that area.

No action is required at this time. Staff would provide further details related to the project and timing when it was available.

Tim McCausland presented this item to the Commission.

**Action:** The Commission did not act on this item.

## **AUDIENCE**

Sam Simmons, President of Webster Park Neighborhood Association, came forward to make a request for a laptop loan program for neighborhood associations. He had not received a response on his request. He requested a positive response from the Commission.

The Commission took no action on this request.

## **MAYOR & MEMBERS OF THE CITY COMMISSION**

Commissioner Verplanck spoke in support of camera enforcement for red light running.

The Commission was in support of this program. Tim McCausland was researching the issue.

**Recess/reconvene:** The Commission recesses at 10:22 a.m. for the Utility Committee Meeting and reconvened at 12:36 p.m.

The Lakeland City Commission reconvened in the City Commission chambers. Commissioners Glenn Higgins, Dean Boring, 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.

### **Memo re: Agreement with Twin City Clarage, Inc. for the Modification of Induced Draft Fans**

This proposed agreement with Twin City Clarage, Inc. was for the modification of Induced Draft Fans. The agreement was a firm lump sum contract priced at \$770,628.00 of which \$39,000 was an allowance for field technical support. The City would make payments on the remaining contract amount of \$731,628.00 upon completion of milestones in the following manner:

- Engineering Complete 10%
- Raw Materials Received by Clarage 50%
- Fan Modifications Received by Lakeland 30%
- Final Acceptance (No later than 120 days after delivery) 10%

The existing Induced Draft Fans ("ID Fans") did not have enough capacity to overcome the expected pressure drop due to the addition of the Selective Catalytic Reduction System. Staff proposed to modify the existing ID Fans with new rotors, motors, and

variable frequency drives to achieve an increase in ID Fan capacity and operational flexibility.

On April 19, 2007, Lakeland Electric submitted request for proposal (RFP) 7141 for a qualified vendor to engineer, manufacture, provide parts, and labor to modify the Induced Draft Fans for the SCR Project at McIntosh Unit 3. Four (4) companies responded to the RFP and Twin City Clarage, Inc. was the most responsive bidder. Although usually custom work, Clarage had completed a nearly identical job for Santee Cooper, in South Carolina.

Staff recommended that the Commission authorize the appropriate City Officials to execute the proposed agreement on behalf of the City.

Tim McCausland presented this item to the Commission.

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

### **Memo re Agreement with Southeastern Construction & Maintenance, Inc. for Structural Steel**

This proposed agreement with Southeastern Construction & Maintenance, Inc., in the estimated amount of \$6,898,683.00, was for the procurement and fabrication of structural steel as part of the Selective Catalytic Reduction (SCR) System Retrofit Project at McIntosh Unit 3. The agreement was based upon unit prices due to the steel design not being finalized. Staff estimated that 1,850 tons of steel would be delivered under the agreement, if approved. The SCR project was Phase 2 of Lakeland Electric's approach to reach compliance with the Clean Air Interstate Rule (CAIR).

Five (5) companies responded to the RFP released by the City on May 21, 2007. The Chicago office of the City's Project Engineer, Sargent & Lundy, LLC ("S&L") and City Staff evaluated the proposals from the five (5) companies. Based upon the initial evaluations, S&L and staff short-listed GMF Construction of Lakeland, with an adjusted bid price of \$6,568,989, and Southeastern Construction & Maintenance of Mulberry, with an adjusted bid price of \$6,898,683.00.

According to S&L, a unit price agreement allowed an expedited schedule for material mill order, possible cost reductions to the City, and was a typical strategy in the power industry for large steel projects with fast-track schedules. More importantly, S&L believed that for this type of strategy to be successful, it was essential that fabricators have proven power plant experience with projects of similar magnitude. The key factors of S&L's evaluation were technical compliance, price, experience, qualifications, schedule, and risk. Although GMF's price was lower, they did not submit firm rates initially, they had no equivalent experience to the project (200 tons in comparison with 1850 tons delivered), and their schedule was less favorable and had a caveat regarding material availability. In contrast,

Southeastern identified three comparable projects, firm unit rates, and a more favorable schedule.

After a thorough review of all key factors, S&L and staff recommend that the City contract with Southeastern Construction & Maintenance, Inc. for the supply and fabrication of the structural steel based upon their technical acceptability, experience, schedule, price and risk.

Staff recommended that the Commission authorize the appropriate City Officials to execute the proposed agreement on behalf of the City.

Tim McCausland presented this item to the Commission.

**Action:** Commissioner Verplanck moved to approve the recommendation. Commissioner Yates seconded and the motion carried six to one with Commissioner Wiggs voting nay.

**CALL FOR ADJOURNMENT – 12:41 p.m.**

**AGENDA STUDY SESSION**  
**August 3, 2007**

The Lakeland City Commission met for the Agenda Study Session in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Dean Boring, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Assistant Finance Director Mike Brossart, City Attorney Tim McCausland, Assistant to the City Manager, Stanley Hawthorne and City Clerk Kelly Koos were present.

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

Tony Delgado covered the presentations. Doug Thomas would make the presentation.

Tim McCausland covered the public hearings.

Tony Delgado gave the City Manager Verbals:

- Utility Committee would meet at 11 a.m. on Monday
- The Administrative Hearing relating to SWFMD would open at 1 p.m. Monday in the Lake Hollingsworth Ballroom B.

Tim McCausland reviewed the Goldman Sachs issue that would be coming before the Utility Committee.

Tony Delgado announced another meeting today re: the Pace Rd Interchange. Senator Paula Dockery called the meeting with FDOT, Turnpike Authority and County representatives to discuss the funding for the project. Mayor Fletcher left the agenda study session to attend this meeting at 9 a.m.

Mayor Fletcher asked about a City ordinance to use photo enforcement for red light running. Tim McCausland explained that the City had looked at that. Cities cannot legislate in that area. He will look into it again.

Steve Bissonnette updated the Commission on JHP Brown. The City has researched Mr. Brown's property. There was no action against the property. His property was zoned multi-family since he was annexed. He wanted his property rezoned commercial. Steve distributed a handout relating to this verbal. It is on file in the agenda packet.

Tim McCausland covered the City Attorney agenda.

Commissioner Wiggs explained the resolutions relating to the Florida League of Cities. Tim McCausland would add the two resolutions relating to affordable housing and the Cops program.

The meeting adjourned at 9:31 a.m.

**PUBLIC BUDGET WORKSHOP**  
**August 13, 2007**

The Lakeland City Commission met in a Public Budget Workshop in the Commission chambers. Commissioners Glenn Higgins, Dean Boring, 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 along with administrative staff.

Mayor Fletcher called the meeting to order at 7p.m. He asked everyone to sign in as they came forward to speak.

Doug Thomas introduced the presentation. He thanked everyone for attending. The Commission requested to hear from the citizens of Lakeland. Much of what the group would discuss tonight had to do with the legislature's activities last June.

Doug Thomas reviewed the agenda and gave the first half of the presentation.

- Review of FY 2008 Strategic Planning Retreat
- Impact of Statutory Property Tax Reform Legislation
- Status of FY 2008 Budget Development
- Available Options

At close of the Commission Retreat, Commissioners wanted to end subsidies from the Public Improvement Fund.

Greg Finch reviewed:

- How the property appraiser arrived at the Taxable Values for the City of Lakeland for FY 2008
- The property tax revenues for FY 2007
- The revenue scenarios for FY 2008
- The average tax bills for FY 2007
- The average tax bills for FY 2008 without tax reform
- The average tax bills for FY 2008 as proposed
- The average tax change in dollars and percentages as proposed
- The average tax change with the Rolled Back Rate and the Statutory Rate
- How Lakeland compared to similar cities
- Comparative Cost of Government for 2007
- Tax Rate Adoption Process for FY 2008 and FY 2009

Doug Thomas explained where staff was today in preparing the FY 2008 Budget.

- Departments requested to submit FY'08 Budget requests with 0% increases in "controllable" costs
- "Soft Personnel Freeze" to date results in \$300,000 projected annualized savings
- Due to the recent legislative changes, the City must address up to \$2.8 million in lost Property Tax revenues for FY'08

- Shortfalls in State Communications and Half-Cent Sales Tax Revenues result in additional \$1.2 million in lost revenues for FY'08

Doug Thomas reviewed the potential expense reductions, which could result in a \$1,446,000 savings, and the potential revenue increase, which could result in \$425,000 in revenue. With everything staff proposed the City was facing a \$2.12 million remaining shortfall.

Doug Thomas summarized the various options available for the budget.

\$4 million budget shortfall

- Propose \$1,450,000 in expense reductions
- Propose \$ 425,000 in revenue increases
- Combination of Property Tax Increases and LRMC revenue transfer to General Fund:

	<u>Tax rate</u>	<u>New tax revenue</u>	<u>LRMC transfer*</u>
Option 1	2.9977	\$ 0	\$ 4.05M
Option 2	3.5450	2.80M	1.25M
Option 3	3.2942	1.50M	2.55M
Option 4	3.1295	.70M	3.35M

\*2008 budget starts with a \$1.925 million LRMC transfer

If there were further cuts other than what had already been proposed, staff would balance the budget by a subsidy from the Public Improvement Fund. Option 2 would have the smallest impact on the Public Improvement Fund.

Mayor Fletcher asked to hear from the public. He asked those who wanted to speak to come forward and begin signing in on the list.

Lori Robbins came forward. She thanked the Commission for holding the hearing. She had spent the last 3 weeks speaking to the citizens in Lakeland about the possibility of losing the aviation unit. She felt the City needed the aircraft. The citizens want the aircraft.

Diane Palmer came forward in support of the aviation unit. She also spoke in support of the DARE and PAL programs.

Sam Simmons asked what made up the \$300,000 budget for the aviation unit. Greg Finch responded it was maintenance, salaries and future replacement savings.

Herb Hernandez came forward in support of the PILOT program. The Housing Authority was expecting a 16% cut this year from HUD. He requested the Commission continue to return the PILOT to the Housing Authority. He explained how they use

those dollars for land purchases for future affordable housing. He also announced a program for high school dropouts to work for Habitat for Humanity and earn their GED.

Lorenzo Robinson asked what percentage of protection the City would lose by giving up that helicopter. Doug Thomas explained that the helicopter force multiplier affect of 15 to 1. He would try to have a response by the next public meeting.

Catherine Leonard, President of North Lake Wire, came forward in support of DARE, PAL and the Aviation Unit.

Annie Phyle of Greater St Paul Academy came forward. This was her 38th year teaching. She was a part of college reach out program. She spoke on behalf of the PAL program. When she had problems with kids in her classrooms, she introduced them to the PAL officers. It makes a 100% difference.

Julie Branch - People are here because they are citizens of Lakeland and they support the City. She spoke in support of the aviation unit.

Jan Trask, President of Lakeshore Neighbors Association, spoke in support of the aviation unit.

Dolly Peterson, retiree, spoke in support of the aviation unit.

Mayor Fletcher asked for comments from the Commission.

Commissioner Yates thanked citizens for turning out. If the City kept the millage rate where it was, the Commission will take political heat. She was glad to hear from the citizens tonight. The Commission understood that they needed to be accountable to the citizens of Lakeland.

Commissioner Fields thanked everyone for attending and expressing their opinion.

Commissioner Wiggs had heard from others that they wanted a tax cut no matter what. It was important to remember that the City cannot fund everything. It was important that everyone help get the story out that Lakeland wanted to maintain their quality of life. The commission needed their support.

Jim Verplanck explained that the commission was focused on keeping the quality of life in Lakeland. It was important to maintain a millage the people could afford and maintain the quality of life.

Commissioner Higgins thought this was government at its best.

Mayor Fletcher explained that the commission's action was in the best interest of the citizens. He appreciated the effort of everyone who came out today.

The meeting adjourned at 8:30 p.m.

## **Budget Workshop August 14, 2007**

The Lakeland City Commission met for a budget workshop in the Commission conference room on Tuesday, August 14, 2007. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Dean Boring, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, Assistant to the City Manager Stanley Hawthorne and City Clerk Kelly Koos were present.

Mayor Fletcher called the meeting to order at 10:07 a.m.

Doug Thomas explained the purpose of the workshop today. He did not want to be in a position of presenting a budget that assumed a millage rate that the Commission did not fully support. He needed to know what millage rate the full commission would support.

He reminded the Commission of their decisions at the January retreat. At that time, they wanted to begin eliminating the subsidy of the general fund by the public improvement fund and increase in stormwater fees which would allow to stop the cross subsidization between the general fund, public improvement fund, stormwater fund and the transportation fund. This would allow the development of financing streams to support capital projects. Any increased subsidy from the public improvement fund would remove the City one-step further from their ability to complete these projects.

Greg Finch gave a recap of some of the information provided at the retreat. At that time, the operating side of the general fund was okay. The issues were on the capital side of the budget. The City had been using some the LRMC lease payment to subsidize the general fund but that was beginning to affect capital projects.

Financing opportunities presented at the retreat would be financed by slight growth in the gas tax and an increase in stormwater utility rate.

The commission discussed cleaning the polluted waters. They only supported increasing the stormwater fee to the extent that it removed subsidies from the general fund and the public improvement fund. The Commission supported taking care of the waters at the rate that the community could support.

Greg Finch suggested that unlike most Cities, Lakeland could immediately solve the property tax short fall by transferring more funds from the LRMC to the General Fund but this simply increases the capital projects funding problem that has been the focal point of strategic planning over the last year.

Doug Thomas explained there were two points to discuss in this meeting:

1. Determine millage rate

## 2. Changes to the proposed cuts

Mayor Fletcher thought the City should cut the millage rate some and the projects too.

Greg Finch showed the four options for the FY 2008 budget discussed at recent workshops. Option 1 was to adopt the statutory roll back rate of 2.9977. The Commission can raise the millage to the traditional rolled back rate 3.2942 with super majority vote. Anything above that would require a unanimous vote. All options included the effect of other proposed cuts and revenue expenses discussed at the community budget workshops

The group discussed the DARE program, its value in the community, and financing the program.

The group discussed the Stormwater Utility Fee.

The Commission unanimously supported Option 3 with a millage rate of 3.2942.

Doug Thomas asked if there were projects proposed for cuts that the Commission wanted to keep. He reviewed the potential expense reductions and asked the Commission if there was anything scheduled for cuts they wanted to put back in.

Commissioner Wiggs wanted to keep the aviation unit, PAL & DARE and the Lemon Street Sculpture Exhibits.

There may be a private sponsor for Lemon Street Sculpture Exhibits.

Doug explained why they were considering cutting the aviation unit. The unit did not fly everyday. There was a limited amount of flight time the pilots could get in Lakeland's unit. The Police department was not able to provide the flight time the Sherriff department could provide. The Sherriff was looking at budget constraints too. Their aviation unit could be in trouble.

There were four votes to keep the helicopter.

There were six votes to keep PAL & DARE.

Doug Thomas reviewed the potential revenue increases.

Other issues:

Retiree COLA:

If it does not come from the retirement fund, it would have to come from public improvement or the general fund. If the City gave the \$500 bonus, the issue of no-built in

COLA for retirees would still exist.

There was discussion about the struggling retirees and the possibility of a "means testing" so that the neediest got any additional money that might be available within the pension fund

Doug Thomas explained that if they retained the programs they discussed today and provided 1/2 million for some form of retirement relief, the Commission would be moving in the opposite direction. Was the plan to keep the programs through the LRMC subsidy? If the Commission did not increase the subsidy, they would have to cut additional capital projects that could include things like new roofs and A/C Units.

Doug Thomas reviewed the results of this workshop as being:

- increased costs by approximately \$1 million
- increase the transfer from LRMC and the Public Improvement fund

The one fund the commission wanted to eliminate the subsidy on was the stormwater utility fund.

The commission supported dropping the Waring Road project.

The Commission may need to consider a formal dividend policy in conjunction with the annual retreat

The meeting adjourned at 12:23 p.m.