

LAKELAND CITY COMMISSION
Regular Session
January 7, 2008

The Lakeland City Commission met in Regular Session on Monday, January 7, 2008 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

Lakeland Police Chaplain Jesse McNeal offered the invocation followed by the salute to the flag.

PRESENTATIONS

Employee Service Awards

10 Years

Blanke, Thomas J	12-01-1997	Public Works
Braddy, Lana R	12-30-1997	Public Works
Chiavuzzi, Michael	12-08-1997	Police Department

20 Years

Greenhow, Gary E	12-28-1987	Water Utilities
Highsmith, Terry R	12-28-1987	Public Works
Odom, Marshall D	12-29-1987	Lakeland Electric
Smith, Stacy E	12-07-1987	Parks & Recreation

25 Years

Peterson, Edd J	12-23-1982	Information Technology
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30 Years

Ballard, Gary W	12-12-1977	Fire Department
Thornton, Paul M	12-05-1977	Parks & Recreation

Mayor Fletcher and Doug Thomas presented these awards.

Beautification Awards

Commercial: 119 Hillcrest St. – Equity Title
Residential: 845 E. Edgewood Dr. – Steve Lash

Frankie Martin presented these awards.

Finance -- Short Term Investment Program

Greg Finch introduced Jeff Stearns who gave the presentation. A copy of the presentation is on file in the Agenda Packet.

The group discussed local businesses that manage institutional funds for other businesses. Finance staff would consider other products offered by local bankers as long as they could meet the criteria.

The recommendation was:

- Right now, take wait and see approach to SBA, until:
 - State provides meaningful support
 - Withdrawing partners show confidence
 - No new deposits; withdraw funds as available
- Eventually, treat SBA the same as other money market/mutual funds with respect to security issue
- Diversify short-term investments
- Consider all short-term investments based on:
 - Policy limits
 - Behavior of yield curve
 - Net yield
 - Other investment considerations

Motion: Commissioner Fields moved to approve staff's recommendation. Commissioner Boring seconded.

Mayor Fletcher asked for comments.

Gary Clark representing CPS Investment Advisors of Lakeland endorsed the idea of local advisors providing investment services to the City.

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

PROCLAMATIONS

Dean Boring

MOTION TO ADJOURN SINE DIE

Action: Commissioner Wiggs moved to adjourn Sine Die. Commissioner Verplanck seconded and the motion carried six to zero.

OATH OF OFFICE

City Clerk Kelly Koos administered the Oath of Office to City Commissioners Fields, Higgins, and Troller.

MOTION TO RECONVENE AS THE 2008 CITY COMMISSION

Action: Commissioner Wiggs moved to reconvene as the 2008 City Commission. Commissioner Verplanck seconded and the motion carried seven to zero.

Commissioners Glenn Higgins, Justin Troller, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Fletcher were present. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch and City Clerk Kelly Koos were present.

ELECTION OF MAYOR PRO TEM

Action: Commissioner Verplanck moved to elect Commissioner Higgins as Mayor Pro Tem for 2008. Commissioner Yates seconded and the motion carried unanimously.

CONSENT AGENDA

- * City Commission: December 14 – 21, 2007
- * Utility Committee: December 17, 2007
- * Recommendation Re Task Authorization with Black & Veatch to undertake a Common Facility Allocation of McIntosh Unit #3
- * Memo re: Waiver of 5:01 P.M. Hearing
- * Memo re: Task Authorization with Professional Services, Inc. for Construction Materials Testing Services at West Lakeland Wasteload Reduction Facility

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

EQUALIZATION HEARINGS – 10:32 a.m.

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

Lots Cleaning and Clearing

Tim McCausland presented the Lots Cleaning and Clearing Assessment to the Equalization Board.

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

Mayor Fletcher asked for comments and there were none.

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

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

APPROVAL OF MINUTES (with any amendments)

***City Commission: December 14 – 21, 2007**

***Utility Committee: December 17, 2007**

Municipal Boards & Committees: January 4, 2008

The Municipal Boards Committee met on Friday, January 4, 2008 in the City Commission Conference Room. Commissioners Glenn Higgins and Jim Verplanck (members) and Commissioner Edie Yates (chair) were present. Commissioner Gow Fields and Mayor Fletcher were present. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, City Attorney Tim McCausland, Assistant City Manager Stanley Hawthorne and City Clerk Kelly Koos were present.

Commissioner Yates called the meeting to order at 9:18 a.m.

Polk Transportation Planning Organization (TPO):

Citizens Advisory Committee (CAC) Application – The Polk TPO Bylaws state CAC applicants must be endorsed by a vote of the City Commission for the jurisdiction they represent. There were vacancies in the at-large or Metro Lakeland area seats of the Polk TPO CAC. Mr. Michael Finch and Mr. Bruce Abels submitted applications indicating their desire to serve on the Transportation Planning Organization's CAC. Mr. Finch resided in the Metro Lakeland area and had been a TPO CAC member in the past. Mr. Abels resided within the Lakeland City Limits. An endorsement from the Lakeland City Commission was recommended prior to the TPO Board taking action in February 2008.

- *Recommendation from Celeste Deardorff, Long Range Planning Manager, to endorse Mr. Finch's and Mr. Abel's application for the Transportation Planning Organization's CAC.*

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

Historic Preservation Board:

• *Recommendation from Jim Studiale* to reappoint Ken Brower for a second term. Mr. Brower's first term expired December 31, 2007. His second term will expire December 31, 2010.

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

Mayoral Appointments:

The following terms expired December 31, 2007:

Enterprise Zone Development

- Gow Fields to serve additional term

Utility Committee

- Gow Fields and Glenn Higgins to serve additional terms
- Justin Troller to replace Dean Boring

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

The Committee adjourned at 9:21 a.m.

Commissioner Yates presented these minutes to the Commission.

Action: The Commission approved the minutes unanimously.

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC - None

PUBLIC HEARINGS - None

COMMUNITY REDEVELOPMENT AGENCY - None

CITY MANAGER

Recommendation Re Kelly Recreation Complex Renovation and Construction Management

The Parks and Recreation Department worked with Straughn Trout Architects, Lakeland, Florida, on the design and material selection of the proposed

expansion and renovation of the Kelly Recreation Center Complex. In accordance with the advancement of the project as outlined in the Fiscal Year 2008 Budget, request for qualifications (RFQ's) for a Project Construction Management at Risk entity were advertised with nine firms submitting proposals: Creative Contractors, Inc.; Ellis Construction, Company, Inc.; GMF Construction, LLC; Kenyon & Partners; NuJack Construction; SEMCO; Strickland Construction; The Tower Group and Vogel Brothers. A team of City staff comprised of representatives from Parks & Recreation, Facility Maintenance & Construction, City Administration and Straughn Trout Architects evaluated the proposals and requested the following three firms to provide final presentations:

SEMCO Bartow, FL

Strickland Construction Lakeland, FL

Creative Contractors, Inc. Lakeland & Orlando, FL

The project would begin in the first quarter of 2008, with a 12-month construction period. Funding for the project was earmarked at \$1,000,000 and was available in the Fiscal Year 2008 Budget. Following the informational presentations and review, the selection group ranked the three firms in the order of most responsive with a recommendation to authorize the negotiation of a Construction Contract at Risk with Strickland Construction. If for some reason a negotiated contract cannot be achieved within a timely period, negotiations would commence with Creative Contractors, Inc.

Staff recommended that the City Commission authorize the appropriate City officials to begin negotiations with Strickland Construction to obtain a Construction Contract at Risk for the Kelly Recreation Complex Expansion and Renovation Project.

Doug Thomas presented this item to the Commission

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

***Recommendation Re Task Authorization with Black & Veatch to undertake a Common Facility Allocation of McIntosh Unit #3**

Lakeland Electric and the Orlando Utilities Commission (OUC) jointly own the assets of McIntosh Unit #3 on a 60%-40% basis. In that some of the assets traditionally used for Unit #3 may also serve as resources for other Lakeland Electric generating units, the parties desire to undertake an independent evaluation of the of the usage of equipment, facilities and real property for McIntosh 3, McIntosh Common Use Facilities and McIntosh External Facilities. Additionally, the study would evaluate the usage of operation and maintenance resources for McIntosh Unit #3 and develop allocation methods representative of such usage.

Lakeland Electric has proposed Black & Veatch under its Continuing Contract perform the study for Engineering Services currently in effect with the City of Lakeland. The projected costs of the study were \$71,320, with each party responsible for one-half, or \$35,660 respectively. The results of the study will allow the parties to determine future allocation of generating assets, operation and maintenance costs, and serve as a foundation for future land valuation purposes. Staff estimated Black & Veatch would complete the report within three months following the firm's site visit of the plant operations.

Staff recommended that the Commission authorize the appropriate officials to engage Black & Veatch under their Continuing Contract for Engineering Services to perform the subject McIntosh Unit #3 Common Facility Allocation Study for \$71,320.

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

CITY ATTORNEY

Ordinances (First Reading)

Proposed 08-001: Vacation of a Portion of a Public Right-of-Way Located North of Memorial Boulevard, East of Atlantic Road and West of Triangle Street

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING AN EASEMENT AND A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED NORTH OF MEMORIAL BOULEVARD, EAST OF ATLANTIC ROAD AND WEST OF TRIANGLE STREET, WITHIN THE CITY OF LAKELAND; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title. The second reading and public hearing will be January 22, 2008.

Proposed 08-002: Conditional Use for Two Off-Street Parking Areas Located East of North Florida Avenue, South of East Bella Vista Street, West of West Lane, North of East Crawford Street

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

CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title. The second reading and public hearing will be January 22, 2008.

Proposed 08-003: Change in Zoning on .48 Acres Located at 210 Arteva Drive

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON .48 ACRES OF PROPERTY LOCATED AT 210 ARTEVA DRIVE WITHIN THE CITY OF LAKELAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title. The second reading and public hearing will be January 22, 2008.

Resolutions

Resolution 4663; Proposed 08-001: 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 Higgins seconded.

Mayor Fletcher asked for comments and there were none.

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

Miscellaneous Reports and Communications

***Memo re: Waiver of 5:01 P.M. Hearing**

During the months of January and February, the Community Development Department would present the Commission with future land use and zoning changes, amendments to the land development regulations, and various text amendments to the Lakeland Comprehensive Plan, all of which would require at least one hearing after 5:00 p.m. Staff requested that the Commission waive the statutory requirement that at least one of the hearings on these matters be after 5:00 p.m.

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

***Memo re: Task Authorization with Professional Services, Inc. for Construction Materials Testing Services at West Lakeland Wasteload Reduction Facility**

This was a Task Authorization with Professional Services Industries, Inc. (PSI) to provide Construction Materials Testing Services during construction of the West Lakeland Wasteload Reduction Facility. The City selected PSI to provide these services as they have consistently proven themselves on past Water Utilities Projects. The City Commission has previously approved the purchase of a 35-acre site for the construction of the plant, application to the State Revolving Loan Program for a low interest loan, a Contract for Construction with Vogel Brothers Building Company to construct the plant, and Technical Services During Construction with Black & Veatch, Inc. Staff proposed this Task Authorization to permit PSI to provide testing service and quality control for the construction of the Facility. The scope of services included soils and concrete testing to assure that the contractor provided compaction and concrete in accordance with the plans and specifications. The agreed upon not to exceed fee for this work was \$29,595.00. The schedule for services was essentially the same as stated in the Contract for Construction and services under this Task Authorization should be completed by June 30, 2009.

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

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

Memo re: Agreements with Motorola and Sprint/Nextel for the Rebanding of the 800-Megahertz Radio Spectrum

These were two proposed agreements – one between the City and Motorola, Inc., and one between the City and Sprint Nextel - regarding the reimbursement of expenses incurred by the City due to the rebanding of the 800 MHz channels. This is the third round of agreements wherein Nextel was required to pay for the movement of licensed users from their current location on the radio spectrum to another due to interference issues between Nextel's mobile phone system and emergency services throughout the county. Staff wished to retain Motorola to

assist the City in this third and presumably final stage of the rebanding process. If approved, the funding arrangement provided for Nextel to pay Motorola directly, with no financial liability on the part of the City (except as noted in the following sentence). The estimated cost of this phase was \$359,495.00 of which the City would pay \$5,075.00. The \$5,075.00 was for upgrades to certain radios.

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

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

FINANCE DIRECTOR - None

AUDIENCE - None

MAYOR AND MEMBERS OF THE CITY COMMISSION

The Commission welcomed Justin Troller and wished everyone a Happy New Year.

Commissioner Troller thanked the Mayor and Commission for their help during his transition. He also complimented city staff that had been showing him around the City.

Recess/reconvene: The Commission recessed at 10:47 a.m. The Commission reconvened at 2:13 P.M.

The Lakeland City Commission reconvened in Regular Session on Monday, January 7, 2008 in the City Commission chambers. Commissioners Glenn Higgins, Justin Troller, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Fletcher were present. City Manager Doug Thomas, City Attorney Tim McCausland, and City Clerk Kelly Koos were present.

Memo re: Agreement for Participation in the Florida Cost-Based Broker System

This was a proposed agreement for participation in the Florida Cost-Based Broker System. The cost of participating would vary depending on the number of members. The estimated costs were:

- Start-Up Costs = \$25,600 Maximum paid out in FY 2008
- Annual Dues = \$20,000 Maximum paid out in FY 2009

Staff estimated that the City would recover the startup cost and the annual dues from benefits by the end of the second year of participation. The GridFlorida Companies (Florida Power & Light, Progress Energy Florida, and Tampa Electric

Company) conducted an investigation into making cost effective enhancements to wholesale energy markets in Florida. They concluded that a computerized broker system should be set up and they should form a Florida Not For Profit Corporation. The Florida Public Service Commission expressed strong support for using such a system to reduce overall energy cost in Florida. As a result, the GridFlorida companies formed Florida Cost-Based Broker System, Inc. ("FCBBS") to create, finance, operate, and manage the computerized broker system. The function of FCCBS was to match offers for the next-hour wholesale sale or purchase non-firm energy between and among members in Peninsular Florida, east of the Apalachicola River. The City was eligible to participate in FCBBS and realize the benefits. Staff estimated that 90% of hourly economic electric transactions would move to the broker system. The two benefits of membership were reduced energy cost when purchased and increased profits from sales. Staff expected operations by FCBBS to commence on November 1, 2008.

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 Yates seconded and the motion carried unanimously.

Memo re: Florida Municipal Power Pool Balancing Authority Agreement

Lakeland Electric was a member of the Florida Municipal Power Pool (FMPP or the "Pool") and had been since its inception. Lakeland, together with Orlando Utilities Commission (OUC) and the Florida Municipal Power Agency (FMPA) formed the pool to coordinate their combined electric generation facilities for more reliable and efficient operation. The FMPP operated through an operation committee made up of representatives from the member utilities and handled the day to day dispatching decisions and other technical matters relating to the operation of the combined systems.

The Pool and its individual members were subject to the regulation of the North American Electrical Reliability Council (NERC) and its regional subsidiary, the Florida Reliability Coordinating Council (FRCC) whose function was to coordinate the interconnection of the electric power grid that transmitted all of the electric energy from the numerous systems across the country. NERC and FRCC required that a single entity act as the responsible organization in power pool situations. Heretofore, OUC acted as the named responsible agency with regard to NERC and FRCC matters on an informal basis. Since that status carried with it some liability, OUC requested a more formal arrangement that set forth each party's responsibilities with respect to NERC and FRCC matters.

Specifically OUC acted as the Balancing Authority, as NERC and FRCC recognized that term, which was the entity that integrated resource plans, maintained load-interchange-generation balance within a geographic area and supported system interconnection frequency in real time. OUC also acted as the Purchasing/Selling entity for Pool matters and handled Pool sales and member sales through the Pool's integrated dispatch system. The agreement set forth OUC's responsibilities when acting in those capacities and prescribed how the FMPP would share liability, costs and expenses.

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.

Memo re: Agreement Regarding Coal Handling Modifications with Stanley Consultants, Inc.

This was a proposed agreement with Stanley Consultants, Inc. ("Stanley"), pursuant to the request for qualifications (RFQ No. 7299) to design coal handling system modifications and upgrades for the McIntosh Unit #3 Power Plant. The City issued the RFQ under guidelines established by the State of Florida in the Consultants Competitive Negotiation Act (Florida Statutes Section 287.055). The not to exceed cost of Task 1 of the agreement was \$475,000.

The City was seeking to upgrade the coal handling system to allow 100% delivery by truck and to improve and automate blending capabilities. Staff broke down Task 1 into 25 sub-tasks, which the City may or may not complete.

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 Yates seconded and the motion carried unanimously.

CALL FOR ADJOURNMENT – 2:14 p.m.

LAKELAND CITY COMMISSION
Agenda Study Session
January 4, 2008

The Lakeland City Commission met for the Agenda Study Session on Friday, January 4, 2008 in the City Commission conference room. Commissioners Edie Yates, Gow Fields, Dean Boring, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Commissioner Elect Justin Troller was present. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, Assistant City Manager Stanley Hawthorne, and City Clerk Kelly Koos were present along with staff and the media.

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

Doug Thomas explained the department presentation. Greg Finch would make the presentation in response to the requests for information on the state investment pool.

Doug Thomas covered the other presentations.

Tim McCausland covered the sine die process.

Doug Thomas covered the City Manager agenda.

Tim McCausland covered the City Attorney agenda and explained the ordinance approval process to Justin Troller.

Tim McCausland announced that today was Michael's last day with the City. There was a small reception for Michael in the Attorney's office until 11 a.m. this morning when Chuck Garing's retirement party would begin.

Tim McCausland brought up a notice of proposed change to the Oakbridge DRI. Tim asked the Commission to set the hearing for the Notice of Proposed Change for January 22, 2008.

The meeting adjourned at 9:18 a.m.

Strategic Planning Workshop
January 4, 2008

The Lakeland City Commission met for the Strategic Planning Workshop on Friday, January 4, 2008 in the City Commission conference room. Commissioners Edie Yates, Gow Fields, Dean Boring, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Commissioner Elect Justin Troller was present. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, Assistant City Manager

Stanley Hawthorne, and City Clerk Kelly Koos were present. Ed Hacker, Kindle Bowden, Lori Gordon and Peni Bell of the Performance Excellence Division were present.

Mayor Fletcher called the meeting to order at 9:29 a.m.

Doug Thomas gave some introductory comments on the strategic planning process. He explained the creation of the Performance Excellence group and introduced the members and a brief overview of their responsibilities.

Ed Hacker presented an updates on the Key Success Indicators (KSI's) and the Florida Benchmarking Consortium (FBC). Ed Hacker also provided an overview of the format for the upcoming Strategic Leadership Workshop, Retreat and Post Leadership Workshop followed by a presentation of the reference guide/toolkit called "The Journey" by Kindle Bowden. A copy of these presentations are on file in the agenda packet.

The group discussed the consortium and the validity of the data being collected.

The meeting adjourned at 10:33 a.m.