

LAKELAND CITY COMMISSION
Regular Session
July 7, 2008

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

CALL TO ORDER - 9 a.m.

INVOCATION

Reverend Robert Moore of Hope Hospice offered the invocation followed by the salute to the flag.

PRESENTATIONS

Public Works-Lake Parker Southwest Basin Stormwater Treatment Project Update.

Rick Lilyquist introduced Doug Gleckler who made the presentation.

PROCLAMATION

Lakes Appreciation Month

Rick Lilyquist, Doug Gleckler, and Cindy Hills accepted this proclamation.

Cindy Hill, Lakes Program Coordinator worked with Jr. Girl scouts troop 592 and presented a certificate of appreciation to the girls.

PRESENTATIONS-cont.

Beautification Awards

The Beautification awards were presented by Frankie Martin.

Residential: 4809 Tierra Alta Court - Robert & Frances Danos
Commercial: 1920 South Florida Avenue – John Radabaugh, P.A.

Municipal Boards & Committees

The Municipal Boards Committee met Monday, July 7, 2008 in the City Commission Conference Room. Commissioners Glenn Higgins and Jim Verplanck (members) were present. Commissioner Edie Yates (chair) was present. Commissioner Justin Troller, City

Manager Doug Thomas, City Attorney Tim McCausland, and Deputy City Clerk Deborah Cason were present.

Commissioner Yates called the meeting to order at 7:26 a.m.

1. Planning and Zoning Board

Recommendations from Jim Studiale:

- a. Reappoint Titania Lamb to serve an additional term that will expire July 7, 2011.
- b. Appoint Terry Dennis to fill the position vacated by Margaret Alford who does not wish to serve an additional term. If appointed, Mr. Dennis will serve a three-year term which will expire on July 7, 2011.

Recommendation: Commissioner Verplanck moved to approve the appointment. Commissioner Higgins seconded and Commissioner Yates concurred.

2. Affordable Housing Advisory Committee

Recommendation from Annie Gibson to appoint Margaret Wheeler and Patrick George, Jr. for a three-year term to fill two existing vacancies. Their terms will expire July 7, 2011.

Recommendation: Commissioner Verplanck moved to approve the appointment. Commissioner Higgins seconded and Commissioner Yates concurred.

3. Historic Preservation Board

Recommendation from Lynn Schindler to reappoint Andrew Snyder for an additional term. His initial term expired June 30, 2008. His second term will be for three years and expire June 30, 2011.

Recommendation: Commissioner Verplanck moved to approve the appointment. Commissioner Higgins seconded and Commissioner Yates concurred.

The meeting adjourned at 7:29 a.m.

Action: Commissioner Yates presented the minutes to the Commission and the Commission approved them unanimously.

Employee Service Awards

10 Years

Peddycoart, Christopher M 06-21-1998 P&R-Library

20 Years

Sloan, Richard A 06-06-1988 P&R-Recreation

25 Years

Cronin, James K 06-09-1983 LE-Energy Production

Ricks, Malcolm D 06-27-1983 LE-Energy Production
Shanks, Mark A 06-17-1983 LE-energy Production

Mayor Fletcher and Doug Thomas presented these awards.

APPROVAL OF MINUTES (with any amendments)

*City Commission 6/16/08
*Utility Committee 6/16/08

Action: The items were approved on the consent agenda.

APPROVAL OF CONSENT AGENDA

*City Commission minutes 6/16/08
*Utility Committee 6/16/08
*Memo re: Waiver of 5:01 p.m. Hearing
*Memo re: Public Notification of Justice Assistance Grant Award
*Memo re: Lease Agreement – Magnolia Building Garden Bistro
*Memo re: Agreement with Niagara Conservation Corporation for All Phases of a Low Flow Pre-Rinse Spray Valve Replacement Program
*Appropriation – Fleet Management
*Appropriation – Public Improvement Fund
*Memo re: Approval of Short List for Engineering Services for Design of 69 KV Electric Transmission Line – Socrum to Orangedale Substation
*Memo re: Task Authorization with TJR Technical Services for Assistance in Specifications Preparation for McIntosh Units 1, 2 & 3

Action: Commissioner Wiggs moved to approve the consent agenda. Commissioner Verplanck seconded and the motion carried unanimously.

EQUALIZATION HEARINGS – 9:39 AM

Recess: 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 these assessments to the Equalization Board. A copy of the Assessment Roll is attached to these minutes.

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

Mayor Fletcher asked for comments and there were none.

Action: The motion carried unanimously.

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

Land Acquisition & Disposition Committee

The Land Acquisition & Disposition Committee met in the Commission conference room. Commissioner Troller and Mayor Fletcher (members) were present. Commissioner Higgins (chair) was present. Commissioners Jim Verplanck, Howard Wiggs, and Edie Yates were present along with staff and members of the media.

Commissioner Higgins called the meeting to order at 7:03 a.m.

The Public Works Department had been involved for the last 18 months in the development of a stormwater system retro-fit project to improve water quality in Lake Gibson. The plan called for a combination of attenuation ponds, a flow-through marsh and sedimentation ponds. The Department had been moving forward to acquire property for the project.

This was a proposed contract for the purchase of a 1.5 acre site adjacent to Wedgewood Estates Boulevard owned by The First Assembly of God Church, Inc. The design required a .75 acre site for an attenuation pond. Stan Reed Appraisal Company valued the property at \$6.00 per square foot, or \$196,000.

The Church had agreed to sell the property without the necessity of condemnation at the appraised per square foot price, but only on the condition that the City purchase the entire tract, or 1.5 acres. The purchase amount was \$394,600.00.

Public Works recommended that the property be purchased. The excess land would either be used for additional attenuation or potentially as a land trade with other owners that were impacted by the project. The funds were available in the Stormwater Utility Fund.

Staff recommended that the appropriate city officials be authorized to execute this agreement.

Recommendation: Mayor Fletcher moved to approve the recommendation. Commissioner Higgins seconded. Commissioner Troller opposed.

The meeting adjourned at 7:26 a.m.

Motion: Commissioner Higgins presented these minutes to the commission and moved to approve the recommendation.

Mayor Fletcher asked for comments.

Commissioner Troller disagreed with paying \$6.00 a sq. ft. in an environment where he thought \$4.00 to \$5.00 per sq. ft. would be reasonable. He also disagreed with buying the whole 1.5 acres when they only needed .75 of an acre for the project.

Action: Mayor Fletcher called for the vote and the motion carried five to one with Commissioner Troller voting nay.

REQUESTS TO APPEAR FROM THE PUBLIC-NONE

PUBLIC HEARINGS

Ordinances (Second Reading) NONE

Ordinance (First Reading)

Proposed Ordinance 08-048; Text Amendment #T-08-024 to the Lakeland Comprehensive Plan for DRI-related Road Improvements

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-08-024 OF THE LAKELAND COMPREHENSIVE PLAN 2000-2010, AS ADOPTED BY ORDINANCE 4140, UPDATING THE 5 YEAR CAPITAL IMPROVEMENTS PLAN AND ASSOCIATED TEXT IN THE CAPITAL IMPROVEMENTS ELEMENT; MAKING A DETERMINATION THAT THIS ACTION IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF COMMUNITY AFFAIRS; 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 21, 2008

Proposed Ordinance 08-049; Establishing PUD Zoning for Lakeland Central Park on 724 Acres Located North and East of Polk Parkway, South of Old Tampa Highway and West of Airport Road

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR PUD ZONING FOR LAKELAND CENTRAL PARK DEVELOPMENT OF REGIONAL IMPACT CONSISTING OF 724 ACRES LOCATED NORTH AND EAST OF POL PARKWAY, SOUTH OF OLD TAMPA HIGHWAY AND WEST OF AIRPORT ROAD; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; REPEALING CITY OF LAKELAND ORDINANCE 4100; 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 July 21, 2008

Miscellaneous

Flagler Development Group (FDG Lakeland Central Park, LLC) was proposing a mixed-use office/warehouse/retail project on property located west of Airport Road, north of the Polk Parkway and south of Old Tampa Highway (CR 542). At ultimate build-out over at least about 15 years, the Lakeland Central Park Development of Regional Impact (DRI) was scheduled to include the following uses:

- 5,000,000 square feet of industrial/warehouse,
- 125 hotel rooms,
- 650,000 square feet of office,
- 225,000 square feet of retail/service uses, and
- 300 multi-family dwelling units.

The Developer's Agreement, and the DRI Development Order which would be scheduled for consideration on July 21, 2008, provided entitlements to Phase I only, which included the following uses scheduled to be constructed by 2013:

- 3,400,000 square feet of industrial/warehouse; and
- 120,000 square feet of office space.

Traffic analyses conducted for the developer according to a methodology approved by the City, County, Florida Department of Transportation and Central Florida Regional Planning Council indicated certain off-site mitigation measures were necessary for Phase I of the DRI project to be granted "transportation concurrency". The developer had elected to consolidate its off-site mitigation obligations into three improvements:

The four-laning of Airport Road (SR 572) between the Polk Parkway and the LCP northern property boundary;

The addition of a northbound left-turn lane and westbound departure lane at the US 92/County Line Road intersection; and

The addition of an eastbound left-turn lane, westbound departure lane and other geometric improvements at New Tampa Highway (US 92) Wabash Avenue intersection.

The total cost of these three off-site improvements was estimated to be \$11.3 million. If the developer had constructed the Phase I development program in a non-DRI project, its transportation impact fee obligation would be approximately \$8.6 million, according to the current adopted fee schedule. This Development Agreement contained a timetable for the construction of the three required off-site improvements and a process through which the \$2.7 million overage (between impact fee obligation and off-site improvement cost) could be credited to the developer if the City obtained grants or other discretionary dollars for regional transportation improvements or transportation improvements necessary to support economic development projects.

Polk County had agreed to accept the improvements in satisfaction of the developer's obligation for County Transportation Impact Fees. The developer had agreed to design and construct the three required improvements at whatever final costs were incurred (which could be higher than \$11.3 million.)

This Development Agreement would comply with all applicable requirements of the Florida Local Government Development Agreement Act, found in Chapter 163, *Florida Statutes*.

Dale Kozich, nearby property owner, came forward with concerns about development of this property.

Another resident that had property that backed up to the Flagler property also had concerns and requested a sound barrier wall.

The Commission will hold a public hearing and take final action at their meeting scheduled for July 21, 2008. This agreement was a separate document that will implement the requirements contained in the DRI Development Order, which was also scheduled for final action on July 21, 2008.

Resolution

Resolution 4696; Proposed 08-035; Regarding Temporary Advances for Payments in Connection with Revolving Loan Fund Projects

A RESOLUTION OF THE CITY OF LAKELAND, FLORIDA; AUTHORIZING DECLARATIONS OF OFFICIAL INTENT UNDER U.S. TREASURY REGULATIONS WITH RESPECT TO REIMBURSEMENTS FROM NOTE AND BOND PROCEEDS OF TEMPORARY ADVANCES MADE FOR PAYMENTS PRIOR TO ISSUANCE, AND RELATED MATTERS; MAKING FINDINGS PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

CITY MANAGER

Recommendation re: Architectural Services - Solid Waste Wash Facility

In March 2007, Lunz Prebor Fowler Architects completed a Sanitation Truck Wash Study for the City of Lakeland Solid Waste Management Division providing research and determination of wash equipment alternatives that would physically meet the existing sanitation wash building. The study also provided solicited cost proposals from vendors providing compatible equipment, a structural evaluation regarding damage repair solutions and cost for the existing wash facility.

There are two basic types of automated wash facilities, a drive-thru system and a gantry system. As the name implies, the drive-thru system utilizes two to four arches that are fix-mounted and span over the vehicle as it is driven thru at a pre-determined rate. The gantry system allow for the vehicles to be pulled into the wash bay and the arch wash equipment then travels along the parked vehicle through the wash cycle. Gantry systems typically require more service/maintenance due to the increased number of movable parts and equipment and space constraints of the large solid waste trucks.

Following review and consideration of both systems, meeting with equipment manufacturers and visiting a municipal drive-thru wash facility in Kissimmee, the recommendation to design a new Solid Waste Wash Facility utilizing the drive-thru system method was being advanced. The next phase of the project would require the development of construction drawings for the new facility and associated equipment, along with repair and modification details to address the existing structural deficiencies of the current wash facility.

A task authorization was recommended with Lunz Prebor Fowler Architects, under the City of Lakeland Continuing Contract for Architectural Consultant Services in the amount not-to-exceed \$49,260 to administer the following services:

- Design of all structural repairs necessary to retrofit the existing facility.
- Design all infrastructures necessary to incorporate a Rieskamp wash system in the building, including new water, sewer and electrical services.
- Design of any required building modifications.
- Assist in the bidding process and bid analysis.
- Attendance at pre-construction and bi-weekly job site meetings.
- Preparation of final punch list and verification of completion.
- Certification of as-built survey fro SWFWMD permit closure.

Funding for the recommended services was presently budgeted in the FY 2008 Solid Waste Management Fund.

Staff recommended that the City Commission authorize the appropriate City officials to execute a task authorization with Lunz Prebor Fowler Architects to develop construction drawings and associated requirements for the not-to-exceed fee of \$49,260 for the proposed rehabilitation of the Solid Waste Wash Facility.

Doug Thomas presented this item to the commission.

Commissioner Verplanck asked staff to research the use of reclaimed water for this facility.

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

Doug Thomas invited everyone to attend a public workshop for the FDOT Rail Traffic Evaluation to be held at the Bartow Civic Center on Thursday, July 10, 2008 from 6 p.m. to 9 p.m.

CITY ATTORNEY

Ordinances (First Reading)

Proposed 06-031; Change in Zoning on 8/49 Acres Located South of Griffin Road, East of Kalt Drive and West of North Florida Avenue

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 8.49 ACRES WITHIN THE CITY OF LAKE LAND LOCATED SOUTH OF GRIFFIN ROAD, EAST OF KALT DRIVE AND WEST OF NORTH FLORIDA AVENUE, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKE LAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING A 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 21, 2008.

Proposed 08-050; Proposed Changes to the Land Development Regulations

AN ORDINANCE RELATING TO LAND DEVELOPMENT REGULATIONS; ADOPTING VARIOUS AMENDMENTS TO THE CITY OF LAKE LAND LAND DEVELOPMENT CODE; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on July 21, 2008.

Proposed 08-051; Conditional Use for Additional Church Facilities on Property Located at 821 West Beacon Road

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR ADDITIONAL CHURCH FACILITIES ON PROPERTY LOCATED AT 821 WEST BEACON ROAD; 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 July 21, 2008.

Proposed 08-052; Conditional Use for a Parking Lot to Serve Florida Southern College at 1028 McDonald Street

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A PARKING LOT FOR FLORIDA SOUTHERN COLLEGE AT 1028 McDONALD 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 July 21, 2008.

Proposed 08-053; Major Modification of PUD Zoning for a 700,000 Square Foot Warehouse Storage Facility on 43.95 Acres Located East of the Intersection of Gay Road and Airport Road

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR A MODIFICATION OF PUD ZONING TO ALLOW A 700,000 SQUARE FOOT WAREHOUSE STORAGE FACILITY ON 43.95 ACRES LOCATED EAST OF THE INTERSECTION OF GAY ROAD AND AIRPORT ROAD; AMENDING ORDINANCE 4879; 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 21, 2008.

Proposed 08-54; Regarding Water Conserving Spray Valves

AN ORDINANCE RELATING TO WATER CONSERVATION REQUIRING THE INSTALLATION OF WATER-CONSERVING PRE-RINSE SPRAY VALVES AND SUBSEQUENT REPLACEMENT OF THE PUBLICLY-FUNDED DEVICES; PROVIDING DEFINITIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; 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 July 21, 2008.

Resolutions

Resolution 4697; Proposed 08-036; Lots Cleaning and Clearing

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

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

Action: Upon roll call vote Commissioners Yates, Wiggs, Verplanck, 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 July, the Community Development Department would be presenting the Commission with a text amendment to the Lakeland Comprehensive Plan regarding DRI-related road improvements which would require at least one hearing after 5:00p.m.

Staff requested that the Commission waive the statutory requirement that at least one of the hearings on these matters be held after 5:00 p.m.

Action: This item was approved on the consent agenda.

***Memo re: Public Notification of Justice Assistance Grant Award**

The Lakeland Police Department was eligible for, and had 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 2008 was \$15,255. The period to expend these funds runs from October 1, 2007 through September 30, 2011. Congress and the President would ultimately decide whether additional funding would be forthcoming after this year.

Staff requested authorization to approve the grant application and the expenditure of funds. (Tentative plans for funds are available in the agenda packet.)

Action: This item was approved on the consent agenda.

***Memo re: Lease Agreement – Magnolia Building Garden Bistro**

This was a proposed lease agreement between the City and Papillon's Catering and Restaurant, Inc. to lease 1276 square feet of interior space in the Magnolia Building basement for the operation of the Magnolia Building Garden Bistro, a food and beverage concession at the Lake Mirror facility. The Lessee was also exercising their option to lease 500 square feet of exterior space on the Magnolia Building Patio.

The term of the lease would be for a period of five years, commencing September 1, 2008. Annual rent for the premises would total \$20,118.96 or \$1,676.58 per month for the first year of the lease which represented an increase of approximately 32% over the preceding lease year. Thereafter, rent for the remaining years of the lease would be adjusted annually in accordance with the Consumer Price Index (CPI) for all Urban Consumers.

Food service quality and menu will be maintained and approved by the Parks and Recreation Director. The tenant will acquire all licenses and permits for the operation.

Staff recommended that the appropriate City officials be authorized to execute this agreement.

Action: This item was approved on the consent agenda.

***Memo re: Agreement with Niagara Conservation Corporation for All Phases of a Low Flow Pre-Rinse Spray Valve Replacement Program**

This was an agreement with Niagara Conservation Corporation, of Cedar Knolls, New Jersey, for \$48,600 to administer a water conservation program to restaurants and commercial establishments for the replacement of existing, inefficient pre-rinse spray valves with new, low-flow pre-rinse valves. The water conserving program's funding included \$22,500 from the Southwest Florida Water Management District (SWFWMD) and \$26,100 from the City of Lakeland. A Request for Proposals was released with Niagara Conservation Corporation being the only respondent. The agreement provided for specific unit prices for this work and a not-to-exceed contract value of \$48,600.

This water conservation activity was included in the SWFWMD Cooperative Funding Agreement approved by the City Commission on December 4, 2007. Under the agreement, Niagara Conservation Corporation would provide turn-key services relating to this low-flow pre-rinse spray valve replacement program. These services include the confirmation of eligibility for replacement, installation of the approved spray valves, reinstallation of old spray valves if participant is not satisfied with the new unit, documentation of activities, itemized reporting and other administrative support to ensure compliance with SWFWMD funding agreement terms. The program would install water-conserving spray nozzles in existing restaurants and commercial kitchens for use in their dish and pot washing operations. Niagara Conservation Corporation would be paid \$162.00 per installation and is contracted to change-out 300 inefficient spray valve units.

Staff recommended that the appropriate City officials be authorized to execute the attached Agreement.

Action: This item was approved on the consent agenda.

Memo re: First Modification to the Engineering Services Agreement with Chastain-Skillman, Inc. – English Oaks Phase III

Chastain-Skillman was authorized on June 19, 2006 to provided design and construction services relating to the pipeline portions of the English Oaks Phase II and the English Oaks Phase III Projects (Southwest Wastewater Capacity Project). The project was necessary to assist in making wastewater service available in Southwest Lakeland, with Chastain-Skillman's portion representing a construction cost of approximately \$15 million. At the time of contract negotiation, the project scope was preliminary in nature necessitating certain assumptions regarding the levels of effort required. While incurred costs for engineering services had not exceeded the contract limits, the unforeseen additional efforts, expansion of project scope, contractor pre-qualification process and right-of-way complexities were not incorporated within the original scope of work. Accordingly, a modification to the Chastain-Skillman agreement was justified to adjust the not-to-exceed cost ceiling for these additional services. The existing contract value of \$830,000 was being increased by \$395,200 for a new contract value of \$1,225,200.

Staff recommended that the appropriate City Officials be authorized to enter into this modification on behalf of the City.

Action: Commissioner Verplanck moved to approve the modification. Commissioner Yates seconded and the motion carried unanimously.

Memo re: Agreement with Viewtech Financial Services Inc. for an Ultra Low Flow Toilet Rebate Program

This was an agreement with Viewtech Financial Services, in the amount of \$600,000, to administer a water conservation program to reimburse homeowners and businesses for purchase costs of new low-flow toilets to replace inefficient devices. The water-conserving program's funding included \$300,000 from the Southwest Florida Water Management District (SWFWMD) and \$300,000 from the City of Lakeland. Manatee County reported Viewtech Financial Service's performance met expectations. The company's prior experience would be important in successfully implementing Lakeland's program.

This water conservation activity was included in the SWFWMD Cooperative Funding Agreement approved by the City Commission on November 20, 2007. Since the grant award, considerable time and effort had been committed towards the investigation of earlier toilet replacement grant programs and incorporating this experience into the Lakeland activity. During these investigations, it was found that the Manatee County program was one to be mirrored. Under this program, Lakeland water customers with inefficient older toilets would be eligible for up to \$100.00 in cash reimbursement towards the actual purchase cost of a new, low-flow toilet. Viewtech Financial Services will verify

the presence of an inefficient toilet, verify eligibility, confirm installation of the new low-flow toilet and reimburse actual purchase price (up to \$100.00). The participating customers would be responsible for existing toilet removal and toilet installation costs as the grant will only reimburse for the actual purchase price. Single family and multifamily homes would be limited to rebates for two (2) toilets, however, commercial facilities will not be limited.

Staff recommended that the appropriate City officials be authorized to execute the agreement.

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

Memo re: Purchase of 1.5 +/- Acres from First Assembly of God Church Inc. n/k/a Life Church @ Auburndale, Inc. for Lake Gibson Southwest Drainage Basin Project

The Public Works Department had been involved for the last 18 months in the development of a stormwater system retro-fit project to improve water quality in Lake Gibson. The plan calls for a combination of attenuation ponds, a flowthrough marsh and sedimentation ponds. The Department had been moving forward to acquire property for the project.

This was a proposed contract for the purchase of a 1.5 acre site adjacent to Wedgewood Estates Boulevard owned by The First Assembly of God Church, Inc. The design requires a .75 acre site for an attenuation pond. Stan Reed Appraisal Company valued the property at \$6.00 per square foot, or \$196,000.

The Church had agreed to sell the property without the necessity of condemnation at the appraised per square foot price, but only on the condition that the City purchase the entire tract, or 1.5 acres. The purchase amount was \$394,600.00.

Public Works recommended that the property be purchased. The excess land will either be used for additional attenuation or potentially as a land trade with other owners that are impacted by the project. The funds were available in the Stormwater Utility Fund.

Staff recommended that the appropriate city officials be authorized to execute this agreement.

Action: The Commissioner approved the agreement five to one, with Commissioner Troller voting nay.

Memo re: Parking License Agreements – Peterson Parking Garage

In 2005, the City Commission authorized a lease agreement with the State of Florida, Department of General Services, to lease 75 surplus parking spaces in the Peterson Parking Garage at the corner of Pine Street and Florida Avenue.

The purpose in acquiring these spaces was to keep them in reserve and offer them to potential projects to stimulate redevelopment activity in the north section of downtown. The Public Works Department had since conducted several solicitations to offer spaces to interested owners or users. To date, there had been little interest. The City's lease with the State of Florida required rent in the amount of \$60 per space per quarter, or a total amount of \$18,000 annually.

Two property owners have expressed an interest in leasing the spaces and a representative Parking License Agreement was negotiated. Those two parties, Mid-Florida Federal Credit Union and ASC Geosciences, Inc., would lease 60 and 15 spaces respectively. The term was for 5 years at the rate of \$30 per space, or \$21,600 and \$5,400 annually. At the expiration of the term, the parties would renegotiate.

Staff recommended that the appropriate city officials be authorized to enter into the subject agreements with Mid Florida and ASC Geosciences.

Carl Pansler came forward to make comments. His issue was the length of term. He believed that many things could change in the downtown area in five years and thought a five year term was too long.

Anne Furr, LDDA Director, noted that the garage is state owned. MidFlorida would be giving up spaces at other locations to take these spaces in the state garage.

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

FINANCE DIRECTOR

Appropriation – Fleet Management

The Parks & Recreation Department used a Field Groomer at Marchant Stadium for field preparation. This piece of equipment was in need of early replacement. The subject unit is a 2000 model-year Field Groomer which was scheduled for replacement in FY 2010. The unit was in need of \$2,000 worth of repairs which was not recommended as cost effective in that the unit had experienced a high maintenance record to date and was beginning to show severe wear. This unit had \$9,500 available in the fleet replacement fund and the cost of a replacement unit was \$13,000. In order to make up the difference of \$3,500, staff was proposing the use of some of the available funds in another Parks & Recreation unit (#41-4667), which was still performing adequately. We anticipated receiving around \$1,500 for the Field Groomer at auction. As such, there would be adequate monies available in the Fleet Management Vehicle Replacement Fund to cover the cost of proposed replacement Field Groomer purchase.

Additionally, a 2001 alternate fuel Ford Ranger that was scheduled for replacement in 2009 was recently totaled in an accident. At present time there was \$17,529 in the fleet replacement fund and the cost of a replacement unit was expected to equal this amount.

Finally, the Solid Waste Division operated a 2002 Mack truck with 12,000 engine hours which was approximately 120,000 miles. This truck was scheduled for replacement in FY 2009; however, the engine block was cracked due to a bent rod. The cost to repair the vehicle was estimated at \$23,000. The fleet manager had concluded that replacement of the item would be more cost effective than performing this repair. The replacement cost was \$198,213. There was \$156,000 accumulated in the replacement fund for this unit and sale of the existing unit was expected to return \$10,000 at auction. The shortfall would be provided by transferring funds accumulated for a compact loader used in the recycling operation that will not be replaced at the end of its life cycle

To accomplish the recommended replacements, staff requested that the City Commission approve an appropriation from Fleet Management's Vehicle Replacement Fund in the combined amount of \$228,742 to finance these early replacements.

Action: This item was approved on the consent agenda.

Appropriation – Public Improvement Fund

Facilities Maintenance was requesting an appropriation in the amount of \$175,000 for various emergency repairs at Bryant Stadium. Construction cost for the noted rehabilitation work was estimated to be \$165,000, while the on-site construction engineering inspection services proposal from the City's structural engineering consultant, Norman, Hough, Wilkie & Lane Engineering, Inc. was \$10,000. Specific project components include:

1. Repair areas of damaged concrete, to include deck surface sealing, in grandstand;
2. Repair structural cracks on horizontal and vertical surfaces of grandstands;
3. Repair existing deteriorated expansion joints in the grandstands as indicated;
4. Install new handrail system;
5. Install new steel angle supports at all four breezeways leading to the restroom facilities; and
6. Remove and replace various damaged sidewalks.

Facilities Maintenance was requesting this appropriation, which will require an emergency bid process, in order for repairs to commence by July 25, 2008 and be completed by September 12, 2008, which corresponded to the beginning of the upcoming fall football season at Bryant Stadium.

Staff requested that the City Commission authorize an appropriation in the amount of \$175,000 from the Public Improvement Fund's surplus for the emergency repairs required at Bryant Stadium.

Action: This item was approved on the consent agenda.

AUDIENCE

Valerie Smart came before the commission with concerns about high electric bills.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Wiggs - CXS expansion issue.

Action: Commissioner Wiggs moved to ask staff to outline a comprehensive strategy utilizing outside legal assistance to aid in the CSX issue. Commissioner Troller seconded and the motion carried unanimously.

The meeting adjourned at 11:38 a.m.

LAKELAND CITY COMMISSION
Agenda Study Session
July 7, 2008

The Lakeland City Commission met in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Justin Troller, Jim Verplanck, Glenn Higgins, and Mayor Fletcher were present. Commissioner Gow Fields was out of town. City Manager Doug Thomas, City Attorney Tim McCausland, Community Development Director Jim Studiale, Finance Director Greg Finch, Assistant City Manager Stanley Hawthorne, and Deputy City Clerk Deborah Cason were present along with other staff members and the media.

Mayor Fletcher called the meeting to order at 7:29 a.m.

Doug covered presentations and proclamations.

Tim covered the public hearings.

Jim Studiale explained the FDG Lakeland Central Park LLC Development agreement.

Doug covered the city manager's agenda.

Verbals:

1. Greg James gave a status report of the right-of-way issues related to the east/west connector project. 32 of 33 offers had been sent out. The 33rd was Polk Co. School Board. They were trying to negotiate a donation with them. The offers were for 30 days. Most residents were represented by attorneys. So far things looked positive.

2. Due to potential funding constraints for SWFWMD for water management projects, some grants that had been awarded to the city would not be able to be fulfilled.

Rick Lilyquist explained how the city's three projects, Lake Hollingsworth Westside Regional Stormwater Treatment, Lake Gibson Southwest Basin Stormwater retrofit, and Lake Parker Southwest Basin Regional BMP Stormwater Treatment, would be affected by the funding cutbacks.

Tim covered ordinances for 1st reading.

Ruffin Gray explained proposed ordinance 08-054 regarding water conservation spray valves. This program was co-funded through SWFWMD. The valves would be installed at local businesses free of charge. The potential savings would be 60,000 gallons of water per day.

Tim covered the resolution and misc. reports and communications.

Tim noted that items VI C. 1,2,3,4 & 8 should have been on consent on the agenda, and then noted that item VI C. 8 would be removed from the consent agenda.

Tom Mattiaci explained item VI C 5 – Modification to the engineering services agreement with Chastain-Skillman, Inc. re: English Oaks Phase III.

Greg Finch covered Finance Director's agenda.

Tim covered the Utility Committee items.

Commissioner Higgins commented on red light running and how New Port Richey was having great success with the cameras re: this problem.

Tim advised him that a contract with a vendor would be forthcoming, most likely in August.

Commissioner Higgins also commented on the Crossroads Hotel at Hwy 98 and I-4 and how this is such an eyesore for anyone coming off I-4.

Tim explained there had been some legal issues with this property but things were moving along to remedy the situation.

The meeting adjourned at 8:47 a.m.