

LAKELAND CITY COMMISSION
Regular Session
October 15, 2007

The Lakeland City Commission met in Regular Session on Monday, October 15, 2007 in the City Commission chambers. Commissioners Dean Boring, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates, and Mayor Pro Tem Glenn Higgins were present. Mayor Fletcher was out of town. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch and Deputy City Clerk Deborah Cason were present.

CALL TO ORDER – 9:03 a.m.

INVOCATION

Commissioner Gow Fields offered the invocation followed by the salute to the flag.

PRESENTATIONS

Lakeland Special Collections (Bill Tinsley, Parks & Recreation Director; Lisa Lilyquist, City Librarian; Kevin Logan, Special Collections Librarian)

PROCLAMATIONS

U.S. Police Canine Association Week (October 22-26)
Hospital Finance Employee Week (October 22-26)

APPROVAL OF CONSENT AGENDA

- * City Commission Minutes 09/28/07 – 10/01/07
- * Utility Committee Minutes 10/01/07
- * Recommendation re Schedule of Adoption of CDBG, HOME, and SHIP Programs for 2008
- * Recommendation re RFP 7229 for Group Medical, Prescription, Mental Health, Re-Insurance, and Conversion Benefits
- * Recommendation re RFP 7239 for Life/Accidental Death and Dismemberment, Supplemental Life, Voluntary Accidental Death and Dismemberment, and Long Term Disability
- * Recommendation re RFP 7250A for Group Dental and Vision Plans
- * Recommendation re Land Development Recommendations Formulation of Design Districts
- * Recommendation re: Park Planning Continuing Contract
- * Recommendation re: Tigertown Complex Capital Improvement Project
- * Memo re: Waiver of 5:01 p.m. Hearing

- * Appropriation and Increase in Estimated Revenue – Various Funds for FY 2007

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 09/28/07 – 10/01/07**

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

- * **Utility Committee 10/01/07**

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC

Thomas Elliott – Requesting a De Novo Hearing re Conditional Use for Bar at 215 East Main Street

Tim McCausland explained this item to the commission and introduced Thomas Elliott, who made his request.

Action: Commissioner Boring moved to grant a De Novo Hearing. Commissioner Wiggs seconded and the motion carried unanimously.

The hearing would be scheduled for the November 5, 2007 Commission meeting.

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 4914; 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 (1st Rdg 10/1/07)

AN ORDINANCE RELATING TO POLICE OFFICERS' SUPPLEMENTAL PENSION AND RETIREMENT SYSTEM; AMENDING CHAPTER 62 OF THE CODE OF THE CITY OF LAKE LAND, 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.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

Ordinance 4915; Proposed 07-097; Conditional Use for a 3,500 Square Foot Church Office Building on Property Located at 2120 Airport Road (1st Rdg 10/1/07)

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.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

Ordinance 4916; 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 (1st Rdg 10/1/07)

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.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

Ordinance 4917; Proposed 07-099; Change in Zoning on 7.9 Acres Located East of Donovan Road North of Wildcat Run (1st Rdg 10/1/07)

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 LAKELAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

Ordinance 4918; Proposed 07-100; Establishing PUD Zoning on 22.74 Acres Located at the Northeast Corner of West Pipkin Road and County Line Road (1st Rdg 10/1/07)

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.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

Ordinance 4919; Proposed 07-101; Revised Special Public Interest District Zoning Overlay for Florida Southern College (1st Rdg 10/1/07)

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.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments.

Jim Studiale noted two minor changes to the ordinance that were agreeable to both the applicant and the city:

- The buffering along the SPI that abuts residential property was changed from 10 ft. to 15 ft.
- The building setback requirements along Johnson Avenue were reduced from 20 ft. to 15 ft.

Amended Motion: Commissioner Verplanck amended his motion to include the changes. Commissioner Boring seconded.

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

CITY MANAGER

*** Recommendation re Schedule of Adoption of CDBG, HOME, and SHIP Programs for 2008**

The preparation of the City's One Year Action Plan and Projected Use of funds for the 34th Year CDBG and 14th Year HOME Programs would soon be underway.

The program year would commence on June 1, 2008 and end May 31, 2009. Preparation would also begin for the City's State Housing Initiative Partnership

(SHIP) Local Housing Assistance Plan 2008-2011. The SHIP plan covered the program years commencing on July 1, 2008 and ending June 30, 2011.

The City Commission would review and approve the adoption of the schedule of public meetings and hearings for the Action Plan and the Local Housing Assistance Plan. The memorandum outlined the proposed public and regular meeting/hearing dates, along with required submittal dates to the necessary regulatory partner offices.

Staff recommended that the City Commission authorize the adoption of the schedule for CDBG, HOME, and SHIP programs for 2008.

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

*** Recommendation re RFP 7229 for Group Medical, Prescription, Mental Health, Re-Insurance, and Conversion Benefits**

The City's Third Party Administration for Group Medical and Prescription, as well as Mental Health, Reinsurance, and Conversion Benefits for all employees and retirees were put out to bid on July 27, 2007. This proposal was sent out to 20 prospective bidders, as well as made available on-line through the City's Purchasing website and posted at the City's Purchasing Department and City Hall.

**GROUP MEDICAL:
Third Party Administration**

Seven companies submitted a proposal for consideration for Third Party Administrator Services for medical claims, and access to a national provider network. Gallagher Benefit Services, the City's Benefits Consultant and Broker, narrowed the selection to two providers, United Healthcare (UHC) and Aetna. The City contracted with Gallagher for these consulting related services for an annual fee not to exceed commissions of \$160,000 per year. On September 7, 2007, an evaluation team comprised of board members of the City of Lakeland's Employees' Insurance Committee, Employees' Association, Retirees' Association, Risk and Benefits Managers, Purchasing Manager, and Benefits Consultant conducted interviews. Upon conclusion of this process, the team unanimously decided to remain with the incumbent, United Health Care (UHC). Under the Consultant's analysis, the claims paid under Aetna's network would result in a savings to the City of approximately \$87,000. However, the administrative fees that Aetna proposed were \$103,000 more than UHC, bringing the cost differential between the two proposals to \$16,000. Based upon this minimal cost differential coupled with the cost of transitioning a group of the City's size (4500 covered lives), staff recommended that the City stay with UHC. UHC committed to annual performance guarantees cumulatively totaling \$175,000, as well as providing the City with \$15,000 in funds to promote

wellness amongst the City's employees and retirees such as the annual health fair and educational seminars. UHC offered a three-year rate guarantee effective January 1, 2008 and with two, one-year optional renewals. The estimated annual fee for service was \$1,160,655.

Claims Fiduciary

In addition to the above referenced services, UHC has agreed to serve as claims fiduciary. Historically, the Health Plan's Third Party Administrator was the first level of appeal on any claims related issues and the City of Lakeland was responsible for any final appeals that were not resolved at the first level. The City's Consultant reviewed this process and informed the City that the current claims appeal process placed the City at risk for any legal action and payment of claim(s). UHC agreed to manage this responsibility at a cost of \$0.75 Per Member per Month with an annual estimated cost of \$22,752. Aetna also provided a proposal for this responsibility for \$1.65 per Member per Month with an annual estimated cost of \$50,054. Staff recommended that due to the medical expertise available on the UHC staff, they assume the responsibility of claims fiduciary for the related City Health Plan.

Flexible Spending and Dependent Care Administration (FSA/DC)

The City received seven proposals for the administration of Flexible Spending and Dependent Care accounts. Through bid analysis, the incumbent UHC and Aetna were determined to be the most competitive. Aetna's administrative fee for less than 100 enrollees was \$7.85 per Member per Month while the UHC fees would remain at \$4.07 per Member per Month. The current plan participation was less than 100. Staff recommended that the Commission award the bid to UHC effective January 1, 2008 for a period of three consecutive years, with two, one-year renewal options. It should be noted that this fee for service is 100% contributory on the part of the enrollee.

Re-Insurance

The City received two responses for the re-insurance, one from ING and the other from the incumbent, Symetra. Staff recommended that the City continue with Symetra. Staff based this recommendation on proven service as well as the annual premium, which was (\$68,176) less than was proposed by ING. The \$250,000 per claim deductible would remain the same with reimbursement based upon claims incurred within the policy date. This contract was to be effective January 1, 2008 through December 31, 2008. The estimated annual premium was \$388,908.

PRESCRIPTION PLAN: Third Party Administration

Upon completion of the review of the ten proposals, who offered Third Party Administration for the City Health Plan's Prescription Program, staff recommended that the City's current pharmacy benefits manager, Walgreens Health Initiative (WHI), be again selected for the contract beginning January 1, 2008 through December 31, 2010 with two additional one year renewal options. As part of their third party administration, WHI has agreed to provide a monthly on-site pharmacist as well as access to a specialty drug program that was anticipated to provide annual savings of \$100,000 through a reduction in related medical office visits and drug costs. In addition, current experience had already proven that WHI's Step Therapy, Advantage 90 and, gastrointestinal pharmacy claims management programs have already produced an annual savings to the City Health Plan of \$122,000. Upon conclusion of the review of the other proposers' benefits, it was determined that they did not outweigh the above referenced WHI benefits. The estimated annual fee for service after pharmacy rebates was \$3,860,134.

CONVERSION INSURANCE:

Only one vendor, Celtic, responded to provide conversion insurance for persons, who are covered under COBRA, and later require access to medical coverage after COBRA benefits cease. The incumbent, Celtic, has agreed to maintain the current premium of \$.55 per member per month. Staff recommended maintaining this coverage through Celtic for the period effective January 1, 2008 through December 31, 2008. The annual premium, based upon current number of employees, was \$12,540, and was paid 100% by the City.

MENTAL HEALTH (MH) AND EMPLOYEE ASSISTANCE PROGRAM (EAP):

Out of the four responses received, only the incumbent, Horizon Behavioral Services (HBS) offered both MH and EAP. HBS has agreed to enhance their services by reducing their administrative rates from \$1.00 to \$.88 for EAP and MH from \$2.05 to \$1.94 per member per month for an annual savings of \$7,200. Staff recommended maintaining the incumbent HBS as the provider for EAP and MH services effective January 1, 2008 through December 31, 2010, with two, one-year renewal options. The annual fee for service was estimated to be \$82,074.

Recommendation Recap:

Staff recommended that the City Commission authorize the appropriate City officials to execute agreements with the following carriers for the premiums set forth in this comprehensive recommendation with an effective date of January 1, 2008.

Benefit	Carrier	Current Premium	Proposed Premium	Difference	Contract Terms
Group Medical	UHC	\$1,180,071	\$1,160,655	-\$19,416	3 Years with 2 One Year Options Fees due to increase 3% annually
Flexible Spending	UHC	\$4,884	\$4,884	\$0	3 Years with 2 One Year Options Fees due to increase 3% annually
Claims Fiduciary	UHC	\$0	\$22,752	\$22,752	3 Years with 2 One Year Options Fees due to increase 3% annually
Pharmacy	WHI	\$3,860,134	\$3,860,134	\$0	3 Years with 2 One Year Options No Increase for fees but medications cost do increase annually.
Mental Health and EAP	Horizon	\$89,274	\$82,074	-\$7,200	1 Year
Re-Insurance (Stop Loss)	Symetra	\$388,908	\$388,908	\$0	1 Year (Waived 20% increase for 2008)
Conversion	Celtic	\$12,540	\$12,540	\$0	1 Year

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

***Recommendation re RFP 7239 for Life/Accidental Death and Dismemberment, Supplemental Life, Voluntary Accidental Death and Dismemberment, and Long Term Disability**

Basic Plus Supplemental Life (Inclusive Of Pension Survivor Benefit) and Ad & D

The City received competitive proposals from Cigna, ING, Standard, Minnesota Life, and the incumbent UNUM. Initial review by the City Benefits Consultant and Broker, Arthur J. Gallagher, showed that ING was the most aggressive carrier and included matching the flat rate Portability plan provision and waiving the actively-at-work provision. However, unlike UNUM, ING would have to seek approval with the State of Florida to provide the current City Pension Survivor Benefit. Minnesota Life and Standard were not as competitive in their responses.

Even through the annual premium of \$593,160 proposed by ING, was (\$10,588) less than the \$603,748 proposed by UNUM, staff recommended that the City award the bid to UNUM based upon past performance, willingness to assist with claims related problems, and the fact that UNUM's Pension Survivor Benefit has already been State approved. The contract would be effective January 1, 2008 through December 31, 2010.

Long Term Disability (Ltd)

Five companies offered proposals, LTD, Cigna, Florida Combined Life, ING, the Standard Life Insurance Company, and the incumbent UNUM. Upon review of the proposals, staff determined that Standard Life Insurance Company was the most competitive proposal. Their premium rate of \$.27 per \$100 of covered payroll would save the City approximately \$75,000 per year, with no reduction in benefits. Staff recommended that the Commission award the LTD bid to the Standard Life Insurance Company effective January 1, 2008 through December 31, 2010.

Recommendation Recap:

Staff recommended that the City Commission authorize the appropriate City officials to execute agreements with following carriers at the premiums set forth in this recommendation with an effective date of January 1, 2008.

Benefit	Carrier	Current Premium	Proposed Premium	Difference	Contract Terms
Basic Life, Supplemental, and AD & D, & Survivor Benefits	UNUM	\$689,884	\$603,748	-\$86,136	3 Years
Long Term Disability	Standard	\$308,231	\$232,465	-\$75,766	3 Years

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

***Recommendation re RFP 7250A for Group Dental and Vision Plans**

The City placed the Group Dental and Vision Plans out to bid on August 20, 2007. The City sent this proposal out to 22 prospective bidders, made it available on-line through the City's Purchasing website and posted it at the City's Purchasing Department and City Hall.

Group Dental

The City received proposals from seven dental carriers. The City's Benefits Consultant and Broker, Arthur J. Gallagher, found the incumbent, Compbenefits, and Safeguard to be the most competitive as related to premiums, matching of current plan design and benefits, as well as provider network. Staff recommended that the Commission award the bid to Compbenefits based upon their greater experience with employers comparable to the City's employee size, larger provider network and lower PPO premiums. This contract would be effective January 1, 2008 through December 31, 2010.

Group Vision

The City received five proposals for Group Vision and found Compbenefits and Safeguard to be the most competitive. Safeguard provided a strong proposal in regards to premium rates; however, their provider network was smaller than that of Compbenefits. Staff recommended that the Commission award the bid for Group Vision to the incumbent Compbenefits. Even though a small premium savings would be recognized, the disruption that would be caused by Safeguard's smaller provider network could not justify a change in dental plan providers from Compbenefits to Safeguard. This contract would be effective January 1, 2008 through December 31, 2010.

Recommendation Recap:

Staff recommended the City Commission authorize the appropriate City officials to execute the agreements with the following carriers at the premiums outlined in this recommendation with an effective date of January 1, 2008.

Dental - Compbenefits	Current Monthly Premium	Proposed Monthly Premium	Difference	Contract Terms
DHMO - Choice 1 (42% Enrolled)				2 Years with 2 One Year Options - Premiums in Years 3 & 4 increase by 8%
Employee Only	\$11.40	\$11.40	\$0.00	
Employee Plus One	\$21.58	\$21.58	\$0.00	
Employee Two or More	\$28.88	\$28.88	\$0.00	
Indemnity - Choice II (2 % Enrolled)				Same
Employee Only	\$17.24	\$20.38	\$3.14	
Employee Plus One	\$33.26	\$35.98	\$2.72	
Employee Two or More	\$50.98	\$56.04	\$5.06	
PPO - Choice III (56% Enrolled)				Same
Employee Only	\$27.06	\$25.34	-\$1.72	
Employee Plus One	\$47.76	\$44.72	-\$3.04	
Employee Two or More	\$74.38	\$69.66	-\$4.72	
Vision Plan - Compbenefits				
Employee Only	\$5.98	\$5.98	\$0.00	2 Years with 2 One Year Options - Premiums in Years 3 & 4 increase by 3%
Employee Plus One	\$12.14	\$12.14	\$0.00	
Employee Two or More	\$24.61	\$24.61	\$0.00	

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

Recommendation re Land Development Recommendations Formulation of Design Districts

The Community Development Department recommended the execution of a task authorization agreement under the City of Lakeland Continuing Contract for General Municipal Engineering Services with Glatting Jackson Kercher Anglin, Inc., to assist in establishing the boundaries of different “Design Districts” within the City. This was the first phase of an effort to improve the existing Land Development Regulations by incorporating better design-based criteria and enhancing the effectiveness of the current conventional zoning regulations, which were often limited by the lack of control over site design and architectural compatibility.

To establish the appropriate design context for design-based regulations, the difference in the character of the existing development patterns must be studied and documented. The scope of the work to be accomplished within this task authorization would identify and map areas that have a similar urban form. These “Design Districts” would provide the basis for new regulations specific to each district. This effort would support the development and Design standards goal of the City’s strategic operating plan.

The fee for the work outlined was not to exceed \$50,000. The funding was available in the 2007 Fiscal Year Budget and would be accommodated in the 2008 Fiscal Year Budget. The work would begin upon City Commission approval and would be completed within seven months of commencement.

Staff recommended that the City Commission authorize the appropriate City officials to execute the task authorization with Glatting Jackson Kercher Anglin, Inc. for the not-to-exceed fee of \$50,000 for the formulation of Design Districts to be incorporated into the City Land Development Regulations.

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

Recommendation re: Park Planning Continuing Contract

The Parks and Recreation Department recently solicited a Request for Qualifications for a Continuing Contract for Professional Park Planning Services. Proposals were submitted by twenty-five architectural and engineering firms from throughout the state and were evaluated by the Parks and Recreation Department. Based upon these evaluations and responsiveness to the criteria the following four firms have been recommended for inclusion in the Continuing Contract:

Glatting Jackson Kercher Anglin, Inc Orlando, Florida
Hardeman Kempton & Associates Tampa, Florida
BellomoHerbert and Company, Inc. Orlando, Florida
Herbert-Halback, Inc. Orlando, Florida

Under the provisions of the continuing contract, an established three-year agreement would be administered with two, one-year mutually agreeable extensions. Three of the firms have previously provided park planning services to the City: Glatting Jackson Kercher Anglin; Hardeman Kempton and BellomoHerbert. The addition of Herbert-Halback, provides an award winning landscape architectural and park planning firm to the consulting group.

Staff recommended that the City Commission authorize the appropriate City officials to execute agreements with the identified firms for the City of Lakeland Continuing Contract for Professional Park Planning Services under the terms outlined in this recommendation.

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

Recommendation re: Tigertown Complex Capital Improvement Project

The Detroit Tigers had requested that the City participate in a capital improvement project at Tigertown in support of the team's player development campaign. The proposed project would involve significant renovation of the Fetzer Hall dormitories including a complete facelift to the building's interior, new room furnishings and lounges in the amount of \$718,000. Additionally, a languages classroom would be added to the Recreation Hall to facilitate the introduction of foreign players at approximately \$15,000. Improvements to the cafeteria and kitchen areas designed to enhance the facility and increase its utility as a food service and large meeting space are estimated at \$16,000.

Other improvements to the Tigertown complex include expansion of the coaches locker rooms in the Minor League Clubhouse, estimated at \$89,000; stadium improvements including safety fencing in front of the dugouts and marquee in the amount of \$75,000; Minor League Field improvements including play seating and signage in the amount of \$10,000 and related costs for demolition, permits, fees and contingencies results in a total estimated project cost of \$1,075,000.

The current contract with the Detroit Tigers runs through 2016. It was proposed that the City loan the upfront estimated funds for the proposed improvements to be fully paid back by the Detroit Tigers over the remaining period of their lease at the City's 6% internal loan rate.

Staff recommended that the City Commission authorize the appropriate City officials to execute a modification to the existing lease with the Detroit Tigers to provide up to \$1,075,000 at 6% interest to be fully paid over the remaining term of the lease to accomplish the above noted improvements at the Tigertown Complex.

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

CITY ATTORNEY

Ordinances (First Reading)

Proposed 07-103; Amending Lakeland City Code Chapter 18 Regarding Business Tax Receipts

AN ORDINANCE RELATING TO TAXATION; IMPOSING A TAX ON ALL BUSINESSES, PROFESSIONS AND OCCUPATIONS CARRIED ON WITHIN THE CORPORATE LIMITS; REQUIRING THAT BUSINESSES ACQUIRE A BUSINESS TAX RECEIPT ANNUALLY; PROVIDING FOR EXEMPTIONS, INSPECTIONS, REFUNDS AND MISCELLANEOUS ADMINISTRATIVE MATTERS; ESTABLISHING THE TAX FOR VARIOUS BUSINESS CATEGORIES; 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 November 5, 2007.

Proposed 07-104; Pertaining to Electric Rates; Amending Various Sections of Ordinance 4842 to Provide for Technical and Administrative Corrections

AN ORDINANCE RELATING TO THE ELECTRIC UTILITY; AMENDING ORDINANCE 4842; AMENDING VARIOUS SECTIONS TO PROVIDE FOR TECHNICAL AND ADMINISTRATIVE CORRECTIONS; IMPLEMENTING REVISIONS FOR CONSISTENCY WITH THE RATE STUDY REFERRED TO THEREIN; 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 November 5, 2007.

Resolutions

Resolution 4649; Proposed 07-070; Authorizing City Manager to Enter into a Highway Landscape Maintenance Memorandum of Agreement with FDOT

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNATED REPRESENTATIVE TO ENTER INTO A HIGHWAY LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION AND MAINTENANCE OF LANDSCAPING LOCATED ON SR 548 (LAKELAND IN-TOWN BYPASS) FROM US 92 (GEORGE JENKINS BLVD) TO SR 37 (N FLORIDA AVE) - SECTION 16310; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

AUDIENCE

Spencer Vice appeared to address concerns re: bidding for dental and vision insurance and noted the RFP excludes agents from bidding.

Doug wanted it to go on record that this was a committee process that selected the consultant. (Insurance broker/consultant services) It is not a recommendation from a consultant. It comes from a committee review process.

Tim McCausland will bring a report to the commission on these issues on November 5, 2007.

Recess/reconvene: At 10:15 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 15, 2007 in the City Commission chambers. Commissioners Dean Boring, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Pro Tem Higgins were present. Mayor Fletcher 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 2:28 p.m.

CITY ATTORNEY con't.

RESOLUTIONS

Resolution 4650; Proposed 07-071; Authorizing Execution of Documents for Prepay Gas Contract with Main Street Natural Gas, Inc.

A RESOLUTION OF THE CITY OF LAKE LAND, FLORIDA, AUTHORIZING THE PURCHASE OF NATURAL GAS FROM MAIN STREET NATURAL GAS, INC.; APPROVING THE EXECUTION, DELIVERY AND PERFORMANCE OF A NORTH AMERICAN ENERGY STANDARDS BOARD (NAESB) BASE CONTRACT FOR SALE AND PURCHASE OF NATURAL GAS FROM MAIN STREET NATURAL GAS, INC.; PROVIDING CERTAIN OTHER DETAILS WITH RESPECT THERETO; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

UTILITY

Memo re: Agreement with Southeastern Plateworks, Inc. for SCR Duct Fabrication

This was a proposed agreement with Southeastern Plateworks, Inc. ("SP"), in the amount of \$2,524,586, for the supply of fabricated ductwork for the Selective Catalytic Reduction (SCR) Retrofit Project. SP submitted the only bid for Specification No. M-7005 and is close to the City's cost estimate for the proposed scope of supply; however, the delivery schedule is not. The City is again seeing tight market conditions (i.e. one bid submitted, longer delivery schedules) and this is a serious concern.

The original scope of supply was based upon furnishing both the SCR Reactors the Fabricated Ductwork and some miscellaneous items. The parties have tentatively agreed to a reduced scope of supply to furnish only the Fabricated Ductwork miscellaneous items in order to obtain an improved delivery schedule at a reduced price of \$2,524,586. The City is in the process of re-bidding the supply of the SCR reactors boxes with bids due to be opened on October 26, 2007.

The agreement contained standard terms and conditions and the same liquidated damages contract as the structural steel contract, to wit: \$2,500/day for days 1-14 and 5,000 for day 15 and greater; aggregate liquidated damages are capped at 5% of the contract value.

The City's outside engineering firm verified references and received favorable reports from all contacted. Staff recommended that the appropriate City Officials be authorized to execute the proposed agreement on behalf of the City.

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

Memo re: Task Authorization with American Compliance Technologies, Inc. for Substation Remediation at Lakeland Electric West Substation

This was a proposed task authorization with American Compliance Technologies, Inc. ("ACT") in the amount of \$1,000,000 for site clean up and remediation resulting from the West Substation autotransformer failure.

On August 27, 2007, the 230kV/69kV autotransformer at the Lakeland Electric West Substation suffered a catastrophic failure. The failure resulted in a fire that burned for several days destroying the autotransformer, switch-gear, regulators, miscellaneous substation structures, electronics in an adjacent control building, and an empty oil processing tanker. The destruction of the autotransformer also resulted in a breach and spillage of mineral oil used for internal cooling of the

autotransformer. Total oil capacity of the autotransformer was 16,000 gallons. It is not known how much of the oil was consumed in the fire and how much spilled onto the ground from the breach.

The task authorization covers the work from the initial response to project closure and includes:

- Assisting Lakeland in Florida Department of Environmental Protection (“FDEP”) compliance issues.
- Removal of approximately 5,700 tons of contaminated soil resulting from the autotransformer failure.
- Conducting verification sampling to ensure and document that all impacted material is being successfully removed from the site.
- Confirmation per the City of Lakeland and FDEP that the site is cleaned up.
- Back filling areas of removal to bring the site back to original grade.

The work performed to date totaled approximately \$350,000 and staff estimated the total cost to reach \$1,000,000. The City has insurance coverage with a \$250,000 deductible and limit of \$1,000,000 for environmental clean up, however, the total amount of the claims for the failure may exceed the insurance limits in this case.

Staff recommended that the appropriate City Officials be authorized to execute the proposed task authorization on behalf of the City.

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

The meeting adjourned at 2:31 p.m.

Glenn Higgins
Mayor Pro Tem

Deborah M. Cason
Deputy City Clerk

AGENDA STUDY SESSION
October 12, 2007

The Lakeland City Commission met for the Agenda Study Session on October 12, 2007, in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Dean Boring, Jim Verplanck, Mayor Pro Tem Glenn Higgins were present. Mayor Fletcher was out of town. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, Assistant to the City Manager Stanley Hawthorne, Steven Harris from the City Clerk's office, and administrative staff were present.

Mayor Pro Tem Higgins called the meeting to order at 8:33 a.m.

Doug Thomas covered the Presentations and Proclamations.

Doug Thomas discussed the request to appear from Thomas Elliott, who was requesting a De Novo Hearing regarding a bar at 215 E Main St.

Tim McCausland covered the Public Hearings.

The Commission discussed the Special Public Interest District Zoning Overlay for Florida Southern College and a couple minor changes re: building setback requirements and the buffer zone at the rear of the college.

Doug Thomas covered the first portion of the City Manager's section and introduced Karen Lukhaub.

Karen gave an update on Group Medical, Prescription, Mental Health, Re-Insurance, and Conversion Benefits. Karen explained the bids that were accepted on Life/Accidental Death and Dismemberment, Supplement Life, Voluntary Accidental Death and Dismemberment, and Long term Disability. Karen explained the Dental and Vision plans that would be in effect for this coming year.

Doug Thomas covered the recommendation regarding the Land Development Recommendations, Formulation of Design Districts.

Doug Thomas added an item to Monday's agenda regarding the Park Planning Contract RFQ#7197. Parks and Recreation Director Bill Tinsley gave a brief overview of this item. A handout is in the agenda packet.

Doug Thomas introduced the new IT Director Terry Brigman, who expressed his joy to be working for the city.

Doug Thomas introduced Ashley Link, from the Chamber of Commerce, who was looking forward to serving the city.

Bill Tinsley gave the commission a handout, which is on file in the agenda packet. The Detroit Tigers have requested that the City participate in a capital improvement project at Tigertown. Bill Tinsley requested authorization for the appropriate City officials to execute a modification to the existing lease which would provide \$1,075,000.00 to finance Capital Improvements at the Tigertown Complex. This would be repaid by the Tigers organization over the remaining term of the lease.

Karen Lukhaub introduced Mark Raiford, Purchasing Director, who gave a presentation on a reverse auction for substances to be removed from McIntosh Power Plant. Mark explained the auction was similar to EBay but instead of the winner being the one with the highest bid, this worked the opposite, with the winner of the bid being the lowest amount.

Tim Mccausland cover the first reading of Ordinances.

Greg Finch explained the Resolution regarding the base contract for the sale of natural gas. The handout is on file in the agenda packet.

Tim Mccausland covered the Miscellaneous reports and Communications. Doug Thomas asked that this item be put on the consent agenda.

Michael Craig covered the Utility committee section.

Greg Finch covered the Finance Director's section.

The meeting adjourned at 10:28 a. m.

**LPD Presentation
Excessive Use of Police Resources
October 12, 2007**

The Lakeland City Commission met for the LPD Workshop on October 12, 2007, in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Dean Boring, Jim Verplanck, Mayor Pro Tem Glenn Higgins were present. Mayor Fletcher was out of town. LPD General Council Roger Mallory, Police Chief Roger Boatner, Deputy City Manager Tony Delgado, City Attorney Tim McCausland, Assistant to the City Manager Stanley Hawthorne, Steven Harris from the City Clerk's office, and administrative staff were present.

Mayor Pro Tem Higgins called the meeting to order at 10:38 a.m.

Chief Boatner gave a brief overview of the presentation and introduced Roger Mallory who made the presentation.

The workshop was to bring to the attention of the Commission, the man hours and excessive calls to specific locations in the city by the police department, and how this problem could be corrected.

A copy of the presentation is in the agenda packet.

The workshop adjourned at 11:25 a.m.

Mayor Pro Tem Glenn Higgins

Steven D. Harris for Kelly S. Koos, City Clerk