

LAKELAND CITY COMMISSION
Regular Session
November 19, 2007

The Lakeland City Commission met in Regular Session in the Commission chambers. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Howard Wiggs, Gow Fields and Mayor Fletcher were present. Commissioner Yates was out of town. 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

Randy Rupert, Chaplain at the Lakeland Police Department, offered the invocation followed by the salute to the flag.

PRESENTATION

Lakeland Electric - Aging Workforce Initiatives

PROCLAMATION

Arbor Day

APPROVAL OF CONSENT AGENDA

- * City Commission Minutes November 2-5, 2007
- * Utility Committee Minutes November 5, 2007
- * Municipal Boards & Committees Minutes November 5, 2007
- * Transportation-Airport Committee Minutes November 5, 2007
- * Canvassing Board Minutes November 6, 2007
- * Canvassing Board Minutes November 9, 2007
- * Memo re: Purchase of Property at 4400 Hamilton Road for Future Airport Expansion
- * Memo re: Continuation of Lakeland Central Park DRI Development Order and Large Scale Land Use Amendment
- * Memo re: Fire Protection Agreement with Polk County
- * Memo re: Waiver of 5:01 p.m. Hearing
- * Memo re: Parking Agreement with Lofts on the Park

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

APPROVAL OF MINUTES (with any amendments)

* **City Commission -- November 2 – 5, 2007**

These minutes are on file in the City Clerk's Office.

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

* **Utility Committee -- November 5, 2007**

These minutes are on file in the City Clerk's Office.

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

* **Municipal Boards & Committees – November 5, 2007**

The Municipal Board Committee met on Monday, November 5, 2007 in the City Commission conference room. Commissioners Glenn Higgins and Jim Verplanck (members) were present. Commissioner Dean Boring (chair) was present along with administrative staff.

Commissioner Boring called the meeting to order at 8:44 a.m.

The purpose of the meeting was for the following appointment.

1. Historic Preservation Board

Recommendation from Jim Studiale to appoint Andrew Snyder to replace Lori Smith who resigned on September 19, 2007. He will fulfill the remainder of Lori Smith's term, which expires June 30, 2008. At that time, he will be eligible for two additional three-year terms.

Recommendation: Commissioner Verplanck moved to appoint Andrew Snyder to the Historic Preservation Board for the remainder of Lori Smith's term, which expires June 30, 2008. Commissioner Higgins seconded and the motion carried unanimously.

The meeting adjourned at 8:49 a.m.

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

* **Transportation-Airport Committee – November 5, 2007**

The Transportation-Airport Committee met on Monday, November 5, 2007 in the Commission conference room. Commissioners Gow Fields and Glenn Higgins (members) were present. Commissioner Jim Verplanck (chair) was present along with administrative staff.

Commissioner Verplanck called the meeting to order at 8:28 a.m.

The purpose of this meeting is to review a request by Frank Comparetto Jr. to vacate several portions of public right-of-way located north of Olive Street, south of the CSX railroad and west of Brooklyn Avenue. Transportation - Airport Committee approved this item previously but the applicant withdrew the request prior to appearing before the City Commission.

Tim McCausland explained the committee approved this item but asked for an environmental indemnification. He expected that Mr. Comparetto wanted reconsideration of the indemnification.

Mr. Comparetto attended with Jim Valenti and Lat Varn. They thought that the City did not have a liability. The homeowners sued the property owners years ago and the City would have been sued at that time.

Commissioner Verplanck reviewed the original approval as quoted below:

“Commissioner Fields moved to recommend the Commission approve the ROW vacation for \$1 per sq ft, (\$47,853), the re-imburement cost of the utility relocation and an environmental indemnification for the City of Lakeland. Commissioner Higgins seconded and Commissioner Verplanck concurred.”

Frank Comparetto asked the Committee to reconsider the vacation fee and the indemnification. The roads did not exist.

Mr. Comparetto did an average of prior vacation fees. If the City would not waive the fees completely, he recommended a \$17,000 fee. That was the average of the other vacations.

The Committee discussed their prior recommendation.

Recommendation: Commissioner Fields moved to remove the indemnification requirement and leave the fee at \$47,853. Commissioner Higgins seconded and Commissioner Verplanck concurred.

Tim McCausland explained this would go to the full commission this morning.

The meeting adjourned at 8:44 a.m.

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

Joint Chamber of Commerce/City of Lakeland Meeting – November 5, 2007

These minutes are on file in the City Clerk's Office.

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

* **Canvassing Board – November 6, 2007**

These minutes are on file in the City Clerk's Office.

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

* **Canvassing Board – November 9, 2007**

The Lakeland Canvassing Board met in the City Commission chambers on Friday, November 9, 2007 at 3 p.m. Commissioners Howard Wiggs, Gow Fields, Edie Yates and Mayor Fletcher were present. City Manager Doug Thomas, Assistant City Attorney Palmer Davis and City Clerk Kelly Koos were present.

CALL TO ORDER – 3:04 p.m.

INVOCATION

Mayor Fletcher offered the invocation.

CANVASSING BOARD

Official Results of the November 6, 2007 Municipal Election

Palmer Davis read the results into the record and asked for a motion to accept the results. There were 7471 votes cast.

Brian Dockery	2650 votes	35.54%
Justin Troller	3211 votes	43.07%
Steve Wade	1595 votes	21.39%

Action: Commissioner Wiggs moved to certify the election results. Commissioner Fields seconded and the motion carried unanimously.

Adjourn/convene as City Commission

Action: Commissioner Wiggs moved to adjourn as the Canvassing Board and convene as the City Commission in Special Session. Commissioner Fields seconded and the motion carried unanimously.

PRESENTATIONS

City Clerk's Presentation on Consolidating Precincts for the December 4 Run-Off Election

Commissioner Fields suggested closing the precincts with voter turn out under 50 and developing a plan for the next election for consolidated precincts.

The group discussed the affects on voter turn out and the notice language

Action: Commissioner Fields moved to close the precincts with a voter turn out below 50 and the motion carried unanimously.

City Attorney

Agreement w/Supervisor of Elections Office for the December 4, 2007 Municipal Run-Off Election

Palmer Davis presented this agreement to the Commission. It was the same format as the agreement for the November 6, 2007 election.

Action: Commissioner Fields moved to approve the agreement. Commissioner Yates seconded and the motion carried unanimously.

Call for Adjournment – 3:32 p.m.

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

Transportation-Airport Committee – November 16, 2007

The Transportation-Airport Committee met in the Commission conference room. The members of the Land Acquisition and Disposition Committee were also present. Commissioners Gow Fields, Dean Boring, Glenn Higgins, Jim Verplanck and Mayor Fletcher were present. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Airport Director John Dubose, City Attorney Tim McCausland and City Clerk Kelly Koos were also present.

The purpose of this meeting was to consider the purchase of land at 4400 Hamilton Road in compliance with the approved Airport Master Plan as previously adopted by the City of Lakeland in June 2003. The acquisition of the subject parcel was supported by an 80% - 20% FDOT/City grant program.

The material provisions of the contract were:

1. PROPERTY – The Property contained approximately one acre of vacant land at the west end of the runway and was more particularly described in the agreement.
2. PURCHASE PRICE - The purchase price of the Property was \$100,000.00 payable in cash at closing. The City was purchasing the property under threat of condemnation. Therefore, the City would pay all closing costs associated with this transaction.
3. DUE DILIGENCE – Prior to closing, the City would obtain a boundary survey, a title commitment, and an environmental inspection. Subject to the satisfactory completion of these reports, closing would occur as soon as was practical.

The balance of the agreement contained the typical terms and conditions. Staff recommended that the Commission authorize the appropriate City officials to execute this Purchase Agreement.

Recommendation: Commissioner Boring moved to acquire the subject property for \$100,000. Commissioner Fields seconded and everyone present concurred.

The meeting adjourned at 10:24 a.m.

Commissioner Verplanck presented these minutes to the Commission.

Action: The Commission approved these minutes unanimously.

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC - None

PUBLIC HEARINGS

Ordinances (Second Reading)

Proposed 06-047; Large Scale Amendment #LS-06-005 to Future Land Use Map Assigning 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 (1st Rdg 8/21/06)

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.

Motion: Commissioner Verplanck moved to continue the public hearing to January 22, 2008. Commissioner Boring seconded.

Mayor Fletcher asked for comments and there were none.

Action: The motion carried unanimously.

Ordinance 4922; Proposed 07-105; Revised Special Public Interest Zoning District Overlay for the Washington Park Renaissance Housing Complex (1st Rdg 11/5/07)

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4737, MAKING CHANGES TO AN EXISTING SPECIAL PUBLIC INTEREST ZONING DISTRICT OVERLAY FOR THE WASHINGTON PARK RENAISSANCE HOUSING COMPLEX LOCATED NORTH OF WEST 10TH STREET, SOUTH OF WEST CRAWFORD STREET AND WEST OF NORTH FLORIDA AVENUE; REDUCING SETBACKS AND MODIFYING STRUCTURE DESIGNS; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Proposed 07-106; Conditional Use Approval for a Bar at 215 East Main Street (1st Rdg 11/5/07)

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.

Motion: Commissioner Verplanck moved to continue the hearing to January 22, 2008. Commissioner Boring seconded.

Mayor Fletcher asked for comments and there was none.

Action: The motion carried unanimously.

Ordinance 4923; Proposed 07-107; Amending Article IV, of Chapter 2 of the Code of the City of Lakeland, Florida Relating to Code Enforcement Ordinance; Including Jurisdiction over Violations of Pole Attachment Ordinance (1st Rdg 11/5/07)

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; ADDING JURISDICTION OVER VIOLATIONS OF POLE ATTACHMENT ORDINANCE; PROVIDING FOR SEVERABILITY; 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 Fields, Wiggs, Verplanck, Boring, Higgins and Mayor Fletcher voted aye. Ayes: six. Nays: zero. The motion carried unanimously.

Ordinance 4924; Proposed 07-108; Annexation of 8.68 Acres Located East of Longfellow Boulevard Approximately 450 Feet South of Lake Holloway Boulevard (1st Rdg 11/5/07)

AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKELAND, FLORIDA, THAT CERTAIN 8.68 ACRES LOCATED EAST OF LONGFELLOW BOULEVARD APPROXIMATELY 450 FEET SOUTH OF LAKE HOLLOWAY BOULEVARD; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4925; Proposed 07-109; Small Scale Amendment #SS-07-019 to Future Land Use Map Assigning Use on 8.68 Acres Located East of Longfellow Boulevard Approximately 450 Feet South of Lake Holloway Boulevard (1st Rdg 11/5/07)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-07-019 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 8.68 ACRES LOCATED EAST OF LONGFELLOW BOULEVARD APPROXIMATELY 450 FEET SOUTH OF LAKE HOLLOWAY BOULEVARD, 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 Fields, Wiggs, Verplanck, Boring, Higgins and Mayor Fletcher voted aye. Ayes: six. Nays: zero. The motion carried unanimously.

Ordinance 4926; Proposed 07-110; Text Amendment #07-018 to Update the 5 Year Capital Improvements Plan and Associated Text in the Lakeland Comprehensive Plan (1st Rdg 11/5/07)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-07-018 OF THE LAKELAND COMPREHENSIVE PLAN 2000-2010, AS ADOPTED BY ORDINANCE 4140, UPDATING THE 5 YEAR CAPITAL IMPROVEMENTS PLAN AND ASSOCIATED TEXT IN THE CAPITAL IMPROVEMENTS ELEMENT; MAKING A DETERMINATION THAT THIS ACTION IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF COMMUNITY AFFAIRS; 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 from the audience and the Commission.

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

Ordinances (First Reading)

Proposed 07-111; Annexation of 26 Acres Located North and Northwest of Interstate 4, South of Wedgewood Estates Boulevard, East of North Road 98

AN ORDINANCE RELATING TO ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKE LAND, FLORIDA, THAT CERTAIN 26 ACRES LOCATED NORTH AND NORTHWEST OF INTERSTATE 4, SOUTH OF WEDGEWOOD ESTATES BOULEVARD, EAST OF NORTH ROAD 98; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title and asked for public comment. There was none. The second reading and public hearing will be held on December 3, 2007.

Ordinances (Emergency Adoption)

Ordinance 4927; Proposed 07-112; Approving Form of Ballot

AN ORDINANCE RELATING TO MUNICIPAL ELECTIONS; APPROVING A FORM OF BALLOT FOR THE DECEMBER 4, 2007 RUNOFF ELECTION; MAKING FINDINGS; 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, Wiggs, Fields, and Mayor Fletcher voted aye. Ayes: six. Nays: zero. The motion carried unanimously.

Resolution

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

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

Tim McCausland read the short title. He explained this was the first of two public hearings. He asked for public comment and there was none. The second public hearing will be December 3, 2007.

EQUALIZATION HEARINGS – None

COMMUNITY REDEVELOPMENT AGENCY - None

CITY MANAGER

Recommendation re: RFQ for Common Ground Inclusive Playground

The Purchasing Department received five submittals to the Request for Qualifications for Construction Management services for construction of the Common Ground Inclusive Playground. Staff recommended utilization of a construction management contract for this project in an effort to maximize value and contributions to complete the community park within the proposed project budget. The City has successfully used this approach in previous City projects including Barnett Family Park and Kryger Park. The submittals were:

- Commercial Interiors, Inc. (Tampa)
- Compton Peachee Construction, Inc. (Lakeland)
- Creative Contractors, Inc. (Clearwater/Lakeland)
- PCL Construction Services, Inc. (Orlando)
- Rodda Construction Inc. (Lakeland)

A selection committee comprised of representatives from Public Works, Parks & Recreation, City Administration and the Project Professional Services Consultant, evaluated and ranked the submittals. The selection committee recommended that the City award the top ranked firm, Rodda Construction, Inc. the Construction Management Contract. Rodda Construction, Inc. agreed to donate its customary Construction Management

Contract profit directly back to the project. The City's experience would indicate that this amount is generally in the range of 4-6% of the project budget. Cost for construction of the inclusive playground was budgeted not to exceed the \$1,500,000, which included contributions of \$560,000 from the Kaleidoscope in Flight Charity Auction, \$300,000 from the four Lakeland Rotary Clubs, \$200,000 from a FRDP grant, \$100,000 from Polk County with the balance supported through a local match.

Staff scheduled the groundbreaking of this popular community project for Friday February 1, 2008 to coincide with the Annual Common Ground Run sponsored by Rotary Club at Edgewood Park.

Staff recommended that the City Commission authorize the appropriate City officials to execute the agreement with Rodda Construction for Construction Management Services for the Common Ground Park project for the not-to-exceed budget of \$1,500,000.

Doug Thomas presented this item to the Commission.

Action: Commissioner Verplanck moved to approve the recommendation. Commissioner Boring seconded and the motion carried four to zero. Commissioners Glenn Higgins and Howard Wiggs were absent at that time.

Recommendation re: Task Authorization for Lake Hollingsworth Westside Stormwater Treatment Project

The City of Lakeland received a proposal from Moduss, Inc. to provide Engineering Design, Permitting, and Construction Bidding services for the Lake Hollingsworth Westside Stormwater Treatment Project. The City of Lakeland and Moduss executed a continuing contract and agreement for Engineering Services on October 1, 2006. During the appraisal phase of the land acquisition for the Lake Hollingsworth Westside Stormwater Treatment Strands Project, estimated costs of easements approached \$1,000,000. The high cost of the required easements, public concern regarding the multiple proposed wetland strand impacts on the existing lakeshore green space and lack of sufficient funding prompted a subsequent review of current Best Management Practices (BMP) to determine if the City could implement alternative technologies cost effectively for further stormwater treatment of the lake.

The alternatives analysis conducted by Moduss, Inc. yielded recommendations for a series of alternative underground pollutant removal structures that would provide effective treatment and minimize and/or eliminate the need for any easements. Multiple units would intercept flow from 13 stormwater outfall pipes before it reached Lake Hollingsworth. The City could then remove pollutants from the

underground structures using their vacuum truck. Improvements in chamber technology was projected to result in comparable O & M costs and solid/nutrient removal benefits to that originally expected under the original strand project. Furthermore, the alternative approach would result in the retention of the lakeshore green space for recreation, the option of introducing future alum treatment in conjunction with the chambers and little to no visual impact along the lakeshore.

The Department of Public Works, Division of Lakes & Stormwater proposed to obtain the services of an engineering consultant to perform Engineering Design, Permitting, and Construction Bidding services for the Lake Hollingsworth Westside Stormwater Treatment project. Funding for these services was budgeted in the FY 2008 Stormwater Fund Capital Budget. The project would require 90 days from the notice to proceed. Staff recommended contracting with Moduss, Inc. to provide the subject engineering design, permitting, and construction bidding services for the project.

Staff recommended that the City Commission authorize the City Manager to execute a Task Authorization with Moduss, Inc. pursuant to their Continuing Contract for Engineering Services with the City for \$52,060 to perform Engineering Design, Permitting, and Construction Bidding Services for the Lake Hollingsworth Westside Stormwater Treatment Project.

Doug Thomas presented this item to the Commission.

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

CITY ATTORNEY

Ordinances (First Reading)

Proposed 07-062; Proposed Changes to the Land Development Regulations

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

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on December 3, 2007.

Resolutions

Resolution 4652; Proposed 07-074; Demolition of Buildings

A RESOLUTION PROVIDING FOR THE ASSESSMENT OF A LIEN AGAINST PROPERTY FOR EXPENSE INCURRED IN THE REMOVAL OF DILAPIDATED AND HAZARDOUS BUILDINGS; MAKING FINDINGS; 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 Fields, Wiggs, Verplanck, Boring, Higgins and Mayor Fletcher voted aye. Ayes: six. Nays: zero. The motion carried unanimously.

Resolution 4653; Proposed 07-075; Making Financial Disclosure Requirement Applicable to Lakeland Housing Authority Board Members

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO THE LAKELAND HOUSING AUTHORITY; PROVIDING FOR FINANCIAL DISCLOSURE; MAKING FINANCIAL DISCLOSURE REQUIREMENT APPLICABLE TO BOARD MEMBERS OF THE LAKELAND HOUSING AUTHORITY; MAKING FINDINGS; 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, Wiggs, Fields, and Mayor Fletcher voted aye. Ayes: six. Nays: zero. The motion carried unanimously.

Resolution 4654; Proposed 07-076; Proposed Land Swap with Florida Fish and Wildlife

A RESOLUTION REGARDING PUBLIC LANDS; APPROVING THE CONCEPT FOR A LAND SWAP BETWEEN THE CITY OF LAKELAND

AND AGENCIES OF THE STATE OF FLORIDA; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY AND INCIDENTAL THERETO; 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 Fields, Wiggs, Verplanck, Boring, Higgins and Mayor Fletcher voted aye. Ayes: six. Nays: zero. The motion carried unanimously.

Resolution 4655; Proposed 07-077; Vacation of Portions of a Public Right-of-Way Located North of Olive Street, South of the CSX Railroad and West of Brooklyn Avenue

A RESOLUTION RELATING TO PUBLIC RIGHT-OF-WAY; DECLARING INTENTION TO ADOPT AN ORDINANCE VACATING A PORTION OF MONTANA AVENUE, OREGON AVENUE, COMMERCE STREET, AND THE ACCOMPANYING ALLEYS LOCATED NORTH OF OLIVE STREET, SOUTH OF THE CSX RAILROAD AND WEST OF BROOKLYN AVENUE, WITHIN THE CITY OF LAKELAND; MAKING FINDINGS; 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 was none.

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

Miscellaneous Reports and Communications

*** Memo re: Purchase of Property at 4400 Hamilton Road for Future Airport Expansion**

This was a proposed Purchase Agreement for property located at 4400 Hamilton Road. The City was considering purchasing the property for future airport expansion in compliance with the approved airport master plan as previously

adopted by the City of Lakeland in June 2003. The material provisions of the contract were:

1. PROPERTY – The Property contained approximately one acre of vacant land at the west end of the runway. The agreement more particularly described the property.
2. PURCHASE PRICE - The purchase price of the Property was \$100,000.00 payable in cash at closing. The City was purchasing the property under threat of condemnation. Therefore, the City would pay all closing costs associated with this transaction.
3. DUE DILIGENCE – Prior to closing, the City would obtain a boundary survey, a title commitment, and an environmental inspection. Subject to the satisfactory completion of these reports, closing will occur as soon as is practical thereafter.

The balance of the Agreement contained the typical terms and conditions. Staff recommended that the Commission authorize the appropriate City officials to execute this Purchase Agreement.

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

* **Memo re: Continuation of Lakeland Central Park DRI Development Order and Large Scale Land Use Amendment**

The public hearing date for the large-scale future land use map amendment to the Lakeland Comprehensive Plan and the proposed Development Order for the **Lakeland Central Park Development of Regional Impact (DRI)** was scheduled and advertised for November 19, 2007. After an initial delay from October to November, the applicant and city officials were negotiating key transportation conditions of approval in the Development Order. This delayed a presentation of the proposed Development Order to the City's Planning and Zoning Board until their December 18, 2007 meeting. That delay would in turn necessitate that the Commission continue the public hearing on these items, for the large-scale future land use map amendment and the proposed Development Order, to a future date. The recommended date was January 22, 2008, which would fall after the January Planning & Zoning meeting date to accommodate any additional delay that may occur at that review.

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

* **Memo re: Fire Protection Agreement with Polk County**

This was a proposed agreement between the City and Polk County to provide fire service in portions of the unincorporated areas adjacent to the City. The City, through its Fire Department, arranged on an annual basis, an agreement whereby the City accepted a response obligation to incidents located in certain identified areas adjacent to the City limits. As compensation, the County paid

50% of the annual fire assessment collected on properties in the designated area to the City. The agreement superseded an agreement previously entered into in July of this year and was necessary due to an increased assessment amount. The assessment amount per the attached agreement was \$373,706.00 compared to \$264,952.00 in the previous agreement, an increase of \$108,754.00.

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

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

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

During the months of November and December, the Community Development Department will be presenting the Commission with an amendment to the land development regulations, which would require at least one hearing after 5:00 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.

* **Memo re: Parking Agreement with Lofts on the Park**

This was a Parking License Agreement with Triad Properties I, LC, the developer of the Lofts on the Park condominium development, for 36 parking spaces in the Main Street Parking Garage. Under the Agreement, the City would reserve a maximum of 36 specifically designated parking spaces in the Main Street Parking Garage for the residents of Lofts on the Park. The spaces would be located on Ramps 3 and 4 in close proximity to the elevated walkway recently constructed connecting Lofts on the Park to the Main Street Parking Garage. The Agreement was for a term of 25 years with the right to renew for an additional 25 years. Parking rates would be the same as those established for other spaces in the Main Street Parking Garage, as those rates may be amended from time to time.

Staff recommended that the Commission authorize the appropriate City officials to execute the Parking License Agreement.

FINANCE DIRECTOR - None

AUDIENCE - None

MAYOR AND MEMBERS OF THE CITY COMMISSION

Happy Thanksgiving!

Recess/reconvene: The Commission recessed at 9:45 a.m. and reconvened at 2:39 p.m.

The Lakeland City Commission reconvened in Regular Session in the Commission chambers. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Howard Wiggs, and Mayor Fletcher were present. Commissioner Yates was out of town. Commissioners Gow Fields and Dean Boring were absent. City Manager Doug Thomas, City Attorney Tim McCausland and City Clerk Kelly Koos were present.

UTILITY - CONSIDERED AFTER 1PM UTILITY COMMITTEE MEETING

Memo re: Agreement with CCC Group, Inc. for Reinforced Concrete Foundations for the Selective Catalytic Reduction System Retrofit Project

This proposed contract with CCC Group, Inc., of San Antonio, Texas ("CCC"), was for Reinforced Concrete Foundations for \$637,974.00, which would be part of the Selective Catalytic Reduction System Retrofit Project. The City issued its notice to bid No. 7242A on August 9, 2007. Three bidders submitted proposals. Sargent & Lundy, the City's engineering consultant, reviewed the proposals and recommended CCC based upon price, experience, qualifications, approach to work, and ability to perform in accordance with the project schedule. City staff reviewed Sargent & Lundy's recommendation and agreed with their evaluation.

The proposed work included reinforced concrete pile caps, independent slabs on grade and grade beams that were required to support the following structures:

- SCR Reactor and associated flue gas ductwork;
- Sorbent injection facility, which included material storage silo, air blowers and air blower building;
- Induced Draft Fan foundation modifications;
- Variable Flue Draft Building and the Fin Fan Coolers; and
- Ammonia Vaporizer and Flow Control Unit Skid.

Miscellaneous activities associated with the work included:

- Field engineering and construction services;
- The preparation of erection and shop drawings;
- Furnishing, fabricating and delivering required materials;
- Developing concrete mix designs; and
- Removal of existing grade level reinforced slabs and asphalt pavement.

CCC submitted the lowest bid price, their experience and references were acceptable, and they could 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.

Tim McCausland presented this item to the Commission.

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

CALL FOR ADJOURNMENT – 2:41 p.m.

LAKELAND CITY COMMISSION
Agenda Study Session
November 16, 2007

The Lakeland City Commission met in the Agenda Study Session in the Commission conference room. Commissioners 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, City Attorney Tim McCausland, City Clerk Kelly Koos and administrative staff were present.

Mayor Fletcher called the meeting to order at 8:35 a.m.

Doug Thomas covered the presentations.

Tim McCausland addressed the Transportation-Airport Committee meeting of November 5, 2007. The applicant was ready to meet the Commission's requirements. He would add a resolution to this agenda.

Tim McCausland covered the Public Hearings. He asked the Commission to continue the public hearing to Jan 22nd on proposed ordinance 06-047.

The applicant will not attend on Monday.

Tim McCausland gave some background on proposed ordinance 07-106. There was an existing conditional use granted for 209 Main. There was an application for conditional use from Jeff Holden at 209 Main also. Community Development received a verbal that Mr. Holden was withdrawing his application. Commissioner Verplanck thought they should withhold action until Jan 22nd.

Proposed Ordinance 07-107 gave Code Enforcement the authority to enforce the pole attachment ordinance.

Proposed ordinances 07-108 and 07-109 related to Southeastern University. Tim McCausland explained that Commissioner Yates had a conflict on these, as Southeastern was a client. He would announce the conflict at Monday's meeting.

Tim McCausland covered the ordinances for first reading.

Palmer Davis explained proposed resolution 07-073.

The group discussed billboards at this site and how long until they would come down.

This resolution required two public hearings. The Commission would not take action at this hearing.

Doug Thomas covered the RFQ for Common Ground Inclusive Playground. Bill Tinsley, Parks & Recreation Director, updated the Commission on this project. Rodda Construction will be donating their profit to the project. This park would require a perpetual care fund. The best time to establish this type of fund was during construction.

Doug Thomas offered the following verbals:

President Bush extended the internet tax-free status.

West Lake Hollingsworth Strand Project - Doug Gleckler and Rick Lilyquist updated the Commission on this project. The City had a consultant conduct an alternative analysis. The original assumption was that the City owned all the property. That was not the case. Total cost for this project was approximately \$1.1 million. The strands project would have been \$2 million.

Doug Thomas stated that if the Commission were comfortable, he would like to bring Modus on board to do the design work. He would add that item to the agenda.

Tim McCausland covered the City Attorney agenda.

Proposed ordinance 07-062 came back to satisfy DCA.

Proposed resolution 07-076 - Bill Tinsley updated the Commission on this project. He needed the resolution to execute this land swap with the State.

The proposed purchase of 4400 Hamilton Road would go before the Transportation-Airport Committee. Doug recommended the members of the Land Acquisition-Disposition Committee also attend.

Palmer explained the agreement with Lofts on the Park. This was the lease agreement for 36 spaces in the Main Street Parking. They have already installed the walkway.

CCC Group Inc - Michael Craig explained this agreement to the Commission. CCC was the lowest bidder. They have done a number of these projects in the past.

The Commission will need to recess and reconvene after Utility Committee on Monday.

The meeting adjourned at 9:38 a.m.

**HOPE VI Workshop
November 16, 2007**

The Lakeland City Commission met for the HOPE VI workshop in the Commission conference room. Commissioners 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, City Attorney Tim McCausland, City Clerk Kelly Koos and administrative staff were present.

Mayor Fletcher called the meeting to order at 9:41 a.m.

Herb Hernandez presented the overview of the HOPE VI Evaluation. A copy of the evaluation is on file in the agenda packet.

The meeting adjourned at 10:16 a.m.