

LAKELAND CITY COMMISSION

City Manager/City Attorney Review September 4, 2009

The Lakeland City Commission met for the City Manager/City Attorney review in the Commission conference rooms. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Justin Troller, Glenn Higgins, and Mayor Pro Tem Verplanck were present. City Manager Doug Thomas, Deputy City Manager Tony Delgado, City Attorney Tim McCausland, City Clerk Kelly Koos, and Facilitator Dr. Larry Ross were present.

Mayor Pro Tem Verplanck called the meeting to order at 7:37 a.m.

Dr. Ross reviewed Doug Thomas's scores. This was Doug's sixth review. Seven of nine areas showed improvement. Two were slightly lower. Every area exceeded 4.4. Overall Doug exceeded expectations on all nine dimensions. 83% of all individual scores exceeded expectations. A vast majority of comments were complimentary. Suggestions were given in the area of asset management. Doug's score reflected excellent performance in a tough year. His overall score was 4.61.

Dr. Ross reviewed Tim McCausland's scores. This was Tim's eighth review. Eight of ten areas were improved from the prior year. One was lower. One was unchanged. All areas scored at 4.3 or above. 76% of all scores were 4.5 or greater. Six reviewers rated 4.5 or above. There were eleven suggestions for doing more in certain areas. There were four suggestions for doing things differently. Tim's overall score was 4.53.

Discussion:

The Commissioners were provided with a detailed report in advance. Dr. Ross asked for questions.

Commissioner Verplanck asked about the City's contributions to Defined Contribution (DC) retirement plans.

Doug Thomas explained the city traditionally provided the same contribution rate for employees whether they were in the defined benefit (DB) or defined contribution plan (DC). That rate has changed slightly over time but the contribution rates for both employee and employer has been the same.

Tim McCausland explained the City created the DC plan in 1992 when he and Joe Mawhinney became City employees. The charter allowed the City Attorney and City Manager to opt out of the defined benefit plan and participate in a DC plan. The plan was presented to the Commission as cost neutral in that the amount that the City would contribute to the defined benefit plan the City would instead contribute to the DC plan.

Doug Thomas explained there have been a variety of changes to the original City Attorney's plan and the subsequent Defined Contribution plan now includes roughly 31 employees throughout the organization and not just employees in the offices of the City Attorney and City Manager. Staff has been looking into the background and amendments that everyone believed were carried forward when changes were made to the City Attorney's plan that specified the linkage in contribution rates for both the employer and employee did not ultimately get incorporated into the current DC plan. Now that it was discovered that such did not occur, the process needed to be addressed to accurately reflect the historical organizational practice.. He stated that the issue also needed to be reviewed in that the unprecedented projected 10% increase in the defined benefit plan over the next three years was a valid reason to review if the historical linkage in contribution rates between the defined benefit and DC plans should continue going forward. It had been an institutional practice that had not been memorialized as well as staff would have liked and proposed that the historical contribution rate practice be confirmed, and a review be undertaken to determine if the projected increase in employer defined benefit contributions should be similarly provided in the DC plans in the upcoming years. It was also noted that the costs associated with the employers contribution at the same levels for both the defined benefit and defined contribution retirement plans has always been included in the annual budget.

The group also discussed what expenses should be charged to the appropriate Police, Fire, General and 401a retirement funds. The City has traditionally covered the internal Pension Department operation as a City cost. There have been discussions over the years about having each retirement plan cover their respective Pension administration costs, which would be more typical in comparable governmental retirement operations. Usually when there was a City sponsored plan, the respective plan covered all costs. Lakeland had a hybrid, as some Board member training, investment manager fees and other costs have been charged to the respective plan, but the Retirement Director's salary, most staff costs and related office costs have traditionally been paid for by the City. Doug thought the cost for pension administration should be incurred proportionately by the respective pension funds. This would save the City money up front, but would increase the costs and liabilities of various pension funds. As such, should a change be made it would likely involve a phased-in process over several years.

Commissioner Fields asked if all employees switched to the DC plan would that lessen the City's liability. Yes, because the City's liabilities end with their employer contribution rate in a DC plan, as opposed to the ongoing liabilities the City incurs in a defined benefit plan which assumes an annual rate of return with guaranteed retirement benefits to members which is the reason the General retirement plan has a large UAAL resulting in the projected 10% increase in contribution rates. Nevertheless, some employees erroneously seem to think that the employees in the DC plan are getting a better deal even though DC participants retirement benefits are wholly dependent upon their respective individual investment yields

Commissioner Fields complimented Doug Thomas and Tim McCausland. It was a tough year on a variety of fronts. They did a great job overall.

Commissioner Yates echoed. She did not think the year could have been more challenging. They both did outstanding jobs keeping the balls in the air.

Doug Thomas had been in the City Management business for over 26 years and while each year has its unique issues, the past year has had been the most challenging year he has ever encountered.

Jim Verplanck stated that what has helped in the good review for Doug and Tim was the job that Tony Delgado and Palmer Davis were doing.

Doug Thomas acknowledged that they could only be as good as their team.

Tim commented on labor union negotiations. He wanted the Commission to appreciate the role their offices played with regard to those discussions. A private lawyer gives legal advice not business advice. Tim respects Doug's business role and Doug respects Tim's legal authority. The labor negotiations are business negotiations. The City Manager drives those negotiations. The majority of the discussion is business related and the legal side is support for the discussion.

Doug Thomas said Dr. Ross mentioned that there were concerns about the labor negotiation process in Tim's performance but that was not fair to Tim. Tim was not as involved in the labor negotiations role. It would be fair that the Commission understand that negotiations relating to labor unions are not an accurate evaluation criteria for Tim.

Commissioner Verplanck thought that Doug had done the best job of any City Manager at bringing the City Attorney in the loop.

Tim McCausland brought up risk management and claims management. He sits at the top of large risk/claims management process. Part of that management was to evaluate claims. There was not a day that went by without a liability discussion amongst that team. The professional outside attorneys represent over 100 years of legal experience. They are very good at assessing a claim, liabilities, and damages. They are not as good at managing people's expectations. They do a lot of responding to Citizens (Karen does). He was trying to help the Commission understand the magnitude of what he did and when it came to negotiations, he dealt with that on a daily basis. It was an art, balancing settlements and litigation.

Justin Troller thought Tim McCausland did a great job with Mineral Resource Technology (MRT). He thought it would be easier for him in future evaluations if Doug and Tim's negotiation roles were better identified. He took into consideration the \$10 million CSX coal transport deal regarding challenges involving the Surface Transportation Board (STB). He needed to be clear on what Tim was negotiating with

MRT, what fell under Tim, and what fell under Doug. A separation would help him give an accurate score.

Dr. Ross suggested, because of things that came up this time and some in the past, that he poll Commissioners for any changes to the document.

Doug Thomas thought it would be important to make clear what issues were under whose domain.

Tim McCausland reminded the Commission that he loved this organization and had devoted his career to it. It had long been his aspiration to be the City Attorney.

The meeting adjourned at 8:11 a.m.

Agenda Study Session September 4, 2009

The Commission met for the agenda study session in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Justin Troller, Glenn Higgins, and Mayor Pro Tem Verplanck were present. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, and City Clerk Kelly Koos were present.

Mayor Pro Tem Verplanck called the meeting to order at 8:22 a.m.

Doug Thomas covered the presentations.

Tim McCausland covered the public hearings.

Tim McCausland offered an update on the Municipal Election.

- He reviewed the agreement with Lori Edwards, which set out who handled what duties.
- He reviewed the logic & accuracy testing and recommended delegating that to the City Clerk. Commissioner Troller volunteered to attend.
- He distributed the Canvassing Board schedule and explained that each meeting would require at least three members present to take action.
- He recommended the Commission delegate hiring the poll workers to the City Clerk.
- He recommended the Commission delegate the verification of absentee signatures to the City Clerk. The Canvassing Board would have final determination of any questionable signatures.

No Commissioner objected to the process as outlined above.

Doug Thomas covered the Community Redevelopment Agency (CRA) agenda .

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

- Would the Commission like an electronic or hard copy of the budget for the Wednesday night budget hearing? Commissioner Verplanck wanted a hard copy for the office. Everyone else wanted a copy loaded on their laptops. Doug Thomas would give an abbreviated budget presentation at the meeting. Staff was still looking into the aviation unit.
- Cassandra Whitfield may appear at the meeting Monday morning. Chief Boatner would be available.
- Short Lists: Staff was looking for direction as they have short listed firms for various projects, in some cases, they have formally provided the list of vendors as an agenda item, and in other cases, they have provided the information as a verbal at agenda study. He asked for clarity on which they preferred. Staff had an item coming up Monday of five short listed firms. Commissioner Wiggs preferred to see the short list as an agenda item. Tim McCausland suggested the short list be on the consent agenda so the Commission could discuss it at agenda study and remove it from consent if they desired. This item would be on consent for Monday. The commission agreed. There was some discussion of providing additional points for local firms. Doug Thomas has scheduled a workshop for after the budget process. Karen Lukhaub was pulling together information on how other local governments were handling the local vendor preference. Commissioner Fields wanted to include what had changed in the neighboring counties as well.

Tim McCausland gave an update on the Red Light Camera (RLC) program. From his office standpoint, their involvement was to manage all of the appeals. The City had brought on three new Hearing Officers (HO) for that purpose. There were about 300 appeals to process within the next few months. They anticipated that the violations would taper off. One thing they intended to do was offer summary disposition, where the violator could admit to the fine and get additional time to pay the fine. The hearing officer could have a blanket 60 days to pay the fine. They would also waive the \$25 administrative fee that was imposed on those appeals. He asked the Commission for their support.

Commissioner Fields wanted to devise a way to handle the situation where a Citizen gets multiple violations before they get the first notice. He wanted to give the HO the discretion to only hold them accountable for the first violation and set the others aside as long as they did not repeat within 12 months.

Commissioner Troller thought that maybe American Traffic Solutions (ATS) should be getting the violations out more quickly. He felt ATS should invest in more staff to handle the violation volume. ATS got the violations to the Police Department (LPD) within a week. LPD reviewed and sent the violation back to ATS. ATS then gets the vehicle owner information and sends the violation to the owner.

The group discussed the RLC funds. \$200,000 would be used to balance the Police Department budget. The City Attorney felt that money was still at risk because of the class action lawsuit. Tim McCausland's reaction to Commissioner Fields' proposal was the mixed message that it might send. The Commission agreed with Commissioner Fields' recommendation. It was important to make sure people realized the point of the cameras was to change behavior not the money.

Commissioner Verplanck, going back to summary disposition, asked if everyone was in support.

Commissioner Fields proposed the City would stay execution for the period determined by the commission and if there were no other infractions, they would be cancelled out. Commissioner Fields also recommended it be retroactive to the beginning of the program. The commission agreed to the 12-month period. Commissioner Troller confirmed it would be retroactive to day one of the program. Tim McCausland would bring an ordinance on an emergency basis to the next commission meeting. They were only discussing right turn only.

The group discussed painting the stop bar yellow. The program was silent to violations issued by a law enforcement officer.

RLC Litigation Verbal: Tim McCausland explained there was a case now challenging the City's right to issue the violation under their home rule authority. There had been one class action suit filed by some local attorneys. There were other class action suits around the state. What happened with multiple class action suits depended on the issues in that lawsuit and what the judge decides.

Tim McCausland covered the first readings and resolutions.

Proposed Resolution 09-045: FDOT delivered the document to Tallahassee. The state selected the hybrid alternative. If that did not turn out to be viable, they could choose the one presented at the hearing. Right now, the City hoped to have all the donation documents for the right-of-way to the property owners. FDOT would serve as the construction manager for this project due to timelines and public notice issues. Doug Thomas had requested a memo of understanding to memorialize Lakeland's rights and responsibilities.

Tim McCausland reviewed the miscellaneous reports.

Justin Troller asked that the short list include where the company was located. The group discussed the timeline for the city's radios to go digital. Terry Brigman said that was a year away. Justin Troller asked staff to look at marine radios for staff that may have to enter water while on duty. Doug Thomas explained they were involving departments as they moved forward on this project.

Tim McCausland reviewed the Utility Committee agenda.

Justin Troller thanked LE administrative for addressing the issues with their employees. LE employees would not be back in the incident area for a couple of weeks. They would coordinate with LPD before they go back to that area. They were testing the emergency buttons on the radios. The meter service employees were traveling in the area of concern as teams of two now during limited hours. LPD would closely patrol the incident area while meter readers were in that area. Also, in response to the incidents, LPD and Risk Management were working to train departments with employees in the field. LE also had a critical incident team for counseling.

The meeting adjourned at 9:53 a.m.

Doug Thomas asked about rescheduling the CRA Model Block Program workshop to Monday. The Commission agreed.

CRA Model Block Program Workshop September 8, 2009

The Commission met for the CRA Model Block Program Workshop in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Justin Troller, Jim Verplanck, Glenn Higgins, and Mayor Fletcher were present. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Assistant City Manager Stanley Hawthorne, City Clerk Kelly Koos, and CRA Manager Tamara Sakagawa were present along with staff.

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

Tamara Sakagawa gave a presentation on the Model Block Program, a copy of which is on file in the City Clerk's Office. The intent of the program was to assemble blocks and resale them for single-family residents. They chose the Parker Street neighborhood because it was adjacent to downtown and the future residential project. There was substantial community support. The Wesleyan church may be coming on the market. It was a vital piece of realty for the neighborhood and programs.

The City of Lakeland's role would be to compel better property owner behavior and invest in capital improvements. Next year, the Parker Street Multimodal construction would begin.

The CRA's role was to purchase properties, specifically problem properties for purchase.

Parker Street Ministries provided a stable environment and current information on the area. They also assisted with physical improvements.

Keystone Challenge Fund served as retail interface for financing assistance.

Tamara distributed a map depicting projects, a copy of which is on file in the City Clerk's Office.

Tamara announced the Platform Art & Architecture event. USF students worked on project to design houses suitable for the infill project. The idea was for the City to glean designs for homes in the Parker Street Neighborhood. The winning designs would be on display however, Communications would photo all entries for future reference.

The group discussed the reduction at the legislative level re home assistance. Other CRAs saw the reduction as an opportunity to be more cooperative with housing departments. That was not a problem for Lakeland's Housing or CRA. The CRA was willing to fill the gap where needed to provide affordable units. Their agenda was different in that they wanted to mix the housing up so that it was not all low-income owners.

The meeting adjourned t 11:51 a.m.

LAKELAND CITY COMMISSION
Regular Session
September 8, 2009

The Lakeland City Commission met in Regular Session in the Commission Chambers. Commissioners Glenn Higgins, Justin Troller, 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 – 9 a.m.

INVOCATION

Pastor Wayne Blackburn of Victory Assembly of God offered the invocation followed by the salute to the flag.

PRESENTATIONS

The Lakeland Center 2009/2010 Entertainment Series (Mike LaPan & Scott Sloman)

Ben Prescott of AT&T displayed the cover of the new phone book, which was a photo of The Lakeland Center.

Employee Service Awards

	<u>10 Years</u>	<u>Date</u>	<u>Department</u>
***	Chaffin, Mary A	08-16-1999	Finance
***	Gulledge, Derek R	08-01-1999	Police
***	Hathcock, Tammy R	08-01-1999	Police
***	Hernandez, Nicolas	08-16-1999	Public Works
***	Hover, David J	08-09-1999	Lakeland Electric
	Knighton, Nakia S	08-16-1999	Public Works
	Wade Jr. Chester F	08-30-1999	Information Technology
	Wood, Jeffrey L	08-23-1999	Public Works
	<u>20 Years</u>		
***	Brooks, Ronald Scott	08-21-1989	Lakeland Electric
***	Storch, Brian	08-28-1989	Lakeland Electric
	Dick, Brian S	08-28-1989	P&R
	<u>25 Years</u>		
***	Anderson, David "Earl"	08-13-1984	Police
***	Benniefield, Frank Joseph	08-06-1984	Water Utilities
	Camilleri, Shirley	08-27-1984	Lakeland Electric
	Lastinger, J. Kirby	08-20-1984	Fire
	Yarde, Gordon	08-20-1984	P&R

35 Years

Whitten, Michael L

08-26-1974 Fire

*** Not able to attend City Commission Meeting

Mayor Fletcher and City Manager Doug Thomas presented these awards.

Beautification Awards

- Commercial: 2000 South Florida Avenue – Sam Sheets & Ken Ferguson
- Residential: 327 Miramar Road – Greg and Beth Myers

EQUALIZATION HEARINGS – 9:30 AM

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

Lots Cleaning and Clearing

Tim McCausland presented the lot cleaning and clearing assessments to the Equalization Board. A copy of the assessment roll is attached to the end of these minutes.

Motion: Commissioner Wiggs move to approve the assessments. Commissioner Verplanck seconded.

Mayor Fletcher asked for comments and there were none.

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

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.

PROCLAMATIONS**International Day of Peace****Literacy Month****COMMITTEE REPORTS AND RELATED ITEMS****Municipal Boards & Committees 09/04/09**

The Municipal Boards Committee met in the Commission conference room. Commissioners Edie Yates (chair), Glenn Higgins & Jim Verplanck (members)

were present. Commissioners Gow Fields and Justin Troller were present. City Manager Doug Thomas, Deputy City Manager Tony Delgado, City Attorney Tim McCausland, and City Clerk Kelly Koos were present along with staff and the media.

Commissioner Yates called the meeting to order at 7:30 a.m.

1. Police Pension Board

Recommendation from the Board to approve the appointment of **Lieutenant Michael Link** to serve as the fifth Trustee. If approved by the City Commission, Lieutenant Link would serve a two-year term effective September 8, 2009.

2. Central Florida Development Council (CFDC)

Recommendation from Mayor Fletcher to reappoint **Walt Engle** to a three-year term effective October 1, 2009.

3. Code Enforcement Board Hearing Officers

Recommendation from Tim McCausland to appoint attorneys **Andrew M. Reed, P.A.** of 1828 S Florida Ave, Lakeland, FL and **Clark Campbell, Mawhinney, and Lancaster P.A.** of 500 S Florida Ave # 800, Lakeland, FL.

Tim McCausland explained that the red light camera-hearing officers would be paid \$150 per hour. Grey Robinson did the other Hearing Officer meetings pro bono but the City sends a lot of business to Grey Robinson.

Commissioner Yates reviewed each recommendation.

Recommendation: After each item, Commissioner Verplanck moved to approve the recommendation. Commissioner Higgins seconded and Commissioner Yates concurred.

The meeting adjourned at 7:35 a.m.

Commissioner Yates presented the minutes to the Commission.

Action: The Commission voted unanimously to approve the recommended appointments.

Communications Director Kevin Cook introduced the new board members via photos.

Finance Committee 09/04/09

The Finance Committee met in the Commission conference room. Commissioner Yates (member) and Commissioner Fields (chair) were present. Commissioner Wiggs (member) was absent. Commissioners Justin Troller, Jim Verplanck, and Glenn Higgins were present. Deputy City Manager Tony

Delgado, City Manager Doug Thomas, Finance Director Greg Finch, City Attorney Tim McCausland, and City Clerk Kelly Koos were present along with staff and media.

Commissioner Fields called the meeting to order at 10 a.m.

Greg Finch introduced David Levy of Goldman Saes Sachs, Ed Vogel and Michael Wiener of Holland & Knight and Mitch Owens with RBC Dain Rauscher, Financial Advisor.

Greg Finch gave the presentation, a copy of which is on file in the City Clerk's office. The City was considering refinancing up to \$200,000,000 worth of bonds issued last August, Series 2008. Greg explained the structure of the existing bonds, including the need for letter of credit (LOC) support on the bonds.

One of the banks that provided a LOC was downgraded in April. That limited the number of buyers for the bonds, which triggered an interest rate spike. The costs associated with LOC fees from alternate banks had increased tremendously in the last year, and the City considered replacing these bonds with traditional fixed rate bonds; however, that would require the City to terminate existing interest rate swaps, which could cost \$8-\$15 million. In lieu of that, the City was considering issuing a variable rate bond that would not mature in either three or five years. The buyers of these bonds would not demand a letter of credit and there would be no remarketing costs

Recommendation: Staff recommended the City replace the bonds with 3 to 5 year variable rate debt, retain all swaps (synthetic fixed rate), and pay an interest rate equal to SIFMA plus a fixed spread. The new bonds would require refinancing after 3 to 5 years. Staff would consider refinancing both series A and B if the economics were there. Staff was more concerned with the bonds covered by SunTrust. The City would need to move relatively quickly as the market for this financing structure may be relatively limited.

Timetable:

First reading of Ord – ~~Sep 4~~ Sep 8

Second reading of Ord – Sep 21

Pricing – Sep 29

Closing - Oct 14

Recommendation: Commissioner Yates moved to approve the recommendation. Commissioner Fields seconded.

The meeting adjourned at 10:27 a.m.

Commissioner Fields presented this report to the Commission.

The following corrections were made to the report:

- Correct that the new bonds WOULD mature in 3-5 years.
- Correct Sep 4 to Sep 8
- Goldman Sachs spelling

Greg Finch explained that the City was dealing with Goldman Sachs because Goldman Sachs crafted this product for investors who would normally invest in the short-term interest rate market. They identified investors who were willing to buy bonds without the LOC, which was a problem for Lakeland right now. This was not something that other underwriters could provide. Goldman Sachs had the relationships with the buyers.

This deal would cost the City the traditional closing cost of a bond issue, less the insurance, approximately \$800,000 for the transaction. That was a lot of money. The City would incur the same cost if they rebid the bond issue or had to pay for a new LOC in two years.

Commissioner Fields recommended that Mayor Fletcher and Commissioner Wiggs review the charts from the Finance Committee meeting.

Action: The Commission unanimously approved the recommendation.

Land Acquisition & Disposition Committee 09/04/09

The Land Acquisition & Disposition Committee met in the Commission conference room. Commissioner Justin Troller (member) and Commissioner Glenn Higgins (chair) were present. Mayor Fletcher (member) was out of town. Commissioners Edie Yates, ~~Howard Wiggs~~, Gow Fields, and Jim Verplanck were present. City Manager Doug Thomas, Deputy City Manager Tony Delgado, City Attorney Tim McCausland, and City Clerk Kelly Koos were present along with staff and the media.

Commissioner Higgins called this meeting to order at 9:57 a.m.

Tamara Sakagawa explained that Habitat for Humanity responded to a Request for Proposal (RFP) from the Community Redevelopment Agency (CRA). There were actually three lots but the Committee was only considering two at this meeting, 704 E. Magnolia and 727 E. Peachtree St.

Habitat proposed to put a \$1,000 down payment on each lot. These would eventually become the location for new owner occupants through the Habitat for Humanity's Program.

The City would dispose of the lots in the same fashion as the existing urban homesteading program. As a result, Habitat's involvement in the Parker Street Neighborhood will contribute to the redevelopment efforts related to the Model

Block Program. The Commission will hear about that program at the CRA Workshop on ~~Monday~~ Tuesday.

Property Address	Purchase Price	Lien Amount
704 East Magnolia Street	\$6,830.00	\$5,830.00
727 East Peachtree Street	\$8,909.00	\$7,909.00

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

Recommendation: Commissioner Troller moved to approve the recommendation and Commissioner Higgins concurred.

The meeting adjourned at 9:59 a.m.

Commissioner Higgins presented this report to the Commission.

Corrections were made to the report:

- The workshop was Tuesday.
- Commissioner Wiggs was not in attendance.

Action: The Commission approved the recommendation unanimously.

Contract for Sale and Purchase - Lakeland Community Redevelopment Agency to Lakeland Habitat for Humanity, Inc. - 704 East Magnolia Street and 727 East Peachtree Street

This item was for two proposed Contracts for Sale and Purchase between the Lakeland Community Redevelopment Agency (LCRA) and Lakeland Habitat for Humanity, Inc. for the sale of properties located at 704 East Magnolia Street and 727 East Peachtree Street. Both properties were vacant lots in the Mid Town Community Redevelopment Area and owned by the LCRA.

Lakeland Habitat for Humanity, Inc. was the sole respondent to Request for Proposals No. 9194, which the Purchasing Department issued in June 2009. Lakeland Habitat's proposal was to acquire the properties for the purpose of constructing two (2) single-family residences for sale as part of the neighborhood stabilization efforts outlined in the Mid Town CRA Redevelopment Plan and the Parker Street Conceptual Master Plan.

Purchase prices and development procedures would be consistent with the City of Lakeland's existing Urban Homesteading Program. The City sold lots for the current assessed value as provided by the Polk County Property Appraiser's office. Under the contracts, the lots would sell for the amounts set forth below. Lakeland Habitat for Humanity, Inc. would pay \$1,000.00 per property at closing, with the balance due secured against the property in the form of a 10-year deferred payment lien. The City shall forgive

this deferred payment lien at the rate of 10% per full year of occupancy by the ultimate homebuyer.

Property Address	Purchase Price	Lien Amount
704 East Magnolia Street	\$6,830.00	\$5,830.00
727 East Peachtree Street	\$8,909.00	\$7,909.00

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

Action: The Commission approved this item as part of the Land Acquisition & Disposition Committee Report.

APPROVAL OF CONSENT AGENDA

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

- * City Commission Minutes 08/14/09-08/17/09
- * Utility Committee Minutes 08/17/09
- * Recommendation re: Professional Services for the New System Control/Data Center Facility - Ranking of Short-listed Firms
- * Appropriation Stormwater Utility Fund

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 08/14/09 – 08/17/09
- *Utility Committee 08/17/09

REQUESTS TO APPEAR FROM THE PUBLIC - None

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5119; Proposed; 09-045; Amending Ordinance 4842; Providing for Time of Use Fuel Pricing for Various Rate Classes (1st Rdg 8/17/09)

AN ORDINANCE RELATING TO THE ELECTRIC UTILITY; AMENDING ORDINANCE 4842; PROVIDING FOR TIME OF USE FUEL PRICING AND ELECTRIC RATES; 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 Higgins, Troller, Verplanck, Wiggs, Fields, Yates, and Mayor Fletcher voted aye. Ayes: seven. Nays: Zero. The motion carried unanimously.

Ordinance 5120; Proposed 09-046; Reinstating Ordinance 3975 Related to Water Meter Tampering to Correct Scrivener's Error (1st Rdg 8/17/09)

AN ORDINANCE RELATING TO WATER UTILITIES; PROHIBITING TAMPERING AND WATER THEFT; REINSTATING ORDINANCE 3975 OF THE CITY OF LAKE LAND, FLORIDA TO CORRECT A SCRIVENER'S ERROR; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 5121; Proposed 09-047; Repealing Ordinance 5102 Which Adopted Amendment to the Future Land Use Map #SS-09-008 for Property Located at 3255 Kathleen Road (1st Rdg 8/17/09)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; REPEALING ORDINANCE 5102 WHICH ADOPTED SMALL SCALE AMENDMENT #SS-09-008 TO THE FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 3255 KATHLEEN ROAD; 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 Higgins, Troller, Verplanck, Wiggs, Fields, Yates, and Mayor Fletcher voted aye. Ayes: seven. Nays: Zero. The motion carried unanimously.

Ordinance 5211; Proposed 09-048; Repealing Ordinance 5103 Which Adopted Zoning Designation for Property Located at 3255 Kathleen Road (1st Rdg 8/17/09)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; REPEALING ORDINANCE 5103 WHICH ADOPTED THE ZONING DESIGNATION FOR PROPERTY LOCATED AT 3255 KATHLEEN ROAD; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolutions

Resolution 4776; Proposed 09-042; Providing for Collection of Orangewood Community Subdivision Special Assessments Utilizing Uniform Method

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO ASSESSMENTS; ADOPTING FINDINGS OF FACT; PROVIDING FOR THE LEVY OF A SPECIAL ASSESSMENT AGAINST EACH BENEFITED PARCEL WITHIN THE ORANGEWOOD COMMUNITY SUBDIVISION TO PAY FOR INFRASTRUCTURE IMPROVEMENTS; PROVIDING A SCHEDULE AND TERMS FOR THE REPAYMENT OF SAID ASSESSMENT; ADOPTING A NON-AD VALOREM ASSESSMENT ROLL; ELECTING TO UTILIZE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS, AS AUTHORIZED UNDER SECTION 197.3632, FLORIDA STATUTES, FOR COLLECTING THE ASSESSMENT; AUTHORIZING THE CITY ATTORNEY TO CERTIFY THE ASSESSMENT ROLL TO THE TAX COLLECTOR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments.

Ivry Figgs of 1626 Blossom Circle came forward. He thought the City already assessed his property for the improvements.

Tim McCausland explained that there were a number of improvements in the Orangewood Subdivision. The resolution allowed the City to put the cost of the improvements on the tax bill rather than send an invoice. It also adjusted the assessment to lower the rate due to some grant funds.

Mr. Figgs would like to see a City street sweeper in his neighborhood.

Doug Thomas asked him to leave his contact information and staff would get in touch with him on the issue.

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

COMMUNITY REDEVELOPMENT AGENCY

Recess/convene: Commissioner Wiggs moved to recess as the City Commission and convene as the Community Redevelopment Agency. Commissioner Verplanck seconded.

Gift Agreement with University of South Florida Foundation, Inc. and University of South Florida to Support the USF Poly High Tech Incubator in Downtown Lakeland

This was a Gift Agreement between the Lakeland Community Redevelopment Agency and the University of South Florida, acting through the University of South Florida Foundation, Inc. Under the Agreement, the LCRA would make a \$54,000 donation to the University of South Florida Foundation for the purpose of assisting with the establishment of the USF Poly high tech incubator in downtown Lakeland (Blue Sky West). The incubator would focus on attracting and nurturing entrepreneurial businesses by creating a place where USF Poly faculty, staff and students could work with businesses to develop innovative technology.

The total amount of the gift would be paid to the Foundation in twelve (12) equal payments of \$4,500 on a quarterly basis, beginning in September 2009 and ending in June 2012. All funds for this Agreement were budgeted in the Downtown Community Redevelopment Area Capital Improvement Program Budget.

Staff recommended that the Community Redevelopment Agency authorize the appropriate LCRA officials to execute the Agreement.

Tim McCausland presented this item to the CRA.

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

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

CITY MANAGER

Recommendation re: Task Authorization for Automated Weather Observation System (AWOS) at Lakeland Linder Regional Airport

The Florida Department of Transportation (FDOT) provided the City of Lakeland an 80% FDOT/20% Local grant for Fiscal Year 2010 to establish an Automated Weather Observation System (AWOS) at the Lakeland Linder Regional Airport (LLRA). The AWOS would provide up to the minute meteorological weather conditions needed for safe aviation operations. Currently, the Air Traffic Control Tower was providing weather conditions manually during operating hours. The AWOS would also be linked with the primary climatologically observing network within the United States.

The cost of the AWOS project was \$250,000 with the FDOT obligation set at \$200,000 for FY 2010, with the remaining funds budgeted in the LLRA FY 2010 Budget. The City would purchase the AWOS through the City of Lakeland purchasing process.

In accordance with the grant provisions, staff was recommending a Task Authorization with AmHerst Consulting Company, Inc./Page One Consultants under the City's Continuing Contract for Airport Engineering Services for project design and planning services in the amount of \$27,800. While expenditure of these funds for design and planning services were projected to be administered in Fiscal Year 2010, there were funds available within the FY 2009 Budget should the need arise to provide advance project funding.

The scope of project services included, but were not limited to: pre-design aerial base mapping; AWOS siting in accordance with FAA regulations; identification of existing structures; surveying assistance; airspace analysis; construction cost estimates; development of a performance package and bidding and construction phase services.

Staff recommended that the City Commission authorize the appropriate City officials to execute the Task Authorization with AmHerst Consulting Company Inc./Page One Consultants for design and planning services for the proposed Automated Weather Observation System at the Lakeland Linder Regional Airport for the fee of \$27,800.

Doug Thomas presented this item to the Commission.

Action: Commissioner Verplanck moved to approve the recommendation. Commissioner Yates seconded and the motion carried six to zero. Commissioner Higgins was absent at that time.

Recommendation re: Award of Construction Contract for Waring Road Extension Project

On August 12, 2009, the City of Lakeland received nine (9) sealed bids ranging from \$1,982,734.18 to \$3,024,010.49 for the construction contract for the Waring Road Extension Project. It was important to note that the Engineer's original cost estimate for this bid was \$4,122,000, which clearly represented the current competitive environment in the road construction industry.

After evaluating the bids, the City's Consultant, Dyer, Riddle, Mills & Precourt, Inc. (DRMP), concluded that the low bid from Kamminga & Roodvoets, Inc. of Tampa, FL represented the most qualified bidder and fully met the requirements of the project specifications. City staff concurred with the DRMP recommendation. Kamminga & Roodvoets, Inc. submitted a bid totaling \$1,982,734.18. The contract term was 270 calendar days and staff anticipated construction to start in November 2009. This project was funded through a partnership with the Florida Department of Transportation and Polk County. They contributed, or would contribute, \$2,500,000 and \$750,000 respectively. The City was contributing the remaining funds via Gas-Tax Revenue and Transportation Impact Fees.

Staff recommended that the Lakeland City Commission award Bid No. 9224 to Kamminga & Roodvoets, Inc. and authorize the appropriate City officials to execute a contract with Kamminga & Roodvoets, Inc. in the amount of \$1,982,734.18.

Doug Thomas presented this item to the Commission.

Action: Commissioner Verplanck moved to approve the recommendation. Commissioner Yates seconded and the motion carried five to one with Commissioner Wiggs voting nay. Commissioner Higgins was absent at that time.

Recommendation re: Task Authorizations with Dyer, Riddle, Mills & Precourt, Inc. for Construction, Engineering/Inspection Services and Construction Support Services for the Waring Road Extension Project

The Waring Road Extension Project consisted of extending Waring Road from West Pipkin Road North to its existing terminus at Medulla Road. Also Included as part of the construction contract were improvements at the West Pipkin and the Medulla Road intersection with Airside Drive; associated work west of Waring Road to realign the Medulla Road curve into a "T" intersection; signing and marking, signalization of the

new intersection of Waring Road and West Pipkin Road, and the construction of a stormwater system including a retention pond were also included in the project. In conjunction with the proposed project were two Task Authorizations between the City of Lakeland and Dyer, Riddle, Mills & Precourt, Inc. (DRMP) for: 1) Construction, Engineering and Inspection Services, and 2) Construction Support Services.

The approval of Task Authorization DRMP-09-05 for Construction, Engineering, and Inspection (CEI) Services would authorize DRMP to provide staff extension, daily oversight, pre-construction, construction, engineering, and inspection services, closeout activities and additional tasks and activities as outlined in DRMP's June 19, 2009 proposal related to the Waring Road project in the amount of \$187,915.50.

Approval of Task Authorization DRMP-09-06 for Construction Support Services would authorize DRMP to provide construction support services consisting of: Environmental/Ecological; Utilities; Drainage; Roadway; Signing and Pavement Markings; Signals; and any additional activities as outlined in DRMP's August 14, 2009 proposal related to the Waring Road project or requested and authorized by the City in the amount of \$40,898.28.

This project was funded through a partnership with the Florida Department of Transportation and Polk County. They had contributed or would contribute \$2,500,000 and/or \$750,000 respectively. The City was contributing the remaining funds via Gas-Tax Revenue and Transportation Impact Fees.

Staff recommended that the City Commission authorize the appropriate City officials to execute the Task Authorizations with Dyer, Riddle, Mills & Precourt, Inc. for 1) Construction, Engineering, and Inspection (CEI) Services in the amount of \$187,915.50 and 2) for Construction Support Services in the amount of \$40,898.28 for the Waring Road Extension Project.

Doug Thomas presented this item to the Commission.

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

Recommendation re: Lease Agreement Modification/Flight Safety International, Inc.

Lakeland Linder Regional Airport (LLRA) administration had been negotiating with a current tenant, Flight Safety International, Inc., to modify certain provisions of their lease and establish a joint opportunity to investigate a potential facility and operational expansion associated with additional Flight Simulators at LLRA valued at approximately \$3.3 million. The exchange would involve a deferral of land lease fee modifications commencing with the annual rental renewal term on May 21, 2009 on their ten (10) year option for renewal. Flight Safety International, Inc. had a land lease for 2.066 acres on the south side of LLRA. The 10-year renewal option called for an increase commencing

in May 2009, equal to 12% of the current MAI appraisal. This amount would serve as the base for the 10 year period and be adjusted for CPI every five (5) years.

The current land value for rent purposes was \$82,500 per acre or a total of \$170,445 for the 2.066 acres as appraised by Reed Appraisals. The new annual land lease rent, calculated at 12% per lease terms would be \$20,453.40. Flight Safety International paid \$9,435.60 per year. It was the Airport and City Administration's recommendation to defer a portion of the current year rent adjustment in exchange for the various lease concessions to pursue the expansion of the Flight Safety International facility for the proposed Flight Simulators. Associated renegotiations have been complex due to the joint desire to pursue Flight Safety International's facility and operation expansion while ensuring that proposed lease modifications remain consistent with the LLRA Master Plan and FDOT guidelines. Accordingly, staff recommended the Commission establish a land lease rent increase to an annual amount of \$14,400 effective May 21, 2009 through May 20, 2010. The LLRA would fund the balance of the original land lease rent increase, (\$6,053.40) from the LLRA FY 2009 Budget in support of joint research and marketing efforts for the proposed expansion of the facility. Additionally, the following amendments would be incorporated into the lease renewal option:

- Change the authorized use of land to "aviation use" only;
- Add compliance requirements with LLRA Minimum Standards;
- Delete provisions that currently allow fuel sale options for Flight Safety, and alternatively require compliance with LLRA Minimum Standards for potential FBO operations and fuel flowage considerations if the lessee desires to pursue such in the future;
- Eliminate lease provisions pertaining to 1979 Industrial Development Revenue Bonds, which support the construction of the Flight Safety facility originally issued by the Polk County Development Authority. (The subject bonds and related lien provisions were previously reassigned to Flight Safety, and have subsequently been retired.)

Additionally, it would be outlined that both parties would begin the necessary process to prepare a formal request to the corporate office of Flight Safety International, Inc. for the potential facility expansion and Flight Simulators at LLRA. If the expansion or a commitment for the Flight Simulator project at LLRA does not occur, the land lease would revert to the current MAI appraisal (\$82,500 per acre) along with a related rent increase effective May 21, 2010.

Staff recommended that the City Commission authorize the appropriate City officials to execute and formalize the lease modification with Flight Safety International, Inc. consistent with the terms outlined above and reflect any associated changes in the LLRA FY 2009 Budget.

Doug Thomas presented this item to the Commission.

The group discussed Flight Safety's FBO. Flight Safety agreed as part of the modification to provide fuel at the minimum standards, should they decide to exercise that option.

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

*** Recommendation re: Professional Services for the New System Control/Data Center Facility – Ranking of Short-listed Firms**

An evaluation team comprised of City staff from Information Technology, Lakeland Electric, and the Public Works Departments reviewed statement of qualifications from 34 firms in response to the City's Request for Qualifications for professional services for the new System Control/Data Center Facility. The City expected the selected firm to provide conceptual planning, budget and schedule development, preliminary and final design, bid documents, construction management and administrative services, and commissioning services.

The need for the new, hardened facility was predicated on regulatory requirements that the administration of Lakeland Electric System Control be housed in a facility hardened for disaster mitigation. Additionally, this facility would house the IT Data Center operations for the City of Lakeland. It was the consensus of the evaluation team to conduct interviews with the five highest ranked firms to develop a final order of ranking. The short-listed firms were as follows:

- Ellerbe Beckett, Inc. – Minneapolis, Minnesota
- Robert E. Lamb, Inc. – Valley Forge, Pennsylvania
- AECOM Design – Coral Gables, Florida
- KlingStubbins – Philadelphia, Pennsylvania
- Collman & Karsky Architects, Inc. – Tampa, Florida

Prior to the interviews, KlingStubbins withdrew from further consideration. Following the interviews and in accordance with the City and State of Florida acquisition process for professional services, the evaluation team's ranking of the short-listed firms follows:

1. Robert E. Lamb, Inc.
2. Ellerbe Beckett, Inc.
3. AECOM Design
4. Collman & Karsky Architects, Inc.

The evaluation team recommended the ranking of short-listed firms for City Commission approval and requested authorization to commence negotiation of the contract for services with Robert E. Lamb, Inc., the firm deemed most qualified to perform the work.

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

CITY ATTORNEY

Ordinances (First Reading)

Proposed 09-049; Proposed Changes to the Land Development Regulations

AN ORDINANCE RELATING TO LAND DEVELOPMENT REGULATIONS; ADOPTING VARIOUS AMENDMENTS TO THE CITY OF LAKELAND LAND DEVELOPMENT CODE; 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 September 21, 2009.

Proposed 09-050; Conditional Use to Allow a Nail Salon on Property Located at 1412 South Florida Avenue

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE TO ALLOW A NAIL SALON LOCATED AT 1412 SOUTH FLORIDA AVENUE; 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 September 21, 2009.

Proposed 09-051; Conditional Use to Allow 150,000 Square Feet of Retail, Office, Hotel and Other Uses on 22.34 Acres Located North of Interstate 4 and West of Kathleen Road

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE TO ALLOW 150,000 SQUARE FEET OF RETAIL, OFFICE, HOTEL AND OTHER USES ON 22.34 ACRES LOCATED NORTH OF INTERSTATE 4 AND WEST OF KATHLEEN ROAD; 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 September 21, 2009.

Proposed 09-052; Authorizing the Issuance of City of Lakeland Variable Rate Energy System Refunding Bonds, Series 2009, in an Aggregate Principal Amount Not to Exceed \$ 200,000,000

AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF LAKELAND, FLORIDA VARIABLE RATE ENERGY SYSTEM REFUNDING BONDS, SERIES 2009 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED

\$200,000,000 TO CURRENTLY REFUND ALL OR A PORTION OF THE CITY'S OUTSTANDING VARIABLE RATE ENERGY SYSTEM REVENUE AND REFUNDING BONDS, SERIES 2008A AND SERIES 2008B; PROVIDING FOR CERTAIN TERMS OF THE 2009 BONDS, INCLUDING DESIGNATING EACH OF THE MATURITIES OF SUCH BONDS AS DESIGNATED MATURITY OBLIGATIONS; AUTHORIZING THE REDEMPTION OF THE 2008B BONDS; ESTABLISHING A FORM OF THE 2009 BONDS; APPOINTING THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS REGISTRAR, PAYING AGENT AND CALCULATION AGENT FOR THE 2009 BONDS; AUTHORIZING THE MAYOR, THE MAYOR PRO TEM, THE CITY MANAGER OR THE FINANCE DIRECTOR ON BEHALF OF THE CITY, TO APPROVE THE FORM OF A PRELIMINARY OFFICIAL STATEMENT WITH RESPECT TO THE SERIES 2009 BONDS AND DEEM SAID PRELIMINARY OFFICIAL STATEMENT FINAL FOR PURPOSES OF SEC RULE 15C2-12 AND AUTHORIZING THE MAYOR OR THE MAYOR PRO TEM, THE CLERK AND THE CITY MANAGER TO EXECUTE AND DELIVER ON BEHALF OF THE CITY AN OFFICIAL STATEMENT; AUTHORIZING THE MAYOR, THE MAYOR PRO TEM, THE CITY MANAGER OR THE FINANCE DIRECTOR TO ESTABLISH THE PRINCIPAL AMOUNT OF THE BONDS, THE INTEREST RATE SPREAD ABOVE SIFMA PAYABLE ON THE BONDS WITHIN CERTAIN PARAMETERS, THE REDEMPTION TERMS AND MATURITY SCHEDULE, AND TO SELECT THE SERIES 2008 BONDS TO BE REFUNDED, TO AWARD THE SALE OF THE 2009 BONDS TO GOLDMAN SACHS & CO. ON A NEGOTIATED BASIS, AND ESTABLISH THE CONDITIONS TO SUCH SALE AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT; AUTHORIZING THE MAYOR OR THE MAYOR PRO TEM AND THE CLERK TO APPROVE, EXECUTE AND DELIVER ON BEHALF OF THE CITY A CONTINUING DISCLOSURE AGREEMENT WITH RESPECT TO THE 2009 BONDS AND APPROVING DIGITAL ASSURANCE CORPORATION, L.L.C. AS DISCLOSURE DISSEMINATION AGENT THEREUNDER; AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE ACTIONS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH ANY OF THE FOREGOING; PROVIDING FOR OTHER MATTERS RELATING THERETO; AND 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 September 21, 2009.

Resolutions

Resolution 4777; Proposed 09-043; Lots Cleaning and Clearing

A RESOLUTION RELATING TO ASSESSMENTS; DETERMINING THE NECESSITY FOR HAVING CLEANED AND CLEARED CERTAIN PROPERTY WITHIN THE CITY OF LAKELAND; PROVIDING FOR THE ASSESSMENT OF

LIENS AGAINST SUCH PROPERTY FOR EXPENSES INCURRED IN THE CLEANING AND CLEARING THEREOF; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4778; Proposed 09-044; Supporting High Speed Passenger Rail Initiative

A RESOLUTION RELATING TO FLORIDA'S PROPOSED HIGHSPEED PASSENGER RAIL SYSTEM; EXPRESSING SUPPORT FOR THE STATE OF FLORIDA'S FEDERAL FUNDING APPLICATION TO THE FEDERAL RAILROAD ADMINISTRATION; RECOMMENDING A LAKE LAND STATION WITHIN THE SYSTEM; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4779; Proposed 09-045; Authorizing Acquisition of Property Located South of Interstate 4, Between SR 33 and The Polk County Parkway (SR 570) for Williams East-West Connector

A RESOLUTION RELATING TO TRANSPORTATION IMPROVEMENTS; AUTHORIZING THE ACQUISITION BY GIFT, PURCHASE OR CONDEMNATION OF CERTAIN INTERESTS IN REAL PROPERTY GENERALLY LOCATED SOUTH OF INTERSTATE 4, BETWEEN S.R. 33 AND THE POLK PARKWAY (S.R. 570) AND ADJACENT TO OR IN THE VICINITY OF PACE ROAD, FOR THE PURPOSE OF ROAD CONSTRUCTION, MAINTENANCE AND THE DEVELOPMENT OF RELATED FACILITIES; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4780; Proposed 09-046; Naming Previously Unnamed Private Street Located Within Sun 'N Fun "Maintenance Way"

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO PRIVATE STREETS; MAKING FINDINGS; NAMING AN UNNAMED PRIVATE STREET WITHIN PROPERTY ON THE SOUTH SIDE OF LAKELAND LINDER REGIONAL AIRPORT "MAINTENANCE WAY;" MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Miscellaneous Reports and Communications

Memo re: Approval of Short listed Firms for Environmental Consulting Services and Agreement

The City of Lakeland recently published a Request for Quotes (RFQ) #9218 for qualified firms to enter into a continuing contract for environmental consulting services. By entering into a continuing contract with these firms, the City would be able to utilize and benefit from a broad scope of environmental consulting services. A total of nineteen (19) firms responded and after further evaluation by a review committee comprised of City of Lakeland staff members, the following eight (8) firms have been short-listed by the Selection Committee in the order in which they are ranked:

1. Chastain Skillman
2. Environmental Consulting & Technology

3. Golder Associates
4. CH2M Hill
5. Universal Engineering Sciences
6. Tetra Tech
7. SCS Engineers
8. American Compliance Technologies, Inc.

The criteria used for the evaluation was as follows:

- Capability and adequacy of professional personnel
- Response to the requirements set forth in the public announcement
- Experience and past performance
- Willingness to meet time and budget requirements
- Location
- Recent, current and projected work loads
- Volume of work previously awarded to the firm
- Such other factors as may be considered by the City to be applicable to a particular project

The initial term of the contract was a three (3) year term with two (2) one (1) year renewal options by mutual agreement. Contract Services requested blanket approval of this standard continuing agreement for environmental consulting services with any of the above firms in substantially the form attached.

Staff recommended that the Commission authorize the appropriate City officials to enter into a continuing contract with each of these firms.

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: Task Authorization with EMA, Inc. Consulting Services for Wastewater Department's Syclo Work Order Software

This was a proposed Task Authorization (EMA-09-01) between the City and EMA, Inc. for software consulting services related to an upgrade of the City Wastewater Department's mobile Syclo software in conjunction with the Maximo upgrade. The software program would support the Water Utilities Wastewater Division's technology needs for mobile work management in use since 2006. The software upgrades were required to replace existing software programs due to the move from the existing Maximo 4 work management system to the City's new Maximo 6 enterprise work management system for utilities.

The Water Utilities Technology team, Maximo Steering Committee, Department of Information Technology and City Management reviewed and approved this project. This project should be completed within four (4) months upon Commission approval. The total

cost associated with this Task Authorization was \$119,900. The necessary funds to cover the entire project had been budgeted and were available.

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

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: Annual Support Agreement with Motorola, Inc. for the City's Public Safety Radio System

This was a proposed Agreement between the City and Motorola, Inc. to provide services for the City's Public Safety Radio System. The City's Public Safety Radio System provided radio communications for the Police, Fire, Utility, Public Works, Parks and Recreation and City Administration departments. The services provided by Motorola would encompass 24/7 technical support, including unlimited technical phone support, communication system infrastructure repair/board repair and the necessary labor resources/test equipment to repair complicated system issues.

The existing Service Agreement with Motorola, Inc. was set to expire on September 30, 2009. The term of this Agreement shall be effective for a one (1) year period commencing on October 1, 2009, subject to approval by the City Commission. The total contract price during this term was \$123,100.20, which encompassed technical support service, infrastructure repair, on-site infrastructure response with local dispatch service and paging repair. This Agreement was integral to the City's operations and ensured maintenance of the vital communications network relating to public safety for the City.

Staff recommended that the Commission authorize the appropriate City officials to execute this Agreement for the City's Public Safety Radio System.

Tim McCausland presented this item to the Commission.

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

FINANCE DIRECTOR

*** Appropriation Stormwater Utility Fund**

The Public Works Construction & Maintenance Division had a drainage maintenance crew comprised of one FTE, one PPM employee, and several Community Service Workers (PCSO); two flatbed trucks, along with their slope mower and assorted gas trimmers that

do work for the Stormwater Fund. The operations are such that the entire crew can only work at one location at a time.

Staff requested permission to purchase a zero-turn mower, which would allow these crews to split up and work two sites simultaneously. The additional work that would be performed by the second crew with the zero-turn mower had formerly been contracted out, which would now be performed in-house with City crews.

Funding for the purchase of the zero-turn mower was available in the Stormwater Utility Fund project titled *Maintenance of Pollution Control Devices*. Staff requested an appropriation via the transfer of funds from the Stormwater Utility Fund, in the amount of \$8,100 to purchase the zero-turn mower. The additional rent, fuel, and maintenance costs associated with this purchase would be covered within the Stormwater Utility Fund's current operating budget.

Staff requested that the City Commission approve an appropriation and a corresponding increase in estimated revenue from Fleet Management's Vehicle Replacement Fund in the amount of \$8,100 to finance the purchase of a zero-turn mower for the maintenance of stormwater pollution control devices and facilities.

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

AUDIENCE

Gwendolyn A Ritz came forward concerning Red Light Cameras (RLC). She read a statement in the record, a copy of which is on file in the City Clerk's Office, and requested relief from Commission. She asked questions from her statement.

Tim McCausland explained that passing the crossbar (white line) was an infraction. If there was a signal at an intersection, the intersection was not a yield. The driver must stop on a red light even if the lane does not have a dedicated signal.

The speed limit on Edgewood Dr South changed to 30 mph. She would like that changed only for the school area and the rest of the road be set at 40 mph. Doug Thomas would check into that change and follow up with her. He explained there was considerable discussion at agenda study concerning RLCs.

Ms. Ritz received and appealed all three fines. She would like the Commission to excuse her from the \$25 appeal fee.

Tim McCausland asked her to raise that at the hearing. The ordinance sets a \$25 fee for every appeal. The HO has the discretion to waive the \$25 fee. Drivers did not pay the \$25 fine upfront.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Yates thanked Rick Roussos for his article on Jim Stanfield.

Commissioner Wiggs encouraged citizens to attend the budget hearings.

Recess/reconvene: The Commission recessed at 10:51 a.m. until after the Utility Committee meeting. They reconvened at 1:59 p.m.

The Lakeland City Commission reconvened in Regular Session in the Commission Chambers. Commissioners Justin Troller, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates, and Mayor Fletcher were present. Commissioner Glenn Higgins was absent for a doctor appointment. City Manager Doug Thomas, City Attorney Tim McCausland, and City Clerk Kelly Koos were present.

UTILITY

Memo re: Agreement with P & M Communications Contractors, Inc. for Installation of Underground Electric Conduit

The Utility Committee recommended approval of this agreement.

Action: Commissioner Verplanck moved to approve the agreement. Commissioner Yates seconded and the motion carried six to zero, unanimously.

Memo re: Task Authorization with Telvent Miner & Miner for Development of Custom Compatible Unit Builder and Viewer

The Utility Committee recommended approval of this agreement.

Action: Commissioner Verplanck moved to approve the task authorization. Commissioner Yates seconded and the motion carried six to zero, unanimously.

Memo re: Agreement with Stratasoft, Inc. to Develop and Implement a Scheduling Software Package for Lakeland Electric's Customer Service Call Center

The Utility Committee recommended approval of this agreement.

Action: Commissioner Verplanck moved to approve the agreement. Commissioner Yates seconded and the motion carried six to zero, unanimously.

Memo re: Agreement with Stanley Consultants for Design Services for McIntosh Administration Facility

The Utility Committee recommended approval of this agreement.

Action: Commissioner Verplanck moved to approve this agreement. Commissioner Yates seconded and the motion carried five to one with Commissioner Troller voting nay.

Commissioner Verplanck brought up an issue about service at a specific building downtown.

Alan Schaffer came forward. LE was working on the issue. He spoke with the two men on Friday. They were working toward a solution. It was not uncommon in the downtown area to have meter boxes on a building that serve other buildings. They were working to upgrade the services as needed. He expected to have a solution very soon. Other departments would have to be involved to resolve the issue. There were misunderstandings on who was responsible.

CALL FOR ADJOURNMENT – 2:03 p.m.

Attached Equalization Roll

LAKELAND CITY COMMISSION
Public Budget Hearing
September 9, 2009

The Lakeland City Commission met for the Public Budget Hearing in the Commission Chambers. Commissioners Glenn Higgins, Justin Troller, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates, and Mayor Fletcher were present. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch, and City Clerk Kelly Koos were present along with staff.

CALL TO ORDER – 6 p.m.

INVOCATION

Mayor Fletcher offered the invocation followed by the salute to the flag.

PUBLIC HEARINGS

Tim McCausland explained he would ask the Commission for their tentative approval of the two ordinances tonight.

Proposed 09-053; Ad Valorem Millage Rate for 2009-2010 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, 2009 AND ENDING SEPTEMBER 30, 2010; PROVIDING FOR THE LEVY OF AD VALOREM TAXES; FINDING THE MILLAGE RATE EQUALS THE ROLLED BACK RATE; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read proposed ordinance 09-053, the millage ordinance, in its entirety.

Proposed 09-054; Appropriations; Budget for 2009-2010 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, 2009 AND ENDING SEPTEMBER 30, 2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title to proposed ordinance 09-054. He explained that Florida Statutes required the commission's tentative approval.

PRESENTATIONS

Presentation of Proposed FY2010 Annual City Budget

Doug Thomas gave the presentation, a copy of which is on file in the City Clerk's Office. He reviewed the challenges facing municipalities and how Lakeland had tied the budget into the strategic plan.

Finance Director Greg Finch presented the 3-year projected financial overview.

Doug Thomas covered the FY 2010 Budget Policies.

Mayor Fletcher asked for comments from the Commission.

Commissioner Troller wanted to address the aviation unit. He reviewed statistics on the aviation unit. He felt it was vital to the Police Department. He requested that \$20,000 be taken from the RLC fund for the aviation unit before the Cultural Assistance Fund. That would be in addition to the \$214,000.

Doug Thomas explained that keeping the helicopter in flight condition did not mean that there would be staff available in case of an emergency.

Commissioner Higgins felt from in his conversations with the community, it was time to turn the helicopter back in. There was no money for it.

Doug Thomas stated that if the Commission planned to fly the helicopter for operational needs, more than 5 hours a month, it would cost more than the \$20,000

Commissioner Fields asked Doug Thomas to bring back figures for keeping it in flying condition, occasional operational services and keeping it in service. He also wanted information on what the sheriff department could provide in the way of air services. If staff decided just to keep it in flight condition, when did they plan to make it operational again?

Mayor Fletcher said Sheriff Judd was willing to receive the helicopter. They were in the air anyway.

Commissioner Troller felt the helicopter played into the Quality of Life goal.

Commissioner Higgins also wanted to hear what the Police Chief thought on the matter.

Doug Thomas explained that the Police Department could not meet their target based on the formula used. The RLC funds made that possible.

Commissioner Fields asked how many sworn officer positions would be protected with the RLC revenue.

The typical salary was \$55,000, so 2 or 3 positions. The RLC Funds were filling a \$174,000 hole.

Commissioner Fields asked about the LE interactive website and how adaptive it would be to changes.

Doug Thomas understood that it was very adaptive, much more so than what LE was using today.

Kevin Cook explained that the new LE website used .NET software. Staff could update it easily. It was a content management website and different content managers would be able to make updates. Because it was module driven, the City would incorporate a lot of that in the City's website.

Commissioner Verplanck asked about the Airport Advisory Board's (AAB) recommendation on the hangar rent. They recommended deferring the T-Hanger rent increase for 6-months.

Commissioner Verplanck asked if they planned to revisit the issue before the 6-month period. There was a lot of discussion about other fees. Doug Thomas said that even with the increase, Lakeland's rates were very competitive.

Deputy City Manager Tony Delgado said the AAB would look at the increase in 6 months. The numbers that Doug Thomas provided today were based on numbers they have been sharing with other airport executives in the area. They were doing their own rate studies too.

Commissioner Troller thought the t-hanger tenants wanted to delay the increase for one year.

Tony Delgado explained the numbers looked at a cross section of general aviation and other aviation.

Commissioner Fields asked Tony Delgado to separate the specific airport numbers for the airports to which Allen Sale referred.

Doug Thomas assured the Commission that the T-Hangar rent does not supplement the airport.

Mayor Fletcher asked for comments from the audience and there were none.

Tim McCausland asked the Commission to tentatively adopt the ordinances presented.

Proposed 09-053; Ad Valorem Millage Rate for 2009-2010 Fiscal Year

Action: Commissioner Higgins moved to approve the ordinance on first reading. Commissioner Wiggs seconded and the motion carried unanimously.

Proposed 09-054; Appropriations; Budget for 2009-2010 Fiscal Year

Action: Commissioner Yates moved to approve the ordinance on first reading. Commissioner Higgins seconded and the motion carried unanimously.

Doug Thomas recognized staff that has worked on this budget.

The meeting adjourned at 7:41 p.m.