

REGULAR SESSION
December 18, 2006

The Lakeland City Commission met on Monday, December 4, 2006 in Regular Session in the Commission chambers. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates, and Mayor Fletcher were present. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch and City Clerk Kelly Koos were present.

CALL TO ORDER

Mayor Fletcher called the meeting to order at 9:02 a.m.

INVOCATION

Mayor Fletcher offered the invocation followed by the salute to the flag.

PRESENTATIONS

Department of Information Technologies - Project Management Office

Tracy Kirkpatrick introduced Gordon Sullivan who made the presentation.

CONSENT AGENDA

- * City Commission Minutes 12/1/06-12/4/06 with any amendments
- * Utility Committee Minutes 12/4/06 with any amendments
- * Memo re: Vacating Utility Easement - Lake Hollingsworth Drive between Ingraham Avenue and Johnson Avenue
- * Memo re: Lease with Tiny Tots Day Nursery
- * Memo re: Interlocal Agreement between City of Lakeland and Polk Community College for the Design and Construction of the PCC/USF Trailhead of the Fort Fraser Trail
- * Appropriation and Increase in Estimated Revenues - Public Improvement Fund

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 12/1/06-12/4/06

Action: The Commission approved this on the Consent Agenda.

Utility Committee 12/4/06

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

Transportation-Airport Committee

The Transportation - Airport Committee met on Friday, December 15, 2006 in the City Commission Conference Room. Commissioners Gow Fields and Glenn Higgins were present. Commissioner Verplanck was out sick. Administrative staff and members of the media were present. The purpose of this meeting was to review the following:

Commissioner Fields called the meeting to order at 8:40 a.m.

Request by Watkins Motor Lines to vacate a portion of right-of-way located south of Griffin Road, east of Providence Road and west of N. Road 98. The right-of-way exists as an unimproved portion of Edwards Avenue.

Request by Watkins Motor Lines to vacate a portion of right-of-way located south of Griffin Road, east of Providence Road and west of N. Road 98. The right-of-way exists as an unimproved portion of Justine Avenue.

Jason Willey of Community Development was present and explained the history behind the requests.

Commissioner Higgins explained that Commissioner Verplanck was recovering from surgery but he had called in and did not oppose either request.

Recommendation: Commissioner Higgins moved to recommend the Commission approve the two vacation requests. Commissioner Fields concurred.

The meeting adjourned at 8:42 a.m.

Commissioner Fields presented these minutes to the Commission.

Action: Commissioner Fields moved to approve the recommendations. Commissioner Verplanck seconded and the motion carried unanimously.

REQUESTS TO APPEAR FROM THE PUBLIC

Sharon Siegel, Executive Director, Providing an Update on Lakeland Clean & Beautiful Activities

Christine Simmons, Founder and President of the Dr. Martin Luther King Jr. CEC

Ms. Simmon's representative (Horace Bailey) read a letter for the Commission. She was requesting a permit to hold a Martin Luther King Jr./Rosa Parks Freedom March. She wanted the Commission to order an investigation into the EEG taking over the parade.

Doris Moore Bailey of Benjamin Dr. served with Christine on the parade. She requested that the City remove itself from the parade until the issue is settled.

Leon McDougal of 206 Swannanoa Street Appealing Code Enforcement Fine

This item was continued to January 2, 2007.

EQUALIZATION HEARINGS

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

Demolition of Buildings

Tim McCausland presented the Demolition Assessments for equalization. This equalization roll is on file in the record copy of the agenda packet.

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

Mayor Fletcher asked for comments and there were none.

Action: Upon roll call vote, Commissioners Yates, Fields, Wiggs, Verplanck, Boring, Higgins and Mayor Fletcher voted aye. Ayes: seven. Nays: zero. 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.

PUBLIC HEARINGS

Ordinances (Second Reading)

Proposed 06-090; Consenting to Inclusion within the Polk County Parks

and Recreation Municipal Service Taxing Unit (1st Rdg 11/20/06, Contd 12/4/06)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO PARKS AND RECREATION; MAKING FINDINGS; CONSENTING TO THE INCLUSION OF THE ENTIRE INCORPORATED AREA OF THE CITY OF LAKELAND WITHIN THE BOUNDARIES OF THE POLK COUNTY MUNICIPAL SERVICE TAXING UNIT FOR PARKS AND RECREATION SERVICES, FACILITIES AND PROGRAMS; AUTHORIZING AN AD VALOREM TAX LEVY WITHIN SAID AREA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Doug Thomas offered comments on this item. He recommended that the Commission defer action on the MSTU to allow the opportunity build greater consensus in the community first.

Motion: Commissioner Verplanck moved to remove the item from the agenda. Commissioner Higgins seconded.

Mayor Fletcher asked for any comments.

Chamber Group Discussion:

The City understood that the Chamber was not going to take a position on this issue. Doug Thomas offered to attend the executive board meeting to make a presentation on the MSTU but they were not going to discuss the issue. The next day the City received the position statement. The City needed to work more closely with the Chamber to make sure the public was educated on these types of issues.

Doug Wimberley complimented Doug Thomas as the city manager. He was proud of Doug for pulling the item at this time. He apologized for the confusion about the Chamber position. The Chamber was just doing their job in representing the businesses of Lakeland.

Michael Dunn submitted a small petition of people in opposition to the MSTU tax.

Kathleen Munson echoed Doug Wimberley's comments. She committed to opening communication between the Chamber and the City and to work with the City to resolve the park shortage.

Tim McCausland confirmed that removing proposed ordinance 06-090 would all remove related item VI-C-6.

Commissioner Yates was disappointed they were withdrawing the issue from the agenda. The issue is very important to the Lakeland community.

Paul Norris, Chair Elect to the Chamber Board explained they did not take this position in a vacuum. They had heard presentations on the issue and they were responding to their constituents.

Commissioner Yates was upset that the Chamber was not going to take a stand on this issue and then they changed their mind without giving the City an opportunity to speak.

Paul noted the change on taking a stand came from the Executive Committee not from Kathleen.

Commissioner Fields was concerned about comments that the City failed to communicate with the Chamber and that the Chamber based their decision on bad information.

Action: Upon roll call vote Commissioners Higgins, Boring, Verplanck, Wiggs, Fields, and Mayor Fletcher voted aye. Commissioner Yates voted nay. Ayes: six. Nays: one. The motion carried.

Ordinance 4813; Proposed 06-062; Large Scale Amendment #LS-06-006 to Future Land Use Map Assigning Use on Approximately 453 Acres Located South of West Pipkin Road, East of County Line and DuBois Roads, North of Ewell Road and West of Timberwood Drive (1st Rdg 9/18/06)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-06-006 TO THE FUTURE LAND USE MAP FOR APPROXIMATELY 453 ACRES LOCATED SOUTH OF WEST PIPKIN ROAD, EAST OF COUNTY LINE AND DUBOIS ROADS, NORTH OF EWELL ROAD AND WEST OF TIMBERWOOD DRIVE, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4814; Proposed 06-063; Large Scale Amendment #LS-06-007 to Future Land Use Map Assigning Use on Approximately 23 Acres Located South of Drane Field Road and East of Hamilton Road (1st Rdg 9/18/06)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-06-007 TO THE FUTURE LAND USE MAP FOR APPROXIMATELY 23 ACRES LOCATED SOUTH OF DRANE FIELD ROAD, EAST OF HAMILTON ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4815; Proposed 06-064; Large Scale Amendment #LS-06-008 to Future Land Use Map Assigning Use on Approximately 32 Acres Located South and West of Medulla Road, North of West Pipkin Road (1st Rdg 9/18/06)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-06-008 TO THE FUTURE LAND USE MAP FOR APPROXIMATELY 32 ACRES LOCATED SOUTH AND WEST OF MEDULLA ROAD, NORTH OF WEST PIPKIN ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4816; Proposed 06-065; Large Scale Amendment #LS-06-009 to Future Land Use Map Assigning Use on Approximately 23 Acres Located North of West Pipkin Road, Primarily South of Ralston Road, East of County Line Road (1st Rdg 9/18/06)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-06-009 TO THE FUTURE LAND USE MAP FOR APPROXIMATELY 23 ACRES LOCATED NORTH OF WEST PIPKIN ROAD, PRIMARILY SOUTH OF RALSTON ROAD, EAST OF COUNTY LINE ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4817; Proposed 06-069; Change in Zoning on Approximately 23 Acres Located South of Drane Field Road and East of Hamilton Road (1st Rdg 9/18/06)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 23 ACRES OF RECENTLY ANNEXED PROPERTY LOCATED SOUTH OF DRANE FIELD ROAD AND EAST OF HAMILTON 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.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4818; Proposed 06-070; Change in Zoning on Approximately 32 Acres Located South and West of Medulla Road, North of West Pipkin Road (1st Rdg 9/18/06)

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4547, AS AMENDED, OF THE CITY OF LAKE LAND, FLORIDA; PROVIDING FOR LOCATED SOUTH AND WEST OF MEDULLA ROAD AND NORTH OF PIPKIN ROAD WITHIN THE CITY OF LAKE LAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKE LAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4819; Proposed 06-093; Proposed Changes to Various City of Lakeland Land Development Regulations (1st Rdg 12/4/06)

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.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4820; Proposed 06-094; Annexation of 4.55 Acres Located South of Sleepy Hill Road and East of Kathleen Road (1st Rdg 12/4/06)

AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKELAND, FLORIDA, THAT CERTAIN 4.55 ACRES LOCATED SOUTH OF SLEEPY HILL ROAD AND EAST OF KATHLEEN ROAD; 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. Commission Boring seconded.

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4821; Proposed 06-095; Small Scale Amendment #SS-06-020 to Future Land Use Map Assigning Use on 2.5 Acres Located South of Sleepy Hill Road and East of Kathleen Road (1st Rdg 12/4/06)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-06-020 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 2.5 ACRES LOCATED SOUTH OF SLEEPY HILL ROAD AND EAST OF KATHLEEN ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4822; Proposed 06-096; Establishing PUD Zoning on 2.5 Acres Located South of Sleepy Hill Road and East of Kathleen Road (1st Rdg 12/4/06)

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR PUD ZONING ON 2.5 ACRES LOCATED SOUTH OF SLEEPY HILL ROAD AND EAST OF KATHLEEN ROAD; AMENDING ORDINANCE 3966; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Proposed 06-090; Consenting to Inclusion within the Polk County Parks and Recreation Municipal Service Taxing Unit (1st Rdg 11/20/06, Contd 12/4/06)

Action: Commissioner Verplanck moved to pull this item from the agenda. Commissioner Higgins seconded and upon roll call vote Commissioners Higgins, Boring, Verplanck, Wiggs, Fields, and Mayor Fletcher voted aye. Commissioner Yates voted nay. Ayes: six. Nays: one. The motion carried.

Resolutions

Resolution 4578; Proposed 06-084; Electing to Utilize the Uniform Method of Collection to Collect all Unpaid Special Assessments

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA ELECTING TO UTILIZE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS AS AUTHORIZED UNDER SECTION 197.3632, FLORIDA STATUTES, FOR COLLECTING ALL UNPAID DEMOLITION

AND LOT CLEARING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED BY THE CITY COMMISSION DURING CALENDAR YEAR 2006 AND PRECEDING YEARS; ADOPTING FINDINGS OF FACT; STATING THE NEED FOR SUCH LEVIES; PROVIDING FOR THE MAILING OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

CITY MANAGER

Recommendation re: Renewal of City Health Plan Specific Reinsurance

In preparation for the annual renewal of the City Health Plan's Specific Reinsurance policy, the City's broker for this policy, Jim Powell from Arthur J. Gallagher, obtained proposals from Symetra (the incumbent), United Healthcare, and ING. The current specific reinsurance policy provided for an annual coverage on any health claim that exceeds \$250,000 up to a lifetime maximum benefit of \$1,000,000 per covered life. Symetra based the reimbursement to the City's Health Plan on a "paid" basis during the calendar year regardless of when the City incurred the claim. The current premium per employee per month was \$7.39/single coverage and \$16.68/family coverage, which cumulatively equated to \$28,948 per month or \$347,381 per year which was 100% paid by the City.

The incumbent, Symetra, offered three options:

- A "negotiated" premium, which was based upon the current above-referenced data, which mirrored the existing policy benefits for a 10.9% increase in the annual premium;
- Option 1, which would increase the per claim deductible by \$15,000 to \$265,000 in exchange for an annual premium reduction of \$7,506; or
- Option 2, which would increase the per claim deductible by \$25,000 for an annual premium savings of \$35,352.

ING presented the second lowest premium per employee per month of \$6.70/single coverage and \$18.45/family coverage, for a cumulative total of \$29,989 per month or \$359,866 per year. However, in lieu of the current "paid" basis of reimbursement from Symetra (as referenced above), ING proposed the more restrictive "24/12" reimbursement method. Under a "24/12" method, the City must pay the claims incurred in the 12 months

prior to the commencement of the annual contract within the 12-month contract period, or there was no coverage.

United Healthcare's proposal mirrored the City's existing policy coverage; however, for an annual premium of \$862,033 at more than double the cost of the current annual premium.

Based upon the past and present claims experience, staff recommended accepting the "negotiated" option with Symetra, which provided the same coverage as the current policy. The proposed premium per employee per month was \$8.20/single coverage and \$18.50/family coverage, for a cumulative total of \$32,112 per month or \$385,345 per year. This represented an annual premium increase of \$37,964 or 10.9%. The Symetra plan provided over 200 underwriting medical reviews on an annual basis for the City Health Plan at no cost. The commission fee paid to Jim Powell from Arthur J. Gallagher remained at 8%.

Staff recommended that the City Commission approve a January 1, 2007 contract renewal with the incumbent, Symetra, to maintain the current reinsurance coverage parameters as noted above for an annual premium of \$385,345.

Doug Thomas presented this item to the Commission.

Action: Commissioner Wiggs moved to approve the recommendation. Commissioner Verplanck seconded and the motion carried six to zero. Commissioner Fields was absent at that time.

Recommendation re: School Site Ranking for Elementary School "C" (Southwest Lakeland & Laurel Highlands School Site)

As indicated to the City Commission in the past, the Polk County School Board was in need of several new schools in the Lakeland area in order to meet the demands of growth as well as to shift student populations from existing schools to meet the intent of the Classroom Size Reduction Act passed by the Florida Legislature. One of those needed was an elementary school near southwest Lakeland referred to as Elementary "C", which was desired by fall of 2009. The School Board needed this school to relieve current and projected overcrowding at Sikes Elementary and Wagner Elementary.

Included in the agenda packet is a copy of the *Executive Summary* report generated by the Central Florida Regional Planning Council, (CFRPC) to the Polk County School Siting Committee (SSC). Detailed technical reports and the executive summary report were submitted to the School Siting Committee for their meeting on December 4, 2006. The School Siting Committee voted to rank the three sites in contention for Elementary "C" as follows:

- 1. Hawthorne (MDG) site located north of Ewell Rd (in-City)**
- 2. Gresham site located on County Line and W. Pipkin Roads (in-City)**
- 3. Wellman site, located south of Ewell Rd. (unincorporated)**

As noted above the top two of the three ranked sites were in the City limits. The Hawthorne site has direct access onto Ewell Road; the Gresham site may have limited or delayed access and utility availability depending upon the timing of any additional development on the other portion of the Gresham property; and the Wellman site has very limited access onto Ewell Road. The owner of the Hawthorne site, Metro Development Group, or MDG, has indicated some consideration for a “negotiated price”, i.e., a donation of the land in exchange for credits in school impact fee. The City would likely be the service provider for all utilities upon final agreement with Polk County given that the specific school site on the MDG property was currently in the County’s service area.

According to the Interlocal Agreement for Polk Educational Facilities Planning, where one or more of the potential school sites are located within or adjacent to our corporate limits and/or will be served by the City of Lakeland utilities, the City Commission has the option to rank or recommend the evaluated site(s). Staff would then forward your recommendation to the Polk County School Board. The Board of County Commissioners and the School Board would also rank or recommend the given site(s). The School Board would make a final decision to authorize their staff to pursue a contract to purchase a site. In addition, property was offered as a “donation” at a negotiated price for school impact fee credits on land owned by D.R. Horton within or adjacent to their Laurel Highlands proposed residential project east of Airport Road. The D.R. Horton property would essentially serve as a future school site in addition to Elementary “C”, not in lieu of or in competition with Elementary “C” school. That is, the D.R. Horton site would serve a separate future school population than that of Elementary “C” since the Horton site was well outside of the geographic search ring for a reliever school site for Wagner and Sikes Elementary schools. However, D.R. Horton offered their site about a year ago in order to address the impact of the Laurel Highlands residential project on area schools and estimated its opening in 2011. The School Siting Committee, therefore, voted to recommend acceptance of the D.R. Horton site for a future elementary school at that location east of Airport Rd, north of the Polk Parkway (in-City). City of Lakeland support for this motion could be included in the City Commission’s position on the rankings for the Elementary “C” school and forwarded to the Polk County School Board.

On a separate note, the D.R. Horton/Laurel Highlands site was associated with a City land sale. The D.R. Horton company has awaited the CFRPC’s report which was somewhat delayed, and was continuing to negotiate an impact fee credit agreement with the School Board given the School Board’s concerns about excluding a water pit on the site. This situation has led to a request for the City to grant another extension to the contract deadline for the associated land sale of city property.

Staff recommended that the City Commission ratify the School Site Ranking for Elementary School “C” (Southwest Lakeland & Laurel Highlands School Site) as referenced above and to provide further direction on the desirability to designate the proposed D.R. Horton site for a future elementary school.

Doug Thomas presented this item to the Commission.

Action: Commissioner Verplanck moved to approve the recommendation. Commission Boring seconded and the motion carried six to zero. Commissioner Wiggs was absent at that time.

CITY ATTORNEY

Resolutions

Resolution 4579; Proposed 06-085; 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: Commission Boring moved to approve the resolution. Commissioner Yates seconded.

Mayor Fletcher asked for comments and there were none.

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

Resolution 4580; Proposed 06-086; Investment Account Authorization and Signature Authority

A RESOLUTION RELATING TO PUBLIC FUNDS; AUTHORIZING CERTAIN CITY OFFICIALS TO BE SIGNATORIES ON MUNICIPAL ACCOUNTS MAINTAINED WITH DEPOSITORY BANKS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Miscellaneous Reports and Communications

*** Memo re: Vacating Utility Easement – Lake Hollingsworth Drive between Ingraham Avenue and Johnson Avenue**

This was a proposed quitclaim deed to Florida Southern College for vacating a portion of an existing sanitary sewer easement located north of Lake Hollingsworth Drive, west of Ingraham Avenue and east of Johnson Avenue. The vacation would accommodate the construction of Florida Southern College's Residential Life Center. The various City and private utilities have reviewed this request and had no objections to the vacation.

Staff recommended that the Commission authorize the appropriate City officials to execute this quitclaim deed.

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

*** Memo re: Lease with Tiny Tots Day Nursery**

As you may recall, the City has for many years leased property to Tiny Tots Day Nursery for its use in providing daycare for working mothers. The lease will expire on December 31, 2006 and the nursery has requested another two-year term, at the current rate of \$1.00 per year. The lease agreement contained the same terms and conditions as the previous agreement.

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

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

Memo re: Task Authorization with Dyer, Riddle, Mills & Precourt to Update and Complete Design / Roadway Construction Plans for the West Section of the Lakeland In-Town By-Pass

This was a proposed Task Authorization with Dyer, Riddle, Mills & Precourt, Inc. (DRMP) to update and complete design / roadway construction plans for the west section of the Lakeland In-Town By-Pass (S.R. 548) from existing S.R. 600 (George Jenkins Highway) to S.R. 35(Florida Avenue), incorporating some recent criteria changes and recommendations from a value engineering study in the form of an alternative bridge design.

The City and the Florida Department of Transportation (FDOT) have executed a Supplemental Joint Project Agreement (JPA) wherein the Department has committed to funding the subject services for \$130,517.58. Reimbursement for services performed will be on a quarterly basis. In order to fund the services initially, prior to reimbursement, an appropriation is necessary.

Staff requested that the Commission authorize the appropriate City officials to execute this agreement and the Finance Department to make the necessary appropriation to fund the services, preceding reimbursement by FDOT.

Action: Commissioner Boring moved to approve the recommendation. Commissioner Verplanck seconded and the motion carried six to zero. Commissioner Wiggs was absent at that time.

Memo re: Task Authorization with Environmental Consulting & Technology, Inc. for Design & Permitting Services - Lake Gibson Southwest Sub-Basin Retrofit

This was a proposed task authorization with Environmental Consulting & Technology, Inc. (ECT) for design and permitting services for the Lake Gibson Southwest Basin Retrofit project. The City of Lakeland and ECT executed a continuing contract and agreement for Lakes and Watershed Management Services on January 31, 2006. As part of the ongoing efforts to treat stormwater before it enters the City's lakes, as well as provide flood control, a conceptual wetland and stormwater attenuation project design was developed for the southwest basin of Lake Gibson. The project would consist of the construction of five ponds, totaling 12 acres, and would include restoration of an existing wetland. Stormwater from an undersized stream system accepting runoff from a 245-acre drainage basin would be diverted to the ponds and wetlands to remove pollutants and serve as storage for peak flow rain events. These ponds would retain peak flow stormwater and release it in a controlled manner to reduce erosion, flooding, and pollutant loading to Lake Gibson.

The cost of the design and permitting as performed by ECT was a not-to exceed amount of \$165,494. The City would expend an additional estimated \$20,000 from Stormwater funds for surveying services performed by Public Works Engineering. The Lakes & Stormwater Division obtained funding through the Southwest Florida Water Management District – Peace River Basin Board Cooperative Funding Program for \$75,000 for the services. Sufficient funds were budgeted in the Stormwater Utility Fund – Lake Gibson SW Basin Retrofit for this phase of the project.

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

Action: Commissioner Boring moved to approve the recommendation. Commissioner Verplanck seconded and the motion carried six to zero. Commissioner Wiggs was absent at that time.

- * **Memo re: Interlocal Agreement between City of Lakeland and Polk Community College for the Design and Construction of the PCC/USF Trailhead of the Fort Fraser Trail**

As you may recall, two trailheads were planned as part of the Fort Fraser Trail project. One will be located in Highland City with the second or northern trailhead, being located at

the Lakeland PCC/USF college campus property immediately adjacent to the U.S. 98 Rail Corridor and the Polk County Sheriff's Office Regional Command Center (PCSO). The PCC/USF trailhead amenities would consist of three picnic tables, one covered picnic pavilion, approximately 44 paved parking spaces and sidewalks connecting the parking area with the Fort Fraser Trail.

This proposed Interlocal Agreement formalized the cooperative relationship between the City of Lakeland and Polk Community College for the planning, construction, operation, and maintenance of the northern trailhead and associated parking. The Agreement also provided for the extension of the existing north-south driveway that connected the PCSO's substation to PCC's existing east-west entry drive and retention swales, which were all part of the PCC/USF trailhead design plan.

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

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

Memo re: Interlocal Agreement with Polk County Relating to Revenues Derived from the Parks and Recreation Municipal Service Taxing Unit

Action: The Commission removed this item along with Proposed Ordinance 06-090.

Memo re: Agreement for Consulting Services and License True-Up with MRO Software, Inc.

This a proposed Agreement for Consulting Services, Order Confirmation Form and Task Authorization with MRO Software, Inc. in the (estimated) amount of \$873,000 for a major upgrade to the Maximo system similar to the one that PeopleSoft and Oracle Financials have already undergone. Maximo was the Enterprise Asset Management / Computerized Maintenance Management System (EAM/CMMS) used by many departments of the City. It provided staff asset-specific data structures, as well as diagnostic and analytical tools designed for organizing, maintaining and utilizing assets unique to their business structure. It also integrated classic CMMS features with corporate systems such as financials, human resources, purchasing, and time and attendance.

This MRO Service Contract renewal was for professional consulting services on a task authorization basis to support and enhance Maximo throughout the City. Over 600 employees in the City used the products in this suite of applications.

The project costs were broken down as follows:

- Estimated Consulting Services \$405,000
- Estimated Hardware (not MRO) 194,519
- License true-up & Maintenance 182,756
- Additional T&D Module 90,725
- Estimated total upgrade cost \$873,000

The available budget for upgrade is \$927,894

The first Task Authorization was for \$162,682 and covered:

- Project Management
- Installation of the Development Environment
- Integration Workshop
- Upgrade Workshop
- Technical Training
- Developer Training

Staff recommended that the Commission authorize the appropriate City Officials to execute the Agreement for Consulting Services, Order Confirmation Form and Task Authorization on behalf of the City.

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

FINANCE DIRECTOR

* **Appropriation and Increase in Estimated Revenues – Public Improvement Fund**

The Parks & Recreation Department won a FRDAP grant for \$80,000 to assist in financing the renovation of Jackson Park and the associated Coleman Bush parking lot project. This grant, along with the FRDAP grant revenues won in FY2006, represented approximately 45% of the total \$440,000 project cost. The current year budget included a total of \$240,000 for this project, which staff carried over from FY2006. Accordingly, an additional appropriation of \$200,000 was required, along with the increase in estimated revenues resulting from the grant award.

Staff requested that the City Commission authorize an appropriation for \$200,000, with an offsetting increase in estimated revenues of \$80,000 in order to adjust the FY2007 budget to the amount awarded through the grant application process.

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

MAYOR AND MEMBERS OF THE CITY COMMISSION

Merry Christmas and Happy Hanukah

AUDIENCE - None

Recess/Reconvene: The Commission recessed at 11:02 a.m. and reconvened at 1:43 p.m.

Commissioners Glenn Higgins, Dean Boring, Howard Wiggs, Gow Fields, Edie Yates, and Mayor Fletcher were present. Commissioner Verplanck was absent. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch, and City Clerk Kelly Koos were present.

Memo re: Task Authorization with Sargent & Lundy for Selective Catalytic Reduction System

This was a proposed contract with Sargent & Lundy for the detailed design, bidding, permitting, procurement, construction management, and startup support for the proposed SCR system in the (estimated) amount of \$7,813,000.00. As you will recall the Clean Air Interstate Rule (CAIR) required that McIntosh Unit 3 reduce its NOx emissions from 0.45 lb /mmBTU to 0.13 lb /mmBTU by January 1, 2009 and then further reduce NOx emissions to 0.10 lb/mmBTU by January 1, 2015. Failure to comply would force the City to become a "net consumer" of NOx credits at an estimated annual cost of \$4.5 million per year or be in violation of federal law (CAIR) and state (FDEP) regulations. The City was taking a two-phased approach regarding compliance with CAIR:

Phase 1 (In process): Install low NOx burners and over-fired air system on Unit 3 boiler in 2007 to reduce NOx emissions to approximately 0.3 lb/mmBTU. This would result in future savings of ammonia over the remaining service life of the unit and scope reduction in Phase 2 described below; estimated annual savings range of \$700k to \$1.2M per year depending on the price of ammonia. The objective of this project was to purchase and install all equipment in the Spring 2007 outage for Unit 3. The estimated cost of this project was \$7.49 million (\$4.49 City share).

Phase 2 (This agreement was the first step): Design and install an SCR system for Unit 3. The SCR could be smaller due to the NOx reduction gained in Phase 1. This will reduce the initial capital outlay for the SCR and future catalyst replacement costs. The City cannot attain compliance with the 2009 (or 2015) CAIR requirements for NOx reduction without installing an SCR.

In accordance with the Consultants' Competitive Negotiation Act (CCNA), a Request for Qualifications (RFQ) was issued by Lakeland Electric through City Purchasing requesting that statements of qualifications from engineering consulting firms (EC) to design a Selective Catalytic Reduction (SCR) system to reduce nitrogen oxide (NOx) emissions from its McIntosh Unit 3 power plant be received no later than August 31, 2006. Two (2) EC firms submitted statements of qualifications and the City evaluated those statements. The evaluation team unanimously ranked Sargent & Lundy number one.

It is Lakeland Electric's desire that the SCR project move forward very rapidly in order for Unit 3 to achieve compliance by January 1, 2009. Compliance achieved after January 1, 2009 was not a catastrophic event but it may represent an increased cost (i.e. opportunity loss) if Unit 3 was required to rely upon NOx credits to support normal plant operation prior to the SCR becoming operational. In support of the schedule needed for the SCR project, Lakeland Electric obtained approval from the Utility Committee and City

Commission on September 18, 2006, authorizing Sargent & Lundy to perform a conceptual study (Task Authorization SL-06-01) of the SCR project. Sargent & Lundy has now completed the conceptual study and determined that:

- It is feasible to retrofit a high-dust SCR to Unit 3
- It is possible for the SCR to be operational by December 31st, 2008; and
- The estimated installed cost for the SCR was \$60,698,891.00.

This engineering work under the proposed agreement includes:

Detailed Design & Bidding \$6,107,000 Not-to-exceed	(78%)
Permitting & Procurement Support \$792,000 Estimate	(10%)
Construction Mgt. & Startup Support \$914,000 Estimate	(12%)
Total Contract Value \$7,813,000	(100%)

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

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

Memo re: Contract with SWRI re Unit 5

This was a proposed agreement and work order with Southwest Research Institute (SWRI) for review and testing due to corrosion issues with Unit 5 in the (estimated) amount of \$80,000.00. Last spring Unit 5 experienced a row 1 turbine blade failure. Lakeland retained SWRI to advise the City during Siemens' failure analysis. Siemens originally claimed the root cause of that failure was corrosion buildup under the seal pin locking the pins up against their adjacent blades. Lakeland changed the turbine blades as Siemens recommended.

In the current outage, the seal pins in the row-one turbine blades were locked due to corrosion oxides behind the seal pins. Siemens was again recommending that Lakeland replace the row 1 blades after only 2,400 hours of operation. Lakeland must identify and control the source of the corrosion buildup since the City cannot afford to do a cover lift and change row 1 blades every 3,000 hours. Due to their prior experience regarding the turbine blade failure, Lakeland Electric would like SWRI to return and perform a preliminary corrosion effects review, dynamic testing, and finite element analyses of first stage turbine blades. The estimated costs for SWRI's services were as follows:

- Corrosion Effects Review \$25,000
 - Dynamic tests and complementary finite element analyses of first stage blades \$55,000.
- These costs do not include labor and expenditures for travel or extended teleconferences.

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

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

CALL FOR ADJOURNMENT – 1:44 p.m.

Ralph L. Fletcher, Mayor

Kelly S. Koos, CMC, City Clerk

AGENDA STUDY SESSION
December 15, 2006

The Lakeland City Commission met in the Agenda Study Session on Friday, December 15, 2006 in the Commission conference room. Commissioners Eddie Yates, Gow Fields, Dean Boring, Glenn Higgins, and Howard Wiggs were present. Commissioner Verplanck and Mayor Fletcher were absent. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, Assistant City Attorney Palmer Davis, Assistant to the City Manager Stanley Hawthorne, City Clerk Kelly Koos and administrative staff were present.

Mayor Pro Tem Howard Wiggs called the meeting to order at 8:43 a.m.

Doug Thomas covered the preliminaries.

Request to Appear from the General Public

Leon McDougal of 206 Swannanoa Street Appealing Code Enforcement Fine

Brian Rewis, Code Enforcement Division Manager, reminded the Commission of the background on the appeal process. He updated the Commission on Mr. McDougal's request. He recommended the Commission deny his appeal. The Commission discussed how they should handle the situation. They wanted the City Attorney to explain the process and what the Commission would be considering.

Palmer Davis covered the Public Hearings.

Item VI-C-6 under the City Attorney agenda was a companion item to proposed ordinance 06-090. The County has agreed that the money collected within the City would go back to the City. The City would have the opportunity to withdraw once a year. Both parties would also agree to provide notice if they planned to bond any of the revenue. The tax attorney thought that would require a referendum. The City would be able to produce the capital up front if the MSTU were to pass. The City did have other bonding capabilities that would not be tied directly to the MSTU. The MSTU was not that different from Ad Valorum except that they must be used for Parks & Recreation. The City would be jeopardizing the ability to bond later by doing this bond deal. The City had sufficient non-ad valorum revenue to cover what was already bonded, this issue and \$56 million in other projects. The County was taking the position that Lakeland should drop its out-of-city rates for county customers at city facilities.

Palmer Davis covered the Equalization Hearing.

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

- The next Commission meeting would be on January 2, 2007. They plan to schedule a Finance Committee meeting. The Agenda Study Session will be Tuesday, January 2, 2007 around 7-7:30 a.m.

Palmer Davis covered the Resolutions

Proposed 06-085; Requesting Legislation to Adopt a Special Act Amending the Lakeland City Charter Relating to the Civil Service Board

Those currently serving would remain on the Pension Board. Appointments would be made to the new Civil Service Board. The Civil Service Director would report to the Director of the Employee Relations Department. There would also be a separate Pension Director that would report to the Pension Board.

Palmer Davis covered the Miscellaneous Reports and Communications

Greg Finch covered the Finance Director's agenda.

The meeting adjourned at 9:38 a.m.

TRANSPORTATION INITIATIVES WORKSHOP December 15, 2006

The Lakeland City Commission met in the Agenda Study Session on Friday, December 15, 2006 in the Commission conference room. Commissioners Eddie Yates, Gow Fields, Dean Boring, Glenn Higgins, and Howard Wiggs were present. Commissioner Verplanck and Mayor Fletcher were absent. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, Assistant City Attorney Palmer Davis, Assistant to the City Manager Stanley Hawthorne, City Clerk Kelly Koos and administrative staff were present.

Doug Thomas opened the workshop 9:41 a.m. and introduced Rick Lilyquist, Public Works Director.

Rick Lilyquist began the presentation. He covered the purpose and objectives. He reviewed the past projects that were complete and the present projects that were underway.

The Commission discussed construction and the need to build in for inflation for projects where actual construction will not happen for a few more years. The County was building in approximately 15% per year for inflation. FDOT began staggering the release of bids to keep costs down. They began to acquire fill dirt for projects so that does not become a factor.

Greg James reviewed the future projects.

Chuck Barmby covered the State Administered projects.

Rick Lilyquist covered the Financing Alternatives. He gave a summary of the funding deficits. He reviewed the possible funding sources.

- Elimination of Transportation Fund contribution to the Stormwater Utility fee increase
- Dedicated Millage for Transportation
- Transportation Impact Fees
- Other funding initiatives such as those considered for Southwest Lakeland

Rick Lilyquist reviewed the objectives of this presentation again.

The consensus of the commissioners present was to move forward with items 1 and 2 relating to the Edgewood Dr. extension project. The consensus was to move forward with item 3 after one more attempt to negotiate with the church. Items 4 and 5 would be retreat topics.

The Commission discussed methods to communicate to the leaders of the business communities the expenses facing the Lakeland community for roads, lakes and parks.

The meeting adjourned at 10:33 a.m.

R. Howard Wiggs, Mayor Pro Tem

Kelly S. Koos, CMC, City Clerk

STRATEGIC OPERATING PLAN WORKSHOP December 18, 2006

The Lakeland City Commission met for a workshop on the Strategic Operating Plan in the Commission conference room on Monday, December 18, 2006. Commissioners Edie Yates, Howard Wiggs, Dean Boring, Glenn Higgins and Mayor Fletcher were present along with administrative staff. Commissioners Gow Fields and Jim Verplanck were absent.

Doug Thomas called the meeting to order at 11:19 a.m. He introduced the workshop and made the presentation. A copy of his presentation is on file in the agenda packet.

The Commission discussed at what point they would have an opportunity for input and congruency with Lakeland Vision.

This was the opportunity to offer input. It was up to the Commission to develop goals at the retreat and it was the staff's responsibility to come up with the action to meet those goals. The retreat this year will look further to the future. The Commission may need to spend more time on the strategic plan.

Ed Hacker, Organization Development Specialist, presented the second half of the presentation.

A-D-L-I Steps to Maturity

- Reacting to Problems
- Early Systematic Approach
- Aligned Approach
- Integrated Approach

Key Success Indicators: Measurement Factors

Plan Do Study Act Cycle

He covered the SOP Calendar October 2006 - April 2007.

The meeting adjourned at 12:15 p.m.

Ralph L. Fletcher, Mayor

Kelly S. Koos, CMC, City Clerk