

LAKELAND CITY COMMISSION
Agenda Study Session
April 18, 2008

The Lakeland City Commission met in the Agenda Study Session in the Commission conference room. Commissioners Edie Yates, Gow Fields, Justin Troller, Jim Verplanck, and Mayor Pro Tem Glenn Higgins were present. Commissioner Howard Wiggs was out of town. Mayor Fletcher was absent. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, and Deputy City Clerk Deborah Cason were present.

Mayor Pro Tem Higgins called the meeting to order at 8:32 a.m.

Doug Thomas covered the presentations and proclamations.

Tim McCausland covered the Public Hearings and Equalization Hearings.

Tim McCausland updated the Commission on the status of the change to the charter allowing for separation of the Civil Service/Pension Board.

Tim McCausland covered the City Attorney agenda and the items to be considered after the Utility Committee meeting.

Mayor Pro Tem Higgins announced funeral arrangements for Mayor Fletcher's son and asked everyone to keep the family in their prayers. He also reported that Commissioner Wiggs was out of the country.

Greg Finch noted that a resolution may be added asking the Commission to authorize execution of documents for Prepay Gas contract with Main Street Natural Gas, Inc.

The meeting adjourned at 9:03 a.m.

LPD TECHNOLOGY CRIME WORKSHOP
April 18, 2008

The Lakeland City Commission met for the LPD Technology Crime Workshop in the Commission conference room. Commissioners Edie Yates, Gow Fields, Justin Troller, Jim Verplanck, and Mayor Pro Tem Glenn Higgins were present. Commissioner Howard Wiggs was out of town. Mayor Fletcher was absent. City Manager Doug Thomas, Deputy City Manager Tony Delgado, City Attorney Tim McCausland, and Deputy City Clerk Deborah Cason were present.

Doug introduced Lt. Vic White, who in turn, introduced Sgt. Doc Gardner, who made the presentation.

Sgt. Gardner showed a variety of types of technological crimes being committed in Lakeland. He noted the vast amount of time needed to work these types of cases and the lack of skilled manpower to do so.

This would continue to be a growing problem without any easy answers as to how to address it.

The city does not have a cyber crimes unit or a computer forensics unit. They have a criminal intelligence unit and they provide a computer forensics function, tech support, technical consulting and training for the city, and other cities and agencies. The city had already partnered with the FBI, providing investigative support to the cyber crimes unit in return for lab services/forensic support, equipment, investigative support and consulting, and federal jurisdiction.

He recommended LPD continue to handle traditional crimes traditionally, continue to maintain the computer forensics function, and begin thinking about having a high tech response unit. He felt LPD needed to take the traditional investigators, train and get them geared towards working in the types of crimes they specialized in.

The meeting adjourned at 10:03 a.m.

Glenn E. Higgins, Mayor Pro Tem

Kelly S. Koos, CMC, City Clerk

LAKELAND CITY COMMISSION
Regular Session
April 21, 2008

The Lakeland City Commission met in Regular Session in the Commission chambers. Commissioners Justin Troller, Jim Verplanck, Gow Fields, Edie Yates, and Mayor Pro Tem Glenn Higgins were present. Commissioner Howard Wiggs and Mayor Fletcher were absent. 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

Chaplain Dan Harvey of the Lakeland Police Department offered the invocation followed by the salute to the flag.

PRESENTATIONS

LPD - Victim Services (Chief Boatner & Assistant Chief Henson)

PROCLAMATIONS

National Safe Kids Week
Lakeland Derby Day

EQUALIZATION HEARINGS

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

Demolition of Buildings

Tim McCausland presented the Assessment Roll to the Equalization Board. This roll is attached to the back of these minutes.

Action: Commissioner Verplanck moved to approve the assessments. Commissioner Troller seconded and the motion carried unanimously.

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

APPROVAL OF MINUTES (with any amendments)

- * **City Commission 04/04/08 – 04/07/08**

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

- * **Utility Committee 04/07/08**

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

APPROVAL OF CONSENT AGENDA

- * City Commission Minutes 04/04/08 – 04/07/08
- * Utility Committee Minutes 04/07/08
- * Memo re: Agreement with Lakeland Regional Health Systems, Inc. for Use of Dark Fiber Optic Filaments

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC - None

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 4963; Proposed 08-022; Conditional Use for Chain Link Fence and Scoreboard Structure on Property Located at 1111 Forest Park Street (1st Rdg 4/7/08)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A CHAIN LINK FENCE AND SCOREBOARD STRUCTURE ON PROPERTY LOCATED AT 1111 FOREST PARK 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 Yates seconded.

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

Action: Upon roll call vote Commissioners Yates, Fields, Verplanck, Troller, and Mayor Pro Tem Glenn Higgins voted aye. Ayes: five. Nays: Zero. The motion carried unanimously.

Ordinance 4964; Proposed 08-023; Small Scale Amendment #SS-08-022 to Future Land Use Map Assigning Land Use to .2 Acres Located at 1716 East Edgewood Drive (1st Rdg 4/7/08)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-08-022 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR .2 ACRES LOCATED AT 1716 EAST EDGEWOOD DRIVE, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

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

Action: Upon roll call vote Commissioners Troller, Verplanck, Fields, Yates, and Mayor Pro Tem Glenn Higgins voted aye. Ayes: five. Nays: Zero. The motion carried unanimously.

Ordinance 4965; Proposed 08-024; Change in Zoning for .2 Acres Located at 1716 East Edgewood Drive (1st Rdg 4/7/08)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON .2 ACRES LOCATED AT 1716 EAST EDGEWOOD DRIVE WITHIN THE CITY OF LAKELAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

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

Action: Upon roll call vote Commissioners Yates, Fields, Verplanck, Troller, and Mayor Pro Tem Glenn Higgins voted aye. Ayes: five. Nays: Zero. The motion carried unanimously.

Ordinances (First Reading)

Proposed 08-025; Annexation of Approximately 21 Acres Located North of West Pipkin Road, South of Ralston Road, East of County Line Road and West of the Current City Limits

AN ORDINANCE RELATING TO ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKE LAND, FLORIDA, THAT CERTAIN 21 ACRES LOCATED NORTH OF WEST PIPKIN ROAD, SOUTH OF RALSTON ROAD, EAST OF COUNTY LINE ROAD AND WEST OF THE CURRENT CITY LIMITS; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Action: The Commission did not take action on this item, as it was the first of two public hearings.

Proposed 08-026; Annexation of Approximately 20 Acres Located North of Faye Street, South of Ariana Street, East of Faye Avenue and West of Westgate Avenue South

AN ORDINANCE RELATING TO ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKE LAND, FLORIDA, THAT CERTAIN 20 ACRES LOCATED NORTH OF FAYE STREET, SOUTH OF ARIANA STREET, EAST OF FAYE AVENUE AND WEST OF WESTGATE AVENUE SOUTH; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Action: The Commission did not take action on this item, as it was the first of two public hearings.

Proposed 08-027; Text Amendment #T-08-001 to the Lakeland Comprehensive Plan which Updates the Potable Water Sub-Element and Makes Miscellaneous Related Changes to other Elements

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT

#T-08-001 TO THE LAKELAND COMPREHENSIVE PLAN 2000-2010 AS ADOPTED BY ORDINANCE 4140 TO IMPLEMENT LEGISLATIVE REQUIREMENTS RELATED TO LONG-RANGE WATER SUPPLY PLANNING; MAKING RELATED UPDATES TO THE INFRASTRUCTURE, CONSERVATION, INTERGOVERNMENTAL AND CAPITAL IMPROVEMENTS ELEMENTS OF THE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Celeste Deardorff gave a brief presentation.

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

Action: Commissioner Verplanck moved to transmit the ordinance to the Department of Community Affairs (DCA). Commissioner Yates seconded and the motion carried unanimously.

Proposed 08-028; Text Amendment #T-08-008 to the Future Land Use Element of the Lakeland Comprehensive Plan

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-08-008 TO THE FUTURE LAND USE ELEMENT OF THE LAKELAND COMPREHENSIVE PLAN 2000-2010 AS ADOPTED BY ORDINANCE 4140 TO UPDATE NARRATIVE, ADD AN ILLUSTRATION, UPDATE AND ADJUST ACTIVITY CENTER CRITERIA, AND UPDATE CONCURRENCY MANAGEMENT SYSTEM DESCRIPTION; 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.

Celeste Deardorff gave a brief presentation.

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

Action: The Commission did not take action on this item, as it was the first of two public hearings.

Proposed 08-029; Text Amendment #T-08-009 to Amend the Recreation and Open Space Element of the Lakeland Comprehensive Plan to Correct Certain Text References to Illustrations throughout the Element

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-08-009 TO THE RECREATION AND OPEN SPACE ELEMENT AND THE CAPITAL IMPROVEMENTS ELEMENT OF THE LAKELAND COMPREHENSIVE PLAN 2000-2010 AS ADOPTED BY ORDINANCE 4140 TO CORRECT REFERENCES TO THE ILLUSTRATIONS; 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.

Celeste Deardorff gave a brief presentation.

Tim McCausland asked for comments and there were none.

Action: The Commission did not take action on this item, as it was the first of two public hearings.

Proposed 08-030; Text Amendment #T-08-010 to Update the Comprehensive Plan by Creating a Listing of All Text Amendments to the Plan

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-08-010 TO THE CONTENTS LISTING OF THE LAKELAND COMPREHENSIVE PLAN 2000-2010 AS ADOPTED BY ORDINANCE 4140 TO ADD A LIST OF ADOPTED AMENDMENTS; 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.

Celeste Deardorff gave a brief presentation.

Tim McCausland asked for comments and there were none.

Action: The Commission did not take action on this item, as it was the first of two public hearings.

Proposed 08-031; Text Amendment #T-08-013 to Update Illustration VIII-7, Certification Area Boundary, in the Intergovernmental Coordination Element of the Lakeland Comprehensive Plan

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A TEXT

AMENDMENT #T-08-013 TO UPDATE THE CERTIFICATION AREA ILLUSTRATION WITHIN THE INTERGOVERNMENTAL COORDINATION ELEMENT TO THE LAKELAND COMPREHENSIVE PLAN 2000-2010, AS ADOPTED BY ORDINANCE 4140; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Celeste Deardorff gave a brief update. She requested approval to transmit to DCA.

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

Action: Commissioner Verplanck moved to transmit the ordinance to DCA. Commissioner Yates seconded and the motion carried unanimously.

COMMUNITY REDEVELOPMENT AGENCY - None

CITY MANAGER - None

CITY ATTORNEY

Ordinances (First Reading)

Proposed 08-032; Repealing Ordinance 4956, Small Scale Amendment #SS-07-022

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; REPEALING ORDINANCE 4956, WHICH ADOPTED SMALL SCALE AMENDMENT #SS-07-022 TO THE FUTURE LAND USE MAP; 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 5, 2008.

Proposed 08-033; Amending Section 40.05.01.01 of the Land Development Regulations to Provide for the Appointment of Two Alternate Members to the Zoning Board of Adjustment and Appeals

AN ORDINANCE RELATING TO LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 40.05.01.01 OF THE LAND DEVELOPMENT REGULATIONS TO PROVIDE FOR THE APPOINTMENT OF ALTERNATE MEMBERS TO THE ZONING BOARD OF ADJUSTMENT AND APPEALS; MAKING FINDINGS; FINDING

CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on May 5, 2008.

Resolutions

Resolution 4688; Proposed 08-026; Local Agency Program Agreement with FDOT for Roadway Lighting – North Combee Road from US 92 to Saddle Creek Road

A RESOLUTION AUTHORIZING EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT AND INSTALL HIGHWAY LIGHTING AT SR 659 (NORTH COMBEE ROAD) FROM US 92 TO SADDLE CREEK ROAD; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title

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

Mayor Pro Tem Glenn Higgins 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: five. Nays: Zero. The motion carried unanimously.

Miscellaneous Reports and Communications

Memo re: Memorandum of Understanding with Water Partners, Inc. Relating to Utilization of Reclaimed Water

This was a Memorandum of Understanding (MOU) with Water Partners, Inc. of Tampa, Florida (Water Partners) relating to cooperative efforts to utilize reclaimed water. This MOU created a strategic alliance between the City of Lakeland, City of Tampa, Mosaic Fertilizer, Tampa Electric Company, and Polk County. There were certain volumes of non-reclaimed water from the Tampa and Hillsborough County wastewater systems, which had the potential for beneficial use by the City of Lakeland, Tampa Electric Company, and Polk County. This MOU represented the first step in a process to evaluate this cooperative reclaimed water network and did not require any financial commitment by the City of Lakeland.

Central Florida was facing a long-term challenge relating to the ability of conventional groundwater sources to meet the needs of its growing population requiring the need to explore alternative water supplies. One of the alternatives involved reclaimed water (highly treated wastewater) for irrigation, groundwater recharge or other beneficial uses. Large quantities of unused reclaimed water represented a potential resource for Central Florida. Beneficial uses and economics relating to the use of this reclaimed water warranted consideration by the interested parties (Tampa Electric Company, Lakeland, Mosaic, and Polk County). A schematic of this regional reclaimed water system and the various participant locations was attached as an exhibit to the proposed MOU for reference. Water Partners had completed preliminary design of a system to transport a portion of the reclaimed water to Tampa Electric Company (6 million gallons per day). This project made the transportation of additional reclaimed water to inland customers more cost-effective. The MOU with Water Partners confirmed the interest of the various parties in this regional project and participants expected it to launch a feasibility study relating to service of Lakeland and Polk County. Water Partners indicated that the reclaimed water quantity might exceed 9 million gallons per day, which would meet a significant portion of future needs. The most effective use of this reclaimed water, either as direct potable demand offset using irrigation or as a credit system to enable greater groundwater withdrawals, would be determined by later analyses and study. The Polk County Board of County Commissioners approved a Memorandum of Understanding with Water Partners on March 19, 2008.

Staff expected that Water Partners would pursue grant funding from the Southwest Florida Water Management District for the preliminary feasibility study on the expanded reclaimed water network. However, staff expected that the City of Lakeland would be required to fund a proportionate share of the costs, once the participants, scope of work, costs, and grant assistance were better defined. Participation in this study, expenditure of funds or a firm commitment to the project was not required by the Memorandum of Understanding and would be included in future agreements. This agreement may be terminated with 60 days written notice.

Staff recommended that the Commission authorize the appropriate City officials to execute this Memorandum of Understanding.

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: Agreement with Tetrattech, Inc. for Engineering Services for Rehabilitation of T. B. Williams Water Plant Filters

This Engineering Services Agreement with Tetrattech, Inc. was for the design, bidding, and construction phase services related to the rehabilitation of the existing filters at the T.B. Williams Water Treatment Plant. The filter coating and media have reached the end of their useful lives, necessitating removal, repair, and replacement to protect the structures and sustain potable water quality. The City requested engineering proposals under the Consultants Competitive Negotiations Act (Chapter 287.055 Florida Statutes.) with the evaluation committee finding Tetrattech, Inc. to be the highest-ranking proposer.

Staff negotiated a fee of \$158,613.00 to address anticipated services through project completion. Staff predicted the project duration at 470 calendar days with the approximated construction at \$1,000,000.00. Detailed engineering cost predictions would be developed upon completion of the design phase. The City had not rehabilitated the gravity water filters in the T.B. Williams Water Treatment Plant since approximately 1999 and had been in daily use for this entire period. The interior coatings on the filter structure, the filtering media and the under drain piping would be replaced to preserve the structural integrity, improve water plant operations and sustain finished water quality. Due to the unique nature of this work, the specialized knowledge needed to ensure proper installation of the coatings and the requirement to maintain water production operations during construction, the Water Utilities Department is recommending use of an engineering consultant for this project. While two other engineering consultants responded to the request for proposals (Boyle Engineering Corp., of Newport Beach California with offices in Orlando and Tampa Florida, and Dyer, Riddle, Mills & Precourt, Inc. of Orlando Florida), Tetrattech, Inc. was deemed the most qualified engineering consultant to handle this project. Tetrattech, Inc. would provide engineering support for design, bidding, and construction phases of this project, including the development of a detailed engineering cost estimate prior to bidding. Staff anticipated the project construction to commence in 230 days with completion 240 days thereafter (total project duration of 470 days).

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

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: Agreement with Turbogenix, Inc. for Installation of Waste Heat Recovery Generation System at Glendale Wastewater Treatment Plant

This Agreement with Turbogenix, Inc. was for the installation of a waste heat recovery generation system at the Glendale Wastewater Treatment Plant. The Glendale plant treated wastewater through an anaerobic digestion process. A by-product of this treatment process was methane gas. Since the commissioning

of Glendale in 1927, the City has burned or flared this gas to eliminate the hazard of explosion. Turbogenix was a privately held corporation that manufactured and installed systems that capture the energy from gas produced by processes such as Glendale's and converted the energy into electricity.

Under the Agreement, Turbogenix would install a demonstration waste heat recovery generator at Glendale, as well as all piping and other appurtenances necessary for the operation of the system. The City would reimburse Turbogenix for the installation costs in an amount not to exceed \$150,000. All electricity generated by the system would go to Glendale at no cost. Staff estimated that the system would pay for itself in two years through electricity cost savings. The initial Agreement was for two years.

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

Doug Thomas presented this item to the Commission.

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

FINANCE DIRECTOR

AUDIENCE

David Pendry, retiree, came forward. He asked if Doug had established the COLA committee (pension task force). Doug Thomas had some members appointed and he was waiting for a few more names. Mr. Pendry asked about the Gasby Report. Doug explained they received analysis from Gallagher. The result was close to the city's estimated cost. Mr. Pendry asked if Doug was in the pension system. Doug was in the defined contribution program set up by the City. The City and the employee contribute to that fund.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Troller recognized the Kelly Recreation employees that won the Dodge Ball Tournament. He recognized the Police K-9 Unit that took 1st Place at the USPCA Trials. He thanked John Dubose and staff for their work at the airport relating to Sun 'n Fun. He acknowledged expansion at Florida Baptist Children's Home.

Commissioner Verplanck acknowledged that Diane Allen was going to work for FEMA.

Mayor Pro Tem Glenn Higgins announced that Commissioner Wiggs was out of town and Mayor Fletcher was absent due to the passing of his son. He encouraged everyone to remember the Fetters in prayer.

Mayor Pro Tem Glenn Higgins announced the 100th Anniversary for Munn Park as adopted by Ordinance 97 on April 18, 1908.

Commissioner Verplanck pointed out that a new sign on Sykes Bl identified Lime Street as Lime Avenue. Doug Thomas will have it corrected.

Recess/reconvene: The Commission recessed at 10:17 a.m. until after Utility Committee. The Commission reconvened at 2:40 p.m.

The Lakeland City Commission reconvened in Regular Session in the Commission chambers. Commissioners Justin Troller, Jim Verplanck, Gow Fields, Edie Yates, and Mayor Pro Tem Glenn Higgins were present. Commissioner Howard Wiggs and Mayor Fletcher were absent. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch, and City Clerk Kelly Koos were present.

Resolution 4689; Proposed 08-027; Authorizing Execution of Documents for Prepay Gas Contract with Main Street Natural Gas, Inc.

A RESOLUTION OF THE CITY OF LAKELAND, FLORIDA, AUTHORIZING THE PURCHASE OF NATURAL GAS FROM MAIN STREET NATURAL GAS, INC.; REPEALING RESOLUTION 4650; APPROVING THE EXECUTION, DELIVERY AND PERFORMANCE OF A NORTH AMERICAN ENERGY STANDARDS BOARD (NAESB) BASE CONTRACT FOR SALE AND PURCHASE OF NATURAL GAS FROM MAIN STREET NATURAL GAS, INC.; PROVIDING CERTAIN OTHER DETAILS WITH RESPECT THERETO; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title. He directed Commission attention to Sec 5 that sets the limits for the contract price for the gas. The Utility Committee recommended that the contract price for the gas shall be not less than \$.80/MMBtu below the Spot Price.

Action: Commissioner Verplanck moved to approve the resolution at \$.80. Commissioner Yates seconded and the motion carried four to one with Commissioner Troller voting nay.

UTILITY - CONSIDERED AFTER 1PM UTILITY COMMITTEE MEETING

- * **Memo re: Agreement with Lakeland Regional Health Systems, Inc. for Use of Dark Fiber Optic Filaments**

This was a Fiber Optic (Dark Fiber) License Use Agreement with Lakeland Regional Health Systems, Inc. on behalf of Lakeland Regional Medical Center (LRMC). This agreement was of the same form and format of the two previous dark fiber leases with LRMC wherein LRMC leased four (4) Dark Fibers from the City of Lakeland. Since 2002, LRMC leased dark fibers from the City of Lakeland as a means of providing data services from the hospital to its offices/satellite facilities.

Agreements in 2002 provided connectivity to the new Cancer Center on North Lakeland Hills Boulevard, and later, the Marble Arcade downtown. Recently, LRMC acquired use of the former Holland and Knight property on Harden Boulevard and approached the City about fiber to that site. The agreement was of the same form and format as previous agreements with LRMC. Costs borne by LRMC were broken out into three (3) categories; (1) fiber construction, (2) connectivity/make-ready, and (3) lease of the dark fiber. For the new facilities along Harden Boulevard, LRMC would pay a construction fee of \$27,900.00 to install fiber optic cable, \$3,500 for make-ready and connectivity, and \$27,840 annually, in advance, for lease of the four fibers. (The formula for this rate was \$100.00 per fiber, per mile, per month on a 5.8-mile route for 4 fibers, or \$100.00/fiber-mile x 4 fibers x 5.8 miles x 12 months/year.) Other points of note include:

- * Term – Three (3) years initial term, with renewals until terminated by providing ninety (90) days notice.
- * LRMC may not resell, sub-license, nor otherwise convey to any third party or entity use of Lakeland's fiber

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

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

Memo re: Lime By-Product Agreement with Gainesville Regional Utilities

This was the First Modification and Termination Agreement to the existing lime by-product contract with Gainesville Regional Utilities (GRU). Since the mid 90's, Lakeland Electric has had a contract with Gainesville and several other cities to accept and remove all of the lime by-product waste from their water treatment facilities. The calcium carbonate sludge, a by-product of the water softening process, was useful as a re-agent in the scrubbers on McIntosh Unit #3. The relationship was mutually beneficial for years. A process change at McIntosh, called the forced oxidation project, made it necessary to acquire a higher-grade material for the scrubbers and the contract became unnecessary. Gainesville incurred certain costs in finding another outlet for the material and transporting it. The two parties negotiated a release and settlement of the contract. The modification provided for an immediate termination of the contract with neither

party having any further obligations under the contract. Lakeland would share in GRU's costs to mitigate in the amount of \$254,353.00.

Staff recommended that the Commission authorize the appropriate city officials to execute the Modification and Termination Agreement.

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 – 2:42 p.m.

Glenn E. Higgins, Mayor Pro Tem

Kelly S. Koos, CMC, City Clerk

**NOTICE OF ASSESSMENT(S) AGAINST PROPERTY FOR REMOVAL OF DILAPIDATED AND
HAZARDOUS BUILDINGS**

Notice is hereby given that assessment(s) have been entered against the following lot(s) and parcel(s) of land in the City of Lakeland, Florida, as provided by Resolution No. 4677 of the City Commission duly adopted on the 21st day of April, 2008, said assessment(s) being payable within 30 days, with interest at the rate of 8 percent per annum as hereinafter specifically set forth.

| OWNER/PARCEL ID LEGAL DESCRIPTION | ASSESSMENT |
|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| John Carr 072824168300001230 1502 West Ln. Lakeland, Florida 33805 LAKELAND HILLS PB 34 PG 11 BLK 1 LOT 23 | \$4,100.00 |
| Louis Grimes 142823000000041110 1761 W. Chase St. Lakeland, Florida 33815 BEG 30 FT N & 530 FT E OF SW COR OF NE1/4 OF SW1/4 RUN N 190 FT E | \$3,350.00 |
| Atlantic Capital Associates 122823056500003032 518 W. 1st St. Lakeland, Florida 33805 NORTH LAKELAND DB 71 PG 144 BLK C LOT 2 W1/2 | \$4,060.00 |
| Home Investors Group Inc 122823036500004040 612 W. 7th St. Lakeland, Florida 33805 STEPHENS & ADAMS HIGH SCHOOL ADDITION PB 31 PG 28 BLK D | \$3,575.00 |
| TOTALS | \$15,085.00 |