

**LAKELAND CITY COMMISSION**  
**Regular Session**  
**September 17, 2007**

The Lakeland City Commission met in Regular Session on Monday, September 17, 2007 in the City Commission chambers. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Fletcher were present. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch and City Clerk Kelly Koos were present.

**CALL TO ORDER – 9 a.m.**

**INVOCATION**

Reverend Robert Moore of Hope Hospice offered the invocation followed by the salute to the flag.

**PRESENTATIONS**

Lakeland Police Department - Juvenile Services Section/Juvenile Crime & Prevention (Assistant Chief Henson & Lt. Thomason)

Commissioner Wiggs asked for statistical follow up info on the effectiveness of the DARE and PAL program.

Lt Thomason had included that information in his handouts to the Commission. Copies of those handouts are on file in the agenda packet.

**PROCLAMATIONS**

**Crime Prevention Month**

**Domestic Violence Awareness Month**

**International Day of Peace**

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

- \* City Commission 8/31/07-9/4/07
- \* Utility Committee 9/4/07

**Action:** Commissioner Verplanck moved to approve these minutes. Commissioner Boring seconded and the motion carried six to zero. Commissioner Fields was absent at that time.

## APPROVAL OF CONSENT AGENDA

- \* City Commission Minutes 8/31/07-9/4/07
- \* Utility Committee Minutes 9/4/07
- \* Recommendation re Annual Renewal of Airport General Liability/Control Tower Insurance
- \* Recommendation re Renewal of Annual Insurance of Property/Boiler and Machinery, Excess Workers' Compensation, Crime, Electronic Data Processing, Golf Carts, Surety Bond for City Treasurer
- \* Recommendation re: Lobbying Efforts / Florida Strategic Group, LLC
- \* Memo re: Determining Hearing Date for Development Order – Flagler Development of Regional Impact
- \* Memo re: Agreement with Tax Collector for Collection of the Orangewood Community Subdivision Special Assessment
- \* Memo re: Amendment to Agreement for Sale and Purchase of Real Property – City of Lakeland to Joe P. Ruthven – Lakeland Airpark

**Action:** Commissioner Verplanck moved to approve the Consent Agenda. Commissioner Yates seconded and the motion carried six to zero. Commissioner Fields was absent at that time.

## REQUESTS TO APPEAR FROM THE PUBLIC – None

### PUBLIC HEARINGS

#### Ordinances (Second Reading)

**Ordinance 4899; Proposed 07-081; Relating to Pole Attachment Licenses (1st Rdg 8/20/07, contd 9/4/07)**

AN ORDINANCE RELATED TO POLE ATTACHMENTS; PROVIDING DEFINITIONS; REQUIRING LICENSE FOR EXISTING ATTACHMENTS AND FOR INITIAL, RENEWAL, OR MODIFICATION OF A LICENSE OR RELIEF FROM THIS ORDINANCE; PROVIDING A LICENSE APPROVAL PROCEDURE AND LICENSE FEES; ESTABLISHING STANDARDS FOR INSTALLATION, MAINTENANCE, RELOCATION, IDENTIFICATION AND LOCATION OF ATTACHMENTS; DESIGNATING FINANCIAL RESPONSIBILITY OF LICENSEES; DISCLAIMING CITY'S RIGHTS IN RIGHT-OF-WAY; PROVIDING THERE IS NO ACQUISITION OF PROPERTY RIGHTS BY LICENSEE, NO EXCLUSIVITY AND THAT A LICENSE HEREUNDER IS NOT A LICENSE FOR WIRELESS COMMUNICATION FACILITIES; RESERVATION OF THE CITY'S RIGHTS; PROVIDING FOR A LICENSEE'S LIABILITY INSURANCE AND INDEMNIFICATION; WORKPLACE CONDITIONS; DISCLAIMING ACCURACY OF CITY MAPS; APPROVAL, INSPECTION STANDARDS; POLE ALTERNATIVES; BILLS AND PAYMENT FOR

WORK; VIOLATIONS; RIGHT TO APPEAL; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments.

Gary Cassard, President of Tri-County, came on behalf of Bright House Networks. He read a statement into the record.

Steve Lindsey of Verizon came forward. He provided a letter last Friday and Verizon would like that included as part of the ordinance. Mr. Lindsey did not submit this letter as part of the record.

Tim McCausland explained that the rate in the ordinance was \$20.70 per pole per year.

Michael Craig, Assistant City Attorney, responded to the comments from the audience. The pole license fee was \$20.70 and was based on what it cost the City. The City derived the fee by a formula from the American Public Power (APP) Commission of which LE was a member.

Commissioner Wiggs asked what the current rate was.

Michael Craig said that Verizon was paying \$20.30 and Bright House was paying \$21.93.

Dave Ross, Senior Vice President of Bright House, had a verbal agreement with Lakeland Electric for a rate of \$21.93 and that rate included WiFi.

Commissioner Wiggs asked about the rate under the other formula \$18-14

Gary Cassard said the latest document he received showed a rate of \$21.93. Investor Owner Utilities were 3-times lower than the rate in Lakeland. He questioned the justification, as there was no improvement on the poles.

Michael Craig explained that the City had conducted a survey and it ranged from as high as \$28 per pole and some much lower. The City based the fee on a formula that considered overhead maintenance, pole height and expenses and a rate of return.

Commissioner Wiggs clarified that the rate was based on overhead maintenance, pole height and an 11% rate of return.

Michael Craig explained some differences between the APP and the FCC formula. The main difference is who pays for the safety space. LE feels they should not pay for the

safety space because they would not have the safety space if it were not for the attachments.

## Wireless

Michael Craig responded to the next item they addressed, wireless. The City had been trying to communicate with Bright House about wireless but they have been unresponsive. There were safety issues on how the WiFi equipment would be installed. The City is happy for Bright House to deploy WiFi and was willing to meet with them.

Michael Craig explained the need for an ordinance. There were smaller companies other than Bright House and Verizon that attached to Lakeland Electric's poles. The only way to insure equal access to the poles was to do it through an ordinance. The contractual agreements expired over six years ago and negotiations have not been successful. Lakeland Electric began billing \$21.93 in September 2006.

Dave Ross thought the latest rate was \$20.93. He also said that he sent Jim Stanfield a WiFi agreement over a year ago.

Jim Stanfield responded that Mr. Ross was correct. He did discuss an agreement for wireless with Mr. Ross. The two issues had to be separate. Antennas in the hot zone would require special circumstances. When Lakeland Electric had to go the ordinance route, the wireless issue went off the table. It would be inappropriate to include wireless in a pole attachment ordinance.

Commissioner Yates said she did not understand how the City could have gone six years without an agreement. They needed to do what was best for the City and since they did not have an agreement, they needed an ordinance.

Dave Ross was not sure when the last agreement expired. He felt Bright House had shown good faith because they had paid increases even though there was not an agreement.

Mayor Fletcher had to leave the meeting Mayor Pro Tem Higgins took over as chair at that time.

Steve Lindsey thought they had a new agreement in place but the rates went up. They did not think the new rates were fair and reasonable.

Commissioner Boring asked what rate everyone had been paying.

Michael Craig responded that \$21.93 was the rate that Lakeland Electric had been billing since September 2006. Verizon had been paying \$20.30. They were not sure what Bright House had been paying.

Commissioner Wiggs felt Verizon and Bright House were good community citizens. He felt it was unnecessary to push this issue and pass an ordinance. He was concerned that the cable companies would pass all these increases on to the customers. He was not going to support the ordinance.

Tim McCausland explained that the WiFi issue was complicated technically and legally. He would commit the resources to produce a similar document for WiFi.

Commissioner Fields explained that if the rate were based on T&D costs, the customers would pay it whether it was on the cable bill or the electric bill. The good thing about the ordinance was that it got people to the table.

**Action:** Mayor Pro Tem Higgins called for the vote and upon roll call vote, Commissioners Yates, Fields, Verplanck, Boring, and Mayor Pro Tem Higgins voted aye. Commissioner Wiggs voted nay. Ayes: five. Nays: one. The motion carried.

**Ordinance 4900; Proposed 07-082; Conditional Use for a Neighborhood Convenience Center on Property Located at 210 West 8th Street (1st Rdg 9/4/07)**

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A NEIGHBORHOOD CONVENIENCE CENTER ON PROPERTY LOCATED AT 210 WEST 8TH 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 Boring seconded.

Mayor Pro Tem Higgins asked for comments and there were none.

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

**Ordinance 4901; Proposed 07-083; Conditional Use for a Motor Vehicle Parts and Accessory Store Located at 1580 North Florida Avenue (1st Rdg 9/4/07)**

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A MOTOR VEHICLE PARTS AND ACCESSORY STORE LOCATED AT 1580 NORTH FLORIDA AVENUE; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

**Ordinance 4902; Proposed 07-084; Conditional Use for a Preschool/Childcare Center in Existing Church Facilities Located at 1010 Lake Miriam Drive (1st Rdg 9/4/07)**

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A DAY CARE CENTER IN EXISTING CHURCH FACILITIES ON PROPERTY LOCATED AT 1010 LAKE MIRIAM DRIVE; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

**Ordinance 4903; Proposed 07-085; Establishing PUD Zoning for Warehouse and Office Uses on 166 Acres Located North of Interstate 4, South of the Intersection of North Road 33 and Old Polk City Road (1st Rdg 9/4/07)**

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR PUD ZONING ON 166 ACRES LOCATED NORTH OF INTERSTATE 4, SOUTH OF THE INTERSECTION OF NORTH ROAD 33 AND OLD POLK CITY ROAD; 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 Yates seconded.

Mayor Pro Tem Higgins asked for comments and there were none.

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

**Ordinance 4904; Proposed 07-086; Modification of PUD Zoning in Northeast Quadrant of Oakbridge (1st Rdg 9/4/07)**

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR A MODIFICATION OF PUD ZONING FOR AREAS B AND C OF THE NORTHEAST QUADRANT OF OAKBRIDGE; AMENDING ORDINANCE 3432, AS AMENDED BY ORDINANCE 3680; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

**Ordinance 4905; Proposed 07-087; Establishing Zoning on Property Located South of Lakeland Square Mall, East of Mall Hill Drive, West of Providence Road, and North of Interstate 4 (1st Rdg 9/4/07)**

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR ZONING ON 25 ACRES LOCATED SOUTH OF LAKELAND SQUARE MALL, EAST OF MALL HILL DRIVE, WEST OF PROVIDENCE ROAD, AND NORTH OF INTERSTATE 4; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

**Ordinance 4906; Proposed 07-088; Amending Ordinance 4118; Establishing Revised Stormwater Utility Fee Schedule (1st Rdg 9/4/07)**

AN ORDINANCE RELATING TO STORMWATER MANAGEMENT; AMENDING ORDINANCE 4118; TO PROVIDE FOR AN AMENDED FEE SCHEDULE; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments.

Commissioner Wiggs thought it was appropriate that the various funds be self-supporting. He would support raising the fee to \$3 this year and to \$4 next year.

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

**EQUALIZATION HEARINGS – None**

**COMMUNITY REDEVELOPMENT AGENCY – None**

**CITY MANAGER**

**\* Recommendation re Annual Renewal of Airport General Liability/Control Tower Insurance**

The Airport General Liability/Control Tower Insurance Policy for the City of Lakeland would expire on October 1, 2007. Falcon Insurance, the City's local agent, solicited quotes from market providers offering the subject coverage.

- CV Starr – Declined to quote
- USAIG – Declined to quote
- Global – Quote, but did not include the Control Tower (\$39,000)
- AIG – Quote, but did not cover the Control Tower (\$39,514)
- W. Brown – Quote, but did not cover the Control Tower (\$26,250)
- Old Republic/Phoenix Aviation Managers, Inc. – Complete quote (\$39,350)
- ACE – Declined to quote
- Inter Aero – Declined to quote
- Allianz – No response

Only Old Republic/Phoenix Aviation Managers, Inc., the incumbent insurer, responded fully to the quote including coverage on the Control Tower. They provided the two following options:

The first renewal option provided the same level of coverage as the existing policy, a \$30,000,000 limit of liability per occurrence with no deductible, for an annual premium of \$35,350, representing a 23% savings from last year's premium of \$43,555. Coverage also included personal/advertising injury, property damage combined limit, and the same exclusions provided in the existing policy.

The second renewal option provided the same coverages, but with a \$50,000,000 limit of liability for an annual premium of \$43,991. Based upon claims experience and additional coverages provided by Sun 'n Fun and other vendors utilizing LLRA, staff recommended maintaining coverage at the existing \$30 million limit.

Both options also included non-owned aircraft liability. The policy would be binding from the period commencing October 1, 2007 to October 1, 2008. Additional War and Terrorism Risk coverages were not included in the quote, as the City has elected to waive this coverage.

Staff recommended that the City Commission authorize the appropriate City officials to renew the Airport General Liability/Control Tower insurance policy with Old Republic/Phoenix Aviation Managers, Inc., at the current limits and the annual premium of \$35,350 with coverage commencing October 1, 2007.

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

- \* **Recommendation re Renewal of Annual Insurance of Property/Boiler and Machinery, Excess Workers' Compensation, Crime, Electronic Data Processing, Golf Carts, Surety Bond for City Treasurer**

The City has completed the annual renewal process for the above referenced coverages for FY 2008. The City's current Broker of Record is Arthur J. Gallagher Risk Management Services. **The various quotations for noted coverages are as follows, and reflect the period October 1, 2007 to October 1, 2008:**

1. **Property and Boiler Machinery** - The program provides risk coverage for City property and boiler machinery for all City operations including the 501G. The current loss limit on the policy is \$150,000,000. This coverage provides a schedule of deductibles from \$100,000 (non-utility properties) to \$750,000 (McIntosh Steam Unit #3), \$500,000 (Larsen Unit #8), and \$1,500,000 (501G Turbine). The deductible for a Named Windstorm is 2% of the location.

All of the current policy deductibles remained the same, with the exception of a 2% Flood deductible (subject to a \$100,000 deductible minimum and a \$1,000,000 maximum) which the underwriters imposed for any properties in Flood Zones A & V, as defined by FEMA in accordance with the Stafford Act.

Total insured value of City properties is \$1,738,439,792, which represents a 4.2% increase over the FY 2007 values. These values were updated in April of this year due to the completion of an on-site appraisal conducted by Maximus Appraisal Services.

Based on recent studies conducted by AIG, the Maximum Foreseeable Loss for Fire & Explosion is \$250,000,000. Based upon the City policy's current \$150,000,000 loss limit, the City's broker recommended that the City consider raising that limit.

The following carriers will provide the below quota share coverages for FY 2008: Hartford Steam Boiler (A.M. Best rate A+ X) – 50% quota share; Zurich (A.M. Best rate A XV); 33% quota share; and Liberty Insurance (A.M. Best rate A XV) - 17% quota share.

A summary of the comparative cost options is as follows:

		<b>FY 07vs 08</b>
<b>Option 1: (Current Coverage)</b>		<b>Difference:</b>
\$150 Million Loss Limit	Premium: \$1,790,091	(\$96,909)
<b>Option 2:</b>		
\$200 Million Loss Limit	Premium: \$1,852,099	(\$34,901)
<b>Property and Boiler Machinery</b>		<b>Difference:</b>
<b>Option 3:</b>		
\$250 Million Loss Limit	Premium: \$1,893,451	\$ 6,451
<b>Option 4:</b>		
\$300 Million Loss Limit	Premium: \$1,934,795	\$ 47,795

2. **Excess Workers' Compensation:** The City currently self-insures its Workers' Compensation program with a retention limit of \$500,000, which means that the City purchases excess insurance for losses that exceed \$500,000 up to \$1,000,000.

The incumbent, Florida Municipal Insurance Trust (FMIT), (through the Florida League of Cities) has again offered a competitive program. The premium for FY 2007 was \$223,053, which was based upon \$97,273,979 of payroll and equated to .23/\$100. FMIT is offering the FY 2008 renewal at the same rate as the current year. However, based upon a 6.7% increase in payroll, the premium will be \$239,171.

The City's pro-active safety programs, including drug free and safety credits, coupled with the addition of its new Wellness Program, coupled with the fact that over the last full five years (representing over 1,200 claims), only 34 remain open (less than 3%). Collectively these efforts have assisted in maintaining the current premium structure.

Due to the “Heart/Lung Presumption Law” for Fire and Police, and the degree of uncertainty its long-term exposure presents to the City, it was requested that quotes for lower self-insured retention (SIR) levels be obtained.

**A summary of the comparative cost options is as follows:**

\$500,000 SIR	\$ 239,171
\$350,000 SIR	\$ 399,812
\$250,000 SIR	\$ 594,623
First Dollar	\$1,814,644

**Electronic Data Processing/Golf Cart:** Policy terms and conditions remained the same as last year. However, the rate for the computer coverage did increase from .115/\$100 to .12/\$100. Hartford Insurance Company of the Southeast remains the carrier for this coverage. The FY 2007 annual premium was \$35,125, and had minimally increased to \$36,995.

- Crime:** There have been no significant changes in this coverage, which American Home Insurance Company provided, only clarifications of the carrier’s intent. For example, pollution was excluded in the Crime Policy, but coverage was provided under the City’s Property Policy. In addition, Funds Transfer Fraud was previously provided via a separate endorsement and is now built into the coverage. The premium did slightly increase from \$11,410 to \$11,620, which is inclusive of the state mandated 1% Florida Hurricane Assessment.
- Surety Bond for City Treasurer:** There are no changes in coverage; however, the annual \$700 premium was increased by 1% due to the Florida Hurricane Assessment, bringing the total premium to \$707.

The City’s insurance broker from Arthur J. Gallagher does not receive commissions on any of these policies. In lieu of commissions, the annual contracted fee of \$78,000 will continue for FY 2008.

**A summary of the overall coverage premiums and comparisons to FY 2007 is as follows:**

COVERAGES:	2006-2007	2007-2008	Difference
<b>Property/Boiler &amp; Machinery</b>			
Option 1: 150 Million	\$1,887,000	\$1,790,091	(\$96,909)
Option 2: 200 Million	N/A	\$1,852,099	(\$34,901)
Option 3: 250 Million	N/A	\$1,893,451	\$ 6,451
Option 4: 300 Million	N/A	\$1,934,795	\$47,795
<b>Electronic Data Processing/Golf Cart</b>	\$ 35,125	\$ 36,995	\$ 1,870
<b>Crime</b>	\$ 11,410	\$ 11,620	\$ 210

<b>Treasurer Surety Bond</b>	\$	700	\$	707	\$	7
<b>Excess Workers' Compensation</b>						
\$500,000 SIR	\$	223,053	\$	239,171	\$	16,118
\$350,000 SIR		N/A	\$	399,812	\$	176,759
\$250,000 SIR		N/A	\$	594,623	\$	371,570
First Dollar		N/A	\$	1,814,644	\$	1,591,591

Staff recommended that the City Commission approve the Property/Boiler Machinery quota share coverage Option 3, which utilized Hartford Steam Boiler, Zurich, and Liberty and increased the current \$150 million loss limit to \$250 million effective October 1, 2007 for a total annual premium of \$1,893,451. Staff also recommended that the City Commission approve renewing the Excess Workers' Compensation through the Florida Municipal Insurance Trust, and lower the self-insured retention (SIR) level from \$500,000 per claim to \$350,000 per claim. The annual premium would be \$399,812. Lastly, it staff recommended that the Electronic Data Processing/Golf Cart coverage, Crime Policy, and Surety Bond for the City Treasurer be approved. As recommended, total premium for all coverages for FY 2008 would be \$2,342,585. All of the subject policies will be for 12 months, commencing on October 1, 2007.

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

\* **Recommendation re: Lobbying Efforts / Florida Strategic Group, LLC (FSG)**

Over the past six years, the Florida Strategic Group, LLC and lobbyist David Shepp has assisted the City of Lakeland advance its legislative initiatives at both the federal and state level. The current agreement would expire on September 31, 2007. The City Manager and City Attorney recommended a renewal of the contract with Florida Strategic Group. Florida Strategic Group had worked diligently in both Tallahassee and in Washington D.C. on behalf of the City and had greatly assisted in advancing Lakeland's interest, project funding and monitoring of legislation that would impact municipal operations.

The agreement would provide the following Scope of the work:

- Assist City Management and the City Commission in the development of the Annual Legislative Agenda;
- Attend, on behalf of the City, the 2008 State Legislative Session and Committee Meeting phases, along with committee meetings deemed necessary by the City of Lakeland,
- Work with the Polk County delegation members to secure sponsorship of bills and amendments needed to further the City's Annual Legislative Agenda;
- Lobby on behalf of the City, State and Federal elected officials to garner support of City priorities and passage of sponsored bills and amendments;
- Work with the Governor's Office during the bill review process, to advocate final passage of positive legislation or veto of negative legislation;
- Monitor and advise the City on adverse or supportive legislation; and

- Coordinate Federal lobbying efforts including funding requirement issues.

The renewal of the agreement would commence on October 1, 2007 and expire on September 31, 2008. The initial fee proposed would mirror the current agreement at \$53,000, however City Management proposed increasing the fee to accommodate a 2.5% adjustment totaling \$54,325. Additionally, FSG would bill any reasonable costs or out-of-pocket expenses on a monthly basis. FSG would not incur substantial travel or entertainment expenses without approval from the City Manager or his designee.

Staff recommended that the City Commission authorize the appropriate City officials to execute the agreement with Florida Strategic Group, LLC for State and Federal Lobbying efforts as outlined in the scope of work for the fee of \$54,325.

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

## CITY ATTORNEY

### Ordinances (First Reading)

#### **Proposed 07-091; Text Amendment #T-07-017 to the Lakeland Comprehensive Plan to Add the Public Schools Facility Element and Make Associated Updates to the Intergovernmental and Capital Improvements Elements**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-07-017 TO THE LAKELAND COMPREHENSIVE PLAN 2000-2010 AS ADOPTED BY ORDINANCE 4140 TO ADD THE PUBLIC SCHOOLS FACILITY ELEMENT AND MAKE ASSOCIATED UPDATES TO THE INTERGOVERNMENTAL AND CAPITAL IMPROVEMENTS ELEMENTS OF THE PLAN; 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.

Jim Studiale came forward to explain that this ordinance was not exempt from Department of Community Affairs (DCA) review and staff would need a motion from the Commission to transmit the ordinance to DCA.

**Action:** Commissioner Verplanck moved to transmit the proposed ordinance to DCA. Commissioner Wiggs seconded and upon roll call vote, Commissioners Yates, Fields, Wiggs, Verplanck, Boring, and Mayor Pro Tem Higgins voted aye. Ayes: six. Nays: zero. The motion carried unanimously.

#### **Proposed 07-092; Amending Ordinance 2978, As Amended, Providing For Revised Transportation Impact Fees**

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2978, AS AMENDED; AMENDING SECTION 5(C)(1) TO PROVIDE FOR A REVISED IMPACT FEE SCHEDULE FOR TRANSPORTATION FACILITIES; REPEALING ORDINANCE 4512; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 1, 2007.

**Proposed 07-093; Amending Ordinance 2979, As Amended, Providing For Revised Parks and Recreation Impact Fees; Providing a Methodology for Annual Fee Adjustments**

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2979, AS AMENDED; ADOPTING AN UPDATED IMPACT FEE STUDY AS DESCRIBED HEREIN; PROVIDING FOR A REVISED IMPACT FEE SCHEDULE FOR PARKS AND RECREATION IMPACT FEES; PROVIDING A METHODOLOGY FOR ANNUAL FEE ADJUSTMENTS; IMPLEMENTING VARIOUS REVISIONS RELATED TO INDEPENDENT IMPACT FEE ANALYSIS; REPEALING ORDINANCE 4513; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 1, 2007.

**Proposed 07-094; Amending Ordinance 2980, As Amended, Providing For Revised Fire Protection Impact Fees; Providing a Methodology for Annual Fee Adjustments**

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2980, AS AMENDED; ADOPTING AN UPDATED IMPACT FEE STUDY AS DESCRIBED HEREIN; PROVIDING FOR A REVISED IMPACT FEE SCHEDULE FOR FIRE PROTECTION FACILITIES; PROVIDING A METHODOLOGY FOR ANNUAL FEE ADJUSTMENTS; IMPLEMENTING VARIOUS REVISIONS RELATED TO INDEPENDENT IMPACT FEE ANALYSIS; REPEALING ORDINANCE 4514; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 1, 2007.

**Proposed 07-095; Amending Ordinance 2981, As Amended, Providing For Revised Law Enforcement Impact Fees; Providing a Methodology for Annual Fee Adjustments**

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2981, AS AMENDED; ADOPTING AN UPDATED IMPACT FEE STUDY AS DESCRIBED HEREIN; PROVIDING FOR A REVISED IMPACT FEE SCHEDULE FOR LAW ENFORCEMENT IMPACT FEES; PROVIDING A METHODOLOGY FOR ANNUAL FEE ADJUSTMENTS; IMPLEMENTING VARIOUS REVISIONS RELATED TO

INDEPENDENT IMPACT FEE ANALYSIS; REPEALING ORDINANCE 4515;  
MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 1, 2007.

## **Resolutions**

### **Resolution 4637; Proposed 07-058; Establishing Fees for Collection of Solid Waste and Refuse**

A RESOLUTION RELATING TO PUBLIC WORKS; ESTABLISHING FEES FOR COLLECTION OF SOLID WASTE AND REFUSE COMMENCING OCTOBER 1, 2007; PROVIDING AN EFFECTIVE DATE

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

### **Resolution 4638; Proposed 07-059; Relating to Rates for City Parking Garages**

A RESOLUTION RELATING TO PARKING RATES; REVISING RATES FOR THE MAIN STREET PARKING GARAGE AND THE PETERSON BUILDING PARKING GARAGE, SURFACE LEASED LOTS, AND METERED SPACES; REPEALING RESOLUTION 4481; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

### **Resolution 4639; Proposed 07-060; Providing for Uniform Schedule of Monthly Sewer Service Charges**

A RESOLUTION RELATING TO THE CITY OF LAKELAND WASTEWATER SYSTEM; PROVIDING FOR UNIFORM SCHEDULE OF MONTHLY SEWER SERVICE CHARGES; PROVIDING FOR SURCHARGES FOR ABNORMAL STRENGTH WASTES OF COMMERCIAL/INDUSTRIAL USERS; PROVIDING A DETERMINATION THAT REVENUES WILL BE SUFFICIENT TO OPERATE A FINANCIALLY SELF-SUPPORTING WASTEWATER UTILITY; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

**Resolution 4640; Proposed 07-061; Establishing Rental Rates for T-Hangars / Storage at Lakeland Linder Regional Airport**

A RESOLUTION RELATING TO LAKELAND LINDER REGIONAL AIRPORT; ESTABLISHING FEES, CHARGES AND DEPOSITS FOR CERTAIN FACILITY RENTALS; REPEALING ANY RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

Tim McCausland explained that he revised the hangar rate schedule to reflect the schedule discussed on Friday. He then read the short title.

Doug Thomas explained those changes. They originally proposed a rate of \$250 for hangars 36-70 and \$300 for hangars 71-100 based upon market data. After input from the tenants and the Commission, they were now recommending a graduated schedule that would increase and eventually equalize the rates of those two bays of hangars. They were now proposed \$245 for hangars 36-70 and \$280 for hangars 71-100. Over a period of the next three years, those rates would increase to market rate. After the rates have increased to market rate, the City will impose a CPI adjustment.

**Motion:** Commissioner Verplanck moved to approve the resolution with the amendments.

Mayor Pro Tem Higgins asked for comments.

Commissioner Wiggs asked how the Airport used the revenues.

John Dubose, Airport Director, explained the Airport used those revenues for the operation of the Airport as a whole.

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

**Resolution 4641; Proposed 07-062; Third Amendment to a Joint Project Agreement with FDOT for Engineering and Construction Services for Lakeland In-Town By-Pass – Phase II**

A RESOLUTION AUTHORIZING EXECUTION OF A THIRD AMENDMENT TO A JOINT PROJECT AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR FINANCIAL PROJECT NO. 197645-1-38-01 FOR ENGINEERING AND CONSTRUCTION SERVICES FOR THE LAKELAND IN-TOWN BY-PASS - PHASE II; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

**Resolution 4642; Proposed 07-063; Establishing Fees, Charges and Rentals for Parks and Recreation Facilities and Programs**

A RESOLUTION RELATING TO PARKS AND RECREATION; ESTABLISHING FEES, CHARGES AND DEPOSITS FOR CAMPS, PROGRAM ACTIVITIES AND FACILITY RENTALS; REPEALING ANY RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE

Tim McCausland read the short title.

Doug Thomas provided a brief explanation on these increases. This resolution would eliminate the residence/non-residence fee.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

**Resolution 4643; Proposed 07-064; Amending Resolution 4634 to Correct Scrivener's Errors**

A RESOLUTION RELATING TO THE ELECTRIC UTILITY; AMENDING SECTIONS 2 AND 3 OF RESOLUTION 4634 TO CORRECT A SCRIVENER'S ERROR; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

**Resolution 4644; Proposed 07-065; Finding that Firmenich, Inc. be Approved as a Qualified Applicant in the Target Industry Tax Refund Program**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA FINDING THAT FIRMENICH, INC. BE APPROVED AS A QUALIFIED APPLICANT PURSUANT TO SECTION 288.106, FLORIDA STATUTES; PROVIDING AN APPROPRIATION OF \$192,000 AS LOCAL PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM; PROVIDING AN EFFECTIVE DATE.

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

Mayor Pro Tem Higgins asked for comments and there were none.

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

**Miscellaneous Reports and Communications**

**Memo re: Task Authorization with Dyer, Riddle, Mills & Precourt, Inc. for Post-Design Engineering and Construction Assistance Services for the Second Phase of the Lakeland In-Town By-Pass**

This was a task authorization with Dyer, Riddle, Mills & Precourt, Inc. (DRMP) to provide post-design engineering and construction assistance services for the second phase of the

Lakeland In-Town By-Pass (S.R. 548) from existing S.R. 600 (George Jenkins Boulevard) to S.R. 35 (N. Florida Avenue). The City and the Florida Department of Transportation (FDOT) agreed to a third amendment of the Joint Project Agreement (JPA) dated July 31, 2006 wherein the FDOT had committed to funding this project in the amount of \$160,500.00, and the City agreed to undertake the project. Funding for this project was available for FY '07-'08.

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

Tim McCausland presented this item to the Commission.

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

**Memo re: Cooperative Funding Agreement with Southwest Florida Water Management District for the Construction Phase of the Lake Gibson Southwest Sub-basin Stormwater Management System Retrofit**

This Cooperative Funding Agreement between the Southwest Florida Water Management District and the City of Lakeland was for the construction phase of the Lake Gibson Southwest Sub-basin Stormwater Management System Retrofit. Terms of the Agreement provided for 50 percent funding of eligible expenses by the District, up to \$562,500, with the agreement remaining in effect through December 31, 2008. The southwest sub-basin of Lake Gibson was 245 acres of highly urbanized land and included portions of the Lakeland Mall, US 98 North and a variety of large commercial properties. The extensive development of land resulted in high stormwater flow rates, erosion, and decreased base flow. Although the southwest sub-basin was relatively small, this tributary to Lake Gibson was a significant source of pollutant loading to the lake. Phased construction of a series of stormwater attenuation and treatment ponds were partially funded through this agreement.

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

Tim McCausland presented this item to the Commission.

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

**\* Memo re: Determining Hearing Date for Development Order – Flagler Development of Regional Impact**

Lakeland Central Park, a large multi-use project in west Lakeland that The Flagler Company was developing had been engaged in the DRI approval process for some time now. It contemplated that a draft Development Order would be forthcoming during the month of October. Florida Statutes required that 60 days notice be provided prior to a

hearing on a Development Order. The purpose of this memo was to request that the City Commission establish November 19, 2007 as the hearing on the Development Order for Lakeland Central Park Development of Regional Impact in order to comply with Ch. 380.06 F.S. regarding DRI review and notice of hearing requirements.

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

**Memo re: Award of Construction Contract to Kearney Construction, LLC for the Fairbanks Street Improvement Project**

This construction contract with Kearney Construction, LLC was for the construction of the Fairbanks Street Improvement project. This project consisted of:

1. Reconstruction of Fairbanks St. between Kathleen Rd. and the CSX right-of-way.
2. Construction of a new railroad crossing at the Fairbanks St./CSX intersection and removal of the existing crossing at Bella Vista St.
3. Extension of Fairbanks St. west of the railroad and north to the intersection with Bella Vista St.
4. Installation of a new traffic signal at the intersection of Fairbanks St. and Kathleen Rd.

The City received the following bids:

<b><u>Contractor</u></b>	<b><u>Office Location</u></b>	<b><u>Bid Amount</u></b>
Kearney Construction LLC	Tampa, FL	\$2,071,505.52
Kamminga & Roodvoets, Inc.	Tampa, FL	\$2,414,974.65
FTD Construction, Inc.	Lakeland, FL	\$2,550,805.00
Mid-State Paving Co., Inc.	Auburndale, FL	\$2,585,459.57
APAC-Southeast, Inc.	Winter Haven, FL	\$2,825,000.00
Gibbs & Register, Inc.	Winter Garden, FL	\$2,849,400.00
Lane Construction	Meriden, CT	\$3,069,997.23
Kimmins Contracting Corp.	Lakeland, FL	\$3,139,682.85
JMHC, Inc.	Longwood, FL	\$3,142,817.45

Chastain-Skillman, Inc., the design engineer for the project, and City staff evaluated the bids received and find Kearney Construction, LLC to be the most qualified bidder for the project. Purchasing has issued a notice of intent to award the bid to Kearney Construction. The contract term was for 300 calendar days. Public Works anticipated construction starting in October 2007.

Total estimated project costs were \$3,200,000. The project was partially funded by an OTTED grant for \$1,800,000. Public Works requested an appropriation of \$1,400,000 in transportation impact fees to supplement the grant.

Staff recommended that the City Commission take the following action:

- \* Award Bid No. 7191 to Kearney Construction, LLC.

- \* Authorize the appropriate City officials to execute the construction contract with Kearney Construction, LLC for \$2,071,505.52.
- \* Authorize the appropriation of \$1,400,000 of transportation impact fees to the Fairbanks Street Improvement Project.

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

- \* **Memo re: Agreement with Tax Collector for Collection of the Orangewood Community Subdivision Special Assessment**

This was an Agreement with the Polk County Tax Collector providing for compensation of the Tax Collector for collection of the Orangewood Community Subdivision special assessment. Under the agreement, the City would compensate the Tax Collector based on that office's costs of collection, which historically have been 2% of the amount collected.

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

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

- \* **Memo re: Amendment to Agreement for Sale and Purchase of Real Property – City of Lakeland to Joe P. Ruthven – Lakeland Airpark**

This was a proposed modification to an existing contract for sale and purchase with Joe P. Ruthven pertaining to Lakeland Airpark. In 2003, the Commission authorized the sale of nine lots in Lakeland Airpark to the Ruthvens for warehouse development. The contract provided for a phased takedown of the lots and interim payments during that period. All but one of the lots has closed and buildings have been constructed on most of them. It was an attractive and successful project. The only remaining parcel was Lot 4.

Changes occurred with respect to the ability to develop Lot 4 which have been imposed by FAA. FAA's consent was required to convey the property and FAA modified their consent after the Ruthvens entered into the contract with the City. The staff was in active discussions with the Ruthvens regarding this issue. The date for the expiration of the contract was January and both parties agreed extending the contract for one year to continue those discussions.

Staff recommended that the Commission authorize the appropriate city officials to execute the extension.

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

Tim McCausland recognized John Murphy, City Attorney for the City of Winter Haven and Interim City Attorney for the City of Bartow and other smaller municipalities, who was seated in the audience.

At this point, Doug Thomas left the meeting and Tony Delgado step in on his behalf.

**FINANCE DIRECTOR – None**

**AUDIENCE – None**

**MAYOR AND MEMBERS OF THE CITY COMMISSION**

Commissioner Yates: The Commission has been hearing it was not appropriate to make large increases in fees. It was easier on everyone in the long run to make smaller incremental fees because costs do go up. The Commission was trying to make sure they did not hit the citizens with large increases at one time.

Commissioner Verplanck thought staff should look at adding a CPI to the Stormwater Utility Fee.

Commissioner Higgins announced that Commissioner Wiggs had just successfully completed a term as president of the Ridge League of Cities and he was just appointed to the Executive Committee of the Florida League of Cities.

**Recess/reconvene:** The Commission recessed at 10:50 a.m. and reconvened at 1:52 p.m.

The Lakeland City Commission reconvened in Regular Session on Monday, September 17, 2007 in the City Commission chambers. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Fletcher were present. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch and City Clerk Kelly Koos were present.

**UTILITY – CONSIDERED AFTER 1 P.M. UTILITY COMMITTEE MEETING**

**Memo re: Amendment to Coal Supply Agreement with James River Coal Company and James River Coal Sales, Inc.**

This was a proposed Amendment to the Coal Supply Agreement with James River Coal Company and James River Coal Sales, Inc. for the purchase of 120,000 tons of coal for 2008. The proposed amendment extended the existing contract that was set to expire on December 31, 2007. The base price of the coal for 2008 would be \$45.75 per ton, compared with the base price per ton of \$38.21 for 2007. The City originally entered into an agreement with James River Coal Sales, Inc. in January of 2000 for the purchase of 500,000 tons per year through the end of 2007. In the spring of 2003, James River Coal Sales, Inc. declared bankruptcy and the City's coal supply agreement was set aside by the

bankruptcy judge. James River came out of bankruptcy and we reinstated our agreement with them in 2004 for 200,000 tons per year.

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

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

**Memo re: Agreement with Siemens Energy & Automation, Inc. for the Supply of Induced Draft Fan Motors and Variable Frequency Drives**

This proposed agreement with Siemens Energy & Automation, Inc. was for the supply of Induced Draft Fan Motors and Variable Frequency Drives for \$3,118,127.00. Sargent & Lundy (S&L), the project engineer hired to assist the City with the Selective Catalytic Reduction System (SCR) project, evaluated the four (4) proposals received in response to Invitation to Bid No. 7177, Specification M-7008, dated May 08, 2007, and Specification Addendum 1, dated May 15, 2007, to design, furnish, fabricate and deliver the ID Fan Motors and Variable Frequency Drives (VFDs). The City's staff agreed with Sargent & Lundy's recommendation of Siemens Energy and Automation as summarized below:

**Technical Evaluation**

S&L evaluated the proposals to determine general compliance with the technical specification requirements; however, scope adjustments were required and obtained due to exceptions taken by the bidders in order to compare the proposals. Siemens' price, as adjusted, was the lowest due to the additional construction costs (\$208,000.00) that would be required to accommodate the next lowest bidder's equipment.

**Life Cycle Costs**

The electrical efficiency of the proposed equipment resulted in significantly different life cycle costs with Siemens' equipment resulting in a savings of up to \$546,000 over the twenty (20) year expected life cycle period.

**Experience and References**

Siemens had a very large installed base of similarly sized equipment (7000-8000 hp), compared with the next lowest bidder who only references one installation of 5900 hp. The references presented by Siemens and ABB in their proposals were contacted and confirmed that they performed the work noted and had no issues that would prevent them from recommending either bidder for future work. Based upon the foregoing, staff recommended that the Commission authorize the appropriate City Officials to execute the proposed agreement on behalf of the City.

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

**CALL FOR ADJOURNMENT – 1:53 p.m.**

**LAKELAND CITY COMMISSION**  
**Public Budget Hearing**  
**September 17, 2007**

The Lakeland City Commission met for the Public Budget Hearing on Monday, September 17, 2007 in the Commission chambers. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Fletcher were present. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch, and City Clerk Kelly Koos were present.

**CALL TO ORDER – 6 p.m.**

**INVOCATION**

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

**PUBLIC HEARINGS**

**Presentation of Proposed FY 2007 Annual City Budget.**

Doug Thomas gave this presentation a copy of which is on file in the agenda packet.

Discussion:

Commissioner Fields asked about the water rates. He asked if the rates were punitive enough to cut down on water wasting.

Doug Thomas explained that staff was looking at that. The higher rates had not encouraged the conservation staff had expected.

**AUDIENCE**

Ronald Alexander, Lakeland retiree, came forward to ask for consideration of a COLA or some type of increase. The retirees do not get social security.

Commissioner Boring asked Doug Thomas what the City could do if they determined there were additional items they could not afford.

Doug Thomas explained that the budget could be revised.

Commissioner Wiggs applauded the team for the budget. It was very easy to understand. He appreciated their patience for all his questions.

Edie Yates commended staff for putting the budget together in such a short time frame and including the SOP.

Diane Palmer, Neighborhood Association Coalition, applauded the Commission for taking time to listen to the citizens' concerns.

## **Retiree COLA**

Doug Thomas addressed this request. He suggested in the opening budget hearing that the Commission evaluate the pension plan at the end of this fiscal year. If the fund had sufficient returns then possibly with an ordinance change the City could finance a bonus check. He and Greg considered taking that \$500,000 for the bonus and applying it to the lowest income retirees to help those struggling the most.

Penny Chappell, President of the City of Lakeland Association of Retirees (COLAR) responded that the COLAR group was asking that all 830 retirees receive the same amount of \$500 each. Their position had always been that every retiree deserved a bonus.

Commissioner Boring explained that they were not worried about the retirees continuing to ask for additional funds in the future. He felt there was a commitment on the part of the Commission to address this issue long term. He was only in favor of applying the \$500,000 to the retirees that needed it the most.

Commissioner Fields said it sounded like the only disagreement between the City and COLAR was who should get the \$500,000. He understood her request but he was getting e-mails about others who needed the money the most. Some retirees did not need the bonus. Some desperately needed the money.

Mayor Fletcher asked Penny to just wait and let Doug Thomas bring a recommendation back to the Commission.

Commissioner Wiggs felt the discussion implied that the \$500,000 would go out to all the retirees. He would not vote to approve the budget unless there was more agreement on the \$500,000. He wanted to know how they were going to get from where they were today to help the retirees.

Doug Thomas explained staff had gone through the budget process. The Commission established the millage rate. There was an interest from the City Commission to address the concerns the retirees brought forward. He did not think they should take general fund revenue to solve this retiree problem. Looking long-term, providing the \$500,000 would not solve the problem. If they were not able to provide a COLA for the retirees, then down the road the Commission will have set a precedence to provide additional bonus out of general revenue funds. He was committed to solving the problem but he could not commit to having an answer right now. The problem was if they could not find a way to provide a built in COLA, at some point someone would be back to ask for an additional bonus, even if it was years down the road. The bonus money should come from the pension fund, if it could support it.

Commissioner Wiggs thought the bottom line was that they needed to take care of the retirees even if that meant that sidewalks or other items would have to wait. He asked Doug Thomas for a time frame for an answer.

Doug Thomas asked Greg Finch if 30 days would be realistic.

Greg Finch explained that the last day of the fiscal year was 13 days away. The shape of the pension fund really depended on the stock market. If the market continues the performance so far this year, the fund should be able to support something. He felt it could be as simple as changing the ordinance.

Commissioner Wiggs and Mayor Fletcher told Penny it made more sense to do a COLA rather than a one-time check. That would be something the retirees could count on and budget.

Doug Thomas explained that there was not a built in COLA in the plan and they were looking at all the options. He explained that all employees now have the opportunity to meet with certified financial planners to enable them to make informed decisions on when they can or should retire.

Commissioner Fields asked what percentages of employees were using the opportunity to meet with the financial planners.

Doug Thomas responded that less than 1/3 of the employees were taking advantage of deferred comp.

Doug Thomas clarified, in reference to a letter to the editor, that the City had a variety of funds with restrictions. The transportation fund was one of those. When there was paving or streetscape, those funds were restricted and could only be used in those specific projects.

**Ordinance 4907; Proposed 07-089; Ad Valorem Millage Rate for 2007-2008 Fiscal Year**

AN ORDINANCE RELATING TO AD VALOREM TAXATION; ESTABLISHING THE MILLAGE RATE FOR THE CITY OF LAKE LAND, FLORIDA, FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; PROVIDING FOR THE LEVY OF AD VALOREM TAXES; FINDING THE MILLAGE RATE EQUALS THE ROLLED BACK RATE; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

**Ordinance 4908; Proposed 07-090; Appropriations; Budget for 2007-2008 Fiscal Year**

AN ORDINANCE RELATING TO APPROPRIATIONS; PROVIDING FOR THE APPROPRIATION OF MONIES FOR THE CITY OF LAKE LAND, FLORIDA, FOR VARIOUS PURPOSES FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; 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, Yates and Mayor Fletcher voted aye. Ayes: seven. Nays: zero. The motion carried unanimously.

**City Commission Set Compensation**

**City Commission**

**Action:** Commissioner Higgins moved to approve a 2.5% increase to the Commission salary. Commissioner Verplanck seconded.

Mayor Fletcher asked for comments.

Commissioner Yates was willing to forego the increase if there was support.

Dean Boring stated that if the salary were better, you would get better representation on the Commission.

Commissioner Fields agreed. The low salary prohibited those who were not wealthy or retired to serve on the Commission.

**Action:** Mayor Fletcher called for the vote and the motion carried five to two with Commissioner Wiggs and Mayor Fletcher voting nay.

**City Attorney**

**Motion:** Commissioner Boring moved to increase the City Attorney's salary by a 2.5% merit and a 2.5% COLA. Commissioner Higgins seconded.

Mayor Fletcher asked for comments.

Commissioner Yates agonized over this issue. They were not allowing the City Attorney and City Manager an increase in line with their review because of the political situation. She would support the motion but she felt they deserved more.

Commissioner Wiggs agreed. If the City had to hire folks with their experience, they would have to pay even more. The employee base will appreciate that sacrifice on their part.

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

### **City Manager**

**Action:** Commissioner Boring moved to increase the City Manager's salary by a 2.5% merit and a 2.5% COLA. Commissioner Higgins seconded and the motion carried unanimously.

### **Recommendation re: Compensation for City Manager's Assistants**

The City Charter specified that the City Commission set the annual compensation of the City Manager and his Assistants. Traditionally, the City Manager recommended the proposed levels of compensation for his Assistants at the second Annual Budget Hearing to coincide with the adoption of the Annual Budget.

As background information, the City implemented a new Classification & Compensation Plan on October 1, 2006 in response to a number of recruitment and retention challenges and to evaluate current compensation practices relative to internal and external equity issues. Another component of the Study involved the creation of four "Broadband" compensation matrixes for City Directors and Assistant Directors. The Broadband system was designed to provide flexibility for City Management to attract and retain Director and Assistant Director positions with annual compensation adjustments based on merit. A market survey was completed using City Directors, Assistant Directors and Assistant City Management personnel, which included those municipalities used in the general employee survey. A broadband pay line was developed using an approximate 86% spread. A broadband was generally developed by using four quartiles with market being the median salary. (Two quartiles on either side of market) The second and third quartiles were the control points and were used in hiring and in progression to market and beyond market. Hires were usually handled at a level no higher than the second quartile. Compensation levels between the third and fourth quartiles represented the range where most Directors and Assistant Director's would stay for the duration of employment once they reached market. As it related to the upcoming year, roughly 79% of the 2,037 current full-time employees that were on the payroll were below the maximum compensation level

of their respective Pay Grades/Broadbands and were therefore eligible (subject to terms and conditions of adopted collective bargaining agreements.) for both a 2.5% COLA and merit adjustments of up to 5% in the upcoming year. With respect to the two Assistant Manager positions, the City Manager recommended the following:

Deputy City Manager Tony Delgado's position was classified at Broad Band #2 with a range of \$74,095 - \$107,158 - \$137,606 (Minimum-Midpoint-Maximum). The position served as Acting City Manager in the absence of the City Manager and included Departmental oversight responsibilities for Public Works, Water Utilities, Parks & Recreation, Fire, Lakeland Linder Regional Airport and Community Development. Tony has been employed in the City Manager's Office since January 2001. For the upcoming year, the City Manager recommended that Tony's compensation be increased from his current salary of \$113,027 to \$118,678, inclusive of a 2.5% COLA and merit.

Assistant to the City Manager Stanley Hawthorne's position was also classified at Broad Band #2 with a range of \$74,095 - \$107,158 - \$137,606 (Minimum-Midpoint-Maximum). The position served as Acting City Manager in the absence of both the City Manager and Deputy City Manager and included Departmental oversight responsibilities for Employee Relations, Risk Management & Purchasing, Information Technologies (DOIT), Internal Auditor and The Lakeland Center. For FY 2008, Doug proposed promoting Stanley Hawthorne to the position of Assistant City Manager including direct supervisory responsibilities of a new Division of the City Manager's Office entitled "Performance Excellence" which would include five employees involving administration of the City's Strategic Operating Plan and Process Improvement Teams. These personnel formerly were employees of Employee Relations, Finance and Lakeland Electric. Additionally, FY 2008 would involve the establishment of a new Human Resources Department that fully consolidated personnel-related operations of the Employee Relations, Civil Service and Lakeland Electric Departments. Due to financial constraints coupled with organizational transition issues associated with the consolidation, Doug appointed Stanley as the provisional Human Resource Director commencing October 1, 2007. Stanley has been employed in the City Manager's Office since January 2005. In light of his promotion to Assistant City Manager in addition to his additional line supervisory responsibilities, Doug recommended his compensation be increased from his current salary of \$102,849 to \$115,191, inclusive of a 2.5% COLA and merit.

Doug Thomas presented this item to the Commission.

**Motion:** Commissioner Boring moved to approve the recommendations. Commissioner Verplanck seconded.

Commissioner Wiggs questioned raising Stanley Hawthorne's 12% increase. He would support 7%, which would be inline with the other employees.

Doug Thomas commented that when they hired Stanley the plan was to under fill the position and eventually promote him to Assistant City Manager.

Commissioner Verplanck said it was not uncommon for a promotion to be accompanied by a 10% pay increase.

**Action:** Mayor Fletcher called for the vote and the motion carried six to one with Commissioner Wiggs voting nay.

### **Recommendation re: Compensation for Assistant City Attorneys**

Palmer Davis and Michael Craig, the two Assistant City Attorneys, were completing their sixth year as part of the City Attorney team. As the responsibilities of the office change and evolve, their roles do so as well.

Palmer Davis came to the City with ten years of local government experience. His areas of responsibility included utilities, LDDA, collections, land use issues, and code enforcement. Palmer's depth of experience and thoughtful approach served the office well. Tim recommended increasing his compensation from \$89,315.55 to \$93,781.33.

Michael Craig's responsibilities were evolving as the workload from Lakeland Electric decreased recently. With the conclusion of the FMPA contract, some deferred maintenance was expected to resume, and the associated contractual negotiations would resume as well. Michael had become much more involved in employment matters and had recently accepted the responsibility of becoming increasingly involved in union negotiations. Tim recommended increasing his compensation from \$103,044.13 to \$108,196.33.

These recommendations reflected a combination of a cost of living increase as well as a merit component. The current budget climate was a very important consideration in determining this recommendation. The contribution of the assistants to the overall product from the City Attorney's Office was significant and appreciated.

Tim McCausland presented this to the Commission. Both increases reflected a 2.5% merit and a 2.5% COLA.

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

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

Commissioner Yates wanted to encourage employees to take advantage of the retirement planning that the City provided free of charge. She asked Doug Thomas to make sure the employees were informed on the COLA issue before they retire.

Commissioner Boring encouraged employees to take care advantage of Health Stat.

**CALL FOR ADJOURNMENT – 7:45 a.m.**

**LAKELAND CITY COMMISSION**  
**Agenda Study Session**  
**September 14, 2007**

The Lakeland City Commission met in the Agenda Study Session on Friday, September 14, 2007 in the Commission conference room. Commissioners Dean Boring, Jim Verplanck, Glenn Higgins, Edie Yates, Gow Fields, Howard Wiggs and Mayor Fletcher were present. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, Assistant to the City Manager Stanley Hawthorne and Steven Harris from the City Clerk's Office were present along with administrative staff.

Mayor Fletcher called the meeting to order at 8:33 a.m.

Doug Thomas covered the Presentations and Proclamations.

Doug Thomas introduced information on the Airport insurance and then turned it over to Karen Lukhaub who gave the presentation.

Doug Thomas introduced Steve Scruggs who discussed the possibility of Firmenich building a plant here in Lakeland by the airport. Firmenich is a flavor producing company that would be Lakeland's second largest commercial customer behind Publix.

Tim McCausland covered the Public Hearings.

Michael Craig gave an update on proposed ordinance 07-081 relating to pole attachment licenses.

Doug Thomas covered the City Manager's items.

The Lobbying efforts / Florida Strategic Group LLC item was put on consent for Monday.

Doug Thomas covered the verbals:

- Doug showed pictures of the standby generators that were placed by the lift stations after the hurricanes in 2004. The pictures showed the generator by Lake John.
- The meeting Tuesday night at the Humming Baptist church regarding the Orangewood neighborhood. The meeting covered everything from sewers to tax reform to street repair. Commissioner Fields also attended this meeting.
- Flood management with SWFWMD:  
Doug Thomas introduced Danny Kushner, who is the Community Affairs Director, who gave an update on the flood management project.

Tim McCausland covered the Ordinances (First Reading). He introduced John Dubose, Airport Director, who reviewed the Rental Increase for the T-Hangars at the Airport.

Tim McCausland covered the Resolutions and the Miscellaneous Reports & Communications.

Rick Lilyquist came forward to discuss the sale of Real Property from the City of Lakeland to Joe P Ruthven – Lakeland Airpark.

Michael Craig covered the Utility Committee Agenda which would be considered after the City Commission meeting at 1:00 p.m.

The meeting adjourned at 10:10 a.m.

### **CITY MANAGER/CITY ATTORNEY REVIEWS September 14, 2007**

The Lakeland City Commission met for the City Manager and City Attorney reviews in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Dean Boring, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. City Manager Doug Thomas, City Attorney Tim McCausland, Assistant City Manager Tony Delgado and Steven Harris from the City Clerk's Office were present along with Dr. Larry Ross, Facilitator.

Doug Thomas called the meeting to order at 10:33 a.m.

Larry Ross reviewed Tim's scores.

The Commission and Tim discussed:

- Tim's development of the Assistant Attorneys
- The relationship between the City Manager & City Attorney
- Tim becoming more creative and proactive

Larry Ross reviewed Doug's scores.

The Commission and Doug discussed:

- Delegating more work to team members
- Improving relationship with SWFWMD
- Relationships with other government entities

The Commission discussed how much of a merit raise to be added with the COLA, and when to deal with compensation, now or at budget.

The final vote will take place at the Budget Hearing Monday evening.

The meeting adjourned at 11:37 a.m.

### **North Lakeland Eastern Connector Study Workshop September 17, 2007**

The Lakeland City Commission met for the North Lakeland Eastern Connector Study Workshop in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Dean Boring, Jim Verplanck, and Mayor Pro Tem Higgins were present. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, and City Clerk Kelly Koos were present along with administrative staff.

Mayor Pro Tem Higgins called the meeting to order at 11 a.m.

Tony Delgado offered opening comments and explained that Public Works Director Rick Lilyquist and his assistant Greg James would be leading the meeting.

Greg James explained that the City had been evaluating the roadways in north Lakeland looking for east-west ties.

Ralph Bove of DRMP gave the presentation, a copy of which is on file in the agenda packet. This was the same presentation he planned to use for the public hearing on September 27, 2007. Mr. Bove reviewed the agenda for that public workshop

- Purpose And Need For The Study
- Study Area Boundaries
- Project Scope Of Work
- Alternatives To Be Considered
  - Alternative One – Open Carpenters Way
  - Alternative Two – Open Carpenters Way and Connect Crevasse Street with Lakeland Park Drive
  - Alternative Three – Open Carpenters Way and extend it to Lakeland Hills Bl.

Mr. Bove reviewed the effects of each alternative in 2009 and 2030. DRMP would evaluate these alternatives and provide figures later.

The Public Workshop was scheduled for September 27, 2007 at 6:30 p.m. at Without Walls Central.

The group discussed the following:

- The need for an east west access north of I-4
- Funding for Waring Road

Development of the church property along Carpenter's Way

The Commission agreed to move forward with the public workshop on September 27, 2007.

The meeting adjourned at 11:45 a.m.