

LAKELAND CITY COMMISSION
Regular Session
September 18, 2006

The Lakeland City Commission met in Regular Session on Monday, September 18, 2006 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 also present.

CALL TO ORDER

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

INVOCATION

Pastor Jay Dennis of First Baptist Church at the Mall offered the invocation followed by the salute to the flag.

PRESENTATIONS

Lakeland Police Department - Sexual Offenders & Predators

Lt. John Thomason introduced the members of the Crimes Against Children's Unit. Sgt. Gary Gross gave the presentation.

GED Presentation

Doug Thomas introduced this presentation. Bob Donahay and Bill Tinsley presented the awards.

Jesse Miller and Stanley Arbogast received their GED.

CONSENT AGENDA

- *City Commission Minutes 9/1/06-9/5/06
- *Utility Committee Minutes 9/5/06
- *Memo re: Amendment to Interlocal Agreement re Educational system Impact Fees
- *Memo re: Lease at Lakeland Airside Enter with All Wood Cabinetry LLC
- *Memo re: Grant Agreement with State of Florida Division of Emergency Management for
- *Design of North Florida Avenue Stormwater Drainage Improvements
- *Memo re: Partial Vacation of Existing Utility Easement – 6040 South Florida Avenue

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 09/01/06 - 09/05/06

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

*Utility Committee 09/05/06

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

Transportation-Airport Committee 09/15/06

The Transportation-Airport Committee met on Friday September 15, 2006 in the Commission conference room. Members Gow Fields and Glenn Higgins were present. Chairman Jim Verplanck was absent. Commissioners Edie Yates, Dean Boring and Mayor Pro Tem Wiggs were present. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, and City Clerk Kelly Koos were present.

CALL TO ORDER

Commissioner Fields called the meeting to order at 9:24 a.m.

Request To Vacate A Portion Of A Public Right-Of-Way Located South Of Griffin Road, East Of Providence Road And West Of N Road 98.

Watkins Motor Lines requested the vacation of a portion of public right-of-way located south of Griffin Road, east of Providence Road and west of N Road 98. The right-of-way existed as an unimproved portion of Lee Avenue. This request would accommodate the consolidation of the applicants existing adjacent properties. The various City and private utilities reviewed this request and had no objections to the vacation.

Staff recommended that the Commission approve the requested 8,500 sq.ft. right-of-way vacation. The Community Development Department estimated the value of the existing right-of-way to be \$1.50 per sq.ft. Since the area contained approximately 8,500 sq.ft, the estimated value was **\$12,750**.

Jason Willey presented this request to the Committee.

Recommendation: Commissioner Higgins moved to recommend the Commission approve the request. Commissioner Fields concurred.

Request By Jon A. Clark To Vacate A Portion Of Right-Of-Way Located At The Intersecting Point Of Lake Horney Drive And Clearview Avenue, Just East Of Lake Horney.

Jon A. Clark requested the vacation of approximately 9,006 square feet of right-of-way located at the intersecting point of Lake Horney Drive and Clearview Avenue, just east of Lake Horney. More specifically, this portion of improved right-of-way was located directly west of the applicant's property at 894 Clearview Avenue and was not contiguous to any other properties. After purchasing the property, the applicant determined that local area students utilized this small portion of improved right-of-way, just west of the home, for parking. It has been determined that this portion of road right-of-way did not accommodate vehicular traffic beyond the intersecting point of Lake Horney Drive and Clearview Avenue. The various City and private utilities and the Polk County School Board reviewed this request and had no objections to the vacation. Lakeland Electric did require a utility easement over the entire area.

Staff recommended that the Commission approve the requested 9,006 sq.ft. right-of-way vacation, subject to the reservation of a public utility easement over the entire area. The Community Development Department estimated the value of the existing right-of-way to be \$4.00 per sq.ft. with a 50% reduction for a utility easement. Since the area contained approximately 9,006 sq.ft, the estimated value was **\$18,012**.

Recommendation: Commissioner Higgins moved to recommend the Commission approve the request. Commissioner Fields concurred.

CALL FOR ADJOURNMENT – 9:30 a.m.

Commissioner Fields presented the minutes to the Commission.

Action: Commissioner Fields moved to approve the recommendations. Commissioner Verplanck seconded and the motion carried unanimously.

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC

Spring Obsession - Presenting Proceeds from March 2006 Spring Obsession Celebration as a Donation for Common Ground Playground

Gloria Brooke introduced her group and made the presentation to Bill Tinsley.

Michael Skipper, Polk Transportation Planning Organization (PTPO) - Presentation re Regional Transportation Authority

Michael Skipper with PTPO explained that the transit stakeholders formed a regional transportation organization (RTO) to look at consolidating to a countywide system. He

was here on behalf of the RTO to encourage the Commission to endorse their efforts to create legislation to establish a Regional Transit Authority. He reviewed that legislation for the Commission.

If the voters did not support the tax levy, LAMTD would continue in its current function. The RTO would provide opportunities for grant recognition. LAMTD would not have to merge right away.

The group discussed efforts in Tampa to establish a regional transportation-planning group. That group was still in the planning stage.

Commissioner Fields explained that with the 2010 census results, LAMTD would no longer be eligible for assistance and the current tax would not support the service. Without the tax, LAMTD would have to scale back on services. The best resolution would be for the RTO to be established and have a funding source in place.

Tim McCausland asked the Commission to consider Proposed Resolution 06-066 in support of a Regional Transit Authority.

Resolution 4553; Proposed 06-066; Endorsing Proposed Legislation for the Establishment of a Polk Regional Transit Authority

RESOLUTION ENDORSING PROPOSED LEGISLATION FOR THE ESTABLISHMENT OF A POLK REGIONAL TRANSIT AUTHORITY; 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.

Don Gifford – Randy Wilkerson DUI Arrest Investigation

Mayor Fletcher called Don Gifford forward. He asked Mr. Gifford to keep his comments to fifteen minutes.

Don Gifford read his statement into the record. He requested the Commission conduct an investigation in to LPD's arrest of Randy Wilkerson and offer Commissioner Wilkerson an apology.

Ellis Hirsch came forward in support of the Police Department.

Mayor Fletcher closed comments from the audience until the end of the meeting. He asked Doug Thomas to respond.

Doug Thomas provided a response on behalf of the City. The officers did follow the policy & procedures appropriately. The State Attorney's Office did find probable cause for the arrest.

Commissioner Fields asked if new information could be discovered if the City conducted their own investigation. Doug responded no.

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 4777; Proposed 06-050; Conditional Use for a Bar in an Existing Building Located at 209 East Main Street (1st Rdg 9/5/06)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A BAR IN AN EXISTING BUILDING LOCATED AT 209 EAST MAIN 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 Boring seconded.

Mayor Fletcher asked for comments.

Planning & Zoning imposed two conditions for this Conditional Use 1) the existing bar must close first and 2) the operator must be the owner of the property. No one can run the bar on behalf of the owner. The adjacent property owners were supportive of this approval as long as the other bar closed.

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 4778; Proposed 06-051; Conditional Use for a Private School on Property Located Southeast of Lynncrest Road, North of Sylvester Road and West of Bartow Road (2025 US Highway 98 S) (1st Rdg 9/5/06)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A PRIVATE SCHOOL IN AN EXISTING BUILDING ON PROPERTY

LOCATED SOUTH OF LYNNCREST ROAD, NORTH OF SYLVESTER ROAD, AND WEST OF BARTOW ROAD (2025 US HIGHWAY 98 S); 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 4779; Proposed 06-052; Annexation of Approximately 23 Acres Located South of Drane Field Road, East of Hamilton Road (1st Rdg 9/5/06)

AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKE LAND, FLORIDA, THAT CERTAIN 23 ACRES LOCATED SOUTH OF DRANE FIELD ROAD, EAST OF HAMILTON ROAD; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; 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 Yates, Fields, Wiggs, Verplanck, Boring, Higgins and Mayor Fletcher voted aye. Ayes: seven. Nays: zero. The motion carried unanimously.

Ordinance 4780; Proposed 06-053; Annexation of Approximately 337 Acres Located South of West Pipkin Road, East of County Line and DuBois Roads, North of Ewell Road and West of Timberwood Drive (1st Rdg 9/5/06)

AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKE LAND, FLORIDA, THAT CERTAIN 337 ACRES LOCATED SOUTH OF WEST PIPKIN ROAD, EAST OF COUNTY LINE AND DUBOIS ROADS, NORTH OF EWELL ROAD AND WEST OF TIMBERWOOD DRIVE; FINDING COMPLIANCE WITH CHAPTER 171,

FLORIDA STATUTES; 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 Yates, Fields, Wiggs, Verplanck, Boring, Higgins and Mayor Fletcher voted aye. Ayes: seven. Nays: zero. The motion carried unanimously.

Ordinance 4781; Proposed 06-054; Change in Zoning on 9.4 Acres Located West of US 98 North, East of Providence Road, and North of Interstate 4 (1st Rdg 9/5/06)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 9.4 ACRES WITHIN THE CITY OF LAKE LAND LOCATED WEST OF US 98 NORTH, EAST OF PROVIDENCE ROAD, AND NORTH OF INTERSTATE 4, 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.

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 4782; Proposed 06-055; Small Scale Amendment #SS-06-014 to Future Land Use Map Assigning Use on 8.6 Acres at Lakeland Linder Regional Airport Located South of Drane Field Road, West of Don Emerson Drive (1st Rdg 9/5/06)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-06-014 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 8.6 ACRES LOCATED AT LAKE LAND LINDER REGIONAL AIRPORT SOUTH OF DRANE FIELD ROAD, WEST OF EMERSON DRIVE, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKE LAND 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 4783; Proposed 06-056; Change in Zoning on 8.6 Acres at Lakeland Linder Regional Airport Located South of Drane Field Road, West of Don Emerson Drive (1st Rdg 9/5/06)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 8.6 ACRES WITHIN THE CITY OF LAKELAND LOCATED AT LAKELAND LINDER REGIONAL AIRPORT SOUTH OF DRANE FIELD ROAD, WEST OF DON EMERSON DRIVE, 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 4784; Proposed 06-057; Small Scale Amendment #SS-06-016 to Future Land Use Map Assigning Use on .84 Acres Located at 303 South Veterans Avenue (1st Rdg 9/5/06)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-06-016 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR .84 ACRES LOCATED AT 303 SOUTH VETERANS AVENUE, 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 4785; Proposed 06-058; Change in Zoning on .84 Acres Located at 303 South Veterans Avenue (1st Rdg 9/5/06)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON .84 ACRES WITHIN THE CITY OF LAKE LAND LOCATED AT 303 SOUTH VETERANS AVENUE, 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.

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 4786; Proposed 06-059; Providing Rates for Water Service (1st Rdg 9/5/06)

AN ORDINANCE RELATING TO THE WATER UTILITY; PROVIDING RATES FOR WATER SERVICE BY THE CITY OF LAKE LAND; AMENDING ORDINANCE 2620, AS AMENDED, OF THE CITY OF LAKE LAND, FLORIDA; 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.

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

Ordinances (First Reading)

Proposed 06-062; Large Scale Amendment #LS-06-006 to Future Land Use Map Assigning Use on Approximately 453 Acres Located South of West Pipkin Road, East of County Line and DuBois Roads, North of Ewell Road and West of Timberwood Drive

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-06-006 TO THE FUTURE LAND USE MAP FOR APPROXIMATELY 453 ACRES LOCATED SOUTH OF WEST PIPKIN ROAD, EAST OF COUNTY LINE AND DUBOIS ROADS, NORTH OF EWELL ROAD AND WEST OF TIMBERWOOD DRIVE, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Celeste Deardorff, Principal Planner, explained this ordinance recommended the Commission forward the ordinance to the Department of Community Affairs (DCA).

Motion: Commissioner Verplanck moved to transmit the ordinance to DCA. Commissioner Boring seconded.

Mayor Fletcher asked for comments.

Howard Wiggs asked if the developer could still build the units if the County could not use the site for a school. Yes, unless there were other legal issues to prevent the development. The State would object if an elementary site were not chosen in the area.

Jim Studiale, Community Development Director, explained that when City saw this growth, they developed a Southwest Lakeland Development Master Plan. This project was in conformance with that plan. The developer was cooperative in this effort.

Tim Campbell came forward to comment on 06-062 representing Metro Development.

Action: Mayor Fletcher called for the vote and the motion carried six to one with Commissioner Wiggs voting nay.

Proposed 06-063; Large Scale Amendment #LS-06-007 to Future Land Use Map Assigning Use on Approximately 23 Acres Located South of Drane Field Road and East of Hamilton Road

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-06-007 TO THE FUTURE LAND USE MAP FOR APPROXIMATELY 23 ACRES LOCATED SOUTH OF DRANE FIELD ROAD, EAST OF HAMILTON ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKE LAND COMPREHENSIVE PLAN 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Celeste Deardorff updated the Commission on this ordinance.

Motion: Commissioner Verplanck moved to transmit the ordinance to DCA. Commissioner Boring seconded.

Mayor Fletcher asked for comments and there were none.

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

Proposed 06-064; Large Scale Amendment #LS-06-008 to Future Land Use Map Assigning Use on Approximately 32 Acres Located South and West of Medulla Road, North of West Pipkin Road

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-06-008 TO THE FUTURE LAND USE MAP FOR APPROXIMATELY 32 ACRES LOCATED SOUTH AND WEST OF MEDULLA ROAD, NORTH OF WEST PIPKIN ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKE LAND COMPREHENSIVE PLAN 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Celeste Deardorff gave an update on this ordinance. This was 32 acres. There was a companion zoning ordinance.

Motion: Commissioner Verplanck moved to transmit the ordinance to DCA. Commissioner Boring seconded.

Mayor Fletcher asked for comments and there were none.

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

Proposed 06-065; Large Scale Amendment #LS-06-009 to Future Land Use Map Assigning Use on Approximately 23 Acres Located North of West Pipkin Road, Primarily South of Ralston Road, East of County Line Road

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-06-009 TO THE FUTURE LAND USE MAP FOR APPROXIMATELY 23 ACRES LOCATED NORTH OF WEST PIPKIN ROAD, PRIMARILY SOUTH OF RALSTON ROAD, EAST OF COUNTY LINE ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Celeste Deardorff updated the Commission on this ordinance.

Motion: Commissioner Verplanck moved to transmit the ordinance to DCA. Commissioner Yates seconded.

Mayor Fletcher asked for comments.

Staff did discuss the needs for a school site with the applicant. The School Board has been considering this development. The City was not requiring donation. The developer had agreed to set aside the land for public use but the City could not require they donate the land. The school board did not want to call the site a donation if the developer received impact fee credit. Staff encouraged the applicant to have a negotiated site. Staff would not recommend on second reading if a school site were not selected.

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

Proposed 06-066; Large Scale Amendment #LS-06-010 to Future Land Use Map Assigning Use on Approximately 170 Acres Located South of Interstate 4, West of the Polk Parkway

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-06-010 TO THE FUTURE LAND USE MAP FOR 170 ACRES LOCATED SOUTH OF INTERSTATE 4, WEST OF THE POLK PARKWAY, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; MAKING A DETERMINATION THAT THIS ACTION IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF COMMUNITY AFFAIRS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Celeste Deardorff updated the Commission on this ordinance. This was the site for the new USF Campus. This portion was subject to development of the campus. The site had various land uses as part of the Williams DRI. Staff would recommend the new land use when the DRI was ready for approval. Staff recommended the Commission approve the ordinance on first reading. The City did not need to transmit to DCA. It was exempt from State review. The City did need to accept comment for the public hearing.

Mayor Fletcher asked for comments and there were none.

Action: The Commission did not take action on this item.

Proposed 06-067; Text Amendment #T-06-012 to the Intergovernmental Coordination Element of the Lakeland Comprehensive Plan Relating to an Interlocal Agreement for Utility Service Areas

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-06-012 TO THE INTERGOVERNMENTAL COORDINATION ELEMENT TO THE LAKELAND COMPREHENSIVE PLAN 2000-2010 AS ADOPTED BY ORDINANCE 4140 RELATING TO AN INTERLOCAL AGREEMENT FOR UTILITY SERVICE AREAS; MAKING A DETERMINATION THAT THIS ACTION IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Celeste Deardorff updated the Commission on this ordinance.

Mayor Fletcher asked for comments. There were none.

Action: The Commission did not take action on this item.

Proposed 06-068; Text Amendment #T-06-013 to the Future Land Use Element of the Lakeland Comprehensive Plan Updating Illustration II-18 - Major Factors of Development

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-06-013 OF THE LAKELAND COMPREHENSIVE PLAN 2000-2010, AS ADOPTED BY ORDINANCE 4140, UPDATING ILLUSTRATION II-18 WITHIN THE FUTURE LAND USE ELEMENT; MAKING A DETERMINATION THAT THIS ACTION IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Celeste Deardorff updated the Commission on this ordinance.

Mayor Fletcher asked for comments and there were none.

Action: The Commission did not take action on this item.

Proposed 06-069; Change in Zoning on Approximately 23 Acres Located South of Drane Field Road and East of Hamilton Road

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 23 ACRES OF RECENTLY ANNEXED PROPERTY LOCATED SOUTH OF DRANE FIELD ROAD AND EAST OF HAMILTON ROAD WITHIN THE CITY OF LAKELAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 2, 2006.

Proposed 06-070; Change in Zoning on Approximately 32 Acres Located South and West of Medulla Road, North of West Pipkin Road

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4547, AS AMENDED, OF THE CITY OF LAKELAND, FLORIDA; PROVIDING FOR MODIFICATION TO PUD ZONING ON 32 ACRES OF PROPERTY LOCATED SOUTH AND WEST OF MEDULLA ROAD AND NORTH OF PIPKIN ROAD WITHIN THE CITY OF LAKELAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 2, 2006.

CITY MANAGER

Recommendation re: Renewal of Annual Insurance of Property, Boiler and Machinery, Inland Marine, Crime, Bond, and Excess Workers' Compensation Insurance Coverage

The City completed the annual renewal process for property, boiler & machinery, and other various insurance coverages for FY 2007. The City's broker of record was Arthur

J. Gallagher Risk Management Services. The variety of quotations for noted coverages were as follows and were for the period October 1, 2006 to October 1, 2007:

1. Property and Boiler and Machinery – The program provided risk coverage for all City property and boiler machinery coverage for all City operations including the 501G unit. The loss limit on the policy was \$150,000,000. This coverage provided a schedule of deductibles from \$100,000 (non-utility properties) to \$750,000 (McIntosh Steam Unit #3), \$500,000 (Larsen Unit #8), and \$1,500,000 (501G Turbine).

The broker retained three qualified carriers in order to accumulate the \$150,000,000 loss limit: Zurich Insurance (A.M. Best rate A XV); AIG/Hartford Steam Boiler (A.M. Best rate A+ X); and Liberty Insurance (A.M. Best rate A XV). The broker pursued all viable carriers that write the related type of exposures, and these three carriers were the most competitive in terms and pricing.

When compared to FY 2006, the basic premium for FY 2007 increased by 23%. However, after adding the Citizen's Assessment charges (\$98,548.75) and the State tax (\$1,720.55); the total combined increase was 28%.

Lakeland has fared well in this property market when compared to other public organizations. Many Florida School boards have seen up to a 300% premium increase for one third of the coverage. Florida municipalities have seen up to a 100% premium increase for one-half of the coverage.

The terms and conditions for the FY 2007 policy remain primarily the same as the current policy. However, this year the carriers required the 2% Named Wind deductible to include Flood, whereas, the current policy only applied to Named Wind. In addition, the carriers required a separate sub-limit for Flood Zones A or V of \$10,000,000. Both of these items were a direct result of the State of Florida's market conditions.

Finally, the broker added a new coverage, Business Interruption for the Lakeland Center, for the FY 2007 year for no additional premium. The limit on the coverage was \$1,600,000.

2. Excess Workers Compensation - The City currently self-insured its Workers Compensation program with a retention limit of \$500,000. The program purchased excess insurance for losses exceeding \$500,000 up to \$1,000,000. The Florida League of Cities currently provided the excess insurance. The FY 2007 premium was \$215,313, which was a 13% decrease when compared to the FY 2006 premium of \$247,981. There were no changes to the terms and conditions of the current policy.

3. Related Coverage – Additionally, the City purchased insurance for a variety of requirements including computer equipment, servers, system elements, golf carts and specific employee related bonds with price differences for proposed insurance premiums shown on the chart below.

The FY 2007 insurance coverages remained largely the same as the current term with the exception of the following:

Inland Marine/Computer: 2% Wind and Hail Deductible applied this year, consistent with the current market conditions for Property.

Crime: This policy provided excess crime coverage for the Public Officials Bond for the City's Treasurer, an enhancement to the current program.

Golf Cart: There was now a \$5,000 deductible applying to Wind and Hail, consistent with the current market conditions for Property.

A summary of the overall insurance coverage premiums and comparison of FY 2006 and FY 2007 are as follows:

COVERAGES	FY 2006	FY 2007	DIFFERENCE
Property/B&M/Inland Marine/501G Turbine*	\$1,418,000.00	\$1,812,819.30	\$394,819.30
Computer (EDP)	\$31,184.00	\$32,262.00	\$1,078.00
Excess Workers Compensation \$500,000 SIR	\$247,981.00	\$215,313.00	(\$32,668.00)
Crime	\$10,168.00	\$11,410.00	\$1,242.00
Public Official Bond	\$700.00	\$700.00	\$0
Golf Cart Physical Damage	\$2,696.00	\$2,892.00	\$196
Risk Management Fee	\$78,000.00	\$78,000.00	\$0
TOTAL ANNUAL PREMIUM	\$1,788,729	\$2,153,396.30	\$364,667.30

* Note the premium was inclusive of Loss Control Fees (FY 2006 - \$27,000/FY 2007 - \$20,000), as well as for the FY 2007 Citizen' Assessment¹ of \$98, 548.75 and the State tax of \$1,720.55.

Staff recommended that the City Commission approve the joint loss/quota share

¹ Citizens Assessment - an assessment the State made against all policyholders in the State of Florida to help fund the state run insurance company that provided last resort coverage to all Florida residential property owners and commercial property owners in wind pool areas such as barrier islands.

property insurance program as described above, utilizing Zurich, AIG/Hartford Steam Boiler, and Liberty International for property and boiler & machinery coverage at an annual premium of \$1,812,819.30 effective October 1, 2006. Staff further recommended that the City Commission approve renewing the related insurance coverages outlined above for excess workers compensation, the computer and other miscellaneous insurances, all effective October 1, 2006.

Doug Thomas presented this item to the Commission.

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

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

The City of Lakeland annual Airport General Liability/Control Tower Insurance Policy expired on October 1, 2006. Falcon Insurance, our local agent, solicited quotes from five market providers offering the subject coverage. Falcon contacted the five following markets to request quotes:

- USAIG
- Global Aerospace
- AIG
- W. Brown & Associates
- Old Republic/Phoenix Aviation Managers, Inc.

Old Republic/Phoenix Aviation Managers, Inc., the incumbent insurer, was the only provider to respond. They provided two options. The first renewal option provided the historical level of coverage (\$30,000,000 limit of liability per occurrence with no deductible, including personal/advertising injury, and property damage combined limit including current exclusions) at an annual premium of \$47,168. This price was identical to the current premium. The second renewal option provided the historical coverages, but with a \$50,000,000 limit of liability, for an annual premium of \$51,905.00. The policy would be binding from the period starting October 1, 2006 to October 1, 2007.

Old Republic offered additional War and Terrorism Risk coverages for an additional premium of \$17,500.00 for option I and \$20,672.00 for option II. Staff did not deem potential exposures sufficient to warrant accepting this additional coverage, nor for the Option II quote for the \$50,000,000 renewal limit.

Staff recommended that the City Commission authorize the appropriate City officials to renew the annual Airport General Liability/Control Tower insurance policy with Old Republic/Phoenix Aviation Managers, Inc., at the current limit and premium of \$47,168 commencing October 1, 2006.

Doug Thomas presented this item to the Commission.

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

Recommendation re: Contract for Hanger 3 Roof Replacement at Lakeland Linder Regional Airport

Staff recommended replacing the roof at Hanger 3 located at the Lakeland Linder Regional Airport (LLRA) in accordance with the Fiscal Year 2006 Capital Improvement Program (CIP) Budget. Landmark Aviation (Piedmont Hawthorne) leased Hanger 3 and National Flight was the occupant. The lease including options did not expire until 2021. The roof was original and showing significant deterioration, as indicated by numerous water leaks and intrusion during severe and moderate storm events. Replacement of the roof was initially budgeted at \$58,000 in the Airport's CIP in Fiscal Year 2004, with anticipated construction commencing in the current fiscal year (2006).

The Facilities Maintenance Division administered a request for bids for the proposed roof replacement project and received three qualified proposals as follows:

Springer–Peterson Roofing & Sheet Metal \$97,950.00

Goff-Waller Roofing \$82,920.00

R.F. Lusa & Sons Sheet Metal, Inc. \$77,000.00

Following the review of bids, Facilities Maintenance and LLRA staff recommended R.F. Lusa & Sons Sheet Metal, Inc. as the most responsive bidder. Upon approval of the contract, work will commence within three weeks with an anticipated construction period not to exceed thirty days. An appropriation of \$19,000 was required from the Airport Unappropriated Surplus Budget to make up the budgeted shortfall for the project. Funds were available as required.

Staff recommended that the City Commission authorize the appropriate City officials to execute the contract with R.F. Lusa & Sons Sheet Metal, Inc. for the fee of \$77,000 to replace the Hanger 3 roof located at the Lakeland Linder Regional Airport. In addition, staff recommended allocating an additional funding appropriation of \$19,000 from the FY2006 Airport Unappropriated Surplus Fund to meet the project cost of \$77,000.

Doug Thomas presented this item to the Commission.

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

Recommendation re: Task Authorization for Grant Management Services / FEMA Hazard Mitigation Grants

The Public Works Department requested authorization to employ professional consultant grant management services related to the FEMA Hazard Mitigation Grants for the North Lakeland Stormwater Improvements project. The Public Works Department applied for four FEMA Hazard Mitigation Grants totaling \$2,176,171 for the North Lakeland Stormwater Improvements project. The project area was bounded by I-4 to the north, Lakeland Hills Boulevard to the east, Griffin Road to the south and US 98 to the west.

The consultant, Keith & Schnars, P.A., assisted the City in the preparation of the grant applications. The City previously hired them to perform a master plan study for the project. These grant applications were in various stages of review by FEMA with the exception of the application of Basin C of the project that FEMA approved and was processing for contract execution. Keith & Schnars also performed the design component for the Basin C drainage improvements.

Due to the complexity of the federal grant requirements, City staff believed the expertise of the Keith & Schnars' grant specialist would be advantageous to the City in the administration and management of the grant contracts to ensure compliance and to receive all applicable FEMA reimbursements. Staff recommended a task authorization under the City of Lakeland Continuing Contract for General Municipal Engineering Consulting Services with Keith & Schnars for a fee not to exceed \$42,780 to undertake the required services. Costs for the proposed services were reimbursable through the FEMA Grant.

Staff recommended that the City commission authorize the appropriate City officials to execute a task authorization with Keith & Schnars, P.A., to provide grant specialist consulting services related to the administration and management of FEMA Hazard Mitigation Grants associated with the North Lakeland Stormwater Improvement project for the not to exceed fee of \$42,780.

Doug Thomas presented this item to the Commission.

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

Miscellaneous Reports and Communications

Doug Thomas gave an executive summary of the September 5, 2006 Utility Committee. He reminded the Commission that the Utility Committee would meet again that afternoon at 1 p.m.

CITY ATTORNEY

Ordinances for First Reading

Proposed 06-071; Modifying Ordinance 4691; Amending Acreage, Legal Description and Map

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; AMENDING ORDINANCE 4691; CORRECTING LEGAL DESCRIPTION, MAP, AND ACREAGE; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 2, 2006.

Proposed 06-072; Modifying Ordinance 4734; Amending Acreage, Legal Description and Map

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4734; CORRECTING LEGAL DESCRIPTION, MAP, AND ACREAGE; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 2, 2006.

Proposed 06-073; Change in Land Use on 1.16 Acres Located South of Griffin Road and West of US Highway 98

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-06-015 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 1.16 ACRES LOCATED SOUTH OF GRIFFIN ROAD AND WEST OF U.S. HIGHWAY 98 NORTH, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 2, 2006.

Proposed 06-074; Change in Zoning on 1.16 Acres Located South of Griffin Road and West of US Highway 98

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 1.16 ACRES WITHIN THE CITY OF LAKELAND LOCATED SOUTH OF GRIFFIN ROAD AND WEST OF US 98 NORTH, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 2, 2006.

Proposed 06-075; Providing for the Issuance by the City of Aggregate Principal Amount of its Hospital Revenue Refunding Bonds, Series 2006, and for a Loan to

**Lakeland Regional Health Systems, Inc. and Lakeland Regional Medical Center, Inc.
in an Amount Equal to the Principal Amount of Such Series 2006 Bonds**

AN ORDINANCE OF THE CITY OF LAKE LAND, FLORIDA PROVIDING FOR THE ISSUANCE BY THE CITY OF NOT TO EXCEED \$125,000,000 AGGREGATE PRINCIPAL AMOUNT OF ITS HOSPITAL REVENUE REFUNDING BONDS (LAKE LAND REGIONAL HEALTH SYSTEMS), SERIES 2006, AND FOR A LOAN OR LOANS BY THE CITY TO LAKE LAND REGIONAL HEALTH SYSTEMS, INC. AND LAKE LAND REGIONAL MEDICAL CENTER, INC. IN AN AMOUNT EQUAL TO THE PRINCIPAL AMOUNT OF SUCH SERIES 2006 BONDS FOR THE PRINCIPAL PURPOSE OF ADVANCE REFUNDING ALL OR A PORTION OF THE CITY'S OUTSTANDING HOSPITAL REVENUE BONDS (LAKE LAND REGIONAL HEALTH SYSTEMS), 1999 SERIES A AND HOSPITAL REVENUE BONDS (LAKE LAND REGIONAL HEALTH SYSTEMS), SERIES 2002; PROVIDING FOR THE RIGHTS OF THE OWNERS OF THE SERIES 2006 BONDS AND FOR THE PAYMENT THEREOF; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2006 BONDS; AUTHORIZING A DELEGATED NEGOTIATED SALE OF THE SERIES 2006 BONDS UPON MEETING CERTAIN CONDITIONS SPECIFIED HEREIN; AUTHORIZING AND APPROVING THE USE OF A PRELIMINARY OFFICIAL STATEMENT AND FINAL OFFICIAL STATEMENT IN CONNECTION WITH SUCH DELEGATED NEGOTIATED SALE OF THE SERIES 2006 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, A SECOND SUPPLEMENTAL TRUST AGREEMENT, A SECOND SUPPLEMENTAL FINANCING AGREEMENT AND AN ESCROW DEPOSIT AGREEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF THE SERIES 2006 BONDS AND ALL OTHER NECESSARY AND RELATED INSTRUMENTS AND CERTIFICATES; PROVIDING FOR OTHER AGREEMENTS, MISCELLANEOUS MATTERS IN CONNECTION WITH THE FOREGOING; AND PROVIDING FOR AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 2, 2006.

RESOLUTIONS

Resolution 4554; Proposed 06-059; Demolition of Buildings

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

EFFECTIVE DATE.

Tim McCausland read the short title.

Motion: Commissioner Wiggs 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.

Resolution 4555; Proposed 06-060; Establishing Fees, Charges and Rentals for Parks and Recreation Facilities and Programs

A RESOLUTION RELATING TO PARKS AND RECREATION; ESTABLISHING FEES, CHARGES AND DEPOSITS FOR CAMPS, PROGRAM ACTIVITIES AND FACILITY RENTALS; REPEALING ANY RESOLUTIONS IN CONFLICT HERewith; 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 4556; Proposed 06-061; Providing for Uniform Schedule of Monthly Sewer Service Charges

A RESOLUTION RELATING TO THE CITY OF LAKELAND WASTEWATER SYSTEM; PROVIDING FOR UNIFORM SCHEDULE OF MONTHLY SEWER SERVICE CHARGES;
PROVIDING FOR SURCHARGES FOR ABNORMAL STRENGTH WASTES OF COMMERCIAL/INDUSTRIAL USERS; PROVIDING A DETERMINATION THAT REVENUES WILL BE SUFFICIENT TO OPERATE A FINANCIALLY SELF-SUPPORTING WASTEWATER UTILITY; 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 4557; Proposed 06-062; Establishing Fees for Collection of Solid Waste and Refuse

A RESOLUTION RELATING TO PUBLIC WORKS; ESTABLISHING FEES FOR COLLECTION OF SOLID WASTE AND REFUSE COMMENCING OCTOBER 1, 2006 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 4558; Proposed 06-063; Vacating a Portion of Lee Avenue

A RESOLUTION RELATING TO PUBLIC RIGHT-OF-WAY; DECLARING INTENTION TO ADOPT AN ORDINANCE VACATING A PORTION OF LEE AVENUE LOCATED SOUTH OF GRIFFIN ROAD, EAST OF PROVIDENCE ROAD, AND WEST OF NORTH ROAD 98, WITHIN THE CITY OF LAKELAND; 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 4559; Proposed 06-064; Vacating a Portion of Lake Horney Drive

A RESOLUTION RELATING TO PUBLIC RIGHT-OF-WAY; DECLARING INTENTION TO ADOPT AN ORDINANCE VACATING A PORTION OF LAKE HORNEY DRIVE LOCATED EAST OF LAKE HORNEY AND NORTH OF CLEARVIEW AVENUE, WITHIN THE CITY OF LAKELAND; 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 4560; Proposed 06-065; Authorizing Donation of City Property to FDOT for Lakeland Intown Bypass Phase 2 and Execution of Right of Entry Agreement

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEED TRANSFERRING TITLE OF A CITY-OWNED PARCEL TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE PROPOSED CONSTRUCTION OF THE LAKELAND INTOWN BYPASS PHASE 2; 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.

Miscellaneous Reports and Communications

***Memo re: Amendment to Interlocal Agreement re Educational System Impact Fees**

This was an amendment to an existing Interlocal Agreement among the City, Polk County and the School Board. The original Interlocal agreement approved September 1, 2003 provided for the procedure for collecting and disbursing Educational System Impact Fees.

In their last session, the Legislature amended the State law effecting impact fees, particularly the allowable administrative cost, to the lesser of one percent (1%) of the fee or the actual cost of collection. The State law change required this amendment to the existing Interlocal Agreement to change the administrative fee provision to be consistent with State law.

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

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

***Memo re: Lease at Lakeland Airside Center (LAC) with All Wood Cabinetry LLC**

This agreement leased to All Wood Cabinetry, LLC 43,552 sq. ft. in Building No. 3 of LAC. The area was in the east portion of Building No. 3, west of Kidron and the LAC maintenance office. This area was vacant and All Wood Cabinetry, LLC would use it for storage. The lease term was for an initial term of two (2) years at a rate of \$3.50 per sq. ft., with no renewal options.

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

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

***Memo re: Grant Agreement with State of Florida Division of Emergency Management for Design of North Florida Avenue Stormwater Drainage Improvements**

This agreement with the State of Florida Division of Emergency Management awarded the City FEMA grant funding for the design of improvements to the Basin C Stormwater Collection System located off North Florida Avenue. The agreement funded Phase I of the project, which included an engineering study to determine modifications needed to improve and upgrade the existing system and the development of construction plans. Total estimated project costs for this Phase were \$193,048.00, with a required 25% local match, for a total City contribution of \$48,262.00 and a FEMA contribution of \$144,786.00. Upon completion of Phase I, the City would be eligible for Phase II construction funding.

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

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

***Memo re: Partial Vacation of Existing Utility Easement - 6040 South Florida Avenue**

This was a proposed quitclaim deed to MidFlorida Federal Credit Union for vacating a portion of an existing utility easement located at 6040 South Florida Avenue. MidFlorida was making this vacation request to accommodate the eventual expansion of their drive-thru facilities at that location. If vacated, MidFlorida would provide an alternative public utility easement to serve the neighboring parcel now served by the existing easement. The appropriate City and private utilities have investigated this request and have no objections.

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

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

Memo re: Agreement for Lease, Maintenance and Repair of Onsite Electric Distribution Facilities with Publix Supermarkets, Inc

This was a proposed agreement with Publix Super Markets for the maintenance and repair of Publix's electric distribution facilities at its industrial facilities on a time and materials basis. In 1993, the parties entered into an Agreement for Redesign and Reinstallation of Electric Distribution Facilities followed by the initial agreement for maintenance and repair, which has expired. As with the original agreement, the proposed agreement called for the City to lease the system for \$1.00 so that the System was under the control of Lakeland as a duly authorized electric utility. The proposed agreement added stocking fees for non-standard parts and limited the City's liability. The multipliers to be added to the City's time and material costs range from 110% to 165%.

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.

AUDIENCE

MAYOR AND MEMBERS OF THE CITY COMMISSION

Dean Boring complimented Mayor Fletcher and Doug Thomas on how they handled the issue this morning. Dean Boring wanted to assure the community that the public safety employees strive to do the right thing and the Lakeland Police had a great leader in Chief Roger Boatner.

Commissioner Higgins congratulated Commissioner Wiggs on his induction as President of the Ridge League of Cities.

Recess/Reconvene: The Commission recessed at 12:07 p.m. for lunch and the Utility Committee meeting. They reconvened at 1:50 p.m.

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.

Tim McCausland asked the Commission to refer to items VI-C-3 & 4.

Memo re: Approval of Shortlisted Firm for Design of Unit #3 Selective Catalytic Reduction Retrofit at McIntosh Power Plant

Tim McCausland presented this item during the Utility Committee meeting.

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

Memo re: Task Authorization with Sargent & Lundy for Design of Unit #3 Selective Catalytic Reduction System at McIntosh Power Plant and Approval of Appropriation

Tim McCausland presented this item during the Utility Committee meeting.

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

Tim McCausland reminded the public that the budget hearing was tonight at 6 p.m. and the public was invited.

CALL FOR ADJOURNMENT – 2:14 p.m.

Ralph L. Fletcher, Mayor

Kelly S. Koos, CMC, City Clerk

**LAKELAND CITY COMMISSION
BUDGET HEARING
September 18, 2006**

The Lakeland City Commission met for the Budget Hearing on Monday, September 18, 2006 in the Commission chambers at 6 p.m. 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 6 p.m.

INVOCATION

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

PUBLIC HEARINGS

Ordinances (Second Reading)

Proposed 06-060; Ad Valorem Millage Rate for 2006-2007 Fiscal Year

AN ORDINANCE RELATING TO AD VALOREM TAXATION; ESTABLISHING THE MILLAGE RATE FOR THE CITY OF LAKELAND, FLORIDA, FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007; PROVIDING FOR THE LEVY OF AD VALOREM TAXES; FINDING THE MILLAGE RATE EXCEEDS THE ROLLED BACK RATE; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the ordinance in its entirety.

Proposed 06-061; Appropriations; Budget for 2006-2007 Fiscal Year

AN ORDINANCE RELATING TO APPROPRIATIONS; PROVIDING FOR THE APPROPRIATION OF MONIES FOR THE CITY OF LAKELAND, FLORIDA, FOR VARIOUS PURPOSES FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

CITY MANAGER

Presentation of Proposed FY2007 Annual City Budget

Doug Thomas gave a presentation on the budget and addressed the millage rate. A copy of this presentation is on file in the agenda packet.

Proposed 06-060; Ad Valorem Millage Rate for 2006-2007 Fiscal Year

Motion: Commissioner Higgins 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.

Proposed 06-061; Appropriations; Budget for 2006-2007 Fiscal Year

Motion: Commissioner Higgins 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.

City Commission Compensation

City Commission Compensation			
Annual Amounts			
FY 2005-2006	Salary	Exp Allowance	Total
Mayor	22,255	2,400	24,655
Commissioners	14,850	1,200	16,050

The FY06-07 budget proposed a 3% COLA for non-union City of Lakeland employees

Tim McCausland presented this item to the Commission. The public hearing was noticed and the Commission could vote on the issue tonight if they chose. Tim McCausland gave a history on the Commission salary explaining that the Commission could not increase their salary over 3% at one time and that a citizen advisory committee approved the expense allowance in the 1980's.

Motion: Commissioner Higgins moved to increase the commission salary 3%. Commissioner Fields seconded.

Mayor Fletcher asked for comment and there were none.

Action: Mayor Fletcher called for the vote and the motion carried six to one with Mayor Fletcher voting nay.

Action: Commissioner Higgins moved to increase the expense allowance by \$50 per month. Commissioner Wiggs seconded and the motion carried five to two with Commissioner Yates and Mayor Fletcher voting nay.

Recommendation re: Compensation for City Manager's Assistants

The City Charter specified that the City Commission set the annual compensation of the City Manager and his Assistants. Following the review of the City Manager and the City Attorney last February, several Commissioners expressed an interest in moving toward compensation reviews and adjustments for the two subject positions to coincide with the Annual Budget process. In that those respective reviews last occurred on March 6, 2006 and did not include participation by the newest City Commissioner (Yates), staff offered that the City Commission could consider a two-step transition plan involving an interim compensation adjustment similar to the COLA provided other employees effective October 1st to be followed by a formal performance review in December 2006 for any additional merit consideration. He would schedule subsequent performance reviews in the fall in order to align the process with the Annual Budget cycle.

During FY 2006, the Employee Relations Department undertook a new Classification & Compensation Study in response to a number of recruitment and retention challenges and to evaluate current compensation practices relative to internal and external equity issues. Doug Thomas presented an overview of the Study's results to the Mayor & City Commission earlier today. Most employees are proposed to receive a 3% COLA and a 5% merit adjustment in response to the Study. Another component of the Study involved the creation of four "Broadband" compensation matrixes for City Directors and Assistant Directors. The Broadband system was designed to provide flexibility for City Management to attract and retain Director and Assistant Director positions with annual compensation adjustments based on merit. A market survey was completed using City Directors, Assistant Directors and Assistant City Management personnel, which included those municipalities used in the general employee survey. A broadband pay line was developed

using an approximate 86% spread. A broadband was generally developed by using four quartiles with market being the median salary. (Two quartiles on either side of market) The second and third quartiles were the control points and were used in hiring and in progression to market and beyond market. Hires were usually handled at a level no higher than the second quartile. The third quartile was the range most employees would stay in for the duration of employment once they reach market. With respect to the two Assistant Manager positions, the City Manager recommended the following:

Deputy City Manager Tony Delgado's position was proposed to be classified at Broad Band #2 with a range of \$73,180 - \$104,544 - \$135,907 (Minimum-Midpoint-Maximum). The position served as Acting City Manager in the absence of the City Manager and included Departmental supervisory responsibilities for Public Works, Water Utilities, Parks & Recreation, Fire, Lakeland Linder Regional Airport and Community Development. For the upcoming year, Doug recommended increasing Tony Delgado's compensation from his current salary of \$104,853 to \$113,025.

Assistant to the City Manager Stanley Hawthorne's position was also proposed to be classified at Broad Band #2 with a range of \$73,180 - \$104,544 - \$135,907 (Minimum-Midpoint-Maximum). The position served as Acting City Manager in the absence of both the City Manager and Deputy City Manager and included Departmental supervisory responsibilities for Human Resources, Risk Management & Purchasing, Information Technologies (DOIT), Internal Auditor and The Lakeland Center. Stanley Hawthorne's anniversary date was January 18, 2005 and his salary was \$95,098. Doug recommended increasing his rate to \$97,951 on October 1, 2006 and upon successful completion of his Annual Performance Review in January, to \$102,849.

Doug Thomas presented this item to the Commission.

Action: Commissioner Boring moved to accept Doug Thomas's recommendation. Commissioner Higgins seconded and the motion carried unanimously.

Dean Boring expressed a desire to get the City Manager and City Attorney reviews done in October. Commissioner Wiggs agreed.

Commissioner Yates thought the review process should happen in July or August and have it completed by this budget process.

Action: The consensus was to do the City Manager and City Attorney reviews in October and again in July or August 2007.

Recommendation re: Compensation for Assistant City Attorneys

The City Charter required that the City Commission establish the compensation for the Assistant City Attorneys. Palmer Davis and Michael Craig continue to perform well as the responsibilities of the City Attorney's Office grows. They were highly regarded by the employees they serve and were important contributors in the decision making process.

The salary range for the assistant positions for FY 2006 was \$73,087.15 to \$104,007.17. Tim McCausland recommended that the Assistant City Attorneys' annual salaries be adjusted as follows, reflecting a 7% increase (3% as a cost of living adjustment and a 4% merit increase) effective with the first pay period of the new fiscal year:

Palmer Davis:	
Current:	\$83,472.48
Proposed:	\$89,315.55
Michael Craig:	
Current:	\$96,302.93
Proposed:	\$103,044.13

Tim McCausland recommended that the Commission approve the above adjustments for the upcoming fiscal year.

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

MAYOR AND COMMISSION – NONE

AUDIENCE – NONE

CALL FOR ADJOURNMENT – 6:34 p.m.

Ralph L. Fletcher, Mayor

Kelly S. Koos, CMC, City Clerk

AGENDA STUDY SESSION

September 15, 2006

The Lakeland City Commission met in the Agenda Study Session on Friday, September 15, 2006 in the Commission conference room. Commissioners Edie Yates, Gow Fields, Dean Boring, Glenn Higgins and Mayor Pro Tem Wiggs were present. Mayor Fletcher and Commissioner Verplanck were absent. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, and City Clerk Kelly Koos were present.

Mayor Pro Tem Wiggs called the meeting to order at 8:36 a.m.

Tim McCausland explained they would add a resolution to the agenda for the Polk Transportation Planning Organization. He then covered Proposed Ordinance 06-075.

Paul Powers, Hollis Hooks and Steve Miller were present representing the hospital.

Mr. Powers explained they wanted to refinance two outstanding bond issues, the 1999A Bond Issue for \$47M and the bonds issued in 2002 for \$60M for a total of \$107M. They had an average interest rate of 5.5% and they could refund those bonds and get 4.5% interest. That would save the hospital \$700,000 per year in interest expense. They would have to sell the bonds at a premium. They would include the costs in the refunding. They would refund \$1.7 million and issue \$1.12 million in new bonds. In 2009 and 2012, those bonds would be "callable."

Steve explained the City's role in this bond refinancing for the hospital. The hospital must issue their bonds through a government agency. Monday would be the first reading of the ordinance. The next meeting, October 2, 2006, would be the second reading and the public hearing. There would be a resolution for the public hearing. The City had no liability in the debt. \$210,000,000 was the total long-term debt for the hospital

Tim McCausland covered the Public Hearings.

Tony Delgado covered the City Manager agenda.

First Annual Multi-Cultural Festival was at the Lake Mirror Park tonight. VIP parking was available in front of the Magnolia building. It kicked off at 5:45 p.m.

Tim McCausland covered the City Attorney agenda and offered the following verbal:

- Kidron was tenant at airport since 1997. The City restructured the lease on several occasions. Their lease expired in July 2005. Staff was unsuccessful in coming to terms on a new lease. Kidron was not interested in negotiating. Tim sent a notice to vacate. He will keep the Commission informed on how that goes.

The meeting adjourned at 9:20 a.m.

CLASSIFICATION & COMPENSATION WORKSHOP
September 18, 2006

The Lakeland City Commission met for the Classification & Compensation Workshop on Monday, September 18, 2006 in the Commission conference room. 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, Assistant to the City Manager Stanley Hawthorne, Finance Director Greg Finch, Assistant Finance Director Mike Brossart, Communications Director Kevin Cook, Employee Relations Director George Brooks and City Attorney Tim McCausland were present.

Mayor Fletcher called the meeting to order at 2:30 p.m.

Doug Thomas gave a presentation on the pay study. Employee Relations conducted the study with the assistance of temporary consultant compensation professionals. The purpose was to ensure both internal equity and external equity in comparable markets for recruitment and retention purposes. The study excluded employees covered by collective bargaining associations.

A copy of this presentation is on file in the agenda packet.

The proposed implementation date of the pay study was October 1, 2006. Doug Thomas planned to meet with the Employees Association next as part of a communication program for employees.

Ralph L. Fletcher, Mayor

Kelly S. Koos, CMC, City Clerk