

LAKELAND CITY COMMISSION
Regular Session
December 3, 2007

The Lakeland City Commission met in Regular Session in the Commission Chambers. Commissioners Dean Boring, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Pro Tem Glenn Higgins were present. Deputy City Manager Tony Delgado, City Attorney Tim McCausland, Finance Director Greg Finch and City Clerk Kelly Koos were present. Mayor Fletcher and City Manager Doug Thomas were out of town with the Lakeland Economic Development Committee (LEDC) attending a High Skill Summit in Memphis Tennessee.

CALL TO ORDER - 9 a.m.

INVOCATION

Pastor Thomas Block of Christ Lutheran Church offered the invocation followed by the salute to the flag.

PRESENTATIONS

Employee Relations – Career Development (George Brooks & Lynn Chisholm)

Employee Service Awards

Beautification Awards

- Commercial: 1111 Parkway Frontage Rd ~ Dr. Harry E. Bopp, DMD
- Residential: 1630 Camphor Dr ~ The Weeks' Residence

PROCLAMATIONS - None

APPROVAL OF CONSENT AGENDA

- ★ City Commission Minutes: November 16-19, 2007
- ★ Utility Committee Minutes: November 19, 2007
- ★ Memo re: Agreement with Lakeland Lawn Bowling Club
- ★ Memo re: Cash Relocation Agreement with T-Mobile USA, Inc.

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

APPROVAL OF MINUTES (with any amendments)

- ★ City Commission: November 16-19, 2007
- ★ Utility Committee: November 19, 2007

Municipal Boards & Committees: November 30, 2007

The Municipal Boards Committee met in the Commission conference room. Commissioners Glenn Higgins and Jim Verplanck (members) and Commissioner Dean Boring (chair) were present. Commissioners Howard Wiggs, Gow Fields and Mayor Fletcher were present. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Assistant Community Development Director Steve Bissonette, Finance Director Greg Finch, City Attorney Tim McCausland and City Clerk Kelly Koos were present.

Commissioner Boring called the meeting to order at 9:29 a.m.

Mid-Town Community Redevelopment Area Advisory Board:

- *Recommendation from Tamara Sakagawa to reappoint Earl Johnson* for a second term, which will expire November 2010.
- *Recommendation from Mayor Buddy Fletcher to reappoint Commissioner Gow Fields.*

Recommendation: Commissioner Verplanck moved to recommend the appointments. Commissioner Higgins seconded and the motion carried unanimously.

Airport Advisory Board:

- *Recommendation from John Dubose to reappoint Robert Knight and Skip Larson* to another term on the board. Their initial two-year terms will expire December 31, 2007. Their second terms will expire December 31, 2010.
 - a. Robert Knight is the Citizen-at-Large Representative on the board.
 - b. Skip Larson was the Corporate Aviation Representative on the board.

Recommendation: Commissioner Verplanck moved to recommend the appointments. Commissioner Higgins seconded and the motion carried unanimously.

Lakeland Housing Authority Board:

- *Recommendation from Mayor Buddy Fletcher to appoint Nita McGee* to replace Tonda Jiles who resigned in September 2007. Ms. McGee will fulfill the remainder of Ms. Jiles' term, which expires April 30, 2009. At that time, she will be eligible for an additional four-year term.

Recommendation: Commissioner Verplanck moved to recommend the appointments. Commissioner Higgins seconded and the motion carried unanimously.

The meeting adjourned at 9:30 a.m.

Commissioner Boring presented these minutes to the Commission.

Action: The Commission approved these minutes unanimously.

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC – None

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 4887; Proposed 07-062; Proposed Changes to the Land Development Regulations (1st Rdg 11/19/07)

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

Tim McCausland read the short title and explained the Commission was re-adopting this ordinance at the request of the Department of Community Affairs (DCA).

Motion: Commissioner Verplanck moved to approve the ordinance.

Mayor Pro Tem Glenn Higgins asked for comments and there were none.

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

Ordinance 4928; Proposed 07-111; Annexation of 26 Acres Located North and Northwest of Interstate 4, South of Wedgewood Estates Boulevard, East of North Road 98 (1st Rdg 11/19/07)

AN ORDINANCE RELATING TO ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKE LAND, FLORIDA, THAT CERTAIN 26 ACRES LOCATED NORTH AND NORTHWEST OF INTERSTATE 4, SOUTH OF WEDGEWOOD ESTATES BOULEVARD, EAST OF NORTH ROAD 98; FINDING COMPLIANCE WITH CHAPTER

171, FLORIDA STATUTES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Glenn Higgins asked for comments and there were none.

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

Resolutions

Resolution 4656; Proposed 07-073; Designating the St. Luke's Ministries' Property Located South of Memorial Boulevard, North of Quincy Street and East and West of Jack Avenue as a Brownfield Area

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA DESIGNATING THE ST. LUKE'S MINISTRIES' PROPERTY LOCATED SOUTH OF MEMORIAL BOULEVARD, NORTH OF QUINCY STREET, AND EAST AND WEST OF JACK AVENUE AS A BROWNFIELD AREA; AUTHORIZING THE CITY ATTORNEY OR HIS DESIGNEE TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Glenn Higgins asked for comments and there were none.

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

Resolution 4657; Proposed 07-078; Requesting Legislation to Adopt a Special Act Amending the Lakeland City Charter Relating to the Civil Service Board

A RESOLUTION RELATING TO THE CIVIL SERVICE BOARD; REQUESTING THAT THE STATE LEGISLATURE ADOPT A SPECIAL ACT AMENDING THE CITY CHARTER TO PROVIDE FOR CREATION OF A BOARD OF TRUSTEES, AND TO PROVIDE FOR APPOINTMENT OF ITS MEMBERS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Glenn Higgins asked for comment and there were none.

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

EQUALIZATION HEARINGS – 9:30 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 the Lots Cleaning and Clearing Assessment Role, a copy of which is on file in the agenda packet.

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

Mayor Pro Tem Glenn Higgins asked for comments and there were none.¹

Action: The motion carried unanimously.

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

COMMUNITY REDEVELOPMENT AGENCY - None

¹ A property owner came forward after the Commission had recessed for the morning to dispute the assessment on his property. Staff pulled Job No. 07-0341 from the Equalization Roll and the Resolution to allow time for Brian Rewis to meet with the property owner. Brian will add the job to the next roll if necessary.

CITY MANAGER – None

CITY ATTORNEY

Ordinances (First Reading)

Proposed 07-113; Vacation of Portions of a Public Right-of-Way Located North of Olive Street, South of the CSX Railroad and West of Brooklyn Avenue

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING A PORTION OF MONTANA AVENUE, OREGON AVENUE, COMMERCE STREET, AND THE ACCOMPANYING ALLEYS LOCATED NORTH OF OLIVE STREET, SOUTH OF THE CSX RAILROAD AND WEST OF BROOKLYN AVENUE, WITHIN THE CITY OF LAKELAND; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; 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 December 17, 2007.

Proposed 07-114; Conditional Use for a Tattoo Studio on Property Located at 1321 East Gary Road

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A TATTOO STUDIO ON PROPERTY LOCATED AT 1321 EAST GARY ROAD; 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 December 17, 2007.

Proposed 07-115; Conditional Use for a Church and an Accessory Structure on Property Located at 224 Antilla Street

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A CHURCH AND AN ACCESSORY STRUCTURE ON PROPERTY LOCATED AT 224 ANTILLA STREET; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on December 17, 2007.

Proposed 07-116; Conditional Use for a Church on 1.57 Acres Located at the Southwest Corner of Maple Street and Cornell Street (1310 Maple Street)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A CHURCH ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF MAPLE STREET AND CORNELL STREET (1310 MAPLE STREET); PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on December 17, 2007.

Proposed 07-117; Conditional Use for a Bank with Drive-Through Tellers on 1.1 Acres Located at 2000 East Edgewood Drive

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A BANK WITH DRIVE-THROUGH TELLERS ON 1.1 ACRES LOCATED AT 2000 EAST EDGEWOOD DRIVE; 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 December 17, 2007.

Proposed 07-118; Modification of PUD Zoning to Allow a 32 Unit Addition to the Carpenters Home Estates Senior Living Facility Located at 1001 Carpenters Way

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR A MODIFICATION OF PUD ZONING TO ALLOW A 32 UNIT ADDITION TO THE CARPENTERS HOME ESTATES SENIOR LIVING FACILITY LOCATED AT 1001 CARPENTERS WAY; AMENDING ORDINANCE 4773; 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 December 17, 2007.

Proposed 07-119; Amending 102 of the Code of the City of Lakeland, Revising Wastewater Impact Fees

AN ORDINANCE RELATING TO WASTEWATER IMPACT FEES; AMENDING CHAPTER 102 OF THE CODE OF THE CITY OF LAKELAND, FLORIDA; REVISING WASTEWATER IMPACT FEES; 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 December 17, 2007.

Proposed 07-120; Amending Ordinance 2620, As Amended, Modifying Water Service Capacity Fees, Modifying Water System Capacity Fee Refunds

AN ORDINANCE RELATING TO WATER SYSTEM CAPACITY CHARGES; MAKING FINDINGS; AMENDING SECTION 2 (B) (1) AND SECTION 7 OF ORDINANCE 2620, AS AMENDED, MODIFYING WATER SERVICE CAPACITY FEES; MODIFYING WATER SYSTEM CAPACITY FEE REFUNDS; 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 December 17, 2007.

Proposed 07-121; Amending Ordinance 2978, as amended, including Portions of the Mid-Town Community Redevelopment Area in City's Core Improvement Area for Purposes of Exemption from Transportation Impact Fees

AN ORDINANCE RELATING TO IMPACT FEES; MAKING FINDINGS; AMENDING PARAGRAPH 7 OF SECTION 5(A) OF ORDINANCE 2978, AS AMENDED, TO EXEMPT CERTAIN PORTIONS OF THE MID-TOWN COMMUNITY REDEVELOPMENT AREA FROM TRANSPORTATION IMPACT FEES AND TO INCLUDE SAID PORTIONS OF THE MID-TOWN COMMUNITY REDEVELOPMENT AREA WITHIN THE CITY OF LAKELAND'S DESIGNATED CORE IMPROVEMENT AREA; PROVIDING FOR SEVERABILITY; 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 December 17, 2007.

Proposed 07-122; Amending Ordinance 2979, as amended, including Portions of the Mid-Town Community Redevelopment Area in City's Core Improvement Area for Purposes of Exemption from Parks and Recreation Impact Fees

AN ORDINANCE RELATING TO IMPACT FEES; MAKING FINDINGS; AMENDING PARAGRAPH 7 OF SECTION 5(A) OF ORDINANCE 2979, AS AMENDED, TO EXEMPT CERTAIN PORTIONS OF THE MID-TOWN COMMUNITY REDEVELOPMENT AREA FROM PARKS AND RECREATION IMPACT FEES AND TO INCLUDE SAID PORTIONS OF THE MID-TOWN COMMUNITY REDEVELOPMENT AREA WITHIN THE CITY OF LAKE LAND'S DESIGNATED CORE IMPROVEMENT AREA; PROVIDING FOR SEVERABILITY; 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 December 17, 2007.

Proposed 07-123; Amending Ordinance 2980, as amended, including Portions of the Mid-Town Community Redevelopment Area in City's Core Improvement Area for Purposes of Exemption from Fire Protection Impact Fees

AN ORDINANCE RELATING TO IMPACT FEES; MAKING FINDINGS; AMENDING PARAGRAPH 7 OF SECTION 5(A) OF ORDINANCE 2980, AS AMENDED, TO EXEMPT CERTAIN PORTIONS OF THE MID-TOWN COMMUNITY REDEVELOPMENT AREA FROM FIRE PROTECTION IMPACT FEES AND TO INCLUDE SAID PORTIONS OF THE MID-TOWN COMMUNITY REDEVELOPMENT AREA WITHIN THE CITY OF LAKE LAND'S DESIGNATED CORE IMPROVEMENT AREA; PROVIDING FOR SEVERABILITY; 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 December 17, 2007.

Proposed 07-124; Amending Ordinance 2981, as amended, including Portions of the Mid-Town Community Redevelopment Area in City's Core Improvement Area for Purposes of Exemption from Law Enforcement Impact Fees

AN ORDINANCE RELATING TO IMPACT FEES; MAKING FINDINGS; AMENDING PARAGRAPH 7 OF SECTION 5(A) OF ORDINANCE 2981, AS AMENDED, TO EXEMPT CERTAIN PORTIONS OF THE MID-TOWN COMMUNITY REDEVELOPMENT AREA FROM LAW ENFORCEMENT IMPACT FEES AND TO INCLUDE SAID PORTIONS OF THE MID-TOWN

COMMUNITY REDEVELOPMENT AREA WITHIN THE CITY OF
LAKELAND'S DESIGNATED CORE IMPROVEMENT AREA; PROVIDING
FOR SEVERABILITY; 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 December 17, 2007.

Resolutions

Resolution 4658; Proposed 07-079; Lots Cleaning and Clearing (As Amended)

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.

Tr read the short title.

Motion: Commissioner Verplanck moved to approve the resolution². Commissioner Boring seconded.

Mayor Pro Tem Glenn Higgins asked for comments and there were none.

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

Miscellaneous Reports and Communications

★ **Memo re: Agreement with Lakeland Lawn Bowling Club**

The agreement between the City and the Lakeland Shuffleboard Club expired this month and the Club requested that the agreement be renewed for another two year term. The only significant change was the deletion of the in-city/out-of-city member fees. There was now a flat \$45.00 per member annual fee with an annual CPI adjustment. Staff requested that the Commission authorize the appropriate City officials to execute the agreement.

² A property owner came forward after the Commission had recessed for the morning to dispute the assessment on his property. Staff pulled Job No. 07-0341 from the Equalization Roll and the Resolution to allow time for Brian Rewis to meet with the property owner. Brian will add the job to the next roll if necessary.

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

★ **Memo re: Cash Relocation Agreement with T-Mobile USA, Inc.**

This was a proposed agreement with T-Mobile USA, Inc. (“T-Mobile”). The Federal Communications Commission (“FCC”) reallocated and auctioned the 2110 to 2155 MHz frequencies, including those used by the City, to commercial enterprises for use as Advanced Wireless Services (“AWS”). T-Mobile determined that its proposed AWS may cause interference with the City’s existing system and requested that the City permanently vacate its licenses and relocate its operation onto other available microwave frequencies. T-Mobile has agreed to pay for the design and implementation of a replacement system for the City, if the City ceased all operations on the old frequencies and vacated its existing licenses. The City’s communications department has worked with Motorola to design a replacement system that would cost \$281,782.00. The Communications Department planned the change over such that operations would not be materially impacted. Within thirty (30) days of the City vacating its existing frequencies, T-Mobile would pay the City \$281,782.00 in order to implement the new system.

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

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

FINANCE DIRECTOR - None

AUDIENCE - None

MAYOR AND MEMBERS OF THE CITY COMMISSION

Recess/reconvene: The Commission recessed at 9:50 a.m. until after the Utility Committee meeting. The Commission reconvened at 2:40 p.m.

The Lakeland City Commission reconvened in Regular Session in the Commission Chambers. Commissioners Dean Boring, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Pro Tem Glenn Higgins were present. Deputy City Manager Tony Delgado, City Attorney Tim McCausland, Finance Director Greg Finch and City Clerk Kelly Koos were present. Mayor Fletcher and City Manager Doug Thomas were out of town with the Lakeland Economic Development Committee (LEDC) attending a High Skill Summit in Memphis Tennessee.

UTILITY - CONSIDERED AFTER 1PM UTILITY COMMITTEE MEETING

Memo re: Approval of Short List for Coal Handling System Modifications at McIntosh Power Plant

In October an RFQ was issued for the design of coal handling system modifications and upgrades for the McIntosh Unit 3 Power Plant. The City intends to modify and upgrade the coal yard and coal handling system to provide for a more automated handling and blending of coal and petroleum coke. Five (5) firms responded and are listed below in the order in which they were ranked:

Stanley Consultants, Inc
Sargent & Lundy
HT/DCR Engineering, Inc
Robert Cole
Teamworknet, Inc

The Selection Committee recommended that the City begin negotiations with Stanley Consultants. If the negotiations with Stanley were successful, the contract would be submitted for approval at the December 17, 2007 meeting. Staff recommended that the Commission approve the short-list and authorize negotiations with Stanley Consultants, Inc.

Tim McCausland presented this item to the Commission.

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

Memo re: Agreement with Southeastern Construction & Maintenance, Inc. for Fabrication of SCR Reactors for Selective Catalytic Reduction Retrofit Project

This proposed agreement with Southeastern Construction & Maintenance, Inc., in the estimated amount of \$1,817,098.14, was for the procurement and fabrication of SCR Reactors as part of the Selective Catalytic Reduction (SCR) System Retrofit Project at McIntosh Unit 3. The SCR Reactors were essentially very large steel boxes that would hold all essential reactor features, the catalyst elements, and baffles between the perimeters of each catalyst layer.

Four (4) companies responded to the RFP released by the City on October 9, 2007 (one eventually withdrew). The City's Project Engineer, Sargent & Lundy, LLC ("S&L") and City staff evaluated the proposals from the four (4) companies. The key factors of S&L's evaluation were technical compliance, price, experience, qualifications, schedule, and risk. The apparent low bid from Central Maintenance & Welding, Inc. was non-conforming, and when conformed by S&L, increased to \$700,000 more than the next lowest bid by Southeastern.

After a thorough review of all key factors, S&L and staff recommended that the City contract with Southeastern Construction and Maintenance, Inc. for the supply and fabrication of the SCR Reactors based upon their technical acceptability, experience, schedule, price and risk. The proposed agreement contained the standard terms and conditions that the City had been using in other related projects.

Staff recommended that the Commission authorize the appropriate City Officials to execute the proposed agreement on behalf of the City.

Tim McCausland presented this item to the Commission.

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

Mayor Pro Tem Glenn Higgins reminded the public about the Annual Christmas Parade this Thursday and Snow Fest this Saturday.

CALL FOR ADJOURNMENT – 2:50 p.m.

LAKELAND CITY COMMISSION
Agenda Study Session
November 30, 2007

The Lakeland City Commission met for the Agenda Study Session in the Commission conference room. Commissioners Howard Wiggs, Dean Boring, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Edie Yates was out of town. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Assistant Community Development Director Steve Bissonnette, Finance Director Greg Finch, City Attorney Tim McCausland and City Clerk Kelly Koos were present.

Doug Thomas announced that Greg Finch and the Finance Department had been working to ensure there were funds available for payroll. The City would typically drawdown payroll and payables out of the Local Government Investment Pool. The "run" of several local governments on this pool created a cash flow problem and the State shut the pool down. Greg and his team put together a response strategy and Greg was at the meeting to update the Commission.

Greg Finch explained the City had about \$250 million in the citywide investment portfolio, excluding all pension funds. Approximately 20% was invested in the State pool. The State pool announced they had 5% of their portfolio invested in some of the sub-prime mortgage backed securities, which had been downgraded below investment grade over the course of the last few weeks. None of those entities had defaulted with one small exception. When they released that information without any conversation with their depositors, many finance officials panicked and withdrew all their money. In many cases this could have been \$3-\$5 million at one time. Staff talked internally and decided the worst thing they could do as investors was to withdraw their money. Once investors did that, they were taking a situation and turning it into a problem. The state had one third of the portfolio withdrawn. That meant they had to sell the investments that they used to secure the deposits. It got to the point where some of the investments they would have to sell were the asset backed securities, for which there were no buyers. They were facing a cash crunch and put a freeze on depository withdraws through Monday. The City covered payroll from other short-term accounts and bond type investments. They have obligations to buy federal bonds and their trying to delay that settlement date. There was enough liquidity in Lakeland to get through this hopefully short-term period. The worst-case scenario, the City has a \$5 million line of credit with Sun Bank.

David Shepp talked with Alex Sinks, chief of staff. They were working on a relief package but that would not happen until Tuesday. If the City had to borrow a line of credit, the relief package should help with the interest.

The State Pool was not a traditional bank. The state pool has securities to back every dollar they have in the pool but some of those are not marketable right now.

Tim McCausland covered the Public Hearings.

The City was re-adopting proposed ordinance 07-062 at the request of the Department of Community Affairs (DCA).

Proposed ordinance 07-111 was an annexation for the developer that brought Target to north Lakeland.

Proposed resolution 07-073 was the brown field resolution for St. Luke's. The billboards were under recently renewed leases. They will most likely remain until 2015 or 2018.

Proposed resolution 07-078 was to separate the pension and civil service boards. This was identical to the previous resolution except one item. Separating police pension from the city pension plan had been a topic of union negotiations. This was the first effort to put the local bill back on track. The issue before was active employees on the pension board. They have added the ability for the commission and employees to appoint active employees on the pension board. This has to happen now because the local delegation meets on Tuesday, December 4 and staff wants to present the request for the local bill. There would be other changes required to separate the plans but the Commission would be able to do those. Doug Thomas' staff was nearing the end of negotiations with the PBA. They would ratify the agreement and there would be an election between police and fire

Doug Thomas had one verbal:

- July 4th of 2008 would be an Agenda Study Friday and City Hall would be closed. The consensus was to hold Agenda Study on Monday, July 7, 2008.
- November 27 & 28 of 2008 was the Thanksgiving Holiday and would be an Agenda Study Friday. The consensus was to hold Agenda Study on Monday, December 1, 2008.

Tim McCausland covered the City Attorney agenda.

Doug Thomas brought up Al Whittle's motion from the last Utility Committee. Al asked for the Utility Authority issue to be placed on Monday's Utility Committee meeting. Doug and Buddy will both be gone on Monday. He asked Al to let the issue wait until the following Monday. Doug has met with the Chamber group since the Joint Meeting. Tim Campbell led that discussion. Mark Miller thought the Chamber should just drop it. Tim Rice argued that maybe they should continue the dialogue. They asked for Doug's comment. His comments were that he felt the Commission was interested in meeting with the Chamber on specific issues and the composition of the Utility Committee. The Utility Committee would remain as an advisory committee. There were no other comments and no other vote on the issue. He felt the Chamber would come back to the City with their concerns.

Dean felt there was an agreement to meet on the Chamber's concerns and the Utility Committee. It is done.

The meeting adjourned at 9:29 a.m.

**Project Safe Neighborhoods Workshop
November 30, 2007**

The Lakeland City Commission met for the Project Safe Neighborhoods Workshop in the Commission conference room. Commissioners Howard Wiggs, Dean Boring, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Edie Yates was out of town. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Assistant Community Development Director Steve Bissonnette, Finance Director Greg Finch, City Attorney Tim McCausland, Police Chief Roger Boatner, Assistant Chief Bill LePere and City Clerk Kelly Koos were present.

Mayor Fletcher called the meeting to order at 9:49 a.m.

Doug Thomas explained that three years ago, the city won a Department of Justice grant award to fight gun-related violent crime. Today's workshop was an update on that project.

ACOP Bill LePere gave the presentation, a copy of which is on file in the Agenda Packet.

The meeting adjourned at 10:14 a.m.

LAKELAND CITY COMMISSION
Canvassing Board
December 4, 2007

The Lakeland City Commission met as the Canvassing Board in the Supervisor of Elections Office in Bartow. Commissioners Dean Boring, Edie Yates, Howard Wiggs and Mayor Pro Tem Glenn Higgins were present. City Attorney Tim McCausland, City Clerk Kelly Koos, Supervisor of Elections Lori Edwards and Assistant Supervisor of Elections Barbara Osthoff were present.

Mayor Pro Tem Glenn Higgins called the meeting to order at 5:56 p.m.

Canvass Absentee Ballots Reviewed by City Clerk

Mayor Pro Tem Glenn Higgins asked for motion to accept the absentee ballots approved by the City Clerk.

Action: Commissioner Yates moved to accept the ballots and instruct the Supervisor's staff to begin processing. Commissioner Boring seconded and the motion carried unanimously.

Criteria for Acceptance or Rejection of Absentee Ballots

Action: Commissioner Yates moved to accept the same absentee ballot criteria as used in the November 6, 2007 election. Commissioner Boring seconded and the motion carried unanimously.

Canvass Absentee Ballots Needing Canvassing Board Review

033197511 and 033197411

These two ballots appeared to belong to cohabitants that signed each others return envelope. Both envelopes were returned and the signatures matched.

Action: Commissioner Boring moved to accept the ballots. Commissioner Wiggs seconded and the motion carried unanimously.

00956161 and 009569511

These two ballots appeared to belong to cohabitants that signed each others return envelopes. Both envelopes were returned and the signatures matched.

Action: Commissioner Boring moved to accept the ballots. Commissioner Yates seconded and the motion carried unanimously.

Absentee Return Envelopes Not Signed

By Florida Statute, the following ballots must be rejected as the voter did not sign the return envelope.

040202811

004899711

001971511

070345111

Signed By POA

By Florida Statute, the following ballots must be rejected as the return envelope was signed by a Power of Attorney

016126111

008166711

Address Change - 047990011

This voter made address change and no longer lived in the City of Lakeland. When she requested the ballot she lived inside the City limits. She then filed a change of address and then returned the ballot

Tim McCausland asked this ballot to be set aside while the Supervisor's staff researched the address change.

Signatures to be Reviewed

087042711

Action: Commissioner Wiggs moved to reject this ballot. Commissioner Boring seconded and the motion carried unanimously.

027345211

Action: Commissioner Yates moved to reject this ballot. Commissioner Boring seconded and the motion carried unanimously.

015779811

Action: Commissioner Boring moved to accept this ballot. Commissioner Yates seconded and the motion carried unanimously.

006536711

Action: Commissioner Boring moved to accept the ballot. Commissioner Yates seconded and the motion carried unanimously.

015561111

Action: Commissioner Yates moved to reject the ballot. Commissioner Boring seconded and the motion carried unanimously.

061584411

Action: Commissioner Yates moved to reject the ballot. Commissioner Boring seconded and the motion carried unanimously.

085239311

Action: Commissioner Wiggs moved to reject the ballot. Commissioner Boring seconded and the motion carried unanimously.

091391911

Action: Commissioner Wiggs moved to reject the ballot. Commissioner Yates seconded and the motion carried unanimously.

040487111

Action: Commissioner Yates moved to reject the ballot. Commissioner Wiggs seconded and the motion carried unanimously.

047990011 cont

Tim McCausland reminded the Board that the voter changed their residence. The voter changed November 26, 2007. The Board was entitled to conclude that person was not a resident at this time.

Action: Commissioner Boring moved to reject the ballot. Commissioner Yates seconded and the motion carried unanimously.

Recess/reconvene: The Board recessed at 6:33 p.m. and reconvened at 7:18 p.m.

Lori Edwards distributed partial results.

Action: Commissioner Boring moved to authorize Supervisor staff to post the partial results on the web. Commissioner Wiggs seconded and the motion carried unanimously.

Absentee Matters

Barbara Osthoff explained the need to duplicate ballots because of damage or poor printing.

Action: Commissioner Wiggs moved to allow the Supervisors staff to duplicate the damaged ballots. Commissioner Yates seconded and the motion carried unanimously.

Voter Returned 2 Ballots in One Envelope

095453411 was included inside another envelope. The canvassing board reviewed the signature and it matched.

Action: Commissioner Yates moved to accept the ballot. Commissioner Wiggs seconded and the motion carried unanimously.

Voter Returned Wrong Ballot

A voter returned the ballot from the Nov 6 election in the Dec 4 absentee ballot return envelope. The signature did match.

Action: Commissioner Wiggs moved to accept the ballot. Commissioner Yates seconded and the motion carried unanimously.

Ballot Had an Erasure

The Canvassing Board would determine the intent of the voter and staff would duplicated the ballot.

Canvassing Board reviewed the duplicated ballots

Barbara explained the process and asked the canvassing board to verify that staff duplicated the ballots correctly. The Board agreed that they were done correctly.

Lori distributed a new report and explained that her staff would put each report on the web after it was distributed to the Board.

The Supervisor's staff ran the last of the duplicated ballots through AccuVote machine.

Christine Goding distributed results that included the absentee ballots.

Tim McCausland explained there were eleven provisional ballots coming in from the precincts. The voters voted provisional because they did not bring ID to the precinct. He suggested the Board recess until 8:30 a.m. Friday, December 7, 2007.

The results at that time were:

Brian Dockery	2777 Votes	39%
Justin Troller	4343 Votes	61%

Recess: Commissioner Yates moved to recess until 8:30 a.m. December 7, 2007. Commissioner Boring seconded and the motion carried unanimously.

The Board recessed at 8:11 p.m.

LAKELAND CITY COMMISSION
Canvassing Board
December 7, 2007

The Lakeland City Commission reconvened as the Canvassing Board in the Commission conference room. Commissioners Jim Verplanck, Gow Fields, Dean Boring, Edie Yates, Howard Wiggs and Mayor Pro Tem Glenn Higgins were present. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Assistant City Attorney Palmer Davis, City Clerk Kelly Koos, and Steve Harris were present.

Provisional Ballots

Action: Commissioner Verplanck moved to accept and count the eleven provisional ballots. Commissioner Boring seconded and the motion carried unanimously.

City Clerk Kelly Koos processed the eleven ballots. The final totals were:

Brian Dockery	2781 Votes
Justin Troller	4350 Votes

Certify Results

Action: Commissioner Wiggs moved to accept the final totals. Commissioner Verplanck seconded and the motion carried unanimously.

Call to Adjourn

The Canvassing Board adjourned at 8:41 a.m.