

**LAKELAND CITY COMMISSION**  
**Regular Session**  
**March 3, 2008**

The Lakeland City Commission met in Regular Session in the Commission chambers. Commissioners Glenn Higgins, Justin Troller, 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 – 9 a.m.**

**INVOCATION**

Commissioner Wiggs offered the invocation followed the salute to the flag.

**PRESENTATIONS**

**Risk Management & Purchasing – Adding Value through Professional Development (Karen Lukhaub & Mark Raiford)**

**PROCLAMATIONS – Purchasing Month**

**PRESENTATIONS CONTINUED**

**Employee Service Awards**

**10 Years**

Kempson, Tiffany M	02-24-1998
Ramirez, David G	02-09-1998

**20 Years**

Bryant, Gwen G	02-02-1988
Chovan, Liz	02-29-1988
Curry Jr, Donald J	02-15-1988
Jones Sr, Kelvin M	02-03-1988
Schluender, Donald J	02-04-1988
Quinto, Pat	02-01-1988
Wallace-Cooper, Gwendolyn F	02-15-1988

**35 Years**

Filmore, Larry H	02-06-1973
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## APPROVAL OF CONSENT AGENDA

- \* City Commission Minutes 02/15/08 – 02/22/08
- \* Utility Committee Minutes 02/18/08
- \* Memo re: Waiver of 5:01 p.m. Hearing

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

## 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.

### **Lots Cleaning and Clearing**

Tim McCausland presented the assessments to the Commission. Those assessments were attached to the end of these minutes.

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

Mayor Fletcher asked for comments from the audience.

Charles Vermillera, Job No. 07-0595, came forward to say the property did not belong to him. Brian Rewis came forward and displayed photos of the property.

**Amended Motion:** Commissioner Wiggs amended his motion to remove Job No. 07-0595. Commissioner Verplanck seconded.

Mayor Fletcher asked for comments and there were none.

**Action:** The motion carried unanimously.

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

## PRESENTATIONS CONTINUED

### **Beautification Awards:**

Commercial: 4360 Lakeland Park Drive ~ Crestwood Suites of Lakeland  
Residential: 809 College Avenue ~ The Crawford Residence

Frankie Martin and Eileen Clawson presented these awards.

## APPROVAL OF MINUTES (with any amendments)

### \* City Commission 02/15/08 – 02/22/08

Action: The Commission approved these minutes on the Consent Agenda.

### \* Utility Committee 02/18/08

Action: The Commission approved these minutes on the Consent Agenda.

### Municipal Boards & Committees 02/29/08

The Municipal Boards committee met Friday, February 29, 2008 in the City Commission Conference Room. Commissioners Jim Verplanck and Glenn Higgins (members) were present. Commissioner Edie Yates (chair) was present. Commissioners Howard Wiggs, Gow Fields, Justin Troller, and Mayor Fletcher were present. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, Assistant City Manager Stanley Hawthorne, and City Clerk Kelly Koos were present.

Commissioner Yates called the meeting to order at 9:17 a.m.

#### **Beautification Board**

*Recommendation from Brian Dick to reappoint Mildred Schaffer for a second term. Ms. Schaffer's first term expired December 31, 2007. Her second term would expire ~~February 28, 2011~~ December 31, 2010.*

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

#### **Affordable Housing Review Committee**

*Recommendation from Steve Bissonette to reappoint Irbye Giddens for a second term. Mr. Gidden's first term expired December 31, 2007. His second term will expire ~~February 28, 2011~~ December 31, 2010.*

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

Doug Thomas asked for feedback on Municipal Boards Dinner. Commissioner Verplanck said everything he heard was favorable. They

liked that there was no program. They enjoyed the format, the food, and the environment. The only complaint was the absence of a dessert table. Commissioner Fields did get one complaint from a woman who preferred a speaker. She complained that some of the officials were absent.

Last year, Kevin Cook did a survey after the dinner to get feedback from the board members. Commissioner Fields wanted Kevin Cook to publish the results of the survey this year.

The Committee adjourned at 9:20 a.m.

Commissioner Yates presented these minutes to the Commission.

Commissioner Verplanck made a correction to the minutes. The new terms would expire on December 31, 2010, as shown above.

Commissioner Troller made a correction to the minutes. He attended, as shown above.

## **REQUESTS TO APPEAR FROM THE GENERAL PUBLIC - None**

### **PUBLIC HEARINGS**

#### **Ordinances (Second Reading)**

**Proposed 06-047; Large Scale Amendment #LS-06-005 to Future Land Use Map Assigning Land Use on 324 Acres Within the Lakeland Central Park Development of Regional Impact Located South of Old Tampa Highway, North of the Polk Parkway and West of Airport Road (1<sup>st</sup> Rdg 8/21/06, Contd 11/19/07 & 1/22/08)**

The applicant request the Commission delay action on this ordinance until May 5, 2008.

**Action:** Commissioner Verplanck moved to continue the public hearing to May 5, 2008. Commissioner Wiggs seconded and the motion carried unanimously.

**Ordinance 4954; Proposed 08-014; Annexation of 15.7 Acres Located North and Northwest of Interstate 4, South of Rockingham Road, East of North Road 98 and West of Union Drive (1<sup>st</sup> Rdg 2/18/08)**

AN ORDINANCE RELATING TO ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKE LAND, FLORIDA, THAT CERTAIN 15.7 ACRES LOCATED NORTH AND NORTHWEST OF INTERSTATE 4, SOUTH OF ROCKINGHAM ROAD, EAST OF NORTH ROAD 98 AND WEST OF UNION DRIVE; 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 Higgins seconded.

Mayor Fletcher asked for public comment. There was none.

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

**Ordinance 4955; Proposed 08-015; Amending Article IV of Chapter 2 of the Lakeland City Code (Lakeland Municipal Code Enforcement Board Ordinance), to Specify Procedure for Perfection of Demolition Special Assessment Liens (1<sup>st</sup> Rdg 2/18/08)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO CODE ENFORCEMENT; AMENDING DIVISION 2 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF THE CITY OF LAKELAND, FLORIDA; PROVIDING FOR THE PERFECTION OF DEMOLITION SPECIAL ASSESSMENT LIENS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

**Motion:** Commissioner Verplanck moved to approve the ordinance. Commissioner Higgins seconded.

Mayor Fletcher asked for public comments and there were none.

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

**Public Hearing re: State Local Government Comprehensive Plan Certification Program Monitoring Report**

This was a draft of the City of Lakeland's fourth annual monitoring report for the State Local Government Comprehensive Plan Certification Program. This report was required per Ch. 163.3246 F.S. and per the City's July 2004 Certification Agreement with the Florida Department of Community Affairs, FDCA. By Statute, the City was required to hold one public hearing on the monitoring report

prior to transmitting the report to the State. The purpose of the public hearing was to briefly review the report and gather any public comment on the report in regard to whether the City's activities were consistent with the requirements of the certification agreement.

The report had an **Executive Summary** with background and highlights of this year's report. The report included three key attachments:

- A statistical and narrative summary of all Comprehensive Plan Amendments adopted since the last report;
- A status of required monitoring indices;
- A status of items outlined in the Work Program required for certification.

With the exception of housing costs and transit services, the City was holding steady or doing well on most indicators regarding progress in pursuit of the goals of the Work Program and Monitoring Measures, as required by the Certification Agreement.

Celeste Deardorff, Long Range Planning Manager, reviewed the report summary for the Commission. The meeting was noticed as provided by law. She asked the Commission's permission to address recently proposed changes to eliminate the certification program. The Commission wanted the State to maintain this program.

The group discussed the annexation of enclaves.

The Commission consensus was to write a letter in support of State Local Government Comprehensive Plan Certification Program suggesting incentives to get other municipalities involved. Celeste would draft a letter for their review.

**Motion:** Commissioner Verplanck moved to approve the report. Commissioner Higgins seconded.

Mayor Fletcher asked for comments and there were none.

**Action:** Mayor Fletcher called for the vote and the motion carried unanimously.

**Public Hearing re: Proposed 2008-2009 One Year Action Plan and Projected Use of Funds, 34<sup>th</sup> Year CDBG and 14<sup>th</sup> Year HOME**

These were the recommendations for the City's One Year Action Plan and Projected Use of Funds for the 34<sup>th</sup> Year Community Development Block Grant (CDBG) and 14<sup>th</sup> Year HOME Investment Partnership (HOME) programs. The program year would begin June 1, 2008 and end May 31, 2009.

The recommendations continued to emphasize benefits to low and moderate income residents of the City. The funding continued to be directed to housing

rehabilitation, home purchase assistance, code enforcement, and public services ranging from summer recreation to services for the elderly.

For program year 2008-2009, the entitlement was \$765,677 for CDBG and \$421,041 for HOME.

Included in the agenda packet were the following:

1. Status report for the 33<sup>rd</sup> Year CDBG and 13<sup>th</sup> Year HOME programs as of December 31, 2007;
2. A memo from the Citizens Advisory Committee stating the committee's recommendation for the funding of Public Services; and
3. Proposed One-Year Action Plan and Projected Use of Funds.

The Citizens Advisory Committee received Public Service requests for 34<sup>th</sup> Year CDBG funding in the total amount of \$279,923 and approved funding for \$121,550. Staff concurred with the committee's recommendation. The list of agencies, their Public Service funding requests, and recommended funding amounts were set forth in the CAC letter included in the agenda packet.

The City held public meetings on the Plan on January 28, and February 4, 2008. The City would conduct public hearings in this regard on March 3 and April 7, 2008. The public review and comment period ran from February 21 to March 24, 2008. The One Year Action Plan and Projected Use of Funds were due in the Jacksonville offices of HUD on or before April 15, 2008.

Annie Gibson presented this report to the Commission. This was the first of two public hearings. No action was required today. The group discussed the policy shift on homelessness and the need to move the clients toward permanent residents.

### **Public Hearing re: Use of City Forces for Grasslands Boulevard/Harden Boulevard Intersection Improvements**

As part of the extension of Edgewood Drive from S. Florida Avenue to Harden Boulevard, turn lane improvements and signalization would be required at the Harden Boulevard/Grasslands Boulevard intersection. The planned improvements were the addition of a northbound left turn lane, northbound right turn lane and southbound left turn lane, as well as the full signalization of the intersection. Due to existing traffic volumes and safety concerns, the Public Works Department plans to proceed with the construction of the improvements ahead of the construction schedule for the remainder of the Edgewood Extension project. The City's Construction Maintenance and Traffic Operations crews were in a position to commence the work. However, FS 255.20 required that a county,

municipality, special district, or other political subdivision of the state seeking to construct or improve a public building, structure or other public construction works competitively award the project to an appropriately licensed private contractor if the project had an estimated total construction cost of more than \$200,000.

There were several exceptions to this general requirement, including for emergencies or projects involving the repair and maintenance of existing facilities. However, the only clear exception that would allow the City to proceed in this instance required that the City Commission first hold a public meeting and find by a majority vote that it be in the public's best interest to perform the project using the City's own services, employees, and equipment. The statute specifies that, in deciding whether it is in the public's best interest to perform the project using City crews, the City Commission may consider:

- (1) The cost of the project,
- (2) Whether the project required an increase in the number of government employees or an increase in capital expenditures for public facilities, equipment, or other capital assets,
- (3) The impact on local economic development,
- (4) The impact on small and minority business owners,
- (5) The impact on state and local tax revenues,
- (6) whether the private sector contractors provide health insurance and other benefits equivalent to those provided by the local government, and
- (7) Any other factor relevant to what is in the public's best interest

TBE, the City's engineer for the project, prepared an Opinion of Probable Cost and estimates that the turn lane improvements would cost \$578,000 and the signalization will cost \$303,000, for a total cost of **\$881,000**. Public Works estimated that its crews could perform the work at a cost of \$396,000 for the turn lane improvements and \$258,000 for the signalization, for a total project cost of **\$654,000**. Due to delays inherent in the bidding process, staff estimated that City crews could begin the project approximately 12 weeks before a private contractor. The project would not require the hiring of any additional employees or an increase in capital expenditures for public facilities, equipment, or other capital assets. Any impacts on the other statutory considerations were outweighed by the savings in time and cost realized by using City forces.

Based upon the above considerations, staff recommended that the City Commission find that it is in the public's best interest to perform this project using the City's own services, employees, and equipment and authorize Public Works' staff to proceed with the work.

Tim McCausland introduced this item. F.S. 255.20 required this public hearing. Staff noticed the Public Hearing and the Commission would have to find that it was in the public's best interest to allow the City to do the project with city forces.

Rick Lilyquist gave a brief presentation. The City had received the FDOT permit. With Commission approval, the City would begin construction on Monday. If not approved, the project would be delay 12-13 weeks to allow for the bid process. Private funding would be approximately \$400,000 and the city would contribute \$200,000.

Tim McCausland recited some information from the statute. The statute required that the Commission make a decision that was in the best interest of the public. In making that decision, the Commission could consider the cost of the project, whether doing the project would require an increase in employees, whether doing the project would require an increase in capital expenditures, public facilities equipment or capital assets, the economic development impact, small minority business owner impact, impact on State and local tax revenue, whether the contractors provide health insurance and other benefits equivalent to those provided by the local government, and any other relevant factors.

Mayor Fletcher asked for public comment.

George Spofford came forward on behalf of the Underground Utility Contractors of Florida (UCF). They were opposed to the City completing this job with City forces. He submitted a letter to the Commission. He did not believe the City could do the project for less. He submitted a letter from Bruce Kershner, Vice President of UCF. He felt the City would lose the economy of scale by doing this intersection ahead of the Edgewood Extension Project.

The group discussed:

- \* City's overhead to do the project
- \* How the project costs would be allocated
- \* If the private sector workers would be from the Lakeland area
- \* The urgency of the project
- \* The time frame for the bidding process
- \* The ability to expedite the project as an emergency
- \* The opportunity to "piggy back" a continuing contract with the County
- \* Delaying the project until the Edgewood Extension Project, Spring/Summer 2009
- \* The method by which TBE provided the estimated costs

Leonard Mass, VP of Drummond Company, Project Manager of Oakbridge DRI came forward. They had 750 residents in Grasslands that were affected by this intersection. The intersection was practically a demolition derby. He urged the Commission to move forward with this project immediately. He felt it was a public safety issue.

**Motion:** Commissioner Verplanck moved to approve the recommendation.  
**Commissioner Fields seconded.**

Mayor Fletcher asked for additional public comment.

Doug Lockwood,, Peterson & Myers, came forward representing Kilebrew Inc. His client wanted to review the numbers first.

Bill Thomas, Vice President Kilebrew, was relieved to hear the TBE estimates were based on state averages. He felt most projects were bid out before receipt of permits. He requested the Commission let the project to bid or at least cut back on the amount of work done by city forces. Kilebrew had a continuing contract with Polk County that the City could piggy-back on to get the work done right away.

Mayor Fletcher asked Doug for his thoughts.

Doug Thomas assured the Commission that this was not a new trend. This was a unique situation. Staff tried to put together the best estimates they could. They could not bid while permitting because they were not sure that FDOT would issue the permit. This project would not require the increase of staff.

Bill Thomas said again that they had a continuing contract with the county and they could start the work this afternoon.

Justin Troller clarified that the dollars were based on a level playing field and this was a fair comparison.

George Spofford came forward to say that if the Commission felt this was a safety concern, the representative from Kilebrew said they could start this afternoon. By accepting his offer, the City could get the work started a week early and allow the work to be done by the private sector.

**Action:** Mayor Fletcher called for the vote and the motion carried unanimously.

**COMMUNITY REDEVELOPMENT AGENCY - None**

**CITY MANAGER - None**

**CITY ATTORNEY**

**Ordinances (First Reading)**

**Proposed 08-011; Small Scale Amendment #SS-07-022 to Future Land Use Map Assigning Land Use to 1.05 Acres Located on Little Lake Bonny, West of Longfellow Boulevard, South of Shakespeare Street**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-07-022 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 1.05 ACRES LOCATED ON LITTLE LAKE BONNY, WEST OF LONGFELLOW BOULEVARD, SOUTH OF SHAKESPEARE STREET, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on March 17, 2008.

**Proposed 08-012; Establishing Zoning for 1.05 Acres Located on Little Lake Bonny, West of Longfellow Boulevard, South of Shakespeare Street**

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 1.05 ACRES OF RECENTLY ANNEXED PROPERTY LOCATED ON LITTLE LAKE BONNY, WEST OF LONGFELLOW BOULEVARD, SOUTH OF SHAKESPEARE STREET WITHIN THE CITY OF LAKELAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on March 17, 2008.

**Proposed 08-017; Small Scale Amendment #SS-08-002 to Future Land Use Map Assigning Land Use to 4 Acres Located East of North Road 98, West of North Florida Avenue, Approximately 650 Feet North of Tucker Street**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-08-002 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 4 ACRES LOCATED EAST OF NORTH ROAD 98, WEST OF NORTH FLORIDA AVENUE, APPROXIMATELY 650 FEET NORTH OF TUCKER STREET, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on March 17, 2008.

**Proposed 08-018; Establishing Zoning for 6.5 Acres Located East of North Road 98, West of North Florida Avenue, Approximately 650 Feet North of Tucker Street**

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 6.5 ACRES LOCATED EAST OF NORTH ROAD 98, WEST OF NORTH FLORIDA AVENUE, APPROXIMATELY 650 FEET NORTH OF TUCKER STREET 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.

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 March 17, 2008.

**Proposed 08-019; Change in Zoning on 23 Acres Located South of Drane Field Road, East of Hamilton Road**

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

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 March 17, 2008.

**Resolutions**

**Resolution 4672; Proposed 08-010; 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 LAKE LAND; PROVIDING FOR THE ASSESSMENT OF LIENS AGAINST SUCH PROPERTY FOR EXPENSES INCURRED IN THE CLEANING AND CLEARING THEREOF; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

**Motion:** Commissioner Verplanck moved to approve the resolution with the removal of Job No 07-0595. Commissioner Troller seconded.

Mayor Fletcher asked for public comment. There was none.

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

**Resolution 4673; Proposed 08-011; Authorizing Eminent Domain Proceedings – Intersection of Lime Street and South Florida Avenue in Connection with Lime Street Two-Way Conversion Project**

A RESOLUTION RELATING TO EMINENT DOMAIN; AUTHORIZING EMINENT DOMAIN PROCEEDINGS TO ACQUIRE CERTAIN INTERESTS IN PARTICULAR REAL PROPERTY GENERALLY LOCATED ON LIME STREET IN THE VICINITY OF THE INTERSECTION WITH SOUTH FLORIDA AVENUE (SR-37) FOR THE PURPOSE OF ROAD CONSTRUCTION, MAINTENANCE AND THE DEVELOPMENT OF RELATED FACILITIES; AUTHORIZING CONDEMNATION OF THE PROPERTY DESCRIBED HEREIN; AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

**Motion:** Commissioner Verplanck moved to approve the resolution. Commissioner Higgins seconded.

Mayor Fletcher asked for public comment and there was none.

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

**Miscellaneous Reports and Communications**

**\* Memo re: Waiver of 5:01 p.m. Hearing**

During the month of April, the Community Development Department would be presenting the Commission with a text amendment to the Lakeland Comprehensive Plan concerning the potable water sub-element, which would require at least one hearing after 5 p.m. Staff requested that the Commission waive the statutory requirement that at least one of the hearings on these matters be after 5 p.m.

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

## **FINANCE DIRECTOR - None**

### **AUDIENCE**

David Pendry – re cost of living (COLA) for City of Lakeland retirees. He asked the Commission to redirect the Manager to move forward with the Task Force to work on a COLA for retirees.

The Commission supported a COLA for retirees. They asked Doug Thomas to comment on the process.

Doug Thomas gave an update on the issue. The current pension ordinance did not have a COLA provision. It had a benefit increase provision. That benefit increase was authorized based upon actuarial returns. The City of Lakeland Association of Retirees (COLAR) representatives came to the Commission and requested a \$500 check for all retirees on a one-time basis. He did not believe it would be good fiscal policy to take those dollars from the General Fund as a one-time “bail-out.” Staff thought they could finance a benefit increase out of the actuarial returns for the year. The Commission instructed staff to move forward with that effort. The fiscal year ended October 1 and it typically took three months to receive the final report. When the report came back from the actuary, it did not reflect the transition cost of the pay-study. Once the transition costs were applied, there were not sufficient dollars for the pension benefit increase. That set the issue back. Staff then came up with an alternative method to provide a pension benefit increase to retirees. That was to change the manner in which the unfunded annual liability be handled as a percentage of the pay vs. a flat dollar amount. That allowed the City to budget dollars to have a fixed percentage of pay going forward, which would provide the capacity for a pension benefit increase that was not a one-time \$500 check but something that could be on going. They were rapidly trying to work through that process. The Pension Board would have to receive a report. The Pension Board approved that report last Tuesday, February 26. Now there was capacity to address the pension benefit increase. That would ultimately come back before the Commission. That benefit would go forward, not be a one-time thing. That was the first issue.

The second issue was to study a COLA. That was not included in the ordinance today. That was what the City was going to address with the task force. He was reluctant to start the task for two reasons: 1) the need for an immediate pension benefit increase for retirees and changing the system to prevent a six to seven year window between pension benefit increases. 2) Separating the Police and Fire Supplemental Pension plans from the general plan. Those plans (Chapter 175 and Chapter 185) encumber the general plan and limit the task force’s options.

## **MAYOR AND MEMBERS OF THE CITY COMMISSION**

Commissioner Verplanck discussed a letter from citizen re the Chrysler dealership zoning. The letter requested the Commission restrict the truck traffic on North Florida Av. He asked Jim Studiale to review that issue before the second reading.

Commissioner Fields requested the attendance and revenue numbers from this year's FHSAA events at The Lakeland Center and information regarding contract renewal.

Commissioner Fields requested additional comparison information regarding Grasslands Boulevard/Harden Boulevard Intersection Improvements.

**UTILITY - CONSIDERED AFTER 1PM UTILITY COMMITTEE MEETING - None**

**CALL FOR ADJOURNMENT – 11:53 a.m.**

**AGENDA STUDY SESSION**  
**February 29, 2008**

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

Mayor Fletcher called the meeting to order at 8:32 a.m.

Doug Thomas covered the Presentations.

Tim McCausland covered the Public Hearings.

Rick Lilyquist, Public Work Director, announced that the City had received the FDOT permit on the Edgewood Extension project. There had been complaints about the permitting process at FDOT. It reminded Rick of problems that Lakeland experienced a few years ago. He invited representatives of FDOT to come and tour Lakeland's permitting office.

Tim McCausland covered the bond issue with Carpenters Home. This issue would come before the Commission at the March 3 meeting. They were presenting the issue today and would ask for action on March 17. Ed Vogel explained the issue. They were going to request a proposed resolution for \$35 million financing for the expansion of Carpenters Home Estates. They were asking the City to refund the 1998 bonds and issue some new money for the facility. These were conduit bonds, which meant the credit of the City would not be at stake. They were required to hold a public hearing on March 17, fourteen days after a public notice. The City would issue the bonds in \$100,000 denominations and sold only to qualified institutional buyers (entities that manage at least \$100 million) or to credited investors (people with \$1 million net worth or \$200,000 annual income). The total amount of the bonds would not exceed \$35 million. The benefit was that it would help expand a retirement facility that would benefit the elderly population of Lakeland. It gave Carpenter's Home a lower interest rate, which they would pass on to their residents. It was an aid to economic development and the health and welfare of the community. The refunding was just of \$13 million and the rest would be new money for construction and other capital expenditures. The City incurred no cost in this transaction. This did not impact the City's ability to issue bonds. The financial advisor was also reviewing this transaction. The City had no obligation if there was a default. CH 159 listed the limited number of groups that could take advantage of this type transaction.

Tim McCausland covered the City Attorney agenda.

Howard Wiggs asked about the funds that were frozen in the State investment pool. Greg Finch explained the State had been releasing some of the funds every month. They were still holding \$33 million of the City of Lakeland's money.

Commissioner Yates asked about the time frame for completing the two-way of Lime. Rick Lilyquist explained the ROW had been the holdup. The City had funding through a FDOT grant. As soon as they acquire the ROW, they would set up the schedule and begin construction. The project should take three to four months.

Doug Thomas brought up the separation of the police pension. He held a meeting two weeks ago about the status of the police retirees. They were still waiting for an opinion from the state as to whether or not the retirees could elect to remain in the general employee pension plan. Some long-term retirees, before unions, were there and some who retired since the union.

Tim McCausland updated the Commission on a heart/lung bill, which would serve as an unfunded mandate. They are trying to add cancer to that list.

The meeting adjourned at 9:26 a.m.