

LAKELAND CITY COMMISSION
Regular Session
August 4, 2008

The Lakeland City Commission met in Regular Session in the Commission Chambers. Commissioners Glenn Higgins, Justin Troller, Howard Wiggs, Gow Fields, Edie Yates, and Mayor Fletcher were present. Commissioner Jim Verplanck was out of town. City Manager Doug Thomas, City Attorney Tim McCausland, Assistant Finance Director Mike Brossart, and City Clerk Kelly Koos were present.

CALL TO ORDER

Mayor Fletcher called the meeting to order at 9:03 a.m.

INVOCATION

Chaplain Dan Harvey of the Lakeland Police Department offered the invocation followed by the salute to the flag.

PRESENTATIONS

Risk Management - Security Awareness

Greg Robinson gave this presentation.

Employee Service Awards

10 Years

Bristol, Jose M	07-20-1998	Public Works
Peagler, Monica L	07-27-1998	Police Dept.
Solomon, Brian R	07-27-1998	Lakeland Electric

20 Years

Branch, Michael A	07-05-1988	Police Dept.
Cox, David A	07-11-1988	Lakeland Electric
Edwards, Lori D	07-18-1988	Police Dept.
McGrath, John L	07-13-1988	Fire Dept.
Messerall, Allan O	07-06-1988	Public Works
Mock Jr, Jimmy E	07-05-1988	Police Dept.
Stinson, Donald C	07-25-1988	Water Utilities

25 Years

Hines, Cindy L	07-11-1983	Lakeland Electric
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30 Years

Beale, James R	07-12-1978	Fire Dept.
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Bibby, Richard W	07-10-1978	Lakeland Electric
Jones, Richard E	07-17-1978	Lakeland Electric
Thompson, Karen C	07-24-1978	Lakeland Electric

Mayor Fletcher and Doug Thomas presented these awards.

Beautification Awards:

Commercial: 1258 Martin L King Jr Ave ~ Refuge Church of our Lord

Residential: 1029 E. Highland Drive ~ Douglas Bowne

Frankie Martin presented these awards.

PROCLAMATIONS – None

APPROVAL OF MINUTES (with any amendments)

- * **City Commission 07/21/08**
- * **Utility Committee 07/21/08**

Municipal Boards Committee

The Lakeland Municipal Boards committee met in the Commission conference room. Commissioner Glenn Higgins and Mayor Fletcher were present. Commissioners Edie Yates and Jim Verplanck were out of town. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, City Attorney Tim McCausland, and City Clerk Kelly Koos were present.

Commissioner Higgins called the meeting to order at 8:15 a.m.

1. Historic Preservation Board

Recommendation from Jim Studiale to reappoint **C. Richard Nail** for a second three-year term, which will expire July 31, 2011.

2. Nuisance Abatement Board

Recommendation from Chief Roger Boatner to appoint **Paul Murphy** to fill the seat that will be vacated by Jeanie Croes when her term expires September 30, 2008. If appointed, Mr. Murphy will serve a three-year term, which will begin on October 1, 2008 and expire on September 30, 2011.

Recommendation: Commissioner Higgins moved to approve both appointments.

The meeting adjourned at 8: 17 a.m.

Action: The Commission approved these appointments unanimously.

APPROVAL OF CONSENT AGENDA

All items listed with an asterisk (*) were considered routine by the City Commission and 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 07/21/08
- * Utility Committee Minutes 07/21/08
- * Recommendation re: Fairbanks Street Extension Construction Change Order
- * Memo re: Waiver of 5:01 p.m. Hearing
- * Memo re: Legal Fee Report
- * Memo re: Task Authorization with Environmental Consulting and Technology, Inc. for SWFWMD Use Permit renewal for McIntosh Power Plant

Action: Commissioner Wiggs moved to approve the Consent Agenda. Commissioner Yates seconded and the motion carried unanimously.

EQUALIZATION HEARINGS

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

Lots Cleaning and Clearing

Tim McCausland presented the assessments to the Equalization Board. A copy of the assessment roll is on file in the City Clerk's Office.

Motion: Commissioner Wiggs moved to approve the assessments. Commissioner Yates seconded.

Mayor Fletcher asked for comments.

Katrina McClinton (Job #08-0126) came forward and requested more time to pay the lien.

Brian Rewis, Neighborhood Services Manager, was present.

Tim McCausland explained that interest began to accrue after 30 days. Ms McClinton requested 60 days.

Brian said if the board were inclined, it would be easiest for staff to remove it from this role and place it on next month's roll.

Action: Commissioner Troller moved to schedule Job #08-0126 for next month. Commissioner Fields seconded and the motion carried.

Reconvene: Commissioner Wiggs moved to Adjourn as the Equalization Board and reconvene as the City Commission. The motion carried unanimously.

REQUESTS TO APPEAR FROM THE PUBLIC

Scott Coulombe, Executive Director Polk County Builders Association re Park Impact Fee Index

His assistant distributed a handout of the presentation for the Commission. He gave a presentation questioning the Index Fee Study's park fees. He did not believe the data in the study was accurate. He asked the City to re-evaluate the numbers on parks indexing before the next year.

Commissioner Fields asked the PCBA to provide information to show what comparatively sized cities did compared to their respective school board.

Commissioner Wiggs confirmed the PCBA was only questioning the parks impact fee index. They were not questioning the ordinance before the Commission today.

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 4999; Proposed 08-055; Repealing Ordinance 2978; Revising Transportation Impact Fee Ordinance (1st Rdg 7/21/08)

AN ORDINANCE RELATING TO IMPACT FEES; REPEALING ORDINANCE 2978; MAKING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR TRANSPORTATION IMPACT FEES; PROVIDING FOR AN INDEPENDENT IMPACT ANALYSIS; PROVIDING FOR CREDITS; PROVIDING FOR THE USE OF FUNDS; PROVIDING FOR ADMINISTRATIVE RULINGS AND APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 5000; Proposed 08-056; Amending Ordinance 2979, As Amended, Regarding Parks and Recreation Impact Fees (1st Rdg 7/21/08)

AN ORDINANCE RELATING TO PARKS AND RECREATION IMPACT FEES; AMENDING ORDINANCE 2979; CLARIFYING ACTIVITIES NOT CONSTITUTING IMPACT GENERATING LAND DEVELOPMENT ACTIVITY; CLARIFYING EXEMPTIONS AND PROCEDURES; FINDING CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 5001; Proposed 08-057; Amending Ordinance 2980, As Amended, Regarding Fire Impact Fees (1st Rdg 7/21/08)

AN ORDINANCE RELATING TO FIRE PROTECTION IMPACT FEES; AMENDING ORDINANCE 2980; CLARIFYING ACTIVITIES NOT CONSTITUTING IMPACT GENERATING LAND DEVELOPMENT ACTIVITY; CLARIFYING EXEMPTIONS AND PROCEDURES; FINDING CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 5002; Proposed 08-058; Amending Ordinance 2981, As Amended, Regarding Law Enforcement Impact Fees (1st Rdg 7/21/08)

AN ORDINANCE RELATING TO LAW ENFORCEMENT IMPACT FEES; AMENDING ORDINANCE 2981; CLARIFYING ACTIVITIES NOT CONSTITUTING IMPACT GENERATING LAND DEVELOPMENT ACTIVITY; CLARIFYING EXEMPTIONS AND PROCEDURES; FINDING CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

* **Recommendation re: Fairbanks Street Extension Construction Change Order**

The Fairbanks Street Extension Project was near completion. The project provided for the extension of Fairbanks Street to Kathleen Road to assist in the ingress and egress requirements of the FiberTek Inc. facility project. The project received financial support in the form of an approximately \$2 million grant from the Office of Tourism, Trade and Economic Development (OTTED). This project has encountered a myriad of unanticipated challenges from both regulatory requirements and unforeseen pre-existing road conditions that have resulted in additional costs to the original project estimates. In anticipation of closing out the project and administering the revised scope of contractor work, staff recommended Change Order (#5) to the construction contract with Kearney Construction Co., LLC. in the amount of \$160,825.63. The proposed change order would incorporate the following project modifications:

A. \$55,490.70 – Due to delays in securing the final OTTED grant documents, proposed project waterline relocation activities that were originally anticipated to be completed internally by the Water Utilities Division ultimately were not possible due to scheduling conflicts, and the work was ultimately undertaken by the contractor in order to meet project schedule requirements. The associated contractor's costs were comparable to the City's internal costs estimates.

B. \$85,070.59 – The Florida Department of Transportation (FDOT) as a condition of its required driveway connection permit, imposed an unexpected requirement for closure of the median opening on Kathleen Road at Arlington Road; the extension of the left turn lane on Fairbanks Street; the closure of the median opening at Lavon Street, and the extension of the right turn lane to Fairbanks Street. Roughly, \$77,000 of the subject work was directly related to the median closures and related roadwork, but the FDOT-imposed revisions also eliminated the need for a 48" steel casing that had been delivered to the project, thereby incurring a restocking fee.

C. \$1,708.99 – Additional unit costs associated with unforeseen conditions associated with the previous Kathleen Road clear and grub pricing and the unanticipated removal, saw cutting and disposal of full depth asphalt. The asphalt and lime rock bases exceeded typical layered depths, which subsequently required additional contract work.

D. \$6,072.66 – Issuance of a permit bond required by the FDOT to work in their right-of-way easement as a result of their imposition for median closures and related work addressed in item B above. The additional bond required of the construction company was reimbursable by the City of Lakeland to facilitate the mandated FDOT modifications.

E. \$12,482.69 – The Penske commercial business driveway required reconstruction to meet the new road elevations and satisfy storm structure compliance with the previously installed storm pipe by the Penske business contractor prior to the start of the Fairbanks Road extension.

The proposed change order request for \$160,825.63 increased the contract amount from \$2,079,404.94 to \$2,240,230.57. Sufficient funds were available in the project budget (Fiscal Year 2008 transportation Fund Budget) to cover the necessary increases to the project.

Staff recommended that the City Commission authorize the appropriate City officials to execute the change order (#5) with Kearney Construction Co., LLC. in the amount of \$160,825.63 to accommodate the listed modifications and additions to the Fairbanks Road Extension Construction Project.

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

City Manager Verbals:

The Property Appraiser's office requested the certification date for taxable value be July 1, 2008. The first public budget hearing was to be September 2, 2008, which would put the city out of compliance. Staff recommended the first meeting be September 4, 2008 and the second be September 15, 2008. There would be a budget workshop August 18, 2008 @ 6 p.m.

Kevin Cook had been working with Brighthouse over the last few months. The City of Lakeland's government channel would be on 615. That channel went live August 5, 2008 at 6 a.m. It would be a 24-hour channel. Commission meetings would air on channels 622 and 615. The County's government access channel would remain 622. Lakeland's would be 615. Lakeland would no longer be interrupted if the County had other meetings to broadcast. Kevin would publish a schedule on the website.

CITY ATTORNEY

Ordinances (First Reading)

Proposed 08-060; Conditional Use for a Duplex on Property Located at 5525 and 5527 Yale Street

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A DUPLEX ON PROPERTY LOCATED AT 5525 AND 5527 YALE STREET;

PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on August 18, 2008.

Proposed 08-061; Conditional Use to Expand an Existing Day Care Center and to Allow a Parking Lot on Property Located at 1234, 1236 and 1242 Martin Luther King Jr. Avenue

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE TO EXPAND AN EXISTING DAY CARE CENTER AND TO ALLOW A PARKING LOT ON PROPERTY LOCATED AT 1234, 1236 AND 1242 MARTIN LUTHER KING JR. AVENUE; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on August 18, 2008.

Proposed 08-062; Amending Section 78-9 of the Lakeland City Code, Amending Street Solicitation Provisions

AN ORDINANCE RELATING TO STREETS; AMENDING CHAPTER 78 OF THE CODE OF THE CITY OF LAKE LAND, FLORIDA; PROHIBITING THE PRESENCE OF ANY PERSON ON ANY STREET WITHIN THE CITY OF LAKE LAND SUBJECT ONLY TO THE EXCEPTIONS PROVIDED HEREIN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on August 18, 2008.

Commissioner Troller questioned this ordinance. How was it different from the unfair campaign practice ordinance?

Tim McCausland explained it was different because of subject matter. The prior ordinance related to speech. This ordinance did not affect speech.

Commissioner Troller asked if the City could just enforce the State's regulations.

Tim McCausland explained the City chose to have a stricter regulation for safety purposes.

Proposed 08-063; Amendment to Police Officers' Defined Benefit Retirement Fund

AN ORDINANCE OF THE CITY OF LAKELAND AMENDING AND RESTATING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 2, CITY OF LAKELAND POLICE OFFICERS' DEFINED BENEFIT RETIREMENT SYSTEM; ADDING SECTIONS 62-51 THROUGH 62-81 INCLUSIVE OF THE CODE OF ORDINANCES OF THE CITY OF LAKELAND; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR DOMESTIC RELATIONS ORDERS AND EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR POLICE SERVICE; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR RE-EMPLOYMENT AFTER RETIREMENT; PROVIDING FOR AN ACTUARIAL GAIN SHARING ACCOUNT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AND EFFECTIVE DATE.

Tim McCausland read the short title and explained that this ordinance may not return on August 18, 2008. Staff will advertise but the Commission may need to continue the public hearing.

Resolutions

Resolution 4701; Proposed 08-040; 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 Higgins moved to approve the resolution as amended by removing job # 08-0126. Commissioner Yates seconded.

Mayor Fletcher asked for comments and there were none.

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

Resolution 4702; Proposed 08-041; Amending Resolution 4192, Excepting Certain Positions from Civil Service

A RESOLUTION RELATING TO OFFICERS AND EMPLOYEES UNDER CIVIL SERVICE; EXCEPTING CERTAIN EMPLOYEE POSITIONS FROM CIVIL SERVICE, PURSUANT TO SECTION 10 OF DIVISION II OF THE CHARTER OF THE CITY OF LAKELAND; AMENDING RESOLUTION 4192; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Miscellaneous Reports and Communications

* **Memo re: Waiver of 5:01 p.m. Hearing**

During the month of August, the Community Development Department will be presenting the Commission with various amendments to the Lakeland Comprehensive Plan, which will require at least one hearing after 5:00 p.m. Staff requested that the Commission waive the statutory requirement that at least one of the hearings on these matters be after 5 p.m.

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

* **Memo re: Legal Fee Report**

Following are legal fees and expenses paid to outside law firms April - June of 2008 along with a comparison from the same time frame for 2007 and a comparison of this fiscal year to last.

Bush Ross	Personal Injury Subrogation	\$1,583.63
Gail M. Cheatwood	Miscellaneous Municipal Ordinance Defense	\$43.75
Gray Robinson	Miscellaneous Personal Injury Defense, Eminent Domain & Other Litigation	\$130,190.60
Hopping, Green & Sams	Regulatory Compliance	\$9,383.75
John & Hengerer	Miscellaneous Regulatory Matters with FERC	\$1,705.90
Mitchell D. Franks P.A.	Counsel Relating to Mini-Perc	\$2,860.00
Oertel, Fernandez, Cole & Bryant, P.A.	SWFWMD Permitting	\$53,232.48
Putnam & Creighton, P.A.	Miscellaneous Real Estate Matters	\$130.00
Ross, Vecchio, & Trussel P.A.	Miscellaneous Workers Comp Defense	\$39,806.68
Ruden, Smith, Russell, P.A.	McClosky, Schuster & Counsel Relating to Union Negotiations	\$32,639.34
Sugarman & Susskind	Counsel Relating to Pension Matters	\$6,932.00
APRIL – JUNE 2008 TOTAL		\$278,508.13
APRIL – JUNE 2007 TOTAL		\$404,990.74
FY 2006-2007		\$971,955.62
FY 2007-2008		\$1,035,507.60

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

FINANCE DIRECTOR – None

AUDIENCE

Ms. Campbell came forward re police activities and the Police Athletic League (PAL). She requested the City not remove the police officers from the programs. The purpose of the PAL program was to connect youth and police officers. She felt that removing the officer would eventually disband the program.

Doug Thomas explained that all cities were struggling with their budgets. The police department has forfeited 10 officer positions for FY08 and FY09. One of the ways to handle those vacancies was to redeploy the PAL officers. For budget purposes for the school board, staff had to notify the school board that those positions would be going

away. The City had not redeployed the PAL officer yet but they were considering replacing him with an intern.

Ms. Campbell explained that she worked in the non-profit sector and she understood the difficulties but she hoped the city would find another way. The program was for prevention and that would prevent problems in the future.

Commissioner Fields asked to hear from Ms. Campbell after her meeting with the Chief. Commissioner Yates encouraged her to attend the workshop on August 18, 2008 at 6 p.m.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Wiggs commended the Police Department and neighborhood association for Neighborhood Night Out scheduled for tomorrow night, August 5, 2008.

Recess/reconvene: The Commission recessed at 10:21 a.m. until after the Utility Committee meeting. The Commission reconvened at 1:38 p.m.

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

UTILITY – CONSIDERED AFTER 1 P.M. UTILITY COMMITTEE MEETING

Memo re: Contract with Fred W. Wilson for Design of 69kV Electric Transmission Line - Orangedale to Socrum Substation

This was an Agreement with Fred Wilson & Associates for the design of a 69 KV transmission line between the City's existing Orangedale and Socrum substations, a distance of approximately 8.25 miles. The new transmission line would allow Lakeland Electric to service new growth in this area. The scope of work included design services, surveying, geotechnical investigation, preparation of construction bid documents and bid review and recommendation. The total lump sum contract price for these services was \$456,890. At the City's option, the contract provided for additional services from the engineer in the form of construction management services and preparation of record drawings for a not-to-exceed price of \$188,199. The City Commission, at its July 7 meeting, approved staff's recommendation of Fred Wilson and Associates as the most qualified firm for this project from the ranked shortlist of respondents.

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

Tim McCausland presented this item to the Commission.

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

*** Memo re: Task Authorization with Environmental Consulting and Technology, Inc. for SWFWMD Use Permit renewal for McIntosh Power Plant**

This Task Authorization with Environmental Consulting & Technology, Inc. (ECT) would provide technical and regulatory support associated with the water use permit renewal application for McIntosh Power Plant. Lakeland was in the Southern Water Use Caution Area (SWUCA) designated by the Southwest Florida Water Management District (SWFWMD). Due to the SWUCA designation, the permit renewal process had additional requirements for ground and surface water modeling of McIntosh Power Plant water withdrawals. ECT would assist the City by providing collection, submission, and approval of the data reports necessary to gain SWFWMD approval of the water use permit renewal. The not-to-exceed project cost was \$26,324.00.

Staff recommended that the Commission authorize the appropriate City officials be to execute the Task Authorization.

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

CALL FOR ADJOURNMENT – 1:40 p.m.

LAKELAND CITY COMMISSION
Agenda Study Session
August 1, 2008

The Lakeland City Commission met for the Agenda Study Session in the Commission conference room. Commissioners Howard Wiggs, Gow Fields, Justin Troller, Glenn Higgins, and Mayor Fletcher were present. Commissioners Edie Yates and Jim Verplanck were out of town. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Community Development Director Jim Studiale, Assistant Finance Director Mike Brossart, City Attorney Tim McCausland, and City Clerk Kelly Koos were present.

Mayor Fletcher called the meeting to order at 8:34 a.m.

Doug Thomas covered the Presentations.

Tim McCausland covered the Public Hearings.

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

- There were rumors that Barak Obama would appear in Lakeland this afternoon.
- Lakeland would be featured on When Animals Strike re: Mr. Apgar's swim in Lake Parker.

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

He distributed a bio on a law firm that he retained for the CSX issue. The approach that he planned to use in the DRI process was with Jim Studiale's assistance to raise as many issues as they could raise. That may lend itself to other opportunities to be more aggressive. Hiring Dave and the inquiries that the City was starting to make now was not going unnoticed by other jurisdictions. The group discussed the CSX issue and what Lakeland wanted to accomplish.

- A Tampa - Lakeland/Polk County - Orlando intercity rail system and communication of this support to TBARTA;
- State and/or Federal funding to acquire/develop rail corridors to reduce or ideally eliminate long-term freight traffic growth through Downtown Lakeland. We believe a long-term solution towards such would involve a plan to separate freight rail traffic from current or proposed commuter rail traffic in urban areas throughout the State of Florida.
- Full funding for Quiet Zones to mitigate short-term impacts of rail relocation to the "S" Line through Downtown Lakeland (currently estimated at approximately \$2 million);
- Support for District One's Rail Traffic/Alternatives Evaluation and to push FDOT District Five and FDOT Central Office to work with District One to support alternatives that address Lakeland's concerns;
- A definitive timetable in legislation and funding to accomplish the objectives listed above. District One's rail analysis will be completed prior to the start of the 2009 Legislative Session, and we ask that recommended rail alternatives and provisions for

the I-4 intercity rail system be included in any legislation relating to Central Florida Commuter Rail and that Legislators and the City of Orlando actively assist in securing support for related funding commitments from the Governor's Office, the State Legislature and the FDOT Central Office.

The Agenda Study Session adjourned at 10:10 a.m.

Public Safety Dispatch and Record Management Workshop August 1, 2008

The Commission met for the Public Safety Dispatch Workshop in the Commission conference room. Commissioners Howard Wiggs, Gow Fields, Justin Troller, Glenn Higgins, and Mayor Fletcher were present. Commissioner Edie Yates and Jim Verplanck were out of town. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Assistant Finance Director Mike Brossart, and City Clerk Kelly Koos were present along with Police Chief Roger Boatner and staff.

Doug Thomas called the meeting to order at 10:21 a.m.

David Ramirez gave the presentation, a copy of which is on file in the City Clerk's Office. The current company no longer focused on public safety. They did not plan to upgrade their software. It also did not include a police-reporting module. David reviewed the savings the City could achieve by collaborating with the Sheriff's department on the Tiburon system. The initial capital investment would be \$1,180,000.00.

The workshop adjourned at 11:09 a.m.

Accessory Dwelling Units Workshop August 1, 2008

The Commission met for the Accessory Dwelling Units Workshop in the Commission conference room. Commissioners Howard Wiggs, Gow Fields, Justin Troller, Glenn Higgins, and Mayor Fletcher were present. Commissioners Edie Yates and Jim Verplanck were out of town. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Community Development Director Jim Studiale, and City Clerk Kelly Koos were present with staff.

Mayor Fletcher called the meeting to order at 11:12 a.m.

Jim Studiale introduced Bruce Kistler, who gave the presentation. A copy of the presentation is on file in the Clerk's Office.

Proposed Regulations

- Allow in "Central City" area, subject to compatibility review by Planning & Zoning Board

- Allow as part of new PUDs
- Property owner must live on the property
- Must have separate address but no separate electric meter
- Minimum lot area—5,000 sq. ft.
- Unit Size:
 - Minimum: 300 sq. ft.
 - Maximum:
 - 530 sq. ft. for 5,000 to 7,000 sq. ft. lots
 - 650 sq. ft. for 7,000 to 10,000 sq. ft. lots
 - 800 sq. ft. for lots over 10,000 sq. ft.
 - No ADU over 40% of principal dwelling
- Maximum height:
 - 12 ½ft. for single story
 - 24 ft. over a detached garage
- Parking: One space in addition to spaces for principal dwelling
- Vehicle access: From alley, side street, or shared driveway to front street
- P&Z notification to abutting property owners
- Land use compatibility reviewed by P&Z
- Architectural compatibility reviewed by P&Z (or by HPB in historic districts)

Planning Principles for Lakeland

1. Maintain and foster Lakeland's role as the economic, civic, and cultural center of the surrounding region.
2. Consult with, engage, and educate the public.
3. Use best urban design practices to create functional, efficient, and attractive places for living, working, commerce, learning, leisure, and civic participation.
4. Build a framework for the urban form by creating a hierarchy of interconnected streets; public open spaces; walkable, mixed-use neighborhoods; and appropriately located activity centers.
5. Make available a diversity of housing types to accommodate all income levels.
6. Maintain quality, sustainable public utilities, and infrastructure.
7. Create a multi-modal transportation system including facilities for motor vehicles, transit, bicycles, and pedestrians.
8. Density the urban core and encourage infill and redevelopment over peripheral expansion.
9. Maintain community identity by preserving the best examples of historic architecture and designing new development in sympathy with Lakeland's character.
10. Protect and enhance the functioning of natural systems including lakes, floodplains, wetlands, native plant communities, and wildlife habitats.

Discussion

Some ADUs currently exist in Dixieland but that was not one of the approved areas listed. When staff held the public meeting in Dixieland to allow ADUs, the owners in Dixieland objected to any rentals in the neighborhood.

The workshop adjourned at 11:30 a.m.