

**LAKELAND CITY COMMISSION**  
**Regular Session**  
**January 22, 2008**

The Lakeland City Commission met in Regular Session on Tuesday, January 22, 2008 in the City 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 Deputy City Clerk Deborah Cason were present.

**CALL TO ORDER – 9 a.m.**

**INVOCATION**

Pastor Alonzo Watkins of the Refuge Church of Our Lord offered the invocation followed by the salute to the flag.

**PRESENTATIONS**

Public Works-North Lakeland Eastern Connector Study (Rick Lilyquist & Ralph Bove)

**PROCLAMATIONS**

READ Lakeland

**APPROVAL OF THE MINUTES (with any amendments)**

\*City Commission 01/04/08 – 01/07/08

\*Utility Committee - 01/07/08

**CONSENT AGENDA**

\* City Commission Minutes 01/04/08 – 01/07/08

\* Utility Committee Minutes 01/07/08

\* Memo re: Task Authorization with URS for Water and Wastewater Relocation Design and Permitting Services for Lakeland Highlands Road

\* Memo re: Task Authorization with PBSJ for Certified Engineering Inspection Services for Water Utilities Relocation for The Intown Bypass Project Phase II

\* Appropriation and Increase in Estimated Revenue – Fleet Management Fund

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

## **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 of 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> Reading 8/21/06, Cont'd 11/19/07)**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-06-005 TO THE FUTURE LAND USE MAP FOR 323 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, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title and asked the commission to continue this item to March 3, 2008.

**Motion:** Commissioner Verplanck moved to continue this item to March 3, 2008.

Mayor Fletcher asked for comments and there were none.

**Action:** Commissioner Higgins seconded and the motion carried unanimously.

**Proposed 07-106; Conditional Use Approval for a Bar at 215 East Main Street (1<sup>st</sup> Reading 11/5/07, Cont'd 11/19/07)**

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A BAR IN AN EXISTING BUILDING LOCATED AT 215 EAST MAIN STREET; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title and asked the commission to continue this item to February 18, 2008.

**Motion:** Commissioner Verplanck moved to continue this item to February 18, 2008.

Mayor Fletcher asked for comments and there were none.

**Action:** Commissioner Higgins seconded and the motion carried unanimously.

**Ordinance 4942; Proposed 08-001; Vacation of a Portion of a Public Right-of-Way Located North of Memorial Boulevard, East of Atlantic Road and West of Triangle Street (1<sup>st</sup> Reading 01/07/08)**

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING AN EASEMENT AND A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED NORTH OF MEMORIAL BOULEVARD, EAST OF ATLANTIC ROAD AND WEST OF TRIANGLE STREET, WITHIN THE CITY OF LAKELAND; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; 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 comments and there were none.

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

**Ordinance 4943; Proposed 08-002; Conditional Use for Two Off-Street Parking Areas Located East of North Florida Avenue, South of East Bella Vista Street, West of West Lane, North of East Crawford Street (1<sup>st</sup> Reading 01/07/08)**

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR TWO OFF-STREET PARKING AREAS LOCATED EAST OF NORTH FLORIDA AVENUE, SOUTH OF EAST BELLA VISTA STREET, WEST OF WEST LANE, NORTH OF EAST CRAWFORD STREET; 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 Higgins seconded.

Mayor Fletcher asked for comments and there were none.

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

**Ordinance 4944; Proposed 08-003; Change in Zoning on .48 Acres Located at 210 Arteva Drive (1<sup>st</sup> Reading 01/07/08)**

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON .48 ACRES OF PROPERTY LOCATED AT 210 ARTEVA DRIVE 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 Higgins seconded.

Mayor Fletcher asked for comments and there were none.

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

**Ordinances (First Reading)**

**Proposed 08-004; Proposed Changes to the Land Development Regulations Related to Permitted Uses in C-2 Zoning Districts**

AN ORDINANCE RELATING TO LAND DEVELOPMENT REGULATIONS; ADOPTING VARIOUS AMENDMENTS TO THE CITY OF LAKELAND LAND DEVELOPMENT CODE RELATED TO PERMITTED USES IN C-2 ZONING DISTRICTS; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Mayor Fletcher asked for any comments and there were none. The second reading and public hearing will be on February 4, 2008.

**Proposed 08-005; Providing for School Facility Concurrency Regulations**

AN ORDINANCE OF THE CITY OF LAKE LAND, FLORIDA, RELATING TO LAND USE; AMENDING ORDINANCE 4808; ESTABLISHING THE CONCURRENCY MANAGEMENT SYSTEM, INSTITUTING THE LAKE LAND PROPORTIONATE FAIR-SHARE PROGRAM; ESTABLISHING CONCURRENCY FOR PUBLIC SCHOOL FACILITIES; PROVIDING FOR APPLICATION, PROCESSING AND APPROVAL PROCEDURES; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE

Tim McCausland read the short title.

Mayor Fletcher asked for any comments and there were none. The second reading and public hearing will be on February 4, 2008.

**Proposed 08-007; Changes in Zoning on Certain Properties Near the Intown Bypass and North and East of Lake Mirror**

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON CERTAIN PROPERTIES NEAR THE INTOWN BYPASS AND NORTH AND EAST OF LAKE MIRROR 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.

Mayor Fletcher asked for any comments and there were none. The second reading and public hearing will be on February 4, 2008.

**Resolutions**

**Resolution 4664; Proposed 08-002; Amending Resolution 4623 to Provide for a Change to the Amended and Restated Development Order for the Oakbridge Development of Regional Impact**

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments.

Celeste Deardorff explained the resolution.

**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. Commissioner Wiggs was absent.

**EQUALIZATION HEARINGS – 9:30 AM – NONE**

**COMMUNITY DEVELOPMENT AGENCY – NONE**

**CITY MANAGER – NONE**

**CITY ATTORNEY**

**Ordinances (First Reading)**

**Proposed 08-006; Small Scale Amendment #SS-07-020 To Future Land Use Map Assigning Use of Certain Properties Near the Intown Bypass and North and East of Lake Mirror**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-07-020 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR CERTAIN PROPERTIES NEAR THE INTOWN BYPASS AND NORTH AND EAST OF LAKE MIRROR, 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 February 4, 2008.

**Proposed 08-008; Amending the Boundary for the Garden District Special Public Interest Zoning District**

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4634; EXTENDING THE BOUNDARIES FOR THE GARDEN DISTRICT SPECIAL PUBLIC INTEREST ZONING DISTRICT; 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 February 4, 2008.

**Proposed 08-009; Amending the Boundary for the Parker Street Special Public Interest Zoning District**

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 3437; EXTENDING THE BOUNDARIES FOR PARKER STREET SPECIAL PUBLIC INTEREST ZONING DISTRICT; 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 February 4, 2008.

**Resolutions**

**Resolution 4665; Proposed 08-003; Urging Members of the Florida Legislature to Support Certain key Issues During the 2008 Legislative Session**

A RESOLUTION OF THE CITY OF LAKELAND, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO ADOPT LEGISLATION IN SUPPORT OF LOCAL GOVERNMENT; URGING MEMBERS TO VOTE IN FAVOR OF THE LOCAL GOVERNMENT ISSUES SET FORTH HEREIN; 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 comments from the audience and the commission. There were 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. Commissioner Wiggs was absent.

**Miscellaneous Reports and Communications**

**\*Memo re: Task Authorization with URS for Water and Wastewater Relocation Design and Permitting Services for Lakeland Highlands Road**

This was a Task Authorization with URS Corporation to allow them to provide Utility Relocation Design and Permitting Services the Lakeland Highlands Road project for the Water and Wastewater Divisions.

The Lakeland Highlands Road project would provide transportation improvements from CR 540A to the Polk County Parkway. The Water Utilities Department was required relocate its utilities constructed within the public right of way as required for the project. The City Manager previously approved a Task Authorization with URS to allow them to inventory the water and wastewater facilities in conflict with the project. This Task Authorization would permit design and permitting services consistent with the needs the Water Utilities portion of the project. Services to be provided under this Task Authorization included:

- Task 1 Field Investigation
- Task 2 Preparation of Utility Relocation Plans
- Task 3 Permitting
- Task 4 Meetings

The not to exceed cost of the services outlined above was \$78,880.00.

Staff recommended that the appropriate City Officials be authorized to execute this Task Authorization.

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

**\*Memo re: Task Authorization with PBSJ for Certified Engineering Inspection Services for Water Utilities Relocation for the Intown Bypass Project Phase II**

These were two Task Authorizations with PBSJ to allow them to provide CEI Services for the Intown Bypass Phase II project for the Water and Wastewater Divisions.

The Intown Bypass Phase II Project would provide a transportation corridor from Florida Avenue to a location on George Jenkins Highway. The Water Utilities Department was required to relocate its utilities constructed within the public right of way as required for the project. A task authorization was previously authorized to allow PBSJ to design the required relocations and a Joint Project Agreement (JPA) was approved for construction. The two Task Authorizations would allow PBSJ to continue with construction phase services.

Both Task Authorizations were proposed to permit PBSJ to provide CEI Services as required for this project. Services consist of construction design support, construction management, construction inspection, and project as-built drawings.

The not to exceed cost were as follows:

Water Division Task Authorization	\$ 161,140.41
Wastewater Division Task Authorization	\$ 80,570.21
Total Not to Exceed Cost	\$ 241,710.62

The schedule for services was for approximately 5 ½ months for Water Division Services and 3 months for Wastewater Services once work began.

Staff recommended that the appropriate City Officials be authorized to execute these Task Authorizations.

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

**Memo re: First Modification to the Black & Veatch English Oaks Phase II Engineering Services Agreement for Airpark and Booster Pump Stations**

Black & Veatch has previously been authorized by the City Commission to provide design and construction services relative to the pump station portions of the English Oaks Phase II Project. The project consists of the construction of a new Booster Pump Station and a reconstruction of the Air Park Pump Station and is necessary to assist in improving wastewater capacity in Southwest Lakeland. The pump stations are out to bid and recommendations for contractor services will be forthcoming in approximately two months. location map depicting the location of both pump stations has been included for your reference.

For your consideration is a proposed Modification to the Engineering Services Agreement with Black & Veatch Corporation. The modification, which increases the total contract price by \$311,006.00, is broken down as follows:

- Extend the contract time by 30-days.
- Add submittal review time for several components that were added during the design phase.
- The project has been divided into two discrete projects to allow more contractor competitiveness for the Airpark Pump Station and the Booster Pump Station.
- The standard fee adjustment provided for in the original Engineering Services Agreement is included.
- An addition to the Scope is a Hydraulic Transient Analysis. This analysis was added to assure that wave action inside the pipelines does not compromise the force main system.

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

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

## **FINANCE DIRECTOR**

### **\*Appropriation and Increase in Estimated Revenue – Fleet Management Fund**

The Cemetery Division operated a 2001 Hustler Shortcut Mower that was owned by the Fleet Management Division.

Replacement of this unit was currently scheduled for FY 2009; however, the unit was in need of \$4,500 in repairs. A new replacement unit could be purchased for \$5,850. Sufficient funds had accumulated in the Depreciation Reserve account to replace this unit in the current budget cycle, thereby avoiding the significant repair costs versus the value of replacing the unit.

Staff requested that the City Commission authorize an appropriation in the amount of \$5,850 within the Fleet Management Depreciation Reserve Fund to replace the subject mower.

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

## **AUDIENCE**

Joann Taylor Holmes requested the statue of a Confederate soldier in Munn Park be moved to the Polk Museum of History.

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

Mayor Fletcher wished Commissioner Higgins a Happy Birthday.

**Recess/reconvene:** The Commission recessed at 9:52 a.m. until after the Utility Committee meeting. The Commission reconvened at 1:44 p.m.

The Lakeland City Commission reconvened 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, and Deputy City Clerk Deborah Cason were present.

## **UTILITY - CONSIDERED AFTER 1PM UTILITY COMMITTEE MEETING**

### **Memo re: Agreement with Ely Energy re Ammonia Vaporization System Equipment Supply**

This was a proposed Agreement with Ely Energy, Inc. for the design, fabrication and delivery of all ammonia vaporization system equipment in support of the Unit #3 SCR retrofit project.

Specifications for this portion of the SCR retrofit project scope were prepared by the project engineer, Sargent & Lundy, and provided to six prequalified firms. Ely was the sole response and contract negotiations ensued. A redesigned system was selected offering likely safety and efficiency enhancements, and additional items were included to comply with the contract specifications. Final lump sum price was \$659,620.

Ely would design, procure, and deliver:

1. Two feedback vaporizers with pressure regulating stations.
2. Two flow control systems.
3. Two dilution air blowers.
4. Two ammonia/air mixers.
5. Air heaters for humidity control.
6. Various metering devices and controls.

This equipment would be installed by an erection contractor in coordination with numerous other contractors for various components of the project. The erection contract and associated scope of work would be presented for consideration in February.

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

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

**CALL FOR ADJOURNMENT – 1:45 P.M.**

**LAKELAND CITY COMMISSION**  
**Agenda Study Session**  
**January 18, 2008**

The Lakeland City Commission met for the Agenda Study Session on Friday, January 18, 2008 in the City 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, 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 along with staff and the media.

Mayor Fletcher called the meeting to order at 8:30 a.m.

Tony Delgado reported Doug Thomas was in another meeting and would not be able to attend.

Tim McCausland covered the Public Hearings and offered the following verbal:

- He had a request from County Attorney Michael Craig. Michael was asking the city for a conflict waiver regarding the Skyview issue. Michael had worked on that issue on the city's behalf while here and now could not work on it on behalf of the county without a waiver. There was a unanimous consensus from the commission to allow a conflict waiver.

Tony Delgado covered the city manager's agenda and offered the following verbals:

- A draft copy of the legislative policy statement was handed out and an item relating to a charter county transportation surtax would be added and discussed on Tuesday.
- There was an extension of the city's agreement with the Florida State Athletic Association to have the four state tournaments here for two more years.
- Board & Committees dinner will be held on February 19, 2008 at Cleveland Heights.

Tim McCausland covered the city attorney's agenda.

Greg Finch covered the finance director's agenda.

Commissioner Wiggs mentioned that Auburndale would like to host the Ridge League dinner in December this year. One of their commissioner's had been elected as president of the League and they had remodeled their civic center.

Commissioner Fields asked if the P & Z case involving Lakeland Chrysler was for a new car lot or an expansion of the existing one. Some of the residents in that area were not happy with the idea.

The applicant had agreed to do whatever was necessary to make it work.

Commissioner Higgins wanted something done about red light running. Communities all over the state were addressing the issue.

Tim said the topic is gaining momentum in Tallahassee. We were waiting to hear how this will be addressed in the next legislative session. We wouldn't want to do something now that would have to be changed in the near future.

If it doesn't happen, the commission wanted to vote to do something about it.

The meeting adjourned at 9:18 a.m.