

LAKELAND CITY COMMISSION
Regular Session
August 20, 2007

The Lakeland City Commission met in Regular Session on Monday, August 20, 2007 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, Assistant City Attorney Michael Craig, Finance Director Greg Finch and City Clerk Kelly Koos were present.

CALL TO ORDER

Mayor Fletcher called the meeting to order at 8:58 a.m.

INVOCATION

Father Ramon Bolatete, St. Joseph's Catholic Church, offered the invocation followed by the salute to the flag.

PRESENTATIONS

The Lakeland Center - 2007 Entertainment for Our Growing Community

APPROVAL OF CONSENT AGENDA

- * City Commission Minutes 8/3/07-8/14/07
- * Utility Committee 8/6/07
- * Recommendation re: Annual Holiday Display Decoration Lease
- * Recommendation re: Interstate 4 and 98 North Interchange Landscaping
- * Memo re: Approval of Short Listed Firms for Continuing Contracts for Structural Engineering Services
- * Memo re: Task Authorization with MacTec, Inc. to Provide Consulting Services for the Southwestern Basin of Lake Parker: BMP Alternatives Analysis Study
- * Memo re: Vacation of a Public Utility Easement – 955 East Memorial Boulevard
- * Memo re: Vacation of a Portion of a Public Utility Easement Located East of Omohundro Avenue, West of North Webster Avenue and North of Kathleen Road
- * Appropriation – Fleet Management 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 8/3/07-8/14/07**

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

* **Utility Committee 8/6/07**

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

REQUESTS TO APPEAR FROM THE PUBLIC

Jeff Sprague, Presbyterian Church in the Highlands re City of Lakeland's Hurricane Awareness Expo.

Jeff Sprague presented an award to Risk Management staff for their help with this expo.

Holly Vreeland, President of Downtown Lakeland Partnership, Inc re Concerns related to the CSX ILC Project

Holly Vreeland came forward concerning the CSX project.

Commissioner Boring explained that Senator Nelson would be at City Hall this morning at 11 a.m. and that was the kind of assistance they were going to need. He invited others to attend.

Mayor Fletcher felt the City needed to do what they could to stop this project.

Tony Delgado updated the Commission on staff's response to this project.

Kathleen Munson, President of Lakeland Area Chamber of Commerce, came forward to comment on the project. The Chamber was writing to urge the DCA not to authorize the preliminary development agreement until a full DRI process takes place.

Ford Heacock, Chair of LDDA, came forward in opposition of the CSX project.

The Commission discussed how this project would affect the entire county.

Doug Thomas suggested a forum at the next Ridge League meeting.

Commissioner Fields thought the State needed to take a comprehensive look at commuter rail for the State as a whole.

Macey Butler, citizen of Winter Haven, explained many of the citizens of Winter Haven were not aware of the project. He was a candidate for office and as far as he was concerned, it was not a done deal.

Commissioner Verplanck felt that if this project were approved there would be no commuter rail in Lakeland.

Brooks Chandler came forward in opposition to the CSX project. Downtown Lakeland was a selling factor for professionals considering moving to the Central Florida Area.

Commissioner Yates thought the County also needed to consider the affects of this project on transportation.

PUBLIC HEARINGS

Assistant City Attorney Michael Craig explained that staff requested items 1-5 (07-043, 07-056, 07-057, 07-059 and 07-060) be continued until September 4, 2007.

Action: Commissioner Higgins moved to continue those ordinances until September 4, 2007. Commissioner Yates seconded and the motion carried unanimously.

Ordinance 4889; Proposed 07-076; Conditional Use for an Administrative Church Office in an Existing Single Family Dwelling at 2205 Martin Luther King Avenue (1ST Rdg 8/6/07)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR AN ADMINISTRATIVE CHURCH OFFICE IN AN EXISTING SINGLE FAMILY DWELLING AT 2205 MARTIN LUTHER KING AVENUE; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Michael Craig 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, Wiggs, Verplanck, Boring, Higgins and Mayor Fletcher voted aye. Ayes: seven. Nays: zero. The motion carried unanimously.

Ordinance 4890; Proposed 07-077; Change in Zoning on 4 Acres Located West of North Socrum Loop Road, North of Vineyard Drive (6350 North Socrum Loop Road) (1ST Rdg 8/6/07)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 4 ACRES OF PROPERTY LOCATED WEST OF NORTH SOCRUM LOOP ROAD, NORTH OF VINEYARD DRIVE (6350 NORTH SOCRUM LOOP 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.

Michael Craig 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, Wiggs, Fields, Yates and Mayor Fletcher voted aye. Ayes: seven. Nays: zero. The motion carried unanimously.

Ordinance 4891; Proposed 07-078; Change in Zoning on Property Located West of Sikes Boulevard, South of Josephine Street (919 Sikes Boulevard) (1ST Rdg 8/6/07)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 0.42 ACRES OF PROPERTY LOCATED WEST OF SIKES BOULEVARD, SOUTH OF JOSEPHINE STREET (919 SIKES BOULEVARD) 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.

Michael Craig 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, Wiggs, Verplanck, Boring, Higgins and Mayor Fletcher voted aye. Ayes: seven. Nays: zero. The motion carried unanimously.

Ordinance 4892; Proposed 07-079; Relating to Procedure for Election of Members to the Civil Service Board (1ST Rdg 8/6/07)

AN ORDINANCE RELATING TO THE CIVIL SERVICE BOARD; REPEALING ORDINANCE 2003 AND ORDINANCE 3856; RELATING TO THE PROCEDURE FOR FULL TIME EMPLOYEES OF THE CITY OF LAKELAND TO ELECT MEMBERS TO THE CIVIL SERVICE BOARD OF THE CITY OF LAKELAND IN ACCORDANCE WITH THE CHARTER OF THE CITY OF LAKELAND; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Michael Craig 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, Wiggs, Fields, Yates and Mayor Fletcher voted aye. Ayes: seven. Nays: zero. The motion carried unanimously.

CITY MANAGER

* **Recommendation re: Annual Holiday Display Decoration Lease**

The City of Lakeland received three bid proposals for the Annual Holiday Decoration display lease for Lake Mirror Park and the Lakeland Electric Building. The park and utility administration building would be adorned in anticipation of the numerous holiday functions and annual Christmas Parade that would take place in the park and downtown area. The scope of the bid proposal encompassed a three-year lease, commencing October 1, 2007, with a renewal option that would extend the agreement for two-additional years. The Parks & Recreation Department received three qualified bids for the lease agreement. The following outlines the proposed fees:

Brandano Displays	Pompano Beach, Florida	\$50,000 annually
Winter Land	Cicero, Indiana	\$49,970 annually
Clark Sales	Tavares, Florida	\$48,385 annually

Clark Sales was the incumbent supplier for the past four seasons and according to staff review, had established a good record of customer service and providing of quality display options. Funding for the lease agreement was available in the Lakeland Electric Department Annual Budget and earmarked for future funding through the life of the agreement.

Staff recommended that the City Commission authorize the appropriate officials to execute the contract with Clark Sales of Tavares, Florida for the fee of \$48,385 annually for a three-year agreement for holiday displays for Lake Mirror and the Lakeland Electric Building commencing October 1, 2007.

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

* **Recommendation re: Interstate 4 and 98 North Interchange Landscaping**

Following completion of the subject roadway interchange, the City was in the position to undertake the associated landscaping elements originally designed over five years ago. The Florida Department of Transportation (FDOT) would fund the project and a Local

Agreement of Participation (LAP) was executed with a project budget of \$800,000. The interchange landscaping would be comprised of primarily native Florida materials with Bahia sod

The City received bid proposals from two qualified and responsive bidders, Vila & Sons for \$900,060 and Commercial Landscape & Irrigation for \$1,149,600. (Garden World and US Lawn of Lakeland elected not to bid on the project.) Both received bids were substantially over budget, largely due to increased construction costs since the original budget was established. Additionally, the irrigation component required a redesign due to the prohibition of the irrigation connections to the City's potable water system, necessitating new irrigation wells. In order to have the project meet original budget requirements, the City reduced plant material size allowing for a considerable reduction in the proposals. Vila & Sons, the original low bidder, provided again the most responsive bid of \$701,241.48, allowing the remainder of the budget for irrigation wells.

Staff recommended that the City Commission authorize the appropriate officials to enter into a contract with Vila & Sons for landscaping of the Interstate-4 and 98-North Interchange for the fee of \$701,241.48.

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

Recommendation re: Cypress Youth Sports Complex

The City's Parks & Recreation Department recently received a donation of 33.39 acres for dedicated future municipal park and recreational land. The proposed Cypress Sports Complex was located south of Edgewood Drive South, adjacent to the Lakeland Highland Plaza. The proposed development may accommodate the following elements, dependent upon the overall design and final determined recreational needs: six soccer/football fields (irrigated and lighted), picnic shelters, restrooms/concession building (approximately 4,500 square foot), maintenance building, paved walking paths, playground equipment, site access elements, parking, landscaping, irrigation and site utilities. Construction of soccer/football fields at this location would greatly assist in alleviating the current deficient of youth sports fields in the central and south Lakeland areas as identified in the Parks, Recreation and Trails Master Plan.

Staff solicited qualifications from Architectural/Engineering & Park Planning firms with existing continuing contracts with the City to provide professional design development services for the site. The scope of work required include; geotechnical and environmental testing, architectural and site master plan design, transportation/traffic analysis, probable opinion of cost, construction documents, permitting, bid specifications, and construction administration of the development. The following seven firms submitted qualifications: Bellomo Herbert and Company; Straughn Trout Architects; Glatting Jackson Kercher Anglin; DRMP; PBS&J, The RMPK Group and URS Corporation. URS Corporation located in Bartow, Florida was selected as the most responsive firm at a cost not-to-exceed \$358,752.

A probable range of cost for the ultimate build-out of the proposed Cypress Sports Complex Master Plan was initially estimated at \$3.0 to \$3.5 million, pending the results of geotechnical analysis and associated structural requirements. Staff would phase development as future capital budgets allowed. Staff projected the initial phase, establishing two fields and parking, would open in December 2008. Funding for Phase I would derive from two main sources; the sale of City-owned Drane Field Road Properties and justifiable area impact fees, coupled with anticipated grant support.

Staff recommended that the City Commission authorize the appropriate City officials to execute an agreement with URS Corporation under their continuing contract for professional design development services as outlined in this identified scope of services for a not-to-exceed fee of \$358,752.

Doug Thomas presented this item to the Commission.

Action: Commissioner Boring moved to approve the recommendation. Commissioner Yates seconded and the motion carried unanimously, 6-0. Commissioner Wiggs was absent at that time.

Doug Thomas reminded the Commission to recess until after the Utility Committee.

CITY ATTORNEY

Ordinances (First Reading)

Proposed 07-080; Amending Ordinance 3841; Relating to Design Review Criteria for Redevelopment Areas

AN ORDINANCE RELATING TO HISTORIC PRESERVATION; AMENDING ORDINANCE 3841; ESTABLISHING SPECIAL CRITERIA FOR REDEVELOPMENT AREAS WITHIN HISTORIC DISTRICTS; 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 September 4, 2007.

Proposed 07-081; Relating to Pole Attachment License Agreements

AN ORDINANCE RELATED TO POLE ATTACHMENTS; PROVIDING DEFINITIONS; REQUIRING LICENSE FOR EXISTING ATTACHMENTS AND FOR INITIAL, RENEWAL, OR MODIFICATION OF A LICENSE OR RELIEF FROM THIS ORDINANCE; PROVIDING A LICENSE APPROVAL PROCEDURE AND LICENSE FEES; ESTABLISHING STANDARDS FOR INSTALLATION, MAINTENANCE, RELOCATION, IDENTIFICATION AND LOCATION OF ATTACHMENTS; DESIGNATING FINANCIAL RESPONSIBILITY OF LICENSEES; DISCLAIMING CITY'S RIGHTS IN RIGHT-OF-WAY; PROVIDING THERE IS NO ACQUISITION

OF PROPERTY RIGHTS BY LICENSEE, NO EXCLUSIVITY AND THAT A LICENSE HEREUNDER IS NOT A LICENSE FOR WIRELESS COMMUNICATION FACILITIES; RESERVATION OF THE CITY'S RIGHTS; PROVIDING FOR A LICENSEE'S LIABILITY INSURANCE AND INDEMNIFICATION; WORKPLACE CONDITIONS; DISCLAIMING ACCURACY OF CITY MAPS; APPROVAL, INSPECTION STANDARDS; POLE ALTERNATIVES; BILLS AND PAYMENT FOR WORK; VIOLATIONS; RIGHT TO APPEAL; 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 September 4, 2007.

Resolutions

Resolution 4629; Proposed 07-049; Urging Congress to Establish the Energy and Environment Block Grant Program to Assist Cities in Funding Innovative Energy Savings Strategies

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA URGING CONGRESS TO ESTABLISH THE ENERGY AND ENVIRONMENT BLOCK GRANT PROGRAM TO ASSIST CITIES IN FUNDING INNOVATIVE ENERGY SAVINGS STRATEGIES; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Michael Craig read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4630; Proposed 07-050; Authorizing Donation of City Owned Property for FDOT to Obtain Access Management and Drainage Permits for Proposed Intersection Improvement Project at George Jenkins Boulevard and Brunnell Parkway

A RESOLUTION RELATING TO DONATION OF FEE SIMPLE PROPERTY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS ON STATE ROAD NO. 600 (U.S. 92 – GEORGE JENKINS BLVD); MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

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

Mayor Fletcher asked for comments and there were none.

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

Miscellaneous Reports and Communications

Memo re: Lease with Air Logic Sales, Inc. at Lakeland Airside Center

This was a proposed Lease Agreement with Air Logic Sales, Inc. for hangar space and office space at Lakeland Airside Center. In August 2005, Air Logic Sales, Inc. entered into a Lease Agreement for 44,000 sq. ft. at Lakeland Airside Center, which expired on July 31, 2007. The new lease term was for an initial term of one (1) year with no renewal option. Rental rate for hangar space (14,000 sq. ft) was \$4.00 per sq. ft. and office space (1680 sq. ft.) is \$9.50 per sq. ft. Air Logic would reimburse the City \$1.50 per sq. ft. for all utility services for the office space, with a three-month reconciliation. Air Logic would be responsible for payment of all utility charges for hangar space. Property taxes were passed through.

The tenant was studying the feasibility of constructing its own facility. To that end, the lease contained an option on two (2) acres of land on the south side of the airport adjacent to Flight Safety. If exercised, the new lease would be for up to a thirty (30) year term at 10% of the appraised value subject to reappraisal every ten (10) years.

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

Michael Craig presented this item to the Commission.

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

*** Memo re: Approval of Short Listed Firms for Continuing Contracts for Structural Engineering Services**

In order to meet the City's ongoing need for structural engineering services, the City recently published a request for qualifications from structural engineering firms and received responses from eight different firms. A selection committee consisting of City staff has reviewed the responses and ranked the firms. The selection committee recommended the award of continuing contracts to the three highest ranked firms. The firms are:

- Kerns-Whitehouse & Associates, Inc. Tampa, FL

- NHWL Engineering, Inc. Tallahassee, FL
- Walter P. Moore & Associates, Inc. Tampa, FL

Individual task authorizations would be prepared for specific projects and would outline specific scopes of work, schedules, budgets and other applicable terms. The continuing contracts were for terms of two (2) years with two (2) one-year renewal options.

Staff recommended that the City Commission approve the selection of the three short-listed firms and authorize the appropriate City officials to execute continuing contracts with each of the firms.

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

* **Memo re: Task Authorization with MacTec, Inc. to Provide Consulting Services for the Southwestern Basin of Lake Parker: BMP Alternatives Analysis Study**

This was a proposed Task Authorization with MacTec, Inc. for \$31,184.00 to provide consulting services for the Southwestern Basin of Lake Parker: Best Management Practice (BMP) Alternatives Analysis study. Groundwater contamination by a former gas station was discovered to be an issue with one of the proposed sites on which to construct stormwater treatment facilities. This finding prompted consideration of the remaining proposed and alternative construction sites. In addition, subsequent to the concerns raised regarding a similar treatment wetlands project on Lake Hollingsworth, and coupled with the high cost of land acquisition, staff halted design and permitting. An analysis of alternative BMP's was determined to be in the best course of action.

The Department of Public Works, Division of Lakes & Stormwater proposed to obtain the services of an engineering consultant to perform a comprehensive review of the July 19, 2004 "Lake Parker Water Quality Improvement Project Best Management Practice Identification, Selection, and Ranking" technical memorandum for the Southwestern Basin. The Consultant would review and update information upon which staff based the 2004 recommendations. Current conditions in lieu of development projects such as the In-town Bypass and the N Hwy 98 widening significantly impacted the premise of the 2004 recommendations and needed to be incorporated into project implementation.

Potential for complications, including but not limited to, site contamination, land acquisition costs, and public opinion would be evaluated and included in the final recommendation of alternative BMP's. The deliverable will be a recommendation that includes current and reasonable considerations on which to base design, permitting, and land acquisition. Additionally, MacTec would represent the City as an expert witness regarding the basis upon which the recommendations were made and that all reasonable alternatives were considered.

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

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

* **Memo re: Vacation of a Public Utility Easement – 955 East Memorial Boulevard**

This was a proposed quitclaim deed to National Properties Trust, Inc. for the purpose of vacating an existing sanitary sewer easement located south of East Memorial Boulevard, north of East Parker Street, west of North Ingraham Avenue and east of Lakeshore Drive, within the boundaries of the Town Center Shopping Plaza. The applicant requested the vacation to accommodate the sale of the property. The City of Lakeland Water Utilities Department 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: Vacation of a Portion of a Public Utility Easement Located East of Omohundro Avenue, West of North Webster Avenue and North of Kathleen Road.**

This was a proposed quitclaim deed to Henkelman Construction, Inc. was for the purpose of vacating a portion of an existing public utility easement located between lots 24 and 25 within parcel number 232812-045600-020100. While constructing the English Warehouse Project on this site, Henkelman constructed a portion of the building over the existing easement. In addition, the applicant installed a new 24" sewer line to the south of the new building. A new easement, which has been dedicated to the City, had been recorded over the new sewer line.

The Lakeland Water Utilities Department reviewed this request and had no objections to the partial vacation subject to the following conditions/understandings:

- * Prior to the actual vacate approval by the City, the owner granted the 10' easement to the City of Lakeland, over the relocated/new portion of the 24" sanitary gravity main, (which an easement document was provided to the owner, via their representative on 7/31/07 for execution)
- * Language within the vacate document transferred all ownership, responsibility and liability of the existing 24" VCP gravity main within the vacated easement to the owner of the property and any successors, grantees and assigns
- * The owner and any successors, grantees and assigns understand and accept ownership, responsibility and liability of any portion of the existing 24" VCP gravity main under the building that does not fall within the described vacated easement; outside the limits of the new easement being granted;
- * The owner and any successors, grantees and assigns acknowledge that it is their responsibility to take whatever courses of action deemed necessary to correct the

empty void beneath the building created by the diversion of flow and their acceptance of the vacated segment of 24" VCP gravity main.

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: Construction Agreement for Westside Wastewater Treatment Plant

This was a proposed contract with Vogel Brothers Building Company for the construction of the Westside Wastewater Treatment Facility. Steadily increasing nutrient loading at the Glendale Plant caused it to be operating at near design capacity. Florida Department of Environmental Protection (FDEP) regulations required operators of wastewater systems to advise the Department of a solution to capacity issues when actual use exceeded 80% of the design capacity. The City advised FDEP that the most cost-effective solution was the construction of a 2.0 million gallon per day treatment plant on the west side of the city system. The City Commission previously authorized the purchase of a 35-acre site in this area, which the City purchased and rezoned to accommodate this use.

Black and Veatch designed a modular system that would allow incremental expansion to accommodate additional customers in the future if necessary. Construction plans have been prepared and bids have been received. The Commission has approved application to the State Revolving Loan Program for a low interest loan to fund the construction. The City received and evaluated the following bids:

Vogel Brothers Building Company	\$17,055,000.00
Westra	\$17,902,000.00
Wharton-Smith	\$18,877,000.00

Vogel Brothers was the lowest bidder at \$17,055,000.00 and staff recommended awarding the job to them. The construction contract provided for work to be substantially complete by December 1, 2008. The typical terms relating to indemnification, liquidated damages, insurance, and warranties were included. Staff recommended that the Commission authorize the appropriate city officials to execute this agreement.

Michael Craig presented this item to the Commission.

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

FINANCE DIRECTOR

* **Appropriation – Fleet Management Fund**

The Parks Department operated a 1999 Toro Grounds Master Mower owned by the Fleet Management Division. The mower was in need of extensive repairs estimated to cost approximately \$4,000. This unit was originally scheduled for replacement in fiscal 2010. The City could purchase a new replacement for this unit for \$8,500. There were sufficient replacement funds accumulated in the reserve to accommodate the early retirement of this unit, thereby avoiding the extensive repair cost.

Staff requested that the City Commission approve an appropriation in the amount of \$8,500 within the Fleet Management Fund to accommodate the early replacement of the subject mower.

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

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Wiggs would submit a report on his activities at the Florida League of Cities Conference.

AUDIENCE – None

Recess/reconvene: The Commission recessed at 10 14 a.m. and reconvened at 3:03 p.m.

The Lakeland City Commission reconvened in Regular Session on Monday, August 20, 2007 in the Commission chambers. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Gow Fields, Edie Yates and Mayor Fletcher were present. Commissioner Wiggs was absent. City Manager Doug Thomas, Assistant City Attorney Michael Craig, Finance Director Greg Finch and City Clerk Kelly Koos were present.

Memo re: Contract with Nicholson Construction Company for the Installation of Deep Foundations

This was a proposed contract with Nicholson Construction Company in the estimated amount of \$2,171,000.00. The proposed contract was to provide deep foundations (micro piles) to support the Selective Catalytic Reduction (SCR) system. Nicholson would install four (4) test piles and 150 production piles to an assumed depth of 103'. The City employed Sargent & Lundy (S&L) to serve as its engineer on the McIntosh Unit 3 SCR Retrofit project due to the firms' extensive experience in this area. S&L was designing the SCR and prepared the specification that was issued as part of ITB#7201A. The City received two bids.

The City instructed S&L to evaluate the bids received and prepare a "Letter of Recommendation" (LOR). The LOR provided the detailed evaluation and recommended that the City should award this bid to Nicholson Construction Company. As with other related projects, S&L evaluated the bids based upon technical compliance, price,

experience, qualifications, approach to work and ability to perform the work in accordance with the project schedule.

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

Michael Craig presented the item to the Commission. The Utility Committee recommended approval.

Action: Commissioner Fields moved to approve the recommendation. Commissioner Boring seconded and the motion carried unanimously, six to zero.

Red Light Running

Palmer Davis gave an update to the Commission on the Red Light Running Issue. Palmer had been researching the statutes and the uniform traffic control law. He felt they could move forward with the Code Enforcement approach.

Action: Commissioner Boring moved to authorize staff to move forward with negotiations with the camera company. Commissioner Verplanck seconded. The motion carried five to zero. Commissioners Howard Wiggs and Edie Yates were absent at that time.

CALL FOR ADJOURNMENT – 3:12 p.m.

LAKELAND CITY COMMISSION
Agenda Study Session
August 20, 2007

The Lakeland City Commission met for the Agenda Study Session on Monday, August 20, 2007 in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Dean Boring, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Community Development Director Jim Studiale, Finance Director Greg Finch, Assistant City Attorney Michael Craig, Assistant to the City Manager Stanley Hawthorne and City Clerk Kelly Koos were present along with administrative staff and the media.

Mayor Fletcher called the meeting to order at 7:34 a.m.

Doug Thomas covered the Presentations and Requests to Appear from the Public. The group discussed the CSX project in Winter Haven and its affect on downtown Lakeland.

Michael Craig covered the Second Readings. There was an issue with the advertisement and items II-A-1 through II-A-5 would be continued until September 4, 2007.

At 11 a.m., the Commission will recess for a town hall meeting with Senator Nelson.

Doug Thomas covered the City Manager agenda. Bill Tinsley reviewed the Cypress Youth Sports Complex project.

Doug Thomas offered the following verbals:

- A Closed-door Session for Collective Bargaining was scheduled for September 7, 2007 at 10 a.m.

- The administrative hearing with SWFMD would continue on Tues. & Wed. (8/21&8/22) from 9 a.m. to 6 p.m. The City did not anticipate a decision until the end of October. The closing arguments would not happen until the parties presented their proposed orders.

Michael Craig covered the Ordinances (First Reading). Jim Studiale reviewed Proposed Ordinance 07-080.

Michael Craig covered Proposed Ordinance 07-081. The City has been trying to renew poll agreements with Brighthouse and Verizon. Staff was taking a new approach by establishing an ordinance. This would remove any subsidies and enable the City to treat all users the same.

Michael Craig covered the Resolutions and the Miscellaneous Reports & Communications.

Greg Finch covered the Finance agenda.

Michael Craig covered the Utility Committee agenda.

The meeting adjourned at 8:31 a.m.