

Agenda Study Session July 6, 2009

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

Mayor Fletcher called the meeting to order at 7:33 a.m.

Kevin Cook asked to recognize the new appointees to the Planning & Zoning Board at the next commission meeting.

Doug Thomas covered the preliminaries and the Request to Appear from the Public.

Tim McCausland covered the Public Hearings.

Tim McCausland covered the Equalizations.

Tim McCausland covered the CRA.

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

1. Hooters of American on U.S. Hwy 98 North - Their access point was originally to be from Providence Road by the Sports Authority. They spent a little over \$224,694 on improving that road. They have asked for reimbursement on the roadwork rather than impact fee credit. The reason behind the request was because the market had dropped off and they were holding back on their complete development.
2. Budget Hearing Schedule – The budget hearings were scheduled for Wed Sep 9 @ 6 p.m. and Sep 21 @ 6 p.m. The Commission decided to hold a public workshop in August. Doug will send out the date.
3. Federal Building - Staff was pulling together an RFP that would allow for development proposals for the Federal Building.

Tim McCausland covered the City Attorney agenda and offered the following verbal: Lease at Airside Center with Jerue Trucking – There were last minute changes to that lease amendment. The sq. ft. price was reduced by \$.50 and Jerue was bearing the electrical expense of the separate metering.

Mike Brossart covered the Finance Director agenda.

The meeting adjourned at 8:36 a.m.

LAKELAND CITY COMMISSION
Regular Session
July 6, 2009

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

CALL TO ORDER - 9 a.m.

INVOCATION

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

PRESENTATIONS

Public Works – Traffic Calming Program (Rick Lilyquist & David Uria)

Discussion

The City required an 80% approval rate from returned surveys before installing a traffic-calming device. The City was reviewing the traffic levels as compared to other municipalities.

The group discussed streets that did not meet the minimum 900 cars but had excessive speeders. Could the higher percentage of speeders be a trigger for traffic calming? The volumes and speeders usually met the threshold at the same time. Staff would look at the volumes again on 9th Street this fall, after Labor Day. Staff would also look at paralleling streets in addition to 9th Street. Residents on 9th Street have complained that drivers go right though the stop signs without stopping.

Brick Street Restoration Program

Rick Lilyquist gave a presentation on the Brick Restoration Program, a copy of which is on file in the City Clerk's Office. There was a 25% savings on lifecycle of brick compared to lifecycle of asphalt. Neighborhoods have seen a drop in speeding cars as an unexpected result of restoring brick roadways.

EQUALIZATION HEARINGS – 9:30 a.m.

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 assessment roll. He explained that staff had posted the corrected equalization to the web only 1.5 hours ago. Staff had mailed written notice to the property owners. A copy of the corrected roll is attached to the end of these minutes.

Motion: Commissioner Wiggs moved 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.

Employee Service Awards

10 Years

		<u>Department</u>
Almskog, John C	06-10-1999	Fire
Zorn, Angela	06-06-1999	Police
Nichols, David S	06-14-1999	Police
Taber, Missy	06-14-1999	Public Works

20 Years

Phillips, Patricia	06-12-1989	Police
Colson, Margaret	06-20-1989	Fire
Gallon, Natalie	06-12-1989	Parks & Recreation
Gonzales, Jake E	06-19-1989	Electric Utilities
Taylor, Ernest	06-19-1989	Public Works

25 Years

Dickie, Ronald	06-21-1984	Water Utilities
Kight, Cecil	06-13-1984	Electric Utilities
Magdics, Mike	06-18-1984	Electric Utilities

35 Years

Southerland, Roy	6-11-1974	Parks & Recreation
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Doug Thomas also recognized Bill Tinsley for receiving the 2009 Bob Graham Architectural Awareness Award from the Florida Association of the American Institute of Architects (AIA Florida). The AIA recognized Bill Tinsley for his vision for sustainable parks and recreational buildings that enhance the community

Beautification Awards

Commercial: 1580 North Florida Avenue – Napa Auto Parts
Residential: 1024 Pennsylvania Avenue – Gregory Platt

Frankie Martin and Eileen Clawson presented these awards.

At 10:08 a.m., Mayor Fletcher left the meeting for the day to attend a funeral.

PROCLAMATIONS

Lakes Appreciation Month

COMMITTEE REPORTS AND RELATED ITEMS

Municipal Boards & Committees 07/06/09

Commissioner Verplanck explained the Municipal Boards Committee met this morning at 7:20 a.m. but there were changes since that meeting. He asked Community Development Director Jim Studiale to come forward and explain.

Jim Studiale asked the Commission appoint Ed Lutz and Keith Merritt to the Planning and Zoning Board for a three-year term starting July 6, 2009.

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

The Midtown Advisory Board still had two vacancies.

APPROVAL OF 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 06/12/09-06/15/09**
- * **Utility Committee Minutes 06/15/09**
- * **Memo re: Fire Protection Agreement with Polk County**
- * **Memo re: Waiver of 5:01 p.m. Hearing Requirement**
- * **Memo re: Comprehensive Plan Draft Evaluation & Appraisal Report for Submittal to FDCA**
- * **Memo re: Fiber Optic (Dark Fiber) License Use Agreement with Lakeland Regional Health Systems, Inc.**
- * **Appropriation and Increase in Estimated Revenues – Transportation Fund**

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

APPROVAL OF MINUTES (with any amendments)*** City Commission 06/12/09 – 06/15/09**

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

*** Utility Committee 06/15/09**

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC**Anne Furr, LDDA Executive Director – Presenting LDDA's New Brand**

Anne Furr, LDDA Executive Director, came forward to present LDDA's new brand. She introduced Ford Heacock. He served on the LDDA and was chair of the retail committee. LDDA held a meeting with the downtown stakeholders facilitated by Dr. Larry Ross. The groups decided there was a need to market downtown and have a separate brand for downtown. The firm they hired surveyed all the stakeholders for downtown and held nine focus group sessions to create a foundation to establish a brand for downtown. The brand position statement was "Rich Traditions, Artful Energy".

Janet Tucker unveiled the new brand.

Otis Preston, Citizens Advisory Committee Chairperson, and Steve Bissonnette, Community Development - Presenting Community Service Funding Recommendations from FY2010-2011 General Fund Grant Program

The Housing subcommittee met on Thursday, April 16, to consider the twenty-three applications for community service programs. Five members attended along with four staff members from the City's Community Development Department. The subcommittee members and staff each reviewed all applications in advance of the meeting, considering the criteria previously established. The six objectives or criteria for funding are as follows:

1. Avoid annual (perpetual) funding of organizations solely dependent on City funds;
2. Favor those requests which will have the greatest impact on Lakeland's young and old residents and on diminishing long term poverty, neighborhood decline, and dependence on government assistance;
3. Review proposals to favor those which are most efficient in providing benefits to clients and which minimize duplication of services, overhead, and administrative costs;
4. Concentrate funding to have the greatest benefit within the City limits and within Lakeland's most economically disadvantaged neighborhoods, as opposed to spreading limited funds across a wide spectrum of unrelated or non-complimentary activities;
5. Give special consideration to proposals which are innovative and have the potential to become model programs with broad application throughout the Lakeland community and beyond; and
6. Consider projects, which reduce or eliminate the need for the City to provide the service directly.

Steve Bissonnette and the Community Development Department staff presented the funding requests and committee members suggested funding amounts for each of the community service programs. After discussing each of the requests, the subcommittee considered each and recommended final funding levels. At its May 4, 2009 meeting, the Citizens Advisory Committee reviewed the subcommittee's report and after extensive discussion, voted unanimously to endorse the subcommittee's recommendation. Those programs recommended for funding, and the respective amounts, are below. The CAC respectively requested the Commission's favorable consideration of those grant awards for the upcoming budget of Fiscal Year October 1, 2009 – September 30, 2010.

COMMUNITY SERVICE FUNDING PROGRAM YEAR 2009-2010

City of Lakeland	AGENCY	REQUESTED	RECOMMENDED
1	88 Wayz Foundation	5,000	0
2	Big Brothers Big Sisters	15,000	0
3	Boys & Girls Clubs	14,600	5,000
4	Catholic Charities	15,000	5,000
5	Faith in Action - Central	13,400	0
6	Faith in Action - North	10,696	0
7	Florida Dance Theatre	7,500	0
8	Girls Inc.	5,000	5,000
9	Homeless Coalition of Polk County (HCPC)	7,500	4,000
10	Lakeland Family YMCA	12,600	4,000
11	Lakeland Volunteers in Medicine (LVIM)	15,000	14,000

12	National Alliance on Mental Illness (NAMI)	10,000	5,000
13	Parker Street Ministries	5,716	4,000
14	Peace River	14,500	0
15	Polk Museum of Art	15,000	0
16	Polk Theatre	12,640	0
17	Salvation Army	15,000	5,000
18	Sunrise Community	10,539	2,500
19	Talbot House Ministries	15,000	5,000
20	Volunteers in Service to the Elderly (VISTE)	15,000	14,000
21	Wilson House	15,000	5,000
22	Women's Resource Center	15,000	0
23	Writers Inc.	5,000	2,500
TOTAL OF (23) REQUESTS		\$269,691	
TOTAL BUDGET		\$80,000	

Steve Bissonnette and Annie Gibson presented this recommendation to the Commission.

The group discussed applicants that were denied funding. There were three areas of funding available and applicants could apply for any fund. The City allowed the applicant to choose which fund for which to apply.

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

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5107; Proposed 09-017; Amending Section 102 of the Lakeland City Code; Providing for Amendments to the Industrial Pretreatment Program (1st Rdg 4/6/09) (Contd 4/20/09, 6/15/09)

AN ORDINANCE RELATING TO WASTEWATER; AMENDING CHAPTER 102 OF THE CODE OF THE CITY OF LAKE LAND, FLORIDA; PROVIDING NEW AND AMENDED DEFINITIONS; REVISING COMPLIANCE STANDARDS; ESTABLISHING AN AFFIRMATIVE DEFENSE; ESTABLISHING LOCAL LIMITS FOR WEST LAKE LAND WASTE LOAD REDUCTION FACILITY; ESTABLISHING LOCAL LIMITS FOR BIOCHEMICAL OXYGEN DEMAND (BOD) AND CONDUCTIVITY; ESTABLISHING NATIONAL CATEGORICAL PRETREATMENT

STANDARDS; 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 Pro Tem Verplanck asked for comments.

Mike Gallagher of Peterson & Myers came forward representing Aqua Clean. They were concerned about the conductivity limitations. They understood the City was in a tough spot when it came to conductivity. He wanted to put on record that the changes regarding conductivity levels would have an impact on his client. Conductivity was a measurement of salt content. It could not be treated outside of water. The ordinance the City was about to adopt allowed staff to work with permittees. They have been in contact with staff. He commended staff for being as responsive as they could. This would be a potential impact to Aqua Clean.

Greg Boettcher, Water Utilities Director, explained that the City was required to .with the current permit issued by the State which set the standard for conductivity. The City was moving that standard into the industrial discharge category. They have worked with Aqua Clean. They were looking at averaging and other strategies and would give them time to comply.

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

Ordinances (First Reading)

Tim McCausland explained that the next two ordinances did not require action but did require a public hearing. He asked Mayor Pro Tem Jim Verplanck to request public comment.

Proposed 09-013; Establishing Zoning on 129.8 Acres North and South of Swindell Road, East of County Line Road

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 129.8 ACRES LOCATED NORTH AND SOUTH OF SWINDELL ROAD, EAST OF COUNTY LINE ROAD WITHIN THE CITY OF LAKELAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Proposed 09-015; Establishing Zoning on 36.6 Acres Located East of Lakeland Hills Boulevard and West of Lake Crago

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 36.6 ACRES OF TENOROC FISH MANAGEMENT AREA LOCATED EAST OF LAKELAND HILLS BOULEVARD AND WEST OF LAKE CRAGO LOCATED WITHIN THE CITY OF LAKELAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Mayor Pro Tem Verplanck asked for comments and there were none. He explained these would come back for the second reading on July 20, 2009.

Ordinances (Emergency Adoption)

Tim McCausland explained the next two ordinances were presented for emergency adoption. They dealt with run-off election dates caused by the proximity to the Thanksgiving Day Weekend. The run-off election, if necessary, would be on December 8, 2009.

Ordinance 5108; Proposed 09-036; Amending Section 81 of the Lakeland City Charter, Amending Runoff Election Dates

AN ORDINANCE AMENDING THE LAKELAND CITY CHARTER; PROVIDING FOR A CHANGE IN MUNICIPAL ELECTION DATES; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Jim Verplanck asked for comments and there were none.

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

Ordinance 5109; Proposed 09-037; Amending Section 30 of the Code of the City of Lakeland - Lakeland Municipal Election Code; Amending Runoff Election Dates

AN ORDINANCE RELATING TO MUNICIPAL ELECTIONS; AMENDING SECTION 30 OF THE CODE OF THE CITY OF LAKELAND, FLORIDA; AMENDING ELECTION DATES; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

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

Action: Upon roll call vote Commissioners Fields, Wiggs, Troller, Higgins, and Mayor Pro Tem Verplanck voted aye. Ayes: five. 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 Higgins seconded and the motion carried unanimously.

CRA 2009-1; Proposed Resolution 09-01; Authorizing Execution of a Locally Funded Agreement with the Florida Department of Transportation for Financial Project No. 42239615202 Providing for Installation of Brick Pavers in Concrete Separators on Memorial Boulevard

A RESOLUTION AUTHORIZING EXECUTION OF A LOCALLY FUNDED AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR FINANCIAL PROJECT NO. 42239615202 PROVIDING FOR INSTALLATION OF BRICK PAVERS IN CONCRETE SEPARATORS ON MEMORIAL BOULEVARD BETWEEN NORTH FLORIDA AVENUE AND THE EASTERN END OF THE MASSACHUSETTS AVENUE INTERSECTION; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

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

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

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

CITY MANAGER

Recommendation re: AmHerst Consulting, Inc. Task Authorization Airport Master Plan Update

The City Commission previously approved a task authorization with AmHerst Consulting for the development of an update of the Lakeland Linder Regional Airport (LLRA) Master Plan for an amount not to exceed \$200,000. The Federal Aviation Authority's (FAA) 95% share of the project was to be funded from the airport's "Non-Primary" entitlement funds from the years 2006, 2007, and 2008. As with the previous Master Plan update projects, the original scope of services included, but limited to the identification of improvements that would:

- Incorporate the interests of the public and government agencies;
- Reflect comprehensive land use (on and off airport) including surface access;
- Use of aerial photogrammetry and rectified aerial photos;
- Addressing the need for increased utilization of the airport by corporate business owners and operators;
- Noise issues

Subsequent to administering the task authorization, and upon negotiating with sub-consultants to perform related work, staff identified that the original project budget would be insufficient to perform a desired expanded scope of work to include financial feasibility analysis of proposed projects that the administration believed would be of great value going forward. Much of the expanded services were related to requested financial feasibility analysis that was not part of previous LLRA Master Plans. The proposed expanded scope of services as outlined below remained consistent with the concepts and objectives of airport business and marketing plans:

- Highest and best use land analysis with variations on short and long term land use;
- Construction options, including third party funding vs. use of Airport funds;
- Return on Investment analysis for identified projects;
- Market analysis of comparable airports;
- Cost-Benefit analysis, including financial modeling for development options;
- Identification of market potential and strategies to maximize value;
- Terminal building evaluation and alternative uses, including potential commercial air service development concepts;
- Environmental impacts and conceptual effects of land use on future storm water control facilities.

In addition, to meet a new FAA requirement to provide financial feasibility to the process, the revised scope would also include:

- Future revenue potential for proposed capital improvements;

- Implementation plan for proposed improvements showing anticipated funding source.

The revised total cost of the project cost was \$306,300, including a FAA share of \$190,000, an FDOT share of \$15,000 and a City share of \$101,300. LLRA staff anticipated the proposed increase and made provisions within the existing Fiscal Year Budget to address the increased City costs.

Subject to approval by FDOT, staff recommended that the City Commission authorize the appropriate City officials to amend the task authorization with Amherst Consulting, Inc. to the revised not to exceed amount of \$306,300 to incorporate the above noted additional scope of services associated with the LLRA Master Plan Update.

Doug Thomas presented this item to the Commission.

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

Recommendation re: Appropriation Request and Task Authorization with DRMP for Beacon Road Extension Preliminary Engineering Study

The City Commission previously approved a Task Authorization with Dyer, Riddle, Mills, & Precourt, Inc. (DRMP) on May 4, 2009 to administer the Wabash Avenue Extension Project Development & Environment (PD&E) Study (from Ariana Street South to Harden Boulevard). Following the project presentation and subsequent approval of the subject PD&E Study, the City Commission requested that City staff also solicit a companion proposal from DRMP, Inc. that would analyze the feasibility of extending Beacon Road from its existing western terminus at Harden Boulevard to a potential connection to the proposed Wabash Avenue Extension, a distance of approximately 1.0 mile.

The intent of the proposed Beacon Road Extension would be to evaluate the need for providing additional east-west roadway capacity and network circulation within the study area. Potential transportation solutions would also consider recreational trail, landscaping and/or utility infrastructure improvements consistent with the conditions of the Oakbridge Development of Regional Impact (DRI) Development Order. The conceptual design and typical cross section alternatives would be developed to minimize impact to adjacent property, existing or proposed developments, wetlands, historical or archeological sites, and protected wildlife. Staff anticipated that the study would take approximately fifteen (15) months to complete.

In accordance with this request, staff recommended a proposed Task Authorization (DRMP-09-04) with Dyer, Riddle, Mills, & Precourt, Inc. for approval by the City Commission at a not to exceed amount of \$199,597.65. In order to administer the appropriate funding requirement of this Task Authorization, staff requested an appropriation of \$199,597.65, plus an additional \$15,000.00 for City staff payroll (a total of \$214,597.65) from the Transportation Impact Fee Fund – District 2.

Staff recommended that the City Commission authorize the appropriate City officials to execute a Task Authorization with Dyer, Riddle, Mills & Precourt, Inc in the amount of \$199,597.65 for the Beacon Road Extension Preliminary Engineering Study and to authorize a companion appropriation in the amount of \$214,597.65 from the Transportation Impact Fee Fund – District 2 to cover consulting and related staff costs for the study.

Doug Thomas presented this item to the Commission.

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

CITY ATTORNEY

Ordinances (First Reading)

Proposed 09-038; Small Scale Amendment #SS-09-009 to Future Land Use Map Assigning Land Use to 6.51 Acres Located North of Old Combee Road on the West Side of Lakeland Commerce Parkway (4820 Lakeland Commerce Parkway)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-09-009 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 6.51 ACRES LOCATED NORTH OF OLD COMBEE ROAD ON THE WEST SIDE OF LAKELAND COMMERCE PARKWAY (4820 LAKELAND COMMERCE PARKWAY), 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 July 20, 2009.

Proposed 09-039; Application of I-2 Zoning on 6.51 Acres Located North of Old Combee Road on the West Side of Lakeland Commerce Parkway (4820 Lakeland Commerce Parkway)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 6.51 ACRES LOCATED NORTH OF OLD COMBEE ROAD ON THE WEST SIDE OF LAKELAND COMMERCE PARKWAY (4820 LAKELAND COMMERCE PARKWAY) WITHIN THE CITY OF LAKELAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

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 July 20, 2009.

Resolutions

Resolution 4765; Proposed 09-031; Accepting Surplus Land on Crevasse Street From FDOT for Public Use

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION PREPARE AND ENTER INTO A TRANSFER OF PROPERTY BY PUBLIC PURPOSE QUIT CLAIM DEED TO THE CITY OF LAKELAND, FLORIDA; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

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

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

Resolution 4766; Proposed 09-032; Easement Application for Utility Easements from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida Located on Swindell Road at Alderman Road

A RESOLUTION AUTHORIZING EXECUTION OF EASEMENT APPLICATION FOR UTILITY EASEMENTS FROM THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA LOCATED ON SWINDELL ROAD AT ALDERMAN ROAD; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

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

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

Resolution 4767; Proposed 09-033; 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. Commissioner Wiggs seconded.

Mayor Pro Tem Verplanck asked for comments.

Umapada Dey came forward to object to the assessment on his property (Job #09-0069).

The Commission decided to remove Job #09-0069 from the resolution and special assessment roll until the following month to allow time for Mr. Dey and staff to meet.

Action: Upon roll call vote Commissioners Fields, Wiggs, Troller, Higgins, and Mayor Pro Tem Verplanck voted to approve the resolution as amended. Ayes: five. Nays: Zero. The motion carried unanimously

Miscellaneous Reports and Communications*** Memo re: Fire Protection Agreement with Polk County**

This was the proposed agreement between the City and Polk County to provide fire service in portions of the unincorporated areas adjacent to the City. The City, through its Fire Department, arranged on an annual basis, an agreement whereby the City accepted a response obligation to incidents located in certain identified areas adjacent to the City limits. As compensation, the County pays 50% of the annual fire assessment collected on properties in the designated area to the City. The assessment amount per the agreement was \$366,632.00 compared to \$377,756.00 in the previous fiscal year, a decrease of \$11,124.00.

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

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

*** Memo re: Waiver of 5:01 P.M. Hearing Requirement**

During the month of July, the Community Development Department would present the Commission with various amendments to the Comprehensive Plan to include zoning changes, which would require at least one hearing after 5 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: Comprehensive Plan Draft Evaluation & Appraisal Report for Submittal to FDCA**

The Community Development Department Long Range Planning staff completed the initial draft of the Evaluation and Appraisal Report (EAR) of the Comprehensive Plan in accordance with the Florida Statutes, Chapter 163 and must adopt by resolution the EAR no later than October 1, 2009. The Planning and Zoning Board held a public hearing on June 16, 2009, adopted the EAR and forwarded it to the City Commission for consideration.

To ensure that the proposed EAR will meet the Department of Community Affairs sufficiency determination, all local governments are given the option to submit the proposed EAR for a thirty day "sufficiency" review at which time the State review agencies may make comments and recommendations for how the proposed EAR might best meet all the criteria. Staff recommended submitted the EAR to the DCA for this optional, courtesy review.

Staff recommended that the Commission authorize the Community Development Department Long Range Planning staff to transmit the Draft EAR for the optional State review. A formal resolution would come before the City Commission for official action at the September 21, 2009 meeting along with any necessary changes to the document per the State review.

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

* **Memo re: Fiber Optic (Dark Fiber) License Use Agreement with Lakeland Regional Health Systems, Inc.**

This was a proposed Fiber Optic (Dark Fiber) License Use Agreement between the City and Lakeland Regional Health Systems, Inc. to transmit data services from Lakeland Regional Medical Center (LRMC) to its various offices/satellite facilities. This License Use Agreement was similar to previous agreements the City had with LRMC. Pursuant to this Agreement, LRMC would lease four (4) Dark Fibers from the City to provide connectivity from LRMC's main offices on Lakeland Hills Boulevard to a site located across the street at 1325 Lakeland Hills Blvd.

This Agreement was for an initial period of three (3) years commencing on approval by the City Commission, with successive renewal options thereafter. LRMC shall be

responsible for all costs relating to connectivity/make-ready and use of the Dark Fiber. Pursuant to this License Use Agreement, LRMC would pay the City a one-time fee of \$5,000.00 for connectivity/make-ready and \$2,400.00 annually for the use of the four (4) fibers, representing increased revenue for the City. The rate charged to LRMC was based on \$100.00 per fiber, per mile, per month.

The License Use Agreement with Lakeland Regional Health Systems, Inc. enabled the City to provide LRMC with a core network of communication that could be transmitted long distances and had a high data-carrying capacity allowing LRMC to serve their facilities and the community as a whole.

Staff recommended that the Commission authorize the appropriate City officials to execute this License Use Agreement for Fiber Optic (Dark Fiber) with Lakeland Regional Health Systems, Inc.

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

Memo re: Agreement for Software Licensing and Consulting Services with Syclo, LLC

This was a proposed Master Framework Agreement between the City and Syclo, LLC for software, services, and support/maintenance. This Agreement would support Lakeland Electric's Customer Service, Field Services Division's technology project for mobile work management, as well as other City departments' mobile work management needs upon request.

Pursuant to the City's Request for Proposal #9015, Syclo was chosen as the most responsive responsible bidder. Although this was a new system for Lakeland Electric's Customer Service, Field Services Division, Syclo provided the same base mobile workforce management system to the City's Water Utilities, Wastewater Division since 2006 and was recently chosen by Lakeland Electric's, Energy Delivery Division for the same purpose.

Lakeland Electric's Customer Service, Field Services Division will be using this new system for scheduling, dispatching and routing of work to its meter service and energy analyst field forces, as well as communicating completed work back to the utility and its customer information system. The term of the Master Framework Agreement shall commence upon approval by the City Commission and continue unless otherwise cancelled or terminated pursuant to the Agreement.

This License Agreement will grant the City the right to use the software with or without participation in the annual maintenance renewal. The total expenses associated with this Agreement for Lakeland Electric's Customer Service, Field Services Division will be \$320,530 for year one and approximately \$12,955 for subsequent years of maintenance renewal. Use of this product would allow more effective and efficient tracking of this

Division's activities. In addition, Syclo's product provided access to updates and enhancements consistent with industry changes.

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

Tim McCausland presented this item to the Commission.

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

Memo re: Task Authorization with Dyer, Riddle, Mills & Precourt for the Extension of Waring Road from Old Medulla Road to West Pipkin Road

This was a proposed Task Authorization with Dyer, Riddle, Mills & Precourt, Inc. (DRMP) to amend the existing contract for the extension of Waring Road from Old Medulla Road to W. Pipkin Road. Construction plans were completed in 2004, and the City acquired the necessary right-of-way. This Task Authorization would complete the work necessary to bid this project in July 2009 and commence construction by November 2009. Funding for this work was available in the current project budget. This Task Authorization included the following items:

1. Permit Modification - DRMP will prepare the necessary documentation to modify the SWFWMD Environmental Resources Permit (ERP) and the US Army Corps of Engineer (ACOE) permit for the Waring Road Extension. Permit modifications were required to extend the expiration date of the permit, add a southbound right-turn lane at the Waring Road/Old Medulla Road intersection, and designate land to be conveyed as a conservation easement for wetland mitigation.
2. Plan Modification – The Construction Plans would be modified to show the construction of a southbound right-turn lane at the intersection of Waring Road/Old Medulla Road. DRMP would also prepare an alternate bid option for the construction of a gravity wall along a portion of the road extension in lieu of constructing earthen slopes.

Staff recommended that the Commission authorize the City Manager to execute Task Authorization DRMP 09-03, in the amount of \$43,108.00, on behalf of the City of Lakeland.

Tim McCausland presented this item to the Commission.

Motion: Commissioner Higgins moved to approve the recommendation. Commissioner Troller seconded and the motion carried 4-1 with Commissioner Wiggs voting nay.

Memo re: English Oaks Phase III Easement Acquisition

The City of Lakeland Water Utilities Department had been working to acquire an easement to install pipeline for the referenced project. Although the Utility was prepared to condemn for easement rights, they are able to settle with this property owner without filing a condemnation action. The land that was being acquired would be used for pipeline installation.

On April 2, 2008, a letter was sent to the property owner as required by Florida Statutes. On April 8, 2008, the owner objected to the easement requested and requested that the City obtain an easement concurrent with a Progress Energy Easement that encumbered a portion of his property. Staff then commenced with seeking approval from Progress Energy to be concurrent with their exclusive easement, which took approximately a year to accomplish. During this year, staff obtained an appraisal of the property for \$17,030. As the staff began to negotiate pricing for the parcel, the owner requested \$50,000; however, they settled for \$31,500.

Staff determined that the cost of involuntary acquisition through eminent domain would be approximately \$78,000, as compared to the settlement amount of \$31,500. Hence, settlement was the best business case for this acquisition. This property owner had not represented to the City that an attorney represented him. The total exposure for this acquisition will be \$31,500, or \$3.42 per square foot.

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

Tim McCausland presented this item to the Commission.

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

Memo re: Public Notification of Justice Assistance Grant Award

The Lakeland Police Department was eligible for, and applied for, a Justice Assistance Grant (JAG), a federal grant program eligible to local governments to enhance local law enforcement efforts. The JAG was allocated on a proportional basis and Lakeland's award for fiscal year 2009 was \$55,820. The period to expend these funds ran from October 1, 2008 through September 30, 2012. Congress and the President would ultimately decide whether additional funding would be forthcoming after this year.

This City Commission meeting would provide an opportunity for citizens and neighborhood or community organizations to comment as mandated. The Police Department planned to use the funds in the following manner:

ITEM	FED SHARE (100%)	CITY SHARE (0%)	TOTAL COST
AFIX Fingerprint & Palm Print ID System (includes 3-yr support Plan)	\$22,000	\$0	\$22,000

Motorcycle-mounted radar systems (7 @ \$2,515 ea)	\$17,605	\$0	\$17,605
Professional CD Publisher	\$5,821	\$0	\$5,821
High Volume Professional Scanner	\$5,220	\$0	\$5,220
Commercial Refrigerator (for perishable evidence storage)	\$2,044	\$0	\$2,044
Digital Video Cameras (2 @ \$950 ea.)	\$1,900	\$0	\$1,900
Digital Still Cameras (2 @ \$615 ea.)	\$1,230	\$0	\$1,230
TOTAL PROJECT COSTS	\$55,820	\$0	\$55,820

Staff requested the Commission to approve the grant application and the expenditure of funds for the purposes as set forth herein. Staff also requested that the City Commission approve an appropriation and an offsetting Increase in Estimated Revenues in the amount of \$55,820 to the JAG/Byrne Grant program in the General Fund.

Tim McCausland presented this item to the Commission. He explained that it was a public hearing and asked Mayor Pro Tem Verplanck to request public comment.

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

Mayor Pro Tem Verplanck asked for comments.

Commissioner Wiggs explained that every municipality competed for this money. He complimented the Lakeland Police Department for their work in securing these funds.

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

Memo re: Task Authorization with Black & Veatch for Design and Construction Services for T. B. Williams Water Treatment Plant Improvement Process Computer Control System Replacement

The Process Computer Control System (PCCS) at Lakeland's principal water treatment plant was obsolete and overdue for replacement. The 1993-vintage equipment was no longer manufactured resulting in declining availability of parts, services, and support. Modern process control software and hardware must be installed to sustain reliable water treatment. Due to the critical role the T.B. Williams Water Plant served in supplying potable water to Lakeland customers, the plant must remain in continuous operation throughout the project.

This item was a proposed Task Authorization with Black & Veatch for design and construction services associated with the PCCS replacement project at the T.B. Williams Water Treatment Plant with a not-to-exceed contract value of \$390,240.00. The \$2 million PCCS project was scheduled to be ready for bidding in approximately 9 months and should be completed within 24 months.

The T. B. Williams Water Plant delivers 28.03 million gallons per day (mgd) of Lakeland's 35.03 mgd water use permit, confirming its essentiality. Williams' PCCS was over 15-years old, and despite its age was still in service today. When completed in 2005, the Combee Water Plant's PCCS utilized an Emerson Control System product (DeltaV). The DeltaV PCCS had proven to be a reliable and robust system, justifying standardization of this product for the new Williams' PCCS. Black & Veatch designed the Combee PCCS system and staff recommended them to provide engineering services for the Williams' PCCS project due to their familiarity and satisfactory past performance. The mirroring of the Combee PCCS system at Williams provided operational, synchronization, training, and reliability advantages due to the use of a common computer platform for water plant process controls. The selection of the Emerson Control System product was carefully analyzed. Staff felt Emerson to be a supplier whose product would endure in the marketplace, ensuring continued support, enhancement and upgrade capabilities.

Under the Task Authorization Black & Veatch would provide professional engineering services for the PCCS project including; design, bidding documents, bid evaluation, award recommendation, construction phase and start-up/training. Due to the complex technical issues and sustained operations requirements, outside professional services were needed. The Black & Veatch engineer that directly handled the Combee Water Plant's instrumentation and control systems would be the project manager for the Williams' PCCS project, further ensuring consistency, and expediency. Once the full extent and scope of the project was defined, a detailed engineer's prediction of costs would be developed. Staff envisioned that this project would have a construction cost of roughly \$2 million and will be fully in service within 24 months. Sufficient funds were budgeted in the Water Production Capital Improvement Plan for this is a priority project.

Staff recommended that the City Commission approve the Task Authorization with Black & Veatch and authorize the appropriate City officials to execute the necessary documents associated with this task authorization.

Tim McCausland presented this item to the Commission.

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

FINANCE DIRECTOR

*** Appropriation and Increase in Estimated Revenues – Transportation Fund**

In May 2009, the Lakeland City Commission approved a Task Authorization with the firm of Dyer, Riddle, Mills, & Precourt, Inc. (DRMP) for the Wabash Avenue Extension Project Development & Environment (PD&E) Study from Ariana Street South to Harden Boulevard at an amount of \$445,629. This project was funded from Transportation Impact Fees – District 2. Public Works would also like to track administrative and other in-house costs

associated with this project and asked for an appropriation of \$15,000 from Transportation Impact Fees - District 2.

In May 2009, the Lakeland City Commission also approved a Task Authorization with the firm CardnoTBE, Inc. (TBE) for the County Line Road/Interstate 4 Signalization Project in the amount of \$31,182. This project was funded from an OTTED grant. Public Works would similarly like to track administrative and other in-house costs associated with this work that are not reimbursable under the terms of the grant, and were asking for an appropriation of \$15,000 from Transportation Impact Fees District 1.

Staff requested that the City Commission authorize an appropriation of \$15,000 from Transportation Impact Fees – District 2 for staff costs associated with the Wabash Avenue Extension Project Development & Environment (PD&E) Study and an appropriation in the amount of \$15,000 from Transportation Impact Fees – District 1 for staff costs associated with the County Line Road/Interstate 4 Signalization Project.

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

AUDIENCE - None

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Fields asked Doug Thomas to make sure the Airport Stakeholders were aware of the process with Amherst Consulting.

Commissioner Troller recognized Tom Mims for stepping up to the plate to help our community celebrate with the Red, White, and Kaboom program. The attendance estimate was 30,000 people. Tom Mims also did a food drive, sold t-shirts with profits going to local food banks, and provided water.

Recess/reconvene: The Commission recessed at 11:09 a.m. until after the Utility Committee Meeting. They reconvened at 1:45 p.m.

The Lakeland City Commission reconvened in the Regular Session in the Commission Chambers. Commissioners Glenn Higgins, Justin Troller, Howard Wiggs, Gow Fields, and Mayor Pro Tem Verplanck were present. Commissioner Yates was out of town and Mayor Fletcher was absent to attend a funeral. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch, and City Clerk Kelly Koos were present.

Mayor Pro Tem Verplanck called the meeting back to order at 1:45 p.m.

UTILITY - CONSIDERED AFTER 1PM UTILITY COMMITTEE MEETING

Memo re: Water Solutions Agreement with GE Mobile Water, Inc.

This was a proposed Agreement with GE Mobile Water, Inc. for water treatment equipment, operation and maintenance to supply demineralized water primarily for use with McIntosh Power Plant's Unit 5 combustion turbine. This demineralization project would effectively supply demineralized water at a reduced capacity, which would save on equipment and operating costs through more efficient utilization of existing equipment. After obtaining competitive quotes from other suppliers of demineralized water, staff selected GE Mobile Water, Inc. based on its ability to provide demineralized water at the flow capacity nearest to the requested 125 gallons per minute at the lowest cost.

The term of this Agreement shall be effective upon approval by the City Commission and execution of the parties and shall continue for a period of five (5) years. The annual cost of this leased demineralizer process system was \$226,800. There was also an additional cost of \$0.62 per 1,000 gallons of demineralized water supplied under this contract. Staff estimated the total annual cost of this contract at \$249,120, using the volume of demineralized water used last year as an approximation of water use for each year under this Agreement. All equipment, maintenance, and other services were included in these identified costs.

Staff recommended that the Commission authorize the appropriate City officials to execute this proposed Agreement with GE Mobile Water, Inc. on behalf of the City.

Tim McCausland presented this item to the Commission. The Utility Committee recommended approval.

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

CALL FOR ADJOURNMENT – 1:57 p.m.