

**REGULAR SESSION**  
**May 1, 2006**

The Lakeland City Commission met in Regular Session 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.

Mayor Fletcher called the meeting to order at 9:01 a.m.

**Invocation**

Commissioner Fields offered the invocation followed by the salute to the flag.

**PRESENTATIONS**

**Water Utilities Conservation Initiatives**

Chuck Garing introduced this presentation. Gary Ross explained the purpose of the presentation was to present new items that the department was considering. Ruffin Gray made the presentation on conservation initiatives.

**Employee Service Awards**

Mayor Fletcher and Doug Thomas presented the following awards:

10 Years

Brossart, Michael	04-08-1996	Finance
Strong, Leron D.	04-01-1996	LPD
Williams, Rodney	04-15-1996	LE-Energy Supply

25 Years

Clayton, Walter	04-13-1981	P&R-Parks
Heller, Craig D.	04-06-1981	WU-Water Distribution
Smith, David Leslie	04-27-1981	LE-Energy Supply 30 Years

30 Years

Milling, Randy Ray	04-26-1976	LE-Energy Delivery
--------------------	------------	--------------------

**Beautification Awards**

Michelle Githens presented the following awards:

Residential: Graham Residence - 915 S Missouri Av.

Commercial: Pesos Mexican Restaurant - 1801 George Jenkins Bl.

**PROCLAMATIONS**

Buddy Poppy Days

Teen Pregnancy Prevention Awareness Month  
Letter Carriers Food Drive  
Nurses Week 2006  
Oncology Nursing Month  
Water Conservation Month

## **CONSENT AGENDA**

- April 14-17, 2006 Commission Minutes with any Amendments
- April 17, 2006 Utility Committee Minutes with any Amendment
- Recommendation Re: Renewal of Lakeland Police Department Helicopter Aircraft Insurance
- Memo re: Approval of Continuing Contract and Agreement for Right of Way Acquisition Professional Services with Short Listed Firms
- Memo re: Task Authorization with Keith 7 Schnars for Traffic Signal at Sleepy Hill Road at Mall Hill Road
- Memo re: Assignment and Modification of Lease at Lakeland Airside Center - Etura Premier LLC
- Memo re: Reconfiguration Implementation Agreement with Motorola, Inc.
- Memo re: Frequency Reconfiguration Agreement with Nextel South Corporation  
Appropriation - General Fund

**Action:** Commissioner Wiggs moved to approve the Consent Agenda. Commissioner Verplanck seconded and the motion carried 5-0. Commissioners Higgins and Boring were absent at that time.

## **APPROVAL OF MINUTES**

**\*City Commission 4/14/06-4/17/06**

**\*Utility Committee 4/17/06**

The Lakeland Utility Committee met in the Commission chambers at 1:03 p.m. Members Al Whittle, Stacey Campbell-Domineck, Paula Druen, Commissioner Higgins, Commissioner Verplanck, Commissioner Fields, Commissioner Yates, Tom Joyner, Terry Simmers, George Lindsey and Chairman Mayor Fletcher were present. City Manager Doug Thomas, City Attorney Tim McCausland, and other administrative staff were also present.

Doug Thomas explained Jim Stanfield was absent. His father-in-law passed last week.

Doug Thomas reviewed the agenda for the meeting.

- Finance Committee
- Downgrade in Bond Rating
- Gulf Stream Pipeline Expansion

Jim Pennington presented the Preliminary & Unaudited March 2006 Financials

- Income Statement – Prior Year Comparison
- Monthly KWH Retail Sales
- Income Statement – Budget Comparison
- YTD Results – Revenue and Expenses by Business Segment
- Fuel Recovery Variance Analysis
- Fuel Recovery Update
- Lakeland Electric NG Positions Compared to Market
- FMPA Contract comparison to Prior Year & Budget

Jim Pennington covered the Standard & Poor Downgrade of Lakeland Electric Bond Rating.

Commissioner Higgins asked about the story in the paper that LE would be cutting the grace period for customers to pay their utility bills.

Rosetta Lou explained LE was in the process of looking at what other utilities were doing with grace periods. She did not have a recommendation yet. LE's 25 day turn-around was lengthier than others in the industry.

The Committee discussed input from the customers on this issue and what was best for the utility.

Rick Snyder made a presentation on the Turn Back Precedent Agreement – Gulfstream Pipeline. Gulfstream Pipeline was looking at doing an expansion of their pipeline. The Federal Energy Regulatory Commission (FERC) required Gulfstream look at their current capacity sales and ask their existing customers if they wanted to turn back any of their existing capacity.

LE felt they could turn back 5,000 MMBtu that would save \$1 million a year. If approved today, Gulf Stream still had the right to refuse or accept the turn back. LE based the evaluation on all of 2005 and 2004, particularly 2004. Unit 5 ran a lot in 2004. In 2005, if LE had turned back the proposed capacity, they would have been short capacity 11 days. In 2004 they would have been short 25 days

Staff recommended the Commission approve this turn back of capacity. Lakeland had to notify Gulfstream by Friday April 21, 2006.

The Committee discussed the following:

- LE could not increase their capacity later. They would have to purchase at a higher rate.
- The current arrangement with Gulfstream was a take or pay arrangement.

**Action:** Commissioner Fields moved to recommend the Commission approve the Turn Back Precedent Agreement. Commissioner Higgins seconded and the motion carried twelve to zero.

Doug Thomas updated the Committee on a recent Commission workshop on Shentel. Shentel was working with LE staff on a variety of agreements to utilize LE's fiber network. LE would provide a report within a month or so.

Commissioner Higgins announced that Stacey and Paula were reappointed for another term on the Utility Committee.

The meeting adjourned at 1:52 p.m.

### **Transportation-Airport Committee**

The Airport-Transportation Committee met in the Commission conference room at 10:44 a.m. Commissioners Gow Fields and Glenn Higgins (members) and Commissioner Jim Verplanck (chairman) were present. Commissioners Edie Yates, Howard Wiggs, Dean Boring, and Mayor Fletcher were present along with administrative staff.

Commissioner Verplanck called the meeting to order at 10:44 a.m.

Request By Howe Whitman To Vacate A Public Right-of-Way On The East Side Of Lakeshore Drive, North Of E. Parker Street And South Of E. Memorial Boulevard.

Howe Whitman, with Goldman Associates Limited Partnership, requested the vacation of a public right-of-way on the east side of Lakeshore Drive, north of E. Parker Street and south of E. Memorial Boulevard. The referenced right-of-way consisted of a publicly owned street stub on the east side of Lakeshore Drive. This street stub served as an alternative entry to the west side of the applicant's property located at 975 E. Memorial Boulevard.

The various City and private utilities reviewed this request and had no objections to the vacation. However, several of these utilities did indicate utilities within the right-of-way that would require an easement. Specifically, Lakeland Electric, Water Utilities and Verizon all referenced utility conflicts.

Staff recommended the Committee approve the requested 5,400 sq. ft. right-of-way vacation, subject to the reservation of a public utility easement over the entire area. The Community Development Department estimated the value of the existing right-of-way to be \$2.00 per sq. ft. with a 50% reduction for a utility easement. Since the area contained approximately 5,400 sq. ft. the estimated value was \$5,400.

Cory Petcoff explained that Mr. Whitman did not want to pay for the right-of-way as he had donated ~~right-of-way~~ easements to the City at no charge in the past.

**Recommendation:** Commissioner Higgins moved to recommend the Commission approve the vacation. Commissioner Fields seconded. Commissioner Verplanck confirmed the motion included payment of the \$5,400 and concurred.

The Committee discussed the easements Mr. Whitman had donated in the past. They wanted to know the value of those donations.

Jason Willey will bring those figures on Monday.

The meeting adjourned at 10:51 a.m.

Commissioner Verplanck presented the minutes to the Commission and made a correction that Mr. Whitman had donated easements to the City in the past.

Jason Willey explained there were substantial easements on the property which were donated to the City in the past. Mr. Whitman and the City had worked together on other projects in the past.

**Motion:** Commissioner Verplanck moved to vacate the right-of-way for \$5,400. Commissioner Higgins seconded.

Commissioner Fields asked if the value of the easements on this site exceeded the value of this request.

Jason felt that it would. Mr. Whitman granted the blanket easement.

Tim McCausland asked the Committee to act on the value of the right-of-way.

The Commission discussed the policy of vacating right-of-way for a fee and under what circumstances the Commission should make an exception to the fee. The Commission concurred that any exception should be site specific and owner specific. Mr. Whitman was the owner that donated the easements at the same site.

**Action:** Mayor Fletcher called for the vote and the motion failed 1-6 with Commissioner Verplanck voting aye.

**Failed Motion:** Commissioner Verplanck moved to not vacate the right of way. The motion failed for lack of a second.

**Motion:** Commissioner Fields moved to vacate the right-of-way and waive the fee. Commissioner Wiggs seconded and the motion carried 6-1 with Commissioner Verplanck voting nay.

## EQUALIZATION HEARINGS

**Recess:** Commissioner Wiggs moved to recess as the City Commission and convene as the Equalization Board. Commissioner Yates seconded and the motion carried unanimously.

### **Lots Cleaning and Clearing**

Tim McCausland presented the Lot Cleaning and Clearing Assessments for equalization. A copy of this roll is on file in the agenda packet.

**Motion:** Commissioner Wiggs moved to approve the assessments for equalization. Commissioner Boring seconded.

Mayor Fletcher asked for comments from the audience and the Commission.

Ruby Taylor came to speak about the homeless issue in Lakeland. She also had property under SWFMD jurisdiction that she would like to sell. She wanted more Christmas decorations in her neighborhood.

Mayor Fletcher asked for any other comments from the audience or the Commission. There were none.

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

**Reconvene:** Commissioner Wiggs moved to adjourn as the Equalization Board and reconvene as the City Commission. Commissioner Verplanck seconded and the motion carried six to zero. Commissioner Yates was absent at that time.

## COMMUNITY REDEVELOPMENT AGENCY

**Recess:** Commissioner Wiggs moved to recess as the City Commission and convene as the Lakeland Community Redevelopment Agency (LCRA). Commissioner Boring seconded and the motion carried unanimously.

### **Due Diligence Agreement with Feltrim Development NA, Inc. for Master Planning and Market Study Relating to Downtown Housing Development**

This was a Due Diligence Agreement with Feltrim Development N.A., Inc. pursuant to which Feltrim Development will conduct a market study and develop a master development plan for the Downtown CRA redevelopment area northeast of the police station. LDDA selected Feltrim Development as the proposed developer of this area following an RFQ process.

Under the Agreement, Feltrim would conduct a market study and undertake a due diligence investigation to determine the feasibility and desirability of moving forward with the project and entering into a Development and Disposition Agreement to purchase the property. Feltrim would make a good faith deposit of \$25,000.00 into an escrow account following execution of this Agreement. The deposit would become non-refundable provided the Agreement had not been terminated within 90 days. The Agreement set forth a timetable for completion of various deliverables under the Agreement, including:

Market Study	60 days
First Draft of Master Development Plan	June 30, 2006
Final Draft of Master Development Plan	September 29, 2006
Proposed Development and Disposition Agreement	October 26, 2006

This Agreement allowed the parties to look at the feasibility and desirability of developing the property without an obligation on either party to purchase or sell. Staff recommended that the LCRA authorize the appropriate LCRA officials to execute the Due Diligence Agreement with Feltrim Development N.A., Inc.

Tim McCausland presented this item to the LCRA.

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

Mayor Fletcher asked for comments.

Commissioner Wiggs wanted to make sure the public understood the efforts of the LDDA to handle this project properly.

Commissioner Verplanck said the background check on the development team was very thorough.

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

**Reconvene:** Commissioner Wiggs moved to adjourn as the Lakeland Community Redevelopment Agency and reconvene as the City Commission. Commissioner Verplanck seconded and the motion carried unanimously.

## CITY MANAGER

**\*Recommendation re: Renewal of Lakeland Police Department Helicopter Aircraft Insurance.**

The current annual aircraft insurance policy covering the Lakeland Police Department (LPD) helicopter expired on May 7, 2006. To meet this deadline, the City of Lakeland Risk Management Department, through the City's local insurance

agency - Falcon Insurance Agency of Florida, Inc., solicited seven specific aircraft and aviation related coverage providers for quotes. These companies included Old Republic Insurance Company, USAIG, AIG, W. Brown and Associates, USSIC, Aero Space Insurance Managers, and Global Aero Space. All declined or failed to submit quotes except for the City's current provider, Old Republic Insurance Company.

The renewal premium for the period extending from May 8, 2006 through May 8, 2007, excluding terrorism coverage, is \$27,115.00 which was the same as last year. The renewal premium was budgeted in the City of Lakeland Fiscal Year 2007 Annual Budget – General Fund Account.

The proposed renewal would provide the following coverage limits:

- Aircraft Physical Damage (Excluding War Risk) - \$300,000
- Aircraft Hull Deductible - \$1,000. Rotors not in motion / 5% of insured value while Rotors are in motion. (Terrorism - \$450 additional premium)
- \$1,000,000 Single Limit including Bodily Injury and Property Damage with a limit of \$100,000 each passenger. (\$2,464 additional premium for War and Terrorism coverage).

Acceptance of terrorism coverage would require additional premiums.

Staff recommended that the City Commission authorize the appropriate City officials to execute an agreement with Falcon Insurance Agency of Florida, Inc. to provide specific aircraft insurance coverage for the LPD helicopter for the period covering May 8, 2006 through May 8, 2007 for the annual premium of \$27,115.00.

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

### **Recommendation re: Amendment of Collective Bargaining Agreements with West Central Florida Police Benevolent Association**

Over the past year, representatives from the City Manager's Office, the Lakeland Police Department and Bargaining Committees representing the Patrol Officers, Sergeants, and Lieutenants have been actively negotiating amendment provisions to the current collective bargaining agreements between the City and West Central Florida Police Benevolent Association (PBA). The City engaged Mr. Tony Griffin of the law firm Ruden & McClosky, P.A. as special counsel to assist in the negotiations.

The proposed amendments represented the conclusion of the negotiation process resulting in revised agreements ratified by the respective Lakeland PBA membership and awaiting formal consideration of the Lakeland City Commission. In general, the original contracts approved in January 2004 remained intact subject to

the following amendments:

1. Grievance and Disciplinary Procedures - Specific language changes providing for clarity and uniformity between the three separate agreements. The language modifications continued to align with the provisions of State Statute 112.531 - 112.535 commonly referred to as the Florida Police Officers' Bill of Rights. Revised language provided for non-union member Police Officers, Sergeants and Lieutenants to utilize the collective bargaining negotiated grievance procedure.
2. Extra Duty Assignments - The elimination of a grandfather clause associated with extra duty contracts previously established with private entities which had expired
3. Education Reimbursement - Raised Educational Reimbursement limits to coincide with the General Employees program at \$1,400 per fiscal year for courses provided by accredited institutions.
4. Health & Wellness Benefits - The incorporation of the newly established non - tobacco user premium reduction providing for health premium savings to eligible participants; clarification of policies and procedures associated with City administration of State laws regulating presumptive health concerns directly afforded to safety professionals; health and dental insurance premium rate changes and prescription program modifications. Lastly, union members will also be able to participate in the newly established deferred compensation programs presently available to General Employees.

Staff recommended that the City Commission authorize the appropriate City officials to execute the amendments to respective collective bargaining agreements between the City of Lakeland and the West Central Florida PBA representing Police Officers, Police Sergeants and Police Lieutenants.

Doug Thomas presented this item to the Commission.

**Action:** Commissioner Wiggs moved to the Amendment of Collective Bargaining Agreements with the West Central Florida Police Benevolent Association for Police Officers, Police Sergeants and Police Lieutenants. Commissioner Boring seconded and the motion carried unanimously.

### **Recommendation re: Ratification of Collective Bargaining Agreement with the International Association of Fire Fighters Local 4173**

In May 2004 the Fire Fighter and Driver Engineer, and Fire Lieutenant classifications of the Lakeland Fire Department approved the establishment of collective bargaining representation by the International Association of Fire Fighters (IAFF). Subsequently, in June 2004, representatives from the City Managers Office, the Lakeland Fire Department and bargaining committees representing Firefighters, Driver Engineers and Fire

Lieutenants commenced negotiations associated with inaugural collective bargaining agreements between the City and the IAFF. The City engaged Mr. Tony Griffin of the law firm Ruden & McClosky, P.A. as special counsel to assist in the negotiation efforts.

The proposed agreements represent the conclusion of the negotiation process resulting in collective bargaining agreements ratified by the respective Lakeland IAFF Local 4173 membership, and now awaiting formal consideration from the Lakeland City Commission. In general, the two separate agreements did not provide for any extra benefits than accorded to other non-unionized employees of the City; however, they did modify the City's relationship to the affected employees in the following areas:

- The agreements had a term that spanned from the day of ratification by both parties through October 1, 2008. They included an option to re-open the agreement with 30-day advance written notice specifically to address any revisions or replacement of the current Supplemental Retirement Program established pursuant to Florida Statute Chapter 175;
- Representatives would have a formal opportunity for input into any changes in any future departmental rules prior to implementation, however the City was not prohibited in exercising policy or procedural changes that did not directly impact articles subject to the collective bargaining process;
- The establishment of a Labor Management Committee comprised of two members appointed by the Fire Chief and three representatives appointed by the IAFF consisting of two Firefighter/Driver Engineers and one Lieutenant;
- Formalizing a multi-step grievance procedure that would ultimately afford IAFF represented employees to file for arbitration before a representative of the Federal Mediation and Conciliation Service of the United States as opposed to the City's Civil Service Division. Only alleged violations of a specific article and section of the collective bargaining agreement (including mandatory subjects of bargaining contained within the Lakeland Fire Department Written Policy and Procedure System and the City's Personnel Policy and Procedure Manual) were eligible for arbitration, with the arbitrator's decision being final and binding upon both parties;
- Educational Reimbursement limits have been established to coincide with the General Employees program at \$1,400 per fiscal year for courses provided by accredited institutions.
- The clarification and procedural administration of the exchange of duty privileges currently provided within the Department;
- Mileage allowance provision for employees required to change normal duty stations during the normal work hour schedule providing for \$.48 per mile for each trip made between stations;

- Payout of accrued compensatory time with the ability to carry a maximum of 60 hours for retirement calculation purposes, including limitations regarding the future use of any accrued compensatory time to 12-hour blocks and the elimination of all future compensatory time;
- The modification of the existing salary structure to incorporate a 15-step pay plan allowing for increase options of 2.5% or 5% based on eligibility and performance standards. A modification of Pay Grades to establish increases of 10% for Firefighter/Driver Engineers and 15% for Lieutenants over the three years of the respective collective bargaining agreements. Each Firefighter, Driver Engineer and Lieutenant will receive a 4% cost of living adjustment (COLA) prospectively upon ratification of the contract, a 2% COLA effective each fiscal year commencing on October 1, 2006 through October 1, 2008 and a 2.5% Pay Grade increase for covered positions to be instituted on October 1, 2007;
- The establishment of a Paramedic Certification Incentive of \$6,500 annually in lieu of a 5% pay increase and EMT pay;
- The establishment of a \$600 annual Technical Rescue Team Certification Incentive;

Staff recommended that the City Commission authorize the appropriate City officials to execute the amendments to respective collective bargaining agreements between the City of Lakeland and the International Association of Fire Fighters Local 4173 representing Fire Fighter and Driver Engineer, and Fire Lieutenant classifications.

Doug Thomas presented this item to the Commission.

**Action:** Commissioner Boring moved to approve the collective Bargaining Agreement with the International Association of Fire Fighters Local 4173 for Fire Fighters, Driver Engineers and Fire Lieutenants. Commissioner Wiggs seconded and the motion carried unanimously.

### **Miscellaneous Reports and Communications**

#### 1. Executive Summary - Utility Committee Meeting

Doug Thomas gave an oral report of the Utility Committee Meeting of April 17, 2006.

#### 2. Out-of-State Travel:

a. April 24 - 25, 2006: Lakeland Electric employee (Ronnie Brooks) traveling to Lynchburg, VA to visit Delta Star Manufacturing Plant to inspect a transformer.

Registration	\$ 0.00
Air Fare	339.20
Hotel	82.51
Car Rental	0.00
Meals	55.00
Miscellaneous	0.00
Total	\$ 476.71

b. August 21 - September 1, 2006: Lakeland Fire employee (Larry Earl Smith) traveling to Emmitsburg, MD to attend Arson Prevention and Control course at US National Emergency Training Center.

Registration	\$ 0.00
Air Fare	360.00
Hotel	0.00
Car Rental	0.00
Meals	226.20
Miscellaneous	0.00
Total	\$583.20

## CITY ATTORNEY

### Ordinances (First Reading)

#### **Proposed 06-029; Vacating a Portion of a Utility Easement Located at 2277 Crystal Grove Lane**

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING A PORTION OF A UTILITY EASEMENT LOCATED AT 2277 CRYSTAL GROVE LANE, LOCATED WITHIN THE CITY OF LAKELAND; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; 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 May 15, 2006.

#### **Proposed 06-030; Vacating the Platted North/South Alley Located Between Gilmore Avenue and North Stella Avenue, North of East Memorial Boulevard and South of East 1<sup>st</sup> Street**

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING THE PLATTED NORTH/SOUTH ALLEY LOCATED BETWEEN GILMORE AVENUE AND NORTH STELLA AVENUE, NORTH OF EAST MEMORIAL BOULEVARD AND SOUTH OF EAST 1<sup>ST</sup> STREET, LOCATED

WITHIN THE CITY OF LAKELAND; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; 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 May 15, 2006.

**Proposed 06-031; Change in Zoning on 8.49 Acres Located South of Griffin Road, East of Kalt Drive and West of north Florida Avenue**

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 8.49 ACRES WITHIN THE CITY OF LAKELAND LOCATED SOUTH OF GRIFFIN ROAD, EAST OF KALT DRIVE AND WEST OF NORTH FLORIDA AVENUE, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on May 15, 2006.

**Proposed 06-032; Conditional Use for a Bank with Drive-Through Tellers and Off-Street Parking at 3340 South Florida Avenue**

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A BANK WITH DRIVE-THROUGH TELLERS AND OFF-STREET PARKING AT 3340 SOUTH FLORIDA AVENUE; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on May 15, 2006.

**Proposed 06-033; Incorporating Legislative Amendments to Existing 401a Plan to Provide for Alternate Vesting Schedule**

AN ORDINANCE RELATING TO THE DEFINED CONTRIBUTION PLAN OF CITY OF LAKELAND, FLORIDA, MODIFYING THE PLAN ELIGIBILITY AND VESTING SCHEDULE; MAKING FINDINGS; PROVIDING FOR 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 May 15, 2006.

**Proposed 06-034; Amending Sections 21 and 23 of the City of Lakeland Charter Relating to Employees' Pension and Retirement System; Providing Deferred Retirement Option Program Benefits for Firefighters**

AN ORDINANCE RELATING TO THE CITY OF LAKELAND EMPLOYEES' PENSION AND RETIREMENT SYSTEM; AMENDING SECTIONS 21 AND 23 OF ARTICLE II OF DIVISION II OF THE CHARTER OF THE CITY OF LAKELAND, FLORIDA; DEFINING JOINT PENSIONER; PROVIDING DEFERRED RETIREMENT OPTION PROGRAM (DROP) BENEFITS FOR FIREFIGHTERS; 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 May 15, 2006.

## **Resolutions**

### **Resolution 4526; Proposed Resolution 06-031; Lots Cleaning and Clearing**

A RESOLUTION RELATING TO ASSESSMENTS; DETERMINING THE NECESSITY FOR HAVING CLEANED AND CLEARED CERTAIN PROPERTY WITHIN THE CITY OF LAKELAND; PROVIDING FOR THE ASSESSMENT OF LIENS AGAINST SUCH PROPERTY FOR EXPENSES INCURRED IN THE CLEANING AND CLEARING THEREOF; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments from the audience and the Commission. There were none.

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

### **Resolution 4527; Proposed Resolution 06-032; Amending Resolution 4192, Excepting Certain Positions from Civil Service**

A RESOLUTION RELATING TO OFFICERS AND EMPLOYEES UNDER CIVIL SERVICE; EXCEPTING CERTAIN EMPLOYEE POSITIONS FROM CIVIL SERVICE, PURSUANT TO SECTION 10 OF DIVISION II OF THE CHARTER OF THE CITY OF LAKELAND; AMENDING RESOLUTION 4192; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments from the audience and the Commission. There were none.

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

**Resolution 4528; Proposed Resolution 06-033; Vacating a Portion of Plum Street East of Lakeshore Drive Between East Parker Street and East Memorial Boulevard**

A RESOLUTION RELATING TO PUBLIC RIGHT-OF-WAY; DECLARING INTENTION TO ADOPT AN ORDINANCE VACATING A PORTION OF PLUM STREET LOCATED EAST OF LAKESHORE DRIVE, BETWEEN EAST PARKER STREET AND EAST MEMORIAL BOULEVARD, LOCATED WITHIN THE CITY OF LAKELAND; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments from the audience and the Commission. There were none.

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

**Miscellaneous Reports and Communications**

**Memo re: Outside Legal Fees**

Following are legal fees and expenses paid to outside law firms January - March of 2006 along with a comparison from the same time frame for 2005 and a comparison of this fiscal year to last:

Clark, Campbell & Mawhinney	Civil Service Hearings	\$9,460.00
Mitchell D. Franks, P.A.	Counsel Relating to Mini-Perc	\$1,500.00
Michael F. Frost	Counsel Relating to PERC	\$744.42
Gray Robinson	Miscellaneous Personal Defense, Injury	\$119,568.26
	Eminent Domain & Other Litigation	
John & Hengerer	Miscellaneous Regulatory Matters with FERC	\$1,012.66

Mechanik Nuccio Williams Hearne & Wester	Miscellaneous Bankruptcy Matters	\$22.50
Putnam & Creighton, P.A.	Miscellaneous Real Estate Matters	\$405.37
Ross, Vecchio, & Trussel P.A.	Miscellaneous Workers Comp Defense	\$58,618.78
Ruden, McClosky, Smith,	Counsel Relating to Union Negotiations	\$22,485.39

Schuster & Russell, P.A.

**JANUARY - MARCH 2006 TOTAL \$213,817.38**

JANUARY - MARCH 2005 TOTAL \$201,017.96

FY 2004-2005 \$346,094.09 FY 2005-2006 \$366,676.76

**Action:** The Commission did not act on this item.

**\*Memo re: Approval of Continuing Contract and Agreement for Right of Way Acquisition Professional Services with Short Listed Firms**

Staff requested to enter into a Continuing Contract with each of the five firms short-listed by the City for right-of-way acquisition services. The City would use these firms in conjunction with the various City projects that require acquisition of right-of-way. Services under the contracts may include project administration, title services, appraisal services, acquisition services, closing services, relocation assistance services and services related to the disposal of property. Individual task authorizations would outline specific scopes of work, schedules, budgets and other applicable terms. The five firms chosen by the City were:

American Acquisitions Group, LLC Tampa, FL  
 Keystone Field Services, Inc. Tallahassee, FL  
 Gulf Coast Property Acquisition, Inc. Lakeland, FL  
 Florida Acquisition & Appraisal, Inc. Tampa, FL  
 O.R. Colan Associates of Florida, LLC Ft. Lauderdale, FL

Staff recommended that the Commission authorize the appropriate City officials to execute continuing contracts with the above short-listed firms.

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

**Memo re: Task Authorization with American Acquisition Group for Waring Road Extension**

The Public Works Department completed construction plans and right of way maps for the Waring Road Extension project and was prepared to move in to the right of way acquisition phase. This proposed task authorization was for \$125,472.00 for acquisition services. Staff solicited proposals from the five firms under continuing contract for right of way acquisition professional services. After reviewing and analyzing the proposals submitted, staff recommended that the Commission award American Acquisition Group,

LLC this task authorization. The task authorization would authorize the acquisition firm to provide the following services:

1. Project Administration
2. Title Services
3. Acquisition Services
4. Closing Services

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

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: Task Authorization with Gulf coast Property Acquisition, Inc. for Beacon Road/Lincoln Avenue Intersection Project**

This proposed task authorization with Gulf Coast Property Acquisition, Inc. was for \$97,421.00. The Public Works Department completed construction plans and determined the necessary right of way for the subject project and was prepared to move in to the right-of-way acquisition phase. This project would add left-turn lanes in all quadrants of the intersection, install a traffic signal, and install new storm water drainage features. Staff solicited proposals from the five firms under continuing contract for right-of-way acquisition professional services. After reviewing and analyzing the proposals submitted, staff recommended that the Commission award Gulf Coast Property Acquisition, Inc. this task authorization which would authorize the acquisition firm to provide the following services:

1. Project Administration
2. Title Services
3. Acquisition Services
4. Closing Services

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

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: Task Authorization with Chastain-Skillman, Inc. for Main Street Realignment Project**

This task authorization with Chastain-Skillman, Inc. was for construction phase services related to the Main Street Realignment project. Chastain-Skillman, together with sub consultants Glatting Jackson and BCI Engineers & Scientists, Inc., would monitor the construction of this project for general conformance with the plans and specifications and would provide typical construction administration services such as review of shop drawings, responding to contractor requests for information, preparation of record drawings and certification of the project to the permitting agencies.

Chastain-Skillman would serve as the lead in this effort and would provide a resident project representative to devote 40 hours per week exclusively to this project. Glatting Jackson would oversee construction of the landscape and hardscape improvements, as well as the irrigation and electrical work. BCI would oversee construction of the park and ride facility.

The City would compensate Chastain-Skillman based upon a total fixed fee of \$395,000.00, with reimbursable expenses not to exceed \$30,000.00, for a total cost of \$425,000.00. This fee included BCI's and Glatting-Jackson's services and was based upon an estimated construction schedule of 10 months. Staff recommended that the Commission authorize the appropriate City officials to execute the Task Authorization.

Tim McCausland presented this item to the Commission.

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

**Memo re: Award of Bid-Main Street Realignment Project**

This was a Construction Agreement with Gibbs & Register, Inc. for construction of the Main Street Realignment project. The City received sealed bids for this project on April 7, 2006 as follows:

Contractor	Office Location	Bid Amount
Lane Construction	Eaton Park, FL	\$5,997,258.53
Gibbs & Register, Inc.	Winter Garden, FL	\$4,580,000.00

Chastain-Skillman, the City's consultant on the project, as well as City staff reviewed the bids. The group determined Gibbs & Register to be the most qualified bidder and fully met the requirements of the project specifications. The contract term will be 300 days, with construction anticipated to begin in June 2006.

Staff recommended that the Commission award Bid No. 6097 to Gibbs & Register, Inc. and authorize the appropriate City officials to execute the Construction Agreement for \$4,580,000.00.

Tim McCausland presented this item to the Commission.

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

**\*Memo re: Task Authorization with Keith & Schnars for Traffic Signal at Sleepy Hill Road at Mall Hill Rd.**

This proposed task authorization was for \$25,849.00 for the design of a traffic signal at the new intersection of Mall Hill Road and Sleepy Hill Road. After reviewing and analyzing the proposals submitted, staff recommended that the City award Keith & Schnars this task authorization which would authorize the following services:

1. Surveying
2. Geotechnical Investigation
3. Design Services
4. Utility Coordination
5. Specifications

It is the City's intent to have this traffic signal constructed by APAC-Southeast who was under contract with the City to widen Sleepy Hill Road. The City would authorize a change order for this work at a later date. The design and construction costs were the responsibility of the developers of adjacent subdivisions.

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

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

**\*Memo re: Assignment and Modification of Lease at Lakeland airside center – Etura Premier LLC**

This proposed task authorization was for \$25,849.00 for the design of a traffic signal at the new intersection of Mall Hill Road and Sleepy Hill Road. After reviewing and analyzing the proposals submitted, staff recommended that Keith & Schnars be awarded this task authorization which would authorize the following services:

1. Surveying
2. Geotechnical Investigation
3. Design Services
4. Utility Coordination
5. Specifications

It was the City's intent to have this traffic signal constructed by APAC-Southeast who was under contract with the City to widen Sleepy Hill Road. The City would authorize a

change order for this work at a later date. The design and construction costs were the responsibility of the developers of adjacent subdivisions.

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

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

**\*Memo re: Assignment and Modification of Lease at Lakeland Airside Center – Etura Premier LLC**

This was a proposed Modification, Assignment and Consent to Assignment between the City of Lakeland, Etura Premier, LLC and Enviroply Manufacturing, Inc. Enviroply was in the business of manufacturing cementitious wall panels used in the construction industry. Etura leased approximately 136,000 square feet of tenant space at Lakeland Airside Center. Etura desired to assign all rights and obligations of the Lease Agreement dated January 11, 2001 to Enviroply Manufacturing, Inc., subject to certain conditions set forth below. The modifications to the Lease are as follows:

1. The Lessee would be responsible for all repairs and/or changes, if necessary, relating to air quality control in building and surrounding buildings;
2. The Lessor would only be responsible for providing directional signage along Airside Center Drive, granting permission to the Lessee to place signage at front entrance and side entrances of the building;
3. Lessee would no longer have 200 designated parking spaces. Lessee shall share parking on the north and east areas of the building.

All other provisions of the Lease related to rent remain the same. Staff recommended that the Commission authorize the appropriate City officials to execute the Modification, Assignment and Consent to Assignment.

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

**\*Memo re: Reconfiguration Implementation Agreement with Motorola, Inc.**

This was a proposed agreement with Motorola in the amount of \$47,748.00. Under an agreement with the Federal Communications Commission, Nextel was required to pay for the movement of emergency radio frequencies from their current location on the spectrum to another due to interference issues between Nextel's mobile phone system and emergency services throughout the county. Staff desired to retain Motorola to assist the City with the rebanding process because Motorola was the brand of equipment the City used. Nextel would reimburse the amounts paid to Motorola.

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

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

**\*Memo re: Frequency Reconfiguration Agreement with Nextel South Corporation**

This was a proposed agreement with Nextel South Corp. regarding the reimbursement of expenses incurred by the City due to the rebanding of the 800 MHz channels. Under an agreement with the Federal Communications Commission, Nextel was required to pay for the movement of emergency radio frequencies from their current location on the spectrum to another due to interference issues between Nextel's mobile phone system and emergency services throughout the county. As referenced in another agenda item, Staff desired to retain Motorola to assist the City with the rebanding process because Motorola was the brand of equipment the City used. Nextel would reimburse the amounts paid to Motorola, as well as the City's staff time. In addition to the estimated \$47,748.00 to reimburse for amounts paid to Motorola, an additional \$11,204.00 was set aside to reimburse the City for staff time (total \$58,952.25).

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

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

**FINANCE**

**\*Appropriation – General Fund**

The General Fund budget included an appropriation to pay the cost of impact fees assessed on new single family home construction in conjunction with the affordable housing program administered by the Community Development Department. This project was first established in 1993. Since July 2000, this project had funded impact fee reimbursements for 58 single family units at a total cost of \$186,319.

The 2006 budget for this program was \$25,000 with approximately half of that appropriation previously spent. Staff anticipated that a total of 24 additional homes would be constructed during the remainder of this fiscal year, requiring financing for impact fee reimbursements amounting to \$60,000.

As a result, Staff requested that the City Commission augment the existing budget in this account through a new appropriation in the amount of \$50,000 to be funded from the unappropriated surplus within the General Fund.

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

**Audience – None**

**Mayor and Members of the City Commission**

Commissioner Fields asked if the person looking at the sandwich board signs would also consider wall and window signage.

Commissioner Verplanck explained the LDDA was also considering those signs.

Commissioner Wiggs reminded the Commission and the public about the following:

Just Say No Rally this week

Mayor's Prayer Breakfast this Thursday at 7:30 a.m.

Relay for Life this Friday

The Ridge League awarded scholarships to two recipients from Polk County this year.

Cities recruiting three associate members to Ridge League could waive their dues for one year.

**Action:** Commissioner Wiggs moved to nominate Mayor Buddy Fletcher for the Nettie Draughn award. Commissioner Verplanck seconded and the motion carried unanimously.

Commissioner Boring confirmed that exceptions to vacation of right-of-way fees would be tied directly to the site and same property owner. That owner would have had to donated an equally valued easement to the City at the same site.

**CALL FOR ADJOURNMENT – 10:41**

## **AGENDA STUDY SESSION**

### **April 28, 2006**

The Lakeland City Commission met in the Agenda Study Session 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, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Assistant Finance Director Mike Brossart, City Attorney Tim McCausland, Assistant to the City Manager Stanley Hawthorne and City Clerk Kelly Koos were present along with administrative staff and members of the media and public.

Mayor Fletcher called the meeting to order at 8:31 a.m.

Doug Thomas covered the Presentations and Proclamations.

Tim McCausland covered the CRA portion of the agenda.

Doug Thomas covered the City Manager agenda.

Tony Delgado reviewed the agreement with the IAFF.

Doug Thomas offered the following verbals:

**Water Capacity:** Doug Thomas distributed a letter from SWFMD. This was the comfort letter the City had requested relating to their Water Use Permit. This new capacity would allow the City to authorize some developments they have been holding back. Chuck Garing explained how the additional water capacity would affect the prioritizing process of developments. The additional capacity allowed all ready projects to move forward. Some of the additional capacity was added to the in-fill account. Staff would also release the hold on irrigation meters. They would continue to encourage developments to install irrigation wells. The Committee believed it would be okay now to service projects outside the City but still in Lakeland's water service area.

**Feeding of Homeless:** The Mayor's Task Force was set to meet concerning this issue. Kevin Cook gave a history of the task force. It formed in the spring of 2000. The homeless population was increasing and panhandling was increasing and the task force was formed to develop some solutions. New problems have come up and the task force will meet again on May 9<sup>th</sup> at 9 a.m. at The Salvation Army on Massachusetts Av.

**Sale of property at Airport for daycare:** That sale is ready to go. There is a slight reduction in the purchase price because of the wetlands.

**Lane reconfiguration of Massachusetts:** Rick Lilyquist presented this project. Public Works was considering this project as they were developing their capital improvement program for the new budget year. This project would be 3-laning Massachusetts Ave. If

the Commission agreed, this project would be budgeted in FY 2010. The consensus was to move forward.

Tim McCausland covered the City Attorney agenda. He distributed Proposed Ord 06-034 relating to the Pension and Retirement System. He added this ordinance as item VI-A-6. He distributed 2 additional drawings relating to the realignment of Main Street.

Greg James covered the Main Street project relating to items VI-C-5&6.

Tim McCausland distributed a drawing relating to Sleepy Hill Rd item IV-C 7

Doug Thomas announced that because of the late hour, he would reschedule the customer e-mail workshop.

Tim McCausland offered the following verbals:

**Meeting with Legislature:** He and Commissioner Wiggs went to Tallahassee April 24-25, 2006.

**Airport Hotel:** The Hilton Garden Inn at the Airport appears to be a go.

Teresa Cornett introduced John Watkins, President/CEO and James Rudden, Executive Vice President/CFO/COO of Enviroply. John Watkins briefed the Commission on what their company manufactures. The Enviroply website address was [www.enviroply.com](http://www.enviroply.com).

Mike Brossart covered the Finance Director agenda.

The meeting adjourned at 10:44 a.m.