

LAKELAND CITY COMMISSION
Regular Session
October 1, 2007

The Lakeland City Commission met in Regular Session on Monday, October 1, 2007 in the City Commission chambers. Commissioners Glenn Higgins, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Fletcher were present. Commissioner Boring was out of town. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch and City Clerk Kelly Koos were present.

CALL TO ORDER – 9 a.m.

INVOCATION

Pastor Roger Jahn, Lakeland Fire Department Chaplain, offered the invocation followed by the salute to the flag.

PRESENTATIONS

Employee Service Awards

10 Years

Arlt, Renee	09-15-1997	Police Department
Eby, Mark W	09-01-1997	Police Department
Gomez, Alexis	09-15-1997	Police Department
Gonyer, Gary A	09-29-1997	Lakeland Electric
Henderson, Jamey L	09-15-1997	Police Department
Rose Jr, Richard T	09-15-1997	Police Department
Walden, Kimberly M	09-15-1997	Police Department

20 Years

Koos, Kelly S	09-08-1987	Finance
Kremann, Ronald W	09-18-1987	Lakeland Electric
Renfro, Lance C	09-08-1987	Water Utilities

40 Years

Bryson, Doyle R	09-13-1967	Public Works
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Mayor Fletcher and Doug Thomas presented these awards.

Residential Sprinkler Systems (Chief Mike Mohler & David Bivens, Fire Inspector)

Proclamation - Fire Prevention Week

Beautification Awards

Residential : 969 Lake Hollingsworth Drive - McClurg Residence

Commercial: 215 Imperial Boulevard - Professional Land Ventures LLC

Frankie Martin presented these awards.

PROCLAMATIONS

Foresters Race for Kids Day

Hillsborough River Watershed Awareness Week

Mental Health Awareness Week and Bipolar Disorder Awareness Day

Red Ribbon Month

APPROVAL OF CONSENT AGENDA

- * City Commission Minutes 9/14/07-9/17/07
- * Utility Committee Minutes 9/17/07
- * Memo re: Vacation of a Utility Easement – 1808 Duff Road
- * Memo re: Vacation of a Utility Easement – 2835 South Florida Avenue
- * Memo re: Collection Services Agreement for Online Information, Inc.
- * Memo re: Collection Services Agreement for Progressive Financial, Inc.
- * Memo re: Amendment to Information and Network Products and Services Agreement with Syniverse Technologies, Inc.
- * Appropriation Request – Police Impact Fee Fund
- * Appropriation and Increase in Estimated Revenues – Water System Fund
- * Memo re: Agreement with GE EER Corporation for Evaluation and Balance of Ammonia Injection Grid of Unit # 5

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 09/14/07-09/17/07**

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

- * **Utility Committee 09/17/07**

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

Municipal Boards & Committees 9/28/07

The Municipal Boards Committee met on Monday, October 1, 2007 in the City Commission Conference Room. Commissioners Glenn Higgins and Jim Verplanck (members) were present. Commissioner Dean Boring (chair) was out of town.

Commissioner Verplanck called the meeting to order at 8:34 a.m.

Police Officers Retirement Board:

Recommendation from Kevin Torres to appoint Nick Nugent to replace Keith DeLoach who resigned in May 2007. His first term will be for two years and will expire September 30, 2009.

Recommendation: Commissioner Higgins moved to recommend the appointment to the Commission. Commissioner Verplanck concurred.

The committee adjourned at 8:34 a.m.

Commissioner Verplanck presented these minutes to the Commission.

Action: The Commission approved the minutes unanimously.

REQUESTS TO APPEAR FROM THE PUBLIC

Herb Hernandez, Executive Director of the Lakeland Housing Authority re “Best Practices Award” from the U.S. Department of Housing and Urban Development

Mr. Hernandez recognized Jeff Bagley with the Keystone Challenge Fund and the Lakeland Police Department for their Best Practices Awards.

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 4909; Proposed 07-092; Amending Ordinance 2978, As Amended, Providing For Revised Transportation Impact Fees (1st Rdg 9/17/07)

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2978, AS AMENDED; AMENDING SECTION 5(C)(1) TO PROVIDE FOR A REVISED IMPACT FEE SCHEDULE FOR TRANSPORTATION FACILITIES; REPEALING ORDINANCE 4512; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4910; Proposed 07-093; Amending Ordinance 2979, As Amended, Providing For Revised Parks and Recreation Impact Fees; Providing a Methodology for Annual Fee Adjustments (1st Rdg 9/17/07)

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2979, AS AMENDED; ADOPTING AN UPDATED IMPACT FEE STUDY AS DESCRIBED HEREIN; PROVIDING FOR A REVISED IMPACT FEE SCHEDULE FOR PARKS AND RECREATION IMPACT FEES; PROVIDING A METHODOLOGY FOR ANNUAL FEE ADJUSTMENTS; IMPLEMENTING VARIOUS REVISIONS RELATED TO INDEPENDENT IMPACT FEE ANALYSIS; REPEALING ORDINANCE 4513; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

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

Mayor Fletcher asked for comments.

George Lindsey representing Polk County Builders Association came forward to speak against this ordinance. He asked the Commission to look at the cost of land and the inclusion of neighborhood parks as they related to the formula for these impact fees.

Scott Coulombe, Executive Director of Polk County Builders Association, asked when the new fees would go into affect - 90 days from adoption. He made clear that they did not object to fire police or transportation impact fees.

Jim Studiale responded to the comments. The City does buy parkland in Lakeland. The study was done with the number that Parks gave to the consultant. The problem has been that they needed a park in a certain spot and they had to buy 2-10 acres in that specific spot. They often pay a high amount for that land because they are typically in-fill or one-of-a-kind types of sites. The Recreation Impact fee was \$2500 because the Commission had discussed implementing it at 85% of the recommended amount. It was going up because the City ran a very good park system. The City has fallen behind in parks with the amount of growth in the area.

Mr. Tindale of Tindale-Oliver, was the consultant that did the study for these impact fees. His firm had never been to court because their assumptions were so conservative. An example was that they used the actual cost of the land purchased rather than index it to the current value. He did not think it was fair to compare parks and schools fees.

George Lindsey responded that new construction did not create the neighborhood parks deficiency. Also, there was not as great a demand for property now in Polk County. There were deficiencies in the system that these funds should not be used to address, neighborhood centers was one.

Commissioner Wiggs agreed that the City should not inflate their numbers. The cost of land continued to rise. The cost of commercial property was not going to go down. He felt the City had made a compelling case. These fees reflected the activities' actually cost.

The Commission discussed:

- * Park subsidies from the Public Improvement Fund
- * The last recommended impact fee compared to what the Commission imposed
- * The City used impact fees to purchase parklands and consequently purchased the land at peak times.

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

EQUALIZATION HEARINGS

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

Lots Cleaning and Clearing

Tim McCausland presented the assessment roll to the Equalization Board, of copy of which is on file in the agenda packet.

Motion: Commissioner Wiggs moved to equalize the assessments. Commissioner Verplanck seconded.

David Williams of Qb Construction came forward concerning Job No.s 07-0230 and 07-0231. These liens came about when he was out of the country. Also, the correspondence was not coming to Qb Construction. He was asking the Commission to overlook the fees at this time.

Brian Rewis responded that staff had properly noticed the owner.

Commissioner Fields confirmed that the owner, Qb Development received notice but failed to forward the notice to the management company, Qb Construction.

Brian Rewis brought up Job No. 07-0237 which belonged to Ms. Goodwine. He asked the board to remove that from this month's roll. He planned to meet with Ms. Goodwine and place the job on the next roll, if necessary.

The group discussed liens against property in which the owner of record was deceased. Many times the estates are not settled. The City would collect the liens once they were placed on the tax rolls.

Commissioner Verplanck confirmed that the motion included removing Job No. 07-0237.

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

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

City Manager Doug Thomas left the meeting and Deputy City Manager Tony Delgado stepped in for the remainder of the meeting.

Ordinances (Second Readings) Continued

Ordinance 4911; Proposed 07-094; Amending Ordinance 2980, As Amended, Providing For Revised Fire Protection Impact Fees; Providing a Methodology for Annual Fee Adjustments (1st Rdg 9/17/07)

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2980, AS AMENDED; ADOPTING AN UPDATED IMPACT FEE STUDY AS DESCRIBED HEREIN; PROVIDING FOR A REVISED IMPACT FEE SCHEDULE FOR FIRE PROTECTION FACILITIES; PROVIDING A METHODOLOGY FOR ANNUAL FEE ADJUSTMENTS; IMPLEMENTING VARIOUS REVISIONS RELATED TO INDEPENDENT IMPACT FEE ANALYSIS; REPEALING ORDINANCE 4514; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4912; Proposed 07-095; Amending Ordinance 2981, As Amended, Providing For Revised Law Enforcement Impact Fees; Providing a Methodology for Annual Fee Adjustments (1st Rdg 9/17/07)

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2981, AS AMENDED; ADOPTING AN UPDATED IMPACT FEE STUDY AS DESCRIBED HEREIN; PROVIDING FOR A REVISED IMPACT FEE SCHEDULE FOR LAW ENFORCEMENT IMPACT FEES; PROVIDING A METHODOLOGY FOR ANNUAL FEE ADJUSTMENTS; IMPLEMENTING VARIOUS REVISIONS RELATED TO INDEPENDENT IMPACT FEE ANALYSIS; REPEALING ORDINANCE 4515; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4913; Proposed 07-102; Approving Form of Ballot

AN ORDINANCE RELATING TO MUNICIPAL ELECTIONS; APPROVING A FORM OF BALLOT; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

CITY MANAGER

Recommendation re Lake Mirror Park Project Construction

As you are aware, Phase II of the Lake Mirror Park Project will primarily consist of the construction of park components heretofore delayed pending the completion of the road realignment of Main Street. Bids to administer the construction of park components, including the North Promenade, Railroad Pavilion, Long Green, The Mirrors, Rose Street and Cedar Street Gateways, Main Street Overlook Park, Orange Street Entry and the way finding package were received from the following three qualified and responsive construction firms:

Gibbs & Register Construction \$4,278,000
Miller Construction \$3,053,000
Rodda Construction \$1,811,552

Following a review of the bids, the Parks & Recreation Department recommended the award of the proposed contract to Rodda Construction. Rodda Construction was the contractor on two previous independent components of the Lake Mirror Park Project (Hollis Garden and Kryger Park), which certainly provided some experience on the cost requirements of the final proposed components. Funding for the project, which staff projected completion by October 2008, was available in the Fiscal Year 2008 Public Improvement Fund coupled with funds secured through the Sunshine State Loan Program initiated in support of the overall project, including the Main street realignment.

Staff recommended that the City Commission authorize the appropriate City officials to execute an agreement with Rodda Construction for the construction of the Parks & Recreation components of the Lake Mirror Park Project Phase II for the fee of \$1,811,552.

Tony Delgado presented this item to the Commission.

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

Recommendation re Coleman Bush Building Renovation Architectural Services

Due to budget constraints, the City delayed the renovation of the Coleman Bush Building dating back to 2004. In July 2004, City staff from Public Works, Community Development and Parks & Recreation jointly coordinated with Swilley Curtis Mundy Hunnicutt Associates Architects, Inc. (SCMH) to develop a schematic floor plan for use in renovating the facility. The Fiscal Year 2008 Budget allowed for the continuation of renovation plans for the Coleman Bush Building and City staff recommended executing a task authorization under the City of Lakeland Continuing Contract for Architectural Services with SCMH to proceed with the formal architectural services for the proposed renovation plan including revised floor plan schematic.

The scope of work required to renovate the facility follows:

1. Completely gut and renovate the eastern office wing to accommodate Code Enforcement and the Housing Division.
2. Replace all finishes and the reception area in the main lobby area.
3. Refinish, replace fixtures and create an accessible toilet stall in the main restrooms.

4. Main Multipurpose Room A: provide new ceiling with perimeter dropped soffit, replace VCT flooring, provide acoustical wall panels, provide new lighting and sound system and create a storage room addition.
5. Stage Area: provide new stage curtain and general lighting; remove/replace built-up wood floor and provide ramp access; renovate existing dance room with new dressing room areas.
6. Renovate existing kitchen
7. Provide new floor and ceiling finishes in Reading Room and other Multipurpose Rooms.
8. Renovate multipurpose room storage areas.
9. Design 2500+/- SF Dance and Multipurpose space addition on north side of building.
10. Remove and replace all roof systems.
11. Paint interior building throughout.
12. Replace door locksets throughout the facility.
13. Remove all suspended acoustical ceilings and replace with City of Lakeland standard system.
14. Remove and replace fluorescent light fixtures.
15. Remove existing mechanical system and replace with new split type HVAC systems.
16. Electrical systems as required
17. New fire alarm system and sprinkler system
18. Replace data and communication network systems.

The architectural design services would provide for bidding services and construction administration. The architectural fees for the services noted were based on a lump sum amount of \$135,000.00, or approximately 8.1% of the estimated construction cost of \$1,675,000.00. SCMH anticipated completing the construction bid documents by the end of February 2008, allowing construction to commence in early May, 2008 with an anticipated construction completion of December 2008. Funding for the project was included in the Fiscal Year 2008 Budget of the Public Improvement Fund.

Staff recommended that the City Commission authorize the appropriate City officials to execute a task authorization for architectural design services for the Coleman Bush Building Project with Swilley Curtis Mundy Hunnicutt Associates Architects, Inc. for the not-to-exceed fee of \$135,000.00.

Tony Delgado presented this item to the Commission.

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

Beautification Awards Continued

Kevin Cook displayed the correct pictures for the Beautification Awards.

CITY ATTORNEY

Ordinances (First Reading)

Proposed 07-096; Amending Chapter 62 of the Code of the City of Lakeland re Police Officers' Supplemental Pension and Retirement System; Providing for Share Allocation and Distribution

AN ORDINANCE RELATING TO POLICE OFFICERS' SUPPLEMENTAL PENSION AND RETIREMENT SYSTEM; AMENDING CHAPTER 62 OF THE CODE OF THE CITY OF LAKELAND, FLORIDA; PROVIDING FOR SHARE ALLOCATIONS FOR PLAN YEARS 2005, 2006, AND 2007; PROVIDING FOR A ONE TIME DISTRIBUTION TO RETIREES; 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 15, 2007.

Proposed 07-097; Conditional Use for a 3,500 Square Foot Church Office Building on Property Located at 2120 Airport Road

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A CHURCH OFFICE BUILDING ON PROPERTY LOCATED AT 2120 AIRPORT ROAD; 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 15, 2007.

Proposed 07-098; Conditional Use for a Wastewater Pre-Treatment Facility Accessory to a Proposed Manufacturing Plant on Approximately 50 Acres Located South of Drane Field Road, East of Kelvin Howard Road

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A WASTEWATER PRE-TREATMENT FACILITY ACCESSORY TO A PROPOSED MANUFACTURING PLANT ON APPROXIMATELY 50 ACRES LOCATED SOUTH OF DRANE FIELD ROAD, EAST OF KELVIN HOWARD ROAD; 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 15, 2007.

Proposed 07-099; Change in Zoning on 7.9 Acres Located East of Donovan Road North of Wildcat Run

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 7.9 ACRES OF PROPERTY LOCATED EAST OF DONOVAN ROAD, NORTH OF WILDCAT RUN 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 October 15, 2007.

Proposed 07-100; Establishing PUD Zoning on 22.74 Acres Located at the Northeast Corner of West Pipkin Road and County Line Road

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR PUD ZONING ON 22.74 ACRES LOCATED AT THE NORTHEAST CORNER OF WEST PIPKIN ROAD AND COUNTY LINE ROAD; 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 15, 2007.

Proposed 07-101; Revised Special Public Interest District Zoning Overlay for Florida Southern College

AN ORDINANCE RELATING TO ZONING; ESTABLISHING SPECIAL PUBLIC INTEREST ZONING DISTRICT CLASSIFICATION AND REGULATIONS FOR FLORIDA SOUTHERN COLLEGE; REPEALING ORDINANCE 2485; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 15, 2007.

Resolutions

Resolution 4645; Proposed 07-066; Authorizing Eminent Domain Proceedings – Webster and Omohundro Subdivision between U.S. Highway 92 and CSX Railroad Right-of-Way

A RESOLUTION RELATING TO EMINENT DOMAIN: AUTHORIZING EMINENT DOMAIN PROCEEDINGS TO ACQUIRE CERTAIN INTERESTS IN PARTICULAR REAL PROPERTY GENERALLY LOCATED IN THE WEBSTER AND

OMOHUNDRO SUBDIVISION (PLAT BOOK 3, PAGE 81) BETWEEN US HIGHWAY 92 (NEW TAMPA HIGHWAY) AND THE CSX RAILROAD RIGHT OF WAY FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING IMPROVEMENTS RELATED TO THE WEST LAKELAND WASTELOAD REDUCTION FACILITY; AUTHORIZING CONDEMNATION OF THE PROPERTY DESCRIBED HEREIN; AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Motion: Commissioner Verplanck moved to approve the resolution. Commissioner Wiggs seconded.

Mayor Fletcher asked for comments and there were none.

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

Resolution 4646; Proposed 07-067; Amending Previously Established Regulatory Review Fees

A RESOLUTION RELATING TO REGULATORY FEES; ESTABLISHING FEES FOR REVIEWING APPLICATIONS FOR ZONING AND RE-ZONING, PLANNED UNIT DEVELOPMENTS, CONDITIONAL USES, VOLUNTARY ANNEXATION, VARIANCE, INITIAL REQUESTS FOR DEVELOPMENTS OF REGIONAL IMPACT AND REQUESTS FOR DETERMINATION OF SUBSTANTIAL DEVIATION, COMPREHENSIVE PLAN AMENDMENTS, APPLICATIONS FOR SALE OF ALCOHOLIC BEVERAGES, SUBDIVISION REVIEW, PLAT REVIEW, CONSTRUCTION PLANS REVIEW, FIELD INSPECTIONS, MOBILE HOME PARKS, DEVELOPMENT PLANS, CONSTRUCTION PLANS AND FIELD INSPECTION, AND SITE PLAN REVIEW; PROVIDING METHOD OF COMPUTING ACREAGE; ESTABLISHING THE TIME FOR PAYMENT; REPEALING RESOLUTION 4479; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Motion: Commissioner Verplanck moved to approve the resolution. Commissioner Yates seconded.

Mayor Fletcher asked for comments and there were none.

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

Resolution 4647; Proposed 07-068; 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 as amended. Commissioner Wiggs seconded.

Mayor Fletcher asked for comments and there were none.

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

Resolution 4648; Proposed 07-069; Establishing the Environmental Compliance Cost Charge (Rate Schedule BA-3) for FY07-08

A RESOLUTION RELATING TO THE ELECTRIC UTILITY; ESTABLISHING THE ENVIRONMENTAL COMPLIANCE COST CHARGE FOR ALL CUSTOMER CLASSES, COMMENCING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; REPEALING RESOLUTION 4605; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Motion: Commissioner Verplanck moved to approve the resolution. Commissioner Wiggs seconded.

Mayor Fletcher asked for comments and there were none.

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

Miscellaneous Reports and Communications

*** Memo re: Vacation of a Utility Easement – 1808 Duff Road**

This was a proposed release of easement from the City of Lakeland to Lennar Homes, LLC. Kimley-Horn and Associates, Inc. represented Lennar Homes, Inc. in the request for a vacation of an existing 15-foot public utility easement located within the Cedarcrest subdivision physically located at 1808 Duff Road in unincorporated Polk County. This site was the previous location of an owned and operated mobile home park. Lennar purchased the property in 2005, cleared the land, and planned to redevelop the site as a single-family home community. The 15-foot public utility

easement served the prior residents and was no longer used. The various City and private utilities reviewed this request and had no objections to the vacation of this public utility easement which was recorded in Official Records Book 1878, Page 1722, of the public records of Polk County, Florida.

Staff recommended that the Commission authorize the appropriate City officials to execute the release of easement.

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

* **Memo re: Vacation of a Utility Easement – 2835 South Florida Avenue**

This was a proposed quitclaim deed from the City of Lakeland to McDonald's Corporation. McDonald's Corporation was requesting the vacation of an existing 10-foot public utility easement located at 2835 S. Florida Avenue. More specifically, the easement was located west of S. Florida Avenue, south of Windsor Street, and north of Prado Place. This existing easement was thought to be leftover from when the McDonald's property was originally platted into residential lots. The easement ran under the current McDonald's restaurant and appeared to contain no utilities. McDonald's was in the process of obtaining approvals to demolish the existing restaurant and rebuild a new store on this same site. The easement vacation was being requested to accommodate the demolition and reconstruction. The various City and private utilities reviewed this request and had no objections to the vacation of this utility easement.

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

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

* **Memo re: Collection Services Agreement for Online Information, Inc.**

This was a proposed Collection Services Agreement with Online Information Services, Inc. to provide collection services on delinquent utility accounts and miscellaneous receivables. Following a bid process, two (2) firms that submitted proposals were selected to negotiate contracts. Staff recommended using multiple vendors to provide competition, as each vendor had areas in which they excel. The agreement being used was developed in 2005 and proved satisfactory. The initial term of the Agreement continued through September 30, 2009. Upon mutual agreement of the parties, the Agreement could be renewed for two (2) additional terms of one (1) year. The Commission Rate was sixteen per cent (16%) of the amounts collected.

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

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

* **Memo re: Collection Services Agreement for Progressive Financial, Inc.**

This was a proposed Collection Services Agreement with Online Information Services, Inc. to provide collection services on delinquent utility accounts and miscellaneous receivables. Following a bid process, the City chose two (2) firms with which to negotiate contracts. Staff recommended using multiple vendors to provide competition, as each vendor had areas in which they excel. The agreement used was developed in 2005 and proved satisfactory. The initial term of the Agreement continued through September 30, 2009. Upon mutual agreement of the parties, the Agreement allowed for two (2) additional terms of one (1) year. The Commission Rate was sixteen per cent (16%) of the amounts collected.

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

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

* **Memo re: Amendment to Information and Network Products and Services Agreement with Syniverse Technologies, Inc.**

This was a proposed amendment to the Information and Network Products and Services Agreement with Syniverse Technologies, Inc. The proposed amendment provided for a one (1) year extension of service and maintenance for a portion of the City's communications system at a cost of \$27,636.48 (\$2,303.04 per month). The cost has not changed from the prior year. The portion of the City's communications system in question was made up of six "latalinks" and two "A-Links." The A-links connect the City with Syniverse. The latalinks connect the City with Verizon and BTI using the SS7 network. SS7 was the standard system which telecommunications switches use to establish call paths and to exchange information in order to complete calls and synchronize with other switching areas.

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

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

Memo re: Consulting Contract for Information Technology Support Services with Radif Masud

This was a proposed consulting contract with Radif Masud, a former employee who maintained an excellent record of performance and reliability as a professional consultant for the City. This standard annual Consulting Contract (which the City may terminate without cause with 10 days notice) would allow Mr. Masud to perform work to support the Outage Management System-MAXIMO-UMS Integration Project for Lakeland Electric. The City would compensate Mr. Masud for his services at a rate of

\$75.00 per hour with limited use of Consultant's services up to a not to exceed price of \$52,875.00, inclusive of expenses, for the term of the contract.

If approved, Mr. Masud would:

- * Assist in the development of the Outage Management System software.
- * Assist in the integration of MAXIMO and UMS.
- * Assist in application enhancements and re-write of any VJP estimating software.
- * Assist in trouble shooting and correcting Sunshine One Solution.
- * Assist in trouble shooting and correcting Mobile WMS.
- * Assist in the development/enhancement of the COL Messaging System
- * Assist in the development of requirements for MAXIMO implementations.
- * Assist in implementation of MAXIMO in City departments.
- * Assist in the development/enhancement in Maxcust Component
- * Assist in the identification/design and creation of standard reports.
- * Assist in the development of training documentation.
- * Assist in the development/modification of any PL/SQL Code
- * Assist in the development/modification of any .Net Code
- * Assist in the development/modification of any C++ Code
- * Assist in the development/modification of any Visual Basic Code
- * Assist in any application development/enhancement as determined by the City of Lakeland

Retaining Mr. Masud for an additional year was necessary due to resource constraints and the inability to fill the applicable positions.

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

Tim McCausland presented this item to the Commission.

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

Memo re: Construction Agreement with CSX Transportation, Inc. for Fairbanks Street Improvements Project

This was a proposed construction contract with CSX Transportation, Inc. (CSXT) providing for the construction of a new railroad crossing at Fairbanks Street and the removal of the existing crossing at Bella Vista Street in conjunction with the Fairbanks Street Improvement project. As you will recall, the Fairbanks Street project included the reconstruction and extension of Fairbanks Street from Kathleen Road to Bella Vista Street, the closing of the railroad crossing at Bella Vista Street and the opening of a new crossing at Fairbanks Street.

The contract authorized CSXT to construct the new railroad crossing at Fairbanks Street and to remove the existing crossing at Bella Vista Street at the City's expense. The estimated expenses for this project were \$325,536.00. This amount was included in Public Work's budget for the Fairbanks Street project and would be funded by the Transportation Fund.

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

Tim McCausland presented this item to the Commission.

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

Memo re: Service Agreement with Motorola for Public Safety Radio System

This was a proposed agreement with Motorola, Inc. to provide service for the City's Public Safety Radio System for \$117,198.84. The City's Public Safety Radio System provided radio communications for the City's Police Department, Fire Department, Utility Departments, Public Works, Parks and Recreation, and City Administration. The existing service agreement expired September 30, 2007. The agreement called for technical support service, infrastructure repair, on-site infrastructure response with local dispatch service, paging repair, and local infrastructure repair.

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 Higgins seconded and the motion carried unanimously.

*** Memo re: Agreement with GE EER Corporation for Evaluation and Balance of Ammonia Injection Grid of Unit #5**

Tim McCausland updated this Commission on this item. Unit 5 was having some problems. This company would analyze the output, determine what was causing the problem, and recommend the solution. It was an engineering contract for \$28,500. It was a tuning exercise that would require adjustments elsewhere. The Commission approved this item on the Consent Agenda. He will discuss it this afternoon with the Utility Committee.

FINANCE DIRECTOR

*** Appropriation Request – Police Impact Fee Fund**

Pursuant to previous actions, the City of Lakeland recently executed a purchase agreement for property located at 821 E. Oleander Street. The subject property was needed for the City's plan to relocate and expand the Lakeland Police Department impound lot and other public safety service functions that required a proximity to the main station. The current outdoor impound lot adjacent to the Main Station facility, which the department had outgrown, was being displaced by the LDDA Revitalization Project. The appropriation from the Police Impact Fee Fund would provide the necessary funds to finalize the purchase of the 60,318± square feet of land area with a 9,440± square foot warehouse/office building and related site improvements. The purchase price of the Property was \$650,000, with estimated closing costs of \$1,000.

Staff recommended that the City Commission authorize the appropriation of \$651,000 from the Police Impact Fee Fund to finance the purchase of this necessary property.

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

*** Appropriation and Increase in Estimated Revenues – Water System Fund**

The Water Department has been engaged in a successor permit renewal process since March 2003 with the Southwest Florida Water Management District (SWFWMD) regarding approval to withdraw additional groundwater from City-owned wells to meet the area's growing potable water needs. The City sought permitting to authorize withdrawal of up to 36.8 million gallons per day (MGD) through the year 2018 to provide the necessary raw water supply throughout Lakeland's service territory. Despite extensive negotiations throughout the process, the parties were not able to achieve an acceptable agreement, which led to Lakeland's filing for an Administrative Hearing on the matter. The parties completed the Administrative Hearing process in August, and the City expected the Administrative Law Judge's Order in late November 2007. Prior to and throughout the Administrative Hearing process, the City incurred approximately \$1.7 million on engineering analysis, wells, expert witnesses and legal fees in support of the City's application efforts. Furthermore, there was approximately \$580,000 in additional costs the City incurred in conjunction with this process that had not yet been paid, which brings the total expenses to approximately \$2.3 million. The Water Utility Capital Improvement Project funded these expenses, however it staff anticipated that the total budget appropriation for these costs would fall short of the final estimated costs by approximately \$875,000.

Revenues collected in the form of Water Impact Fees were the primary source of funding for this effort. For the current fiscal year, Impact Fee revenues had exceeded the budgeted revenues by approximately \$1.2 million. In order to complete the funding for this process, the Water Utility requested an appropriation of \$875,000 from those excess revenues.

Staff requested that the City Commission approve an adjustment to the FY 2007 Budget representing an increase in estimated revenue and a corresponding appropriation within the Water Impact Fee fund for \$875,000.

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

Tax Reform/Millage Rate – 2% Increase

Greg Finch brought this item before the Commission. The issue just came up this morning. There was a long-standing rule relating to TRIM requirements. The initial property tax assessment used to prepare the budget for 2008 was based on the taxable value effective July 1. After that period of time, the property appraisers' office reconsiders and may make some corrections to the tax value. They are required to notify local governments of the final tax roll at the end of September. This morning he received a letter from the property appraiser advising him that Lakeland's assessed evaluation had been adjusted upwardly by approximately 2%. There is always some fluctuation between the preliminary assessment in July and the final tax roll in September. In the past, the rule stated that the local government may administratively adjust their millage rate to cause them to receive the same amount of tax revenue in dollars that they calculated based on the preliminary roll. For example if the assessed value were to go up, the government could lower their millage rate by whatever it would take to yield the same dollar. There was a threshold line that said the increase had to be more than a 1% variance from the original assessed value. With property tax reform, the State was requiring that if it's the assessed value changed by more than 1% then the local government must change the millage rate to ensure that they do not receive more revenue than they were otherwise entitled.

Since Lakeland's tax roll went up by 2%, Lakeland would be required to roll back the tax rate to some number. Greg contacted the Department of Revenue this morning and he was waiting to hear definitive procedures for making this adjustment. The problem was he only had three days to respond to the Property Appraiser with Lakeland's decision. He knew he would have to at least roll the millage back by a 1% increase in revenue, but may not have to roll it back by the full 2%. He wanted to know the Commission's preference. Should he try to keep the 1% if possible?

Commissioner Wiggs thought the City should roll back the entire 2%. The Legislature is now discussing changing the rules to make it more punitive for those cities that chose to override the Legislature, even within their parameters. He preferred rolling back to zero.

The Commission discussed recessing until after the Utility Committee. They wanted to wait and hear from the Department of Revenue.

AUDIENCE

Spencer Vice with Sun Built Marketing - insurance agent in the employee benefits market. The City has now combined the insurance consultant with their insurance agent. This combination has eliminated an opportunity for an agent to bid on the process. That was a violation of Florida statutes. He was requesting that the City review their policy.

Tim McCausland said this came to his attention on Friday afternoon. This related to a bid

process the City just conducted relating to vision and dental. He had not had a chance to look at the process but he will review the process. If he determined that the City had done something improper, he would come back to the Commission. He or Doug would report to the Commission at the next meeting.

Commissioner Wiggs said it did not make sense to have a broker and agent combined. That did not allow for good competition. He wanted to hear the outcome even if the City did not violate state statutes.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Wiggs said it was nice to have Carol Hoffman visiting with them. He announced the new provider firm for Lakeland Vision. Doug Thomas was involved in that process. He felt Lakeland was very fortunate to have a City Manager that had the understanding of strategizing and visioning. He was very helpful in the process.

Commissioner Verplanck appreciated the new screens.

Commissioner Higgins congratulated the Stovall family on the birth of Mason Wyatt Stovall on Sunday, September 30 at 5:05 p.m.

Recess/reconvene: At 11:15 a.m., the Commission recessed until after the Utility Committee. The Commission reconvened at 2:58 p.m.

The Lakeland City Commission reconvened in Regular Session on Monday, October 1, 2007 in the City Commission chambers. Commissioners Glenn Higgins, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Fletcher were present. Commissioner Boring was out of town. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch, and City Clerk Kelly Koos were present.

Mayor Fletcher called the meeting to order at 2:58 p.m.

Millage Rate Issue

Tim McCausland explained that the actual valuation came in 2% higher than budgeted. The provision in the statutes allowed local governments to adjust their millage rate if it was over 1%. The tax reform now required local governments to roll back if the increase exceeded 1%. He thought the better part of wisdom was the conservative approach. He was recommending the Commission adopt the full roll back amount so that millage rate will equal the amount that the budget was based on.

Action: Commissioner Fields moved to approve staff's recommendation. Commissioner Wiggs seconded and the motion carried unanimously.

Greg Finch clarified that the new millage rate would be 3.2296.

CALL FOR ADJOURNMENT – 2:59 p.m.

Ralph L. Fletcher, Mayor

Kelly S. Koos, CMC, City Clerk

LAKELAND CITY COMMISSION
Agenda Study Session
October 1, 2007

The Lakeland City Commission met for the Agenda Study Session in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Commissioner Boring was out of town. City Manager Doug Thomas, 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 Fletcher called the meeting to order at 7:35 a.m.

Doug Thomas covered the Presentations and Proclamations.

Tim McCausland covered the Public Hearings.

Tim McCausland updated the Commission on the election process. The consensus was for the Clerk to represent the Canvassing Board at the Logic and Accuracy Testing.

Tim McCausland covered the Equalization Hearings.

Doug Thomas covered the City Manager agenda and offered the following verbals:

- Kevin Cook announced Central Florida Euro Cars would sponsor the Music on the Promenade Series and Red, White and Kaboom.
- Pam Paige explained the City had confirmed one sponsorship for the Lemon Street Art Display.

Tim McCausland covered the City Attorney agenda.

Kevin Torres covered proposed ordinance 07-096, relating to the police officer retirement fund.

Greg Finch covered the Finance Director agenda.

Commissioner Higgins raised two issues:

1. "Right Connections" was causing noise and disturbing the neighborhood.
2. "The Drink Club" was a bar on 98 North and it was noisy and disturbing the surrounding neighborhoods.

Tim McCausland explained it was a noise ordinance issue. He will talk with the Police Chief about these two issues.

The Commission also discussed the noise issues next to Carillon Lakes.

The Agenda Study Session adjourned at 8:34 a.m.

Dixieland CRA Proposed Enhancement Workshop October 1, 2007

The Lakeland City Commission met for the Dixieland CRA Proposed Enhancement Workshop in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Commissioner Boring was out of town. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, City Clerk Kelly Koos, CRA Manager Tamara Sakagawa, and Senior Planner Justin Wilson were present.

Mayor Fletcher called the meeting to order at 11:28 a.m.

Tamara Sakagawa reviewed the SR37 Resurfacing project.

Commissioner Wiggs asked staff to coordinate city work so that FDOT did not come in and redo work the city had already done.

City crews will do drainage improvements before FDOT does the resurfacing. The project boundaries for phase 1 were Belmar to Highland. Construction should begin in October or November of 2007. The city requested night work but there would still be traffic issues. The 2nd phase of drainage improvements will go into design in the next month. Funding should be available in the current fiscal year.

Justin Wilson presented CRA Enhancement Initiative:

Logo - designed by Robin Tillett in Communications. Dixieland was a historic district but they wanted a modern design because of the eclectic architecture.



Stationary with the logo.

Business Address Plaques

Traffic Light and Street Signs

Light Pole Banner: FDOT Requirements - The City must meet FDOT requirements to put the banners up. They have negotiated a 90-day rotation for the banners. They will use

seasonal banners because of the 90-day rotation. Parks & Recreation will rotate the banners. The holiday banners will replace the existing Christmas decorations in the CRA area. The first banners could be installed by Spring 2008.

The CRA was working with Market Knowledge. There would be hosting a public workshop on October 16, 2007 at 1001 Success Ave. at 6 p.m.

Market Knowledge felt the banners would be good for about 2 years but the CRA would need to put in the medians within the 2 years.

The Commission agreed with the banners.

The workshop adjourned at 11:57 a.m.

Options & Tools for Housing Choices Workshop October 1, 2007

The Lakeland City Commission met for the Housing Choices Workshop in the City Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Commissioner Boring was out of town. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, and City Clerk Kelly Koos were present along with administrative staff and the media.

Mayor Fletcher called the meeting to order at 3:12 p.m.

Celeste Deardorff made the presentation. A copy of her presentation was on file in the agenda packet. She was presenting these housing options to the Commission for their consideration. The reason she was bringing this issue to Commission was in part the Comprehensive Plan. The City of Lakeland was certified and part of that certification was a work program with indicators in which Lakeland needed improvement. One of those indicators was housing. The DCA wanted to see Lakeland move forward with Inclusionary Housing (aka Mixed Income Housing). That was a regulatory approach to housing. Planning staff committed to research that issue and report to the Commission. Lakeland's Evaluation Appraisal Report of the Comprehensive Plan was due in two years. At that time, by statute, DCA could decide if they would recertify Lakeland. DCA would be looking at Lakeland's progress at that time.

The group discussed:

- Nomenclature of Housing
- Future Affordability Needs: Lakeland
- Faces of Housing Need
- Current Options
- Gentrification (maintaining affordable units)

Staff was recommending drafting a voluntary mixed income program and options for new Accessory Dwelling Units (ADU).

There was a consensus for drafting regulations for voluntary mixed income and ADUs. Staff will present that draft to the Commission at a future date.

The workshop adjourned at 4:11 p.m.