

LAKELAND CITY COMMISSION
Regular Session
September 5, 2006

The Lakeland City Commission met in Regular Session on Tuesday, September 5, 2006 in the Commission chambers. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Gow Fields, Edie Yates and Mayor Pro Tem Wiggs 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.

CALL TO ORDER

Mayor Pro Tem Wiggs called the meeting to order at 9:01 a.m. He announced that Mayor Fletcher was out of town and would return at the next Commission meeting.

INVOCATION

Pastor Dennis Waymire of Faith Wesleyan Church offered the invocation followed by the salute to the flag.

PRESENTATIONS

FRDAP Check Presentation - Senator Dockery, Representative Ross & Representative Stargel

Representative Dennis Ross presented two checks for Jackson Park and Freedom Park.

Parks & Recreation - Kaleidoscope Butterflies in Flight (Bill Tinsley & Pam Page)

Pam Page made the presentation.

Paula Dockery

Mayor Pro Tem Wiggs asked Senator Dockery to address the group concerning the FRDAP Grant.

Employee Service Awards

10 Years

Clements, Richard M	08-18-1996	Public Works
Guthrie, Freddie	08-05-1996	Public Works
Lehman, Jr., Harold H	08-26-1996	Lakeland Police Dept.
Parrish, Ronald	08-12-1996	Information Technology

Rickwood, Jeremy N	08-18-1996	Airport
Sherrod, Alphonza	08-05-1996	Public Works
Tarver, Marvin	08-26-1996	Lakeland Police Dept.
Wesley, Oscar James	08-26-1996	Lakeland Police Dept.
Woods, Jan F	08-26-1996	Lakeland Electric
<u>20 Years</u>		
Phillips, Donald N	08-04-1986	Public Works
<u>30 Years</u>		
Boyte, Vickie E	08-10-1976	Lakeland Electric

Doug Thomas and Mayor Pro Tem Wiggs presented these awards.

EQUALIZATION HEARINGS

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

Tim McCausland presented the lot cleaning & clearing assessments for equalization.

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

Mayor Pro Tem Wiggs asked for comments and there were none

Action: Mayor Pro Tem Wiggs called for the vote and the motion carried unanimously.

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

Beautification Awards

Commercial: 1330 E Main St - Family Worship Center
Residential: 212 W Patterson St - Jay Hobert Lehman

Michelle Githens presented these awards.

PROCLAMATIONS

Constitution Week

Commissioner Fields presented this proclamation to Pauline Brennan.

National Minority Enterprise Development Week

Commissioner Verplanck presented this award to Candyce Buford.

National Payroll Week

Commissioner Higgins presented this proclamation to Greg Finch, Debbie Carlson, Susan Norton and Betsy Whitt.

Responsible Dog Ownership Day

Commissioner Boring presented this proclamation at the request of Sheila Marks and the Lakeland/Winter Haven Kennel Club. They were not able to attend the meeting.

Multicultural Day

Commissioner Yates presented this proclamation to Michelle Githens, to promote inclusion. The annual multicultural festival will be September 16, 2006.

***CONSENT AGENDA**

*City Commission Minutes with any Amendments for 8/18/06-8/21/06

*Utility Committee Minutes with any Amendments for 8/21/06

*Recommendation re: Renewal of Actuarial Services with PricewaterhouseCoopers

*Memo re: Approval of Continuing Contract and Agreement for General Municipal Engineering Services with Short Listed Firms

*Memo re: Contract with Polk County Tax Collector for Collection of City's Non-Ad Valorem Assessments

*Memo re: Agreement with CSX Transportation for Relocation of Crossing Gate on New York Avenue North of Main Street

*Memo re: Master Agreement with DSM.Net, Inc. for Off-Site Computer Center Capability

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

Memo re: Land Lease Agreement with Hilton Garden Inn at Lakeland Linder Regional Airport

Following the discussion at the Agenda briefing on Friday, representatives for the City and the developer met to attempt to conclude negotiations in light of Friday's meeting. The proposed Lease Agreement incorporated the result of further negotiations. Staff presented this Agreement for Commission consideration with the material rent provisions summarized below:

1. Land Rent: Land rent, which commenced upon the issuance of a Certificate of Occupancy for the Hotel, initially was \$64,000.00 per year, payable monthly, subject to the following adjustments.

- a. CPIU: Rent would be adjusted annually during the term of the Lease subject to a 1% cap in years 1 and 2, 2% in years 3, 4 and 5, and subject to a 3% cap thereafter, to be adjusted in reevaluation years.
- b. Rent Credit: As a credit to mitigate certain site conditions, Lessee was entitled to \$4,166.00 per month credit for the initial 48 months of the Lease.

2. Reappraisals: The property would be reappraised 10 years following the commencement date and every 10 years during the term of the Lease. Land rent following reappraisal would be an annual rent of 10% of the then-appraised value.

If approved, the agreement was subject to approval by the Hilton Corporation, the Franchisor, as well as FAA.

Tim McCausland presented this lease to the Commission. John Wendell was present to represent the developer.

John Wendell explained the developer offered an 8% rate of return or would accept a 10% rate of return with a cap on the value of the land. They were motivated to move forward.

The land lease for the hotel at The Lakeland Center was a \$1 a year.

There were some examples of Lakeland's airport situation the Commission could consider. Most were a percentage of value of land ranging from 8-12%. Daytona had a percentage of land value or gross revenue whichever was greater.

Doug Thomas was concerned about a flat cap on what the value of the land could be.

The City could explore an either or issue when the land is re-evaluated. Use the value of the land up to the point that it reaches a specific percent of the gross revenue and then the lease would move forward as a percent of the gross revenues. At maturity the gross revenue could be \$3 million a year.

John Wendell was authorized to offer 5% of gross revenue. He would recommend 8% of land value or 5% of gross revenue to his client.

Commissioner Boring was not in favor of tying the rent to the hotel books.

Staff considered the early stages to be the first 10 years. After that, the deal should stand on its own. Staff preferred 10% of the land value.

Commissioner Higgins asked what the advantages were between a percentage of land value and a percentage of gross revenue.

John Wendell explained the gross revenue would be easy to determine because of required tax reporting.

Commissioner Fields only raised the issue of percentage of gross revenue as a suggestion that would help move the deal forward.

Tim McCausland explained that the land values would rise faster than gross revenues. He proposed re-appraisals every 10-years with 10% of appraised value or 5% of gross revenue, whichever is greater.

John Wendell was in favor of Tim's recommendation of 10% of land value or 5% of gross revenue whichever was greater.

Mayor Pro Tem Wiggs ask Doug Thomas what he could recommend.

Doug Thomas said this was the best he could recommend. He felt it was important to keep in mind the ultimate goal for this project, a hotel at the airport. Keeping the goal in mind had been successful for Lakeland in the past. The issue was the degree of subsidy the Commission is comfortable providing. Doug felt the appraisal was good but the developer said it prohibited hotel development at that location. The amount proposed today was less than the amount discussed on Friday. The numbers were lower than what Doug would prefer but the City could live with those numbers. He was concerned about capping the land value because the value would increase. If there was going to be a cap, gross revenue would be better. He was not comfortable with any additional subsidy over what staff proposed today. There were clearly significant subsidies on the front end. He felt they could work with a cap on percentage of gross revenue rather than a cap of the land value.

No other interested parties had come forward since they started these negotiations. The City did not submit an RFP. This group came to the City. The Commission approved the Airport Master Plan in 2003. That master plan called for a hotel at the airport.

Commissioner Higgins clarified that the change to the recommendation was to add 10% of land value or 5% of gross revenue whichever was greater to paragraph 2b.

Motion: Commissioner Higgins moved to approve the recommendation with the amendment.

Commissioner Yates confirmed the Commission was approving the deal today. John Wendell and Tim McCausland explained they needed approval today to obtain corporate approval in a timely manner.

Commissioner Yates asked if the developer would be comfortable with a rent floor set at 8% and the ceiling set at 10% of land value. John Wendell could not say for sure without speaking to his client first.

Tim McCausland clarified that the amendment would be 10% of land value or 5% of gross revenue which ever was less.

Commissioner Yates was concerned about the rent based on a percentage of the gross revenue as long-term there was no incentive to build the business and raise the rates. It would serve as a disincentive to keep the building up and improve business.

Tim McCausland explained the Hilton franchise would prevent that because of their tight controls.

Commissioner Yates clarified that there would be other appraisals to make sure the appraisals reflected market value as closely as possible.

Motion: Commissioner Higgins moved to accept the recommendation with the rent based on 10% of the land value or 5% of the gross revenue, whichever was less. Commissioner Fields seconded.

The Commission asked Tim McCausland to include language that at no point would the rent be less than 8% of the appraised value of the property. Tim McCausland and Doug Thomas were fine with that.

Motion Withdrawn: Commissioner Higgins withdrew his motion.

Tim McCausland restated the recommendation: The proposed land lease before you was for had land rent initially at \$64,000 per year that was subject to a CPI increase of 1% in years 1 and 2, CPI increase of 2% in years 3, 4 and 5 and 3% thereafter and those would be caps. There was a credit against rent on a monthly basis that represented \$50,000 per year for site mitigations. The land would be reappraised every 10 years and subject to a 10% rate of return on reappraisal or 5% of gross revenue whichever was less, but at no event less than 8% of the then appraised value of the land.

New Motion: Commissioner Yates moved to approve the recommendation as restated by Tim McCausland. Commissioner Boring seconded.

Mayor Pro Tem Wiggs asked for comments from the audience and the Commission. There were none.

Action: Mayor Pro Tem Wiggs called for the vote and the motion carried unanimously.

APPROVAL OF MINUTES (with any amendments)

***City Commission 8/18/06-8/21/06**

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

***Utility Committee 8/21/06**

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

Municipal Boards & Committees 9/1/06

The Municipal Boards Committee met on Friday, September 1, 2006 following Agenda Study, in the City Commission Conference Room. Commissioners Jim Verplanck and Glenn Higgins (members) and Commissioner Boring (chair) were present along with administrative staff.

Commissioner Boring called the meeting to order at 10:13 a.m. He presented staff's recommendations and the Committee voted on each one individually.

1. Citizens Advisory Committee: • Recommendation from Steve Bissonnette to appoint Beth Potter to fill a vacancy on the board. Her appointment would be for a three-year term expiring on September 1, 2009.

Recommendation: Commissioner Verplanck moved to recommend the Commission appoint Beth Potter to the Citizens Advisory Committee. Commissioner Higgins seconded and Commissioner Boring concurred.

2. Dixieland Community Redevelopment Area Advisory Board: • Recommendation from Steve Bissonnette to re-appoint Karen Seggerman to the board. Her initial term expired June 30, 2006 and her second term will be for three years, expiring on June 30, 2009.

Recommendation: Commissioner Verplanck moved recommend the Commission re-appoint Karen Seggerman to the Dixieland Community Redevelopment Area Advisory Board. Commissioner Higgins seconded and Commissioner Boring concurred.

3. Central Florida Development Council: CFDC contacted the City regarding the expiring term of, Anu Saxena, as the Lakeland appointment to their Board of Directors. Mr. Saxena regularly attended and participated on the board and was agreeable to serve another term. The appointment would be for a three-year term.

Recommendation: Commissioner Verplanck moved to recommend the Commission re-appoint Anu Saxena to the Central Florida Development Council. Commissioner Higgins seconded and Commissioner Boring concurred.

The meeting adjourned at 10:15 a.m.

Commissioner Boring presented these minutes to the Commission. He recommended the Commission approve the appointments.

Action: Mayor Pro Tem Wiggs call for a vote on the appointments and they were approved 5-0. Commissioner Fields was absent at that time.

PUBLIC HEARINGS

Ordinances (Second Readings)

Ordinance 4775; Proposed 06-048; Providing for Enforcement of City's Addressing Ordinance

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO STREET ADDRESSING; REPEALING ORDINANCE NO. 1836; PROVIDING A BUILDING NUMBERING SYSTEM; PROVIDING A ROADWAY NAMING SYSTEM; REQUIRING THE POSTING OF BUILDING NUMBERS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

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

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

Ordinance 4776; Proposed 06-049; Adopting an Amended City of Lakeland Investment Policy, Repealing Ordinance 4362

AN ORDINANCE RELATING TO INVESTMENT POLICIES; REPEALING ORDINANCE NO. 4362 AND ADOPTING AN AMENDED CITY OF LAKE LAND INVESTMENT POLICY; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the sort title.

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

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

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

Resolutions

Resolution 4546; Proposed 06-052; Amending Resolution 4308 to Provide for a Change to the Amended and Restated Development Order for the Oakbridge Development of Regional Impact

A RESOLUTION RELATING TO THE OAKBRIDGE DEVELOPMENT OF REGIONAL IMPACT; AMENDING RESOLUTION 4308 TO PROVIDE FOR A CHANGE TO THE AMENDED AND RESTATED DEVELOPMENT ORDER; MAKING FINDINGS; MAKING A FINDING OF NO SUBSTANTIAL DEVIATION; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Celeste Deardorff made a brief presentation. This resolution would replace Exhibits B1 and B2.

Mayor Pro Tem Wiggs asked for any other comments and there were none.

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

Resolution 4547; Proposed 06-054; Adopting 2006/07 Non-Ad Valorem Assessment Roll

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA ELECTING TO UTILIZE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS AS AUTHORIZED UNDER SECTION 197.3632, FLORIDA STATUTES, FOR COLLECTING UNPAID NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED BY THE CITY COMMISSION; ADOPTING FINDINGS OF FACT; ADOPTING A NON-AD VALOREM ASSESSMENT ROLL; AUTHORIZING THE CITY ATTORNEY TO CERTIFY THE ASSESSMENT ROLL TO THE TAX COLLECTOR; PROVIDING AN EFFECTIVE DATE.

Tim McCausland explained this resolution would place those special assessment liens attached to the resolution on the tax bills. The tax collector would then collect those liens on behalf of the City of Lakeland. The Commission assigned the process to appeal

Special Assessment Liens to the Code Enforcement Board.

Tim McCausland read the short title.

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

Palmer Davis received call from the owner of 2216 W Lanier St last night and recommended removing 2216 W Lanier St from the assessment roll for further research by staff. Dale McGowan was the property owner. The total was \$466.69.

Amended Motion: Commissioner Verplanck amended his motion to remove 2216 W Lanier St from the resolution.

Patricia Wright came forward to object to 611 W Pear St. She asked why there was an assessment on her property.

Palmer Davis explained the fee was a result of the City cutting and cleaning the property.

Amended Motion: Commissioner Verplanck amended his motion to removed 611 W Pear St. from the resolution.

Ms. Davenport came forward concerning 246 N Webster Ave.

Amended Motion: Commissioner Verplanck amended his motion to remove 246 N Webster Ave. from the resolution.

Action: Mayor Pro Tem Wiggs called for the vote on the amended resolution and upon roll call vote Commissioners Yates, Fields, Verplanck, Boring, Higgins and Mayor Pro Tem Wiggs voted aye. Ayes: six. Nays: zero. The motion carried unanimously.

CITY MANAGER

***Recommendation re: Renewal of Actuarial Services with PricewaterhouseCoopers**

The City began utilizing PricewaterhouseCoopers in 1990 for annual auto and general liability, workers' compensation, and health insurance actuarial reviews/reports. In 2000, at the direction a former City Manager, staff obtained quotes from other actuarial firms for this same type of service. A panel consisting of the Internal Auditor, Finance Director, Purchasing Manager, Risk Manager, and Benefits Coordinator interviewed three firms. The panel recommended AMI Risk Consultants, Inc. from Miami, Florida, who appeared to offer the traditional scope of services for a lesser price.

The contract with AMI became effective October 1, 2000, and they began working with the City on the annual actuarial reviews. Shortly thereafter, staff began to run into difficulties regarding the timeliness and accuracy of information provided by AMI. Financial setbacks

incurred by the City's Health Plan compounded these concerns and in August 2001, staff decided that the City should initiate the termination of AMI Risk Consultants agreement and re-engage PricewaterhouseCoopers, due to their familiarity with the City plan and their proven reliability. The City terminated the AMI agreement on October 1, 2001 and PricewaterhouseCoopers continued to serve Lakeland at contract costs of \$21,200 for 2004, \$22,500 for 2005, and \$23,800 for 2006.

Given the history associated with changes to the annual auto and general liability, workers' compensation, and health insurance actuarial provider, coupled with the familiarity with the City's self-insurance funds, proven reliability and timeliness of associated reports and information and reasonable annual costs, staff recommended that the City Commission authorize the appropriate City officials to continue the engagement of PricewaterhouseCoopers to perform actuarial services for the City's annual auto and general liability, workers' compensation, and health insurance plans in the amount of \$24,700 for 2007, \$25,600 for 2008, and \$26,500 for 2009.

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

Miscellaneous Reports and Communications

Executive Summary: Utility Committee Meeting 8/21/06

CITY ATTORNEY

Ordinances (First Reading)

Proposed 06-050; Conditional Use for a Bar in an Existing Building Located at 209 East Main Street

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A BAR IN AN EXISTING BUILDING LOCATED AT 209 EAST MAIN STREET; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

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 18, 2006.

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

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A PRIVATE SCHOOL IN AN EXISTING BUILDING ON PROPERTY LOCATED SOUTH OF LYNNCREST ROAD, NORTH OF SYLVESTER ROAD, AND WEST OF BARTOW ROAD (2025 US HIGHWAY 98 S); PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN;

PROVIDING AN EFFECTIVE DATE.

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 18, 2006.

Proposed 06-052; Annexation of Approximately 23 Acres Located South of Drane Field Road, East of Hamilton Road

AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKELAND, FLORIDA, THAT CERTAIN 23 ACRES LOCATED SOUTH OF DRANE FIELD ROAD, EAST OF HAMILTON ROAD; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

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 18, 2006.

Proposed 06-053; Annexation of Approximately 337 Acres Located South of West Pipkin Road, East of County Line and DuBois Roads, North of Ewell Road and West of Timberwood Drive

AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKELAND, FLORIDA, THAT CERTAIN 337 ACRES LOCATED SOUTH OF WEST PIPKIN ROAD, EAST OF COUNTY LINE AND DUBOIS ROADS, NORTH OF EWELL ROAD AND WEST OF TIMBERWOOD DRIVE; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

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 18, 2006.

Proposed 06-054; Change in Zoning on 9.4 Acres Located West of US 98 North, East of Providence Road, and North of Interstate 4

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 9.4 ACRES WITHIN THE CITY OF LAKELAND LOCATED WEST OF US 98 NORTH, EAST OF PROVIDENCE ROAD, AND NORTH OF INTERSTATE 4, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on September 18, 2006.

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

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-06-014 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 8.6 ACRES LOCATED AT LAKELAND LINDER REGIONAL AIRPORT SOUTH OF DRANE FIELD ROAD, WEST OF EMERSON DRIVE, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on September 18, 2006.

Proposed 06-056; Change in Zoning on 8.6 Acres at Lakeland Linder Regional Airport Located South of Drane Field Road, West of Don Emerson Drive

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 8.6 ACRES WITHIN THE CITY OF LAKELAND LOCATED AT LAKELAND LINDER REGIONAL AIRPORT SOUTH OF DRANE FIELD ROAD, WEST OF DON EMERSON DRIVE, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

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 18, 2006.

Proposed 06-057; Small Scale Amendment #SS-06-016 to Future Land Use Map Assigning Use on .84 Acres Located at 303 South Veterans Avenue

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-06-016 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR .84 ACRES LOCATED AT 303 SOUTH VETERANS AVENUE, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

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 18, 2006.

Proposed 06-058; Change in Zoning on .84 Acres Located at 303 South Veterans Avenue

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON .84 ACRES WITHIN THE CITY OF LAKE LAND LOCATED AT 303 SOUTH VETERANS AVENUE, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKE LAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

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 18, 2006.

Proposed 06-059; Providing Rates for Water Service

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

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 18, 2006.

Resolutions

Resolution 4548; Proposed 06-053; Lots Cleaning and Clearing

A RESOLUTION RELATING TO ASSESSMENTS; DETERMINING THE NECESSITY FOR HAVING CLEANED AND CLEARED CERTAIN PROPERTY WITHIN THE CITY OF LAKE LAND; PROVIDING FOR THE ASSESSMENT OF LIENS AGAINST SUCH PROPERTY FOR EXPENSES INCURRED IN THE CLEANING AND CLEARING THEREOF; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

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

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

Resolution 4549; Proposed 06-055; Supplemental Joint Participation Agreement No. 3 with FDOT - Fort Fraser Trail

A RESOLUTION AUTHORIZING EXECUTION OF SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NO. 3 FOR STATE JOB NO. 41483119401, FOR

THE DESIGN AND CONSTRUCTION OF FORT FRASER TRAIL; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

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

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

Resolution 4550; Proposed 06-056; Subordination Agreement with FDOT - State Road 37

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR THE SUBORDINATION OF CITY UTILITY INTERESTS LOCATED AT THE INTERSECTION OF STATE ROAD 37 AND WALNUT STREET; 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 Wiggs asked for comments and there were none.

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

Resolution 4551; Proposed 06-057; Authorize Acquisition of Letter of Credit to Provide Security for Natural Gas Hedging Transactions

RESOLUTION OF THE COMMISSION OF THE CITY OF LAKE LAND, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO A CONTINUING AGREEMENT FOR STANDBY LETTERS OF CREDIT WITH JPMORGAN CHASE BANK, N.A., AND AUTHORIZING CERTAIN OFFICIALS OF THE CITY TO EXECUTE AND DELIVER THE SAME ON BEHALF OF THE CITY; PROVIDING CERTAIN DETAILS WITH RESPECT THERETO; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

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

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

Resolution 4552; Proposed 06-058; Authorized Bidding for and Execution of Interest Rate Swap Transactions

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO ONE OR MORE FORWARD STARTING INTEREST RATE SWAPS TO HEDGE THE EXPOSURE OF A PORTION OF THE CITY'S INVESTMENT PORTFOLIO TO INTEREST RATE RISKS; DELEGATING TO CERTAIN CITY OFFICIALS THE AUTHORITY TO RECEIVE BIDS ON SUCH SWAP TRANSACTIONS AND TO NEGOTIATE, EXECUTE AND DELIVER THE DOCUMENTS RELATING TO SUCH SWAP TRANSACTIONS WITHIN DELEGATED PARAMETERS; PROVIDING CERTAIN DETAILS WITH RESPECT THERETO; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

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

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

Miscellaneous Reports and Communications

Memo re: Interlocal Agreement for Phase II of the County-Wide Water Study

This Interlocal Agreement among the county and various municipalities was to continue the effort to develop a County-Wide Water Supply Plan. Earlier in the summer, the City Commission authorized a similar interlocal involving the first phase of the effort, which was to identify potential sources and the potential capacity of those sources. The cost for that phase was not to exceed \$100,000 with Polk County funding half and the balance apportioned among the participating cities. The second phase, represented by this interlocal, would refine the data produced by Phase I and match the supply sources with the various requirements of the participants. Phase II would also evaluate costs associated with the supply sources. Phase II expenses were not to exceed \$49,000, and

would be apportioned among the participating cities.

Staff recommended that the Commission authorize the appropriate city officials to execute the County- Wide Water Supply Planning Interlocal Agreement.

Tim McCausland presented this item to the Commission.

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

***Memo re: Approval of Continuing Contract and Agreement for General Municipal Engineering Services with Short Listed Firms**

This was a proposed Continuing Contract for General Municipal Engineering Services and a shortlist of recommended firms. Applying CCNA guidelines, the City issued an RFP for General Municipal Engineering Services with twenty-one firms responding. A selection committee met to evaluate the firms' experience and qualifications and recommended the following firms:

1. Black & Veatch
2. AJ Engineering
3. Boyle Engineering
4. Chastain Skillman
5. Dyer, Riddle, Mills & Precourt
6. Envisors, Inc.
7. TBE Group
8. Keith & Schnars
9. URS Corp
10. Post, Buckley, Schuh & Jernigan
11. Professional Engineering Consultants, Inc.

Eight of the eleven firms listed above were under contract with the City to provide General Municipal Engineering Services. Two of the eleven firms operated offices within the incorporated limits of Lakeland. The proposed contract was the standard one used by the City, which kept all of the firms on a "level playing field" and eliminated the need for separate contracts for each project.

Staff recommended that the City Commission approve the shortlist and authorize the appropriate City Officials to enter into the Continuing Contract for General Municipal Engineering Services with said firms on behalf of the City.

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

***Memo re: Contract with Polk County Tax Collector for Collection of City's Non-Ad Valorem Assessments**

This Agreement with the Polk County Tax Collector provided for compensation of the Tax Collector for collection of the City's lot clearing and demolition special assessment liens. The City placed its lot clearing and demolition liens on the tax bills of property owners who failed to pay for such services. Under the agreement, the City would compensate the Tax Collector based on his actual costs of collection.

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

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

***Memo re: Agreement with CSX Transportation for Relocation of Crossing Gate on New York Avenue North of Main Street**

This Agreement with CSX Transportation was for the redesign and relocation of the railroad-crossing gate and associated signalization at New York Avenue north of Main Street. The modifications were necessary due to the conversion of New York Avenue at this location from a one-way street to two-way. Under the agreement, CSX would perform all necessary modifications and the City would reimburse CSX for their expenses. Staff estimated expenses at \$54,971.00.

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

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

***Memo re: Master Agreement with DSM.Net, Inc. for Off-Site Computer Center Capability**

DSM.Net, Inc. (DSM) was a Lakeland based company that provided disaster services with a protected facility and industry expertise. Total first year costs (connecting fiber, hardware, etc.) would be approximately \$117,900.00. The recurring monthly charge by DSM would be \$5,625.00 or \$67,500.00 annually.

The City required an off-site secure computer center due to the risks associated with hurricanes and to satisfy regulatory requirements that Lakeland Electric maintain business continuity should our primary computer systems fail or be damaged. The Department of Information Technology developed a plan to establish an off-site computer facility using a third party provider. Purchasing submitted announced an RFP and DSM was the sole respondent.

The City will house their backup systems in DSM's facility on server racks in a locked cage. This would allow easy, cost effective data and system backup with easy access for testing and, if needed, business continuity and restoration. DSM's facility was located off New Tampa Highway, near the City's existing fiber network, making connection relatively easy.

Staff recommended that the Commission authorize the appropriate City Officials to execute the Master Agreement on behalf of the City.

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

Tim McCausland announced the Public Hearing 6 p.m. relating to FY2006-2007 Budget.

Audience – none

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Yates reminded everyone today was Election Day.

Commissioner Verplanck announced that the downtown farmers market would reopen in the Curtis Peterson Building plaza.

Commissioner Higgins announced Commissioner Boring had a birthday and Mayor Pro Tem Wiggs has one Friday.

CALL FOR ADJOURNMENT – 11:35 A.M.

R. Howard Wiggs, Mayor Pro Tem

Kelly S. Koos, CMC, City Clerk

PUBLIC BUDGET HEARING
September 5, 2006

The Lakeland City Commission met for the Public Budget Hearing on Tuesday, September 5, 2006 in the Commission chambers. Commissioners Glenn Higgins, Jim Verplanck, Gow Fields, Edie Yates and Mayor Pro Tem Wiggs were present. Mayor Fletcher and Commissioner Boring were absent. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch, City Clerk Kelly Koos were also present.

Mayor Pro Tem Wiggs called the meeting to order at 6:01 p.m.

INVOCATION

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

PUBLIC HEARINGS

Tim McCausland explained that tonight's meeting was part of the process to adopt the City's budget. He would read the entire millage ordinance and the short title to the budget ordinance. The statutes required the Commission to take public comments and tentatively approve the millage rate and budget for 2006-2007.

Ordinances (First Reading)

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

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

Tim McCausland read proposed ordinance 06-060 in its entirety. The second public hearing will be September 18, 2006.

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

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

Tim McCausland read the short title. He recommended the commission take tentative action after the City Manager's presentation.

CITY MANAGER

Presentation of Proposed FY 2007 Annual City Budget

Doug Thomas explained the budget process. This was the third year the City had a program based budget, which was service based focus. *A copy of Doug's presentation is on file in the agenda packet.*

AUDIENCE

Mayor Pro Tem Wiggs asked for comments from the audience and there were none.

ACTION

Tim McCausland explained the Commission needed to approve both ordinances for first reading separately.

Mayor Pro Tem Wiggs asked for a motion on proposed ordinance 06-060.

Motion: Commissioner Higgins moved to approve proposed ordinance 06-060 for first reading. Commissioner Yates seconded.

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

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

Mayor Pro Tem Wiggs asked for a motion on proposed ordinance 06-061.

Motion: Commissioner Higgins moved to approve proposed ordinance 06-061 for first reading. Commissioner Yates seconded.

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

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

Tim McCausland announced that the Second Budget Hearing was September 18, 2006, at 6 p.m. in the Commission chambers.

CALL FOR ADJOURNMENT – 6:55 p.m.

R. Howard Wiggs, Mayor Pro Tem

Kelly S. Koos, CMC, City Clerk

AGENDA STUDY SESSION

September 1, 2006

The Lakeland City Commission met for the Agenda Study Session on Friday, September 1, 2006 in the Commission conference room. Commissioners Edie Yates, Gow Fields, Dean Boring, Jim Verplanck, Glenn Higgins and Mayor Pro Tem Wiggs were present. Mayor Fletcher was out of the country. City Manager Doug Thomas, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, City Clerk Kelly Koos and Deputy City Manager Tony Delgado were present.

Mayor Pro Tem Wiggs called the meeting to order at 8:31 a.m.

Doug Thomas covered the Presentations and Proclamations.

Tim McCausland covered the Public Hearings

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

Traffic Accident on Carpenters Way

There was an accident last week that damaged the arch on Carpenters Way. There was a structural engineer looking at it for permanent repairs. They will have to close the road for the repairs.

FLC Committees

Doug Thomas will work on the Home Rule Legislative Committee.

2005 Florida Law Enforcement Challenge

Chief Boatner gave an update on this program. This was a competition within the State to encourage departments to have active traffic safety programs. The program rewarded departments for their efforts. Winning in the contest moved that department forward to a national competition. LPD won this year and won a speed trailer. A speed trailer was a trailer mounted sign that told drivers how fast they are going driving. LPD would put the trailer out where there was a speeding issue and then later begin writing traffic citations.

LPD was looking into the possibility of photographing vehicles at intersections to deter red light running. **(Two handouts need to be imaged for the agenda packet)**

Tim McCausland covered the City Attorney Agenda. He asked to move proposed resolution 06-054 to public hearings section of the agenda.

Tim McCausland updated the Commission on the Hilton Garden lease at LLRA.

John Wendell was present to represent the developer.

The Commission discussed the rent the developer should pay and the best way to determine the value of the property. Staff will bring a recommendation to the Commission on Tuesday based on the discussion today.

The meeting adjourned at 10:13 a.m.

SOUTHWEST LAKELAND GROWTH WORKSHOP September 1, 2006

The Lakeland City Commission met for the Southwest Lakeland Growth Workshop on Friday, September 1, 2006 in the Commission conference room. Commissioners Edie Yates, Gow Fields, Dean Boring, Jim Verplanck, Glenn Higgins and Mayor Pro Tem Wiggs were present. Mayor Fletcher was out of the country. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Community Development Director Jim Studiale, City Attorney Tim McCausland, City Clerk Kelly Koos and Steve Scruggs, Executive Director of the Lakeland Economic Development Council (LEDC) were present.

Mayor Pro Tem Wiggs called the meeting to order at 10:23 a.m.

This workshop for the City Commission was to provide an overview of projected growth in southwest Lakeland, including proposed associated infrastructure strategies.

Doug Thomas introduced the workshop. The City and LEDC provided to the developers in southwest Lakeland so they understood the explosion of growth that was happening in southwest Lakeland. The front end of the presentation was a quick overview so the Commissioners would see the types of developments. This would provide an understanding of what was happening in the southwest section of Lakeland and how that effects City services. They wanted to set the table to discuss financing mechanisms to provide the needed infrastructure.

Steve Scruggs reviewed the proposed developments for southwest Lakeland. He put the presentation together for the developers to help them understand why it took six to eight weeks to get a permit. He was trying to buy a little grace from the developers. He also wanted to show the Commission everything that was planned at one time in one place and the growth that was about to take place in just one part of Lakeland. The City had a unique opportunity to do something special about sewer, water and transportation needs. This was a small window to get the developers to tax themselves to provide the necessary infrastructure.

Residential Projects

- Oakbridge DRI
- Lakeside Residential - Trammell Crow
- Hunterfield
- Laurel Highlands – DR Horton
- Carillon Lakes – Florida Leisure Communities

- Towne Park – Highland Homes
- Morgan Creek Preserve - Landstar
- County Line Center - Landstar
- Hawthorne Mill - Metro
- Medonia

The total residential units proposed for southwest Lakeland were 3,947 single-family units and 3,327 multi-family which included apartments, condo's townhomes, duplex's triplex's carriage homes, etc.

Business Parks

- Interstate Commerce Park – Beck/Kryger
- Lakeland Central Park – Flagler
- Lakeland Distribution Center – Flagler
- Central Florida Distribution Center – Central Florida Development
- LeFrois Business Park – Central Florida Development
- Parkway Corporate Center – Dranefield LLC
- Ruthven Parkway Center – Ruthven
- Ruthven Airpark – Ruthven
- Ruthven Hamilton Road – Ruthven
- Ruthven Gateway - Ruthven

The total business park acreage & sq ft proposed in southwest Lakeland was:

- Warehouse Space Built – 2,007,000
- Warehouse Space Planned – 9,280,000
- Total Warehouse Space 11,287,000
- Office Space Built – 413,000
- Office Space Planned – 1,365,000
- Total Office Space – 1,778,000 sq ft
- Acres – 1,835

Publix and Southern Wine & Spirits were also planning expansions in that area.

Retail Projects

- Lakeside Village – Casto Southeast
- Flagler Commercial – Flagler
- Towne Park Commercial – Highland Homes
- County Line Center – Landstar Properties

The total retail square feet was 1,557,000.

Projects in that area but outside the City limits were:

- In close proximity to the North-South Route (primarily to the south of Ewell Road), there were approximately 650 residential units under development.

- Additionally, there was 40,000 square feet of retail and office development currently underway.

New school sites proposed in the area were:

- Yates Road High School
- Yates Road Middle School
- Hawthorne Hill Elementary School
- DR Horton Elementary School

Jim Studiale explained pulling all these developments onto one document put better emphasis on concurrency. Florida's 1985 Growth Management Act (GMA) introduced "Concurrency" for water, wastewater, solid waste, parks & recreation, and transportation. Concurrency meant that the necessary infrastructure must be available at the same time as the impacts of growth or approvals would be denied.

Jim Studiale distributed a handout on Lakeland's experience with State mandated development concurrency and reviewed Lakeland's history.

The Southwest Lakeland Infrastructure Plan was:

- Phase 1 – Land Use and Traffic Generation Research and Analysis
- Phase 2 – identify and Model Potential Road improvements
- Phase 3 – Research and Develop Revenue Enhancement Program
- Phase 4 – Coordinate Traffic Improvements with Utility Expansions
- Phase 5 – Create a Comprehensive Implementation Plan

Staff had been talking with Tindal Oliver about a study. Staff wanted to go to the development community afterward and ask them to help find a funding mechanism to provide the necessary infrastructure to meet concurrency. Concurrency was the tool that made sure growth did not overwhelm our community.

The consensus was to move forward with the study.

The meeting adjourned at 11:23 a.m.

R. Howard Wiggs, Mayor Pro Tem

Kelly S. Koos, CMC, City Clerk