

LAKELAND CITY COMMISSION
October 6, 2008

The Lakeland City Commission met in Regular Session 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, Finance Director Greg Finch, and City Clerk Kelly Koos were present.

CALL TO ORDER - 9 a.m.

INVOCATION

Pastor Roger Jahn of Calvary Chapel Lakeland and Chaplain for the Lakeland Fire Department offered the invocation followed by the salute to the flag.

PRESENTATIONS

Lakeland Fire Department – Urban Search and Rescue (Chief Mohler & Lt. Lastinger)

PROCLAMATION - Fire Prevention Week

Chief Mohler announced the Fire Department Open House October 11, 2008 from 10 a.m. until 2p.m. at Station #1 on Lake Mirror.

Beautification Awards

Commercial: 704 Johnson Avenue – Palm Apartments
Residential: 214 Eunice Road – John & Karen Marker

Frankie Martin and Eileen Clawson presented these awards. The Beautification Board was established in 1965 and had given 382 awards. They host a garden lecture on the 1st & 3rd Mondays at the public library.

Above and Beyond Award

Karen Lukhaub presented the award to Fred Henderson. Mr. Henderson assisted a motorcyclist after a crash and ensured the paramedics knew the crash victim was a diabetic.

EQUALIZATION HEARINGS – 9:30 AM

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

Tim McCausland presented assessments to the Equalization Board. A copy of these assessments is attached to the back of these minutes.

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

Mayor Fletcher asked for comments. 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

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

Employee Service Awards

10 Years

Faulkner, David C	09-13-1998	Water Utilities
Green, Todd E	09-08-1998	Electric Utilities
Marple, Julian C	09-28-1998	Public Works
Riffe, Terrance L	09-08-1998	Public Works
Stemper, Todd	09-14-1998	Information Technology
Whitt, Betsy L	09-14-1998	Finance

20 Years

Grantham, T Marc	09-26-1988	Water Utilities
Jones Sr, Tommy A	09-19-1988	Public Works
Key, Darrell S	09-20-1988	Water Utilities
Moody, Richard	08-02-1988	Electric Utilities
Patchell II, William E	09-05-1988	Water Utilities
Shaver, Debra D	09-01-1988	Information Technology
Shiver, Sheldon	09-26-1988	Information Technology
Weston, Jane D	09-06-1988	Electric utilities

25 Years

Polston, Richard R	09-26-1983	Water Utilities
Sanders, Bruce L	09-12-1983	Electric Utilities

35 Years

Fetz, Rodney D	09-24-1973	Lakeland Electric
Lokken, Timothy J	09-10-1973	Water Utilities
Murphy, William L	09-17-1973	Fire Dept.

Mayor Fletcher and Doug Thomas presented these awards.

PROCLAMATIONS

Alpha Delta Kappa Month
Community Planning Month
Public Power Week
Red Ribbon Month
World Habitat Day

APPROVAL OF MINUTES (with any amendments)

***City Commission 09/12/08 – 09/15/08**

***Utility Committee 09/15/08**

Municipal Boards & Committees 10/03/08

The Municipal Board Committee met in the Commission conference room after the Agenda Study Session. Commissioners Glenn Higgins and Jim Verplanck (members) and Commissioner Edie Yates (chair) were present.

Commissioner Yates called the meeting to order at 9:59 a.m.

Beautification Board

Recommendation from Brian Dick to reappoint John King and Frankie Martin for a second three-year term, which will expire September 30, 2011.

Recommendation from Brian Dick to appoint Martha Barrett to replace position vacated by Michelle Githens. If appointed, Ms. Barrett will serve a three-year term, which will begin September 30, 2008.

Zoning Board of Adjustment and Appeals

Recommendation from Steve Bissonnette to appoint Frank Lansford for a three-year term, which will begin October 6, 2008. Mr. Lansford will serve as an alternate on the Board. Jimmy Waller recommended Frank for the appointment.

Affordable Housing Advisory Committee

Recommendation from Annie Gibson to appoint R. Kolade Ladapo to fill the position of "advocate for low income persons" vacated by Debra Wright. If appointed, Mr. Ladapo would fill a three-year term beginning October 6, 2008. Herb Hernandez referred this appointment.

Employees Pension Plan Board of Trustees

Recommendation from Jennifer Kerr to appoint Tim Hart to fill existing vacancy on board. If appointed, Mr. Hart would serve a three-year term beginning October 6, 2008.

Civil Service Board

Recommendation from Tommy Hamrick to appoint Bruce Abels to fill a two-year term beginning October 9, 2008. Tim McCausland explained the six would now have to choose a seventh member. David Hand and Hollis Hooks have agreed to be considered. He asked the Commission to let him know if they would like to recommend anyone else.

Recommendation: After the review of each recommendation, Commissioner Verplanck moved to approve the appointments. Commissioner Higgins seconded and Commissioner Yates concurred.

The Municipal Boards Committee adjourned at 10:03 a.m.

Commissioner Yates presented these minutes to the Commission.

Action: The Commission approved the minutes unanimously.

APPROVAL OF CONSENT AGENDA

All items listed with an asterisk (*) were considered routine by the City Commission and were enacted by one motion. There was no separate discussion of these items unless a City Commissioner or Citizen so requested, in which event the item was removed from the consent agenda and considered in its normal sequence.

- * **City Commission 09/12/08 – 09/15/08**
- * **Utility Committee 09/15/08**
- * **Memo re: Determining Hearing Date for Notice of Proposed Change - Oakbridge Development of Regional Impact**
- * **Memo re: Consideration of Request for Extension of Closing Date on Lot 4, Lakeland Airpark Subdivision**
- * **Memo re: Agreement for Software License with Syclo, LLC**

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

REQUESTS TO APPEAR FROM THE PUBLIC

Otis Preston, Citizens Advisory Committee Chairperson, and Steve Bissonnette, Community Development – Presenting Community Service Funding Recommendations for FY2008-2009 General Fund Grant Program

Steve Bissonnette and Annie Gibson came forward to make this recommendation.

Commissioner Verplanck asked about Writers Inc. Annie Gibson explained that Writers Inc was a small non-profit that provided after school activities.

Commissioner Verplanck inquired about Polk County and CDBG Seed money for the problems with foreclosures.

Commissioner Higgins said that Senator Martinez was at a meeting Saturday and the City of Lakeland would get \$2 million and Polk County would get \$14 million to help with foreclosures.

Brian Rewis explained that money was in the neighborhood stabilization area. Staff was working to discover how the City would be able to use that money. This money was not to help homeowners in foreclosure. This money was to help local governments buy houses that were already foreclosed, refurbish and then resell them back into the community. They should be able to identify strategies over the next six weeks. Staff would bring those plans back to the Commission before they submit their application to HUD.

Chuck Aiken, 2008 Politics in the Park Chair re Chamber of Commerce's Politics in the Park event

Mr. Aiken displayed the poster for Politics in the Park and read the press release for the event.

PUBLIC HEARINGS

Ordinances (Second Reading)

Proposed 08-063; Amendment to Police Officers' Defined Benefit Retirement Fund (1st Rdg 8/4/08, Contd 8/18/08, 9/2/08, & 9/15/08)

Action: Commissioner Higgins moved to continue the Public Hearing to October 20, 2008. Commissioner Yates seconded and the motion carried unanimously.

Ordinance 5022; Proposed 08-091; Establishing PUD Zoning for Southeastern University Located North of North Crystal Lake Drive, East of Little Lake Bonny, West of Lowry Avenue, and South of Lake Holloway Boulevard (1st Rdg 9/15/08)

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR PUD ZONING FOR SOUTHEASTERN UNIVERSITY LOCATED NORTH OF NORTH CRYSTAL LAKE DRIVE, EAST OF LITTLE LAKE BONNY, WEST OF LOWRY AVENUE AND SOUTH OF LAKE HOLLOWAY BOULEVARD; PROVIDING CONDITIONS; REPEALING ORDINANCES 3628, 4112, AND 4283; 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 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

Ordinance 5023; Proposed 08-092; Conditional Use for a Gunsmith Shop on Property Located at 230 Lake Parker Avenue (1st Rdg 9/15/08)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A GUNSMITH SHOP ON PROPERTY LOCATED AT 230 LAKE PARKER AVENUE; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 5024; Proposed 08-093; Conditional Use for Daycare Center for the Elderly on Property Located at 705 Lake Parker Avenue (1st Rdg 9/15/08)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A DAYCARE CENTER FOR THE ELDERLY ON PROPERTY LOCATED AT 705 LAKE PARKER AVENUE; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Motion: Commissioner Verplanck moved to approve the ordinance. 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

Ordinances (Emergency Adoption)

Ordinance 5025; Proposed 08-094; Health Care Reimbursement Trust

AN ORDINANCE RELATING TO THE CITY OF LAKELAND, FLORIDA, ESTABLISHING A HEALTH REIMBURSEMENT ARRANGEMENT PLAN FOR ITS ELIGIBLE RETIREE EMPLOYEES; MAKING FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Miscellaneous

Memo re: Development Agreement for Property Located on State Road 33 Within the Bridgewater Development of Regional Impact

This was a Development Agreement with the developers of the Bridgewater DRI providing for concurrency vesting for certain proposed uses. The developers and proposed uses were as follows:

Bridgewater Lakeland Developers, LLC (Villages at Bridgewater)

- 470 single-family residential units
- 300 multi-family residential units
- 10,000 square feet of retail

I-433 Venture, LLC (Interstate 4/SR 33 Interchange, north of First Park)

- 75,500 square feet of retail
- 50,000 square feet of highway commercial

Long Lake Venture, LLC (adjacent to Landings at Long Lake)

- 372 multi-family units

Based upon a traffic study, certain off-site mitigation measures were necessary to meet concurrency requirements for these uses. The mitigation measures included:

- Widening SR 33 to four-lanes from just west of the Old Combee/Melody Lane intersection to a point just east of the Old Combee/Deeson Pointe intersection;
- Adding a second northbound left-turn lane on Old Combee Road at the SR 33/Deeson Pointe Boulevard intersection;
- Modifying the southbound approach to the Old Combee Road/Melody Lane intersection to allow left-turns from the lane currently designated for only through and right-turn movements; and
- Contributing \$125,179 towards the cost to signalize the SR 33/Interstate 4 interchange (Exit 38) if warrants were met and/or the City has obtained the remaining balance to complete the project.

Under the Development Agreement, in exchange for constructing and/or financing the above transportation improvements, the City would grant the developers transportation concurrency vesting for the listed uses and grant impact fee credits equaling the costs of the improvements. The total estimated cost of the improvements was \$1,825,179.

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

Tim McCausland presented this item to the Commission.

Mayor Fletcher asked for comments and there were none.

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

COMMUNITY REDEVELOPMENT AGENCY - None

CITY MANAGER - None

CITY ATTORNEY

Ordinances (First Reading)

Proposed 08-095; Creating A Section of the Lakeland City Code Related to Truancy

AN ORDINANCE RELATING TO TRUANCY; MAKING FINDINGS;
CREATING SECTION _____ OF THE CODE OF THE CITY OF

LAKELAND; PROVIDING A STATEMENT OF PURPOSE AND DEFINITIONS; PROVIDING EXCEPTIONS; PROVIDING FOR THE TAKING OF TRUANTS INTO CUSTODY; PROVIDING FOR TRANSPORTATION OF TRUANTS TO APPROPRIATE SCHOOL SYSTEM SITE; PROVIDING FOR RELEASE OF TRUANT TO PARENT, GUARDIAN, LEGAL CUSTODIAN AND REPORT TO STATE OF FLORIDA DEPARTMENT OF JUVENILE JUSTICE; PROVIDING FOR PENALTIES; PROVIDING FOR REPAYMENT OF COSTS OF ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 20, 2008.

Proposed 08-096; Conditional Use for a Bank in an Existing Building Located at 1817 Crystal Lake Drive and Additional Off-Street Parking Located at 1416 Meadowbrook Avenue

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A BANK IN AN EXISTING BUILDING LOCATED AT 1817 CRYSTAL LAKE DRIVE AND ALLOWING ADDITIONAL OFF-STREET PARKING LOCATED AT 1416 MEADOWBROOK AVENUE; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 20, 2008.

Proposed 08-097; Conditional Use for Off-Street Parking on .46 Acres at 211 and 219 West Lane to Serve Adjacent Office Building and Restaurant; Repealing Ordinance 4420

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR OFF-STREET PARKING ON PROPERTY LOCATED AT 211 AND 219 WEST LANE; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 20, 2008.

Proposed 08-098; Conditional Use for a Driveway and Parking on .08 Acres Located at 1602 South Florida Avenue

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A DRIVEWAY AND PARKING ON .08 ACRES LOCATED AT 1602 SOUTH FLORIDA AVENUE; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 20, 2008.

Proposed 08-099; Change in Zoning on .12 Acres Located at 1602 South Florida Avenue

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON .12 ACRES LOCATED AT 1602 SOUTH FLORIDA AVENUE WITHIN THE CITY OF LAKE LAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKE LAND, 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 October 20, 2008.

Proposed 08-100; Establishing PUD Zoning for an Office/Light Industrial Park on 48.6 Acres Located West of Kathleen Road, Approximately 400 Feet South of Sleepy Hill Road

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR PUD ZONING ON 48.6 ACRES LOCATED WEST OF KATHLEEN ROAD, APPROXIMATELY 400 FEET SOUTH OF SLEEPY HILL ROAD; 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 October 20, 2008.

Proposed 08-101; Amending Ordinance 4592, As Amended; Modifying Dixieland Special Public Interest Zoning District Overlay to Allow Residential Uses Above the First Floor in O-1 and C-2

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4592, AS AMENDED; MODIFYING THE SPECIAL PUBLIC INTEREST ZONING DISTRICT WITHIN THE DIXIELAND COMMUNITY REDEVELOPMENT AREA LOCATED SOUTH OF EAST WALNUT STREET AND NORTH OF LENOX STREET TO ALLOW RESIDENTIAL USES ABOVE THE FIRST FLOOR IN O-1 AND C-2 ZONING CLASSIFICATIONS; 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 October 20, 2008.

Proposed 08-102; Small Scale Amendment #SS-08-019 to Future Land Use Map on an Existing Cold Storage Distribution Warehouse Located at 2505 Knights Station Road

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-08-019 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR AN EXISTING COLD STORAGE DISTRIBUTION WAREHOUSE LOCATED AT 2505 KNIGHTS STATION ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 20, 2008.

Proposed 08-103; Change in Zoning on an Existing Cold Storage Distribution Warehouse Located at 2505 Knights Station Road

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON AN EXISTING COLD STORAGE DISTRIBUTION WAREHOUSE LOCATED AT 2505 KNIGHTS STATION ROAD 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.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 20, 2008.

Proposed 08-104; Small Scale Amendment #SS-08-020 to Future Land Use Map on 4.54 Acres Located North of Interstate 4, East of North Road 98, South of Crevasse Street

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-08-020 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 4.54 ACRES LOCATED NORTH OF INTERSTATE 4, EAST OF NORTH ROAD 98, SOUTH OF CREVASSE STREET, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 20, 2008.

Proposed 08-105; Change in Zoning on 4.54 Acres Located North of Interstate 4, East of North Road 98, South of Crevasse Street

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 4.54 ACRES LOCATED NORTH OF INTERSTATE 4, EAST OF NORTH ROAD 98, SOUTH OF CREVASSE STREET 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.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 20, 2008.

Proposed 08-106; Amending Ordinance 3765, As Amended; To Add and Conform Existing Designations on 4.54 Acres Located North of Interstate 4, East of North Road 98, South of Crevasse Street

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 3765, AS AMENDED, WHICH ESTABLISHED A SPECIAL PUBLIC INTEREST ZONING DISTRICT CLASSIFICATION AND REGULATIONS FOR PROPERTY LOCATED EAST OF US 98 NORTH, SOUTH OF CREVASSE STREET AND NORTH OF INTERSTATE 4; ADDING ADDITIONAL ADJACENT PROPERTY, SPECIFYING ADDITIONAL CONFORMING USES; 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 October 20, 2008.

Proposed 08-107; Small Scale Amendment #SS-08-021 to Future Land Use Map on 1.07 Acres Located North of Interstate 4, East of North Road 98, South of Crevasse Street

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-08-021 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 1.07 ACRES LOCATED NORTH OF INTERSTATE 4, EAST OF NORTH ROAD 98, SOUTH OF CREVASSE STREET, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 20, 2008.

Proposed 08-108; Change in Zoning on 1.07 Acres Located North of Interstate 4, East of North Road 98, South of Crevasse Street

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 1.07 ACRES LOCATED NORTH OF INTERSTATE 4, EAST OF NORTH ROAD 98, SOUTH OF CREVASSE STREET 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.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on October 20, 2008.

Proposed 08-109; Amending Ordinance 3765, As Amended; To Add 1.07 Acres Located North of Interstate 4 East of North Road 98, South of Crevasse Street

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 3765, AS AMENDED, WHICH ESTABLISHED A SPECIAL PUBLIC INTEREST ZONING DISTRICT CLASSIFICATION AND REGULATIONS FOR PROPERTY LOCATED EAST OF US 98 NORTH, SOUTH OF CREVASSE STREET AND NORTH OF INTERSTATE 4; ADDING

ADDITIONAL ADJACENT PROPERTY; 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 October 20, 2008.

Resolutions

Resolution 4719; Proposed 08-058; Lots Cleaning and Clearing

A RESOLUTION RELATING TO ASSESSMENTS; DETERMINING THE NECESSITY FOR HAVING CLEANED AND CLEARED CERTAIN PROPERTY WITHIN THE CITY OF LAKE LAND; 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 Yates 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

Resolution 4720; Proposed 08-059; Approval of Southwest Lakeland Sector Plan

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO COMMUNITY DEVELOPMENT; MAKING FINDINGS; ADOPTING A SECTOR PLAN FOR THE GREATER SOUTHWEST LAKE LAND AREA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Bruce Kistler, Manager of Planning, gave a presentation on the plan. Staff created a 4-page color-coded brochure so that citizens could understand the plans for the area without reading the planning documents.

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

Mayor Fletcher asked for comments.

Commissioner Yates asked for an explanation on the required aviation easements.

Bruce explained this was a notice to property owners that there was an airport in their vicinity to forestall any lawsuits based on the noise of the airport.

Commissioner Yates thought that if the brochure was going to the public it should explain the aviation easement.

Justin Troller asked about moving the new fire station forward as more people move to that area.

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: Determining Hearing Date for Notice of Proposed Change - Oakbridge Development of Regional Impact**

The Drummond Company, the developers of the Oakbridge DRI, recently submitted a notice of proposed change to the City outlining changes planned for the DRI. The changes were generally necessary to allow for a shifting of some retail square footage within the northwest quadrant of the DRI; this would permit a new pharmacy to locate within Lakeside Village. Additional changes allowed for flexibility in the final mix of hotel and restaurant uses in the southwest quadrant. Under Florida Statutes, the City must set a hearing date to determine whether the proposed changes constitute a substantial deviation to the DRI requiring further review.

Staff recommended that the hearing be set for October 20, 2008.

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

- * **Memo re: Consideration of Request for Extension of Closing Date on Lot 4, Lakeland Airpark Subdivision**

The Ruthven Group, who had a contract on Lot 4 in the Lakeland Airpark Subdivision, requested an extension to the closing period of six months, from January 20, 2009 until July 20, 2009. The extension would allow the parties additional time to continue the discussions with the Federal Aviation Agency regarding its desire to have input related to the sales price for Lot 4.

Staff recommended that the City Commission authorize the appropriate City officials to execute the necessary documents to grant this six-month extension for the closing period for Lot 4 at the Lakeland Airpark Subdivision.

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

* **Memo re: Agreement for Software License with Syclo, LLC**

This was a proposed License Agreement between the City and Syclo, LLC for software, documentation, and maintenance services. This Agreement would support the Water Utilities, Wastewater Division's technology project for mobile work management. The City of Lakeland's Water Utilities, Wastewater Division had been using a mobile work order system since 2004. This was a custom application written and maintained by City of Lakeland IT personnel. However, the current version did not provide support for job plans and safety plans uploaded to mobile clients.

In 2006, Wastewater purchased five licenses for a mobile work order solution provided through Syclo from a third party reseller. This application was an industry standard product supported by professionals that were proficient with the product. The additional licenses would enable the mobile work force to utilize this tool to ensure services occur in a more efficient manner. This mobile solution would be utilized by the Wastewater Collection Group, comprised of Wastewater Line Maintenance, Wastewater Pumping Stations, Wastewater Industrial Pretreatment, and Wastewater Maintenance Support.

The term of this License Agreement for an additional 20 seats was for a 50-year period, which would contain corresponding updates unless the City terminated or did not renew and shall commence upon approval by the City Commission. The License Agreement will grant the City use of Syclo's SMART Work Manager for Maximo application with or without participation in the annual maintenance renewal. The total expenses associated with this Agreement would be \$50,400 for year one and approximately \$8,400 for subsequent years of maintenance renewal.

Wastewater Maintenance Support provided equipment maintenance support for all sections of the Wastewater Division. Use of this product would allow more effective and efficient tracking of this Division's maintenance activities. Using an industry standard product also provided access to updates and enhancements as the Wastewater industry changes.

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: Equipment Lease Agreement for Street Sweepers with 1st Source Bank

This proposed Lease Agreement and corresponding documents between the City and 1st Source Bank was for street sweeping equipment for the City's Public Works Construction and Maintenance Division to clean debris and sediment off City Streets. The City evaluated four types of street sweepers during a competitive bid process. Following this evaluation, the Elgin Brand Street Sweeper, produced by Environmental Products of Florida, was determined to not only perform best, but was the lowest cost to the City of all the equipment evaluated.

The City would finance the Elgin Brand Street Sweepers through First Source Bank for a period of three (3) years commencing on approval by the City Commission. The Lease Agreement covered the cost for Environmental Products of Florida to provide full maintenance and specialized training for mechanics to repair the street sweeping equipment. The annual payment for this Lease would be \$179,212, for a total of \$537,636 over the three-year lease period, funded out of the storm water utility budget.

This Lease Agreement will enable the City to meet best management practice standards under the National Pollution Discharge Elimination System (NPDES), enacted through the Clean Water Act, which recognized "street sweeping" as a best management practice.

Staff recommended that the Commission authorize the appropriate City officials to approve this Lease Agreement for street sweepers with 1st Source Bank.

Tim McCausland presented this item to the Commission.

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

FINANCE DIRECTOR**Appropriation and Increase in Estimated Revenue – Public Improvement Fund**

The City was expanding the main facility at the Kelly Recreation Complex.

Demolition of the existing facility exposed various structural deficiencies in the existing building that the City must remedy to support the current expansion project. The estimated cost associated with correcting the structural deficiencies was \$75,000. Because the costs were related to expansion of the facility, they qualify for funding from the Parks & Recreation District 2 Impact Fee Fund.

Staff requested that the City Commission authorize an appropriation in the amount of \$75,000 in the Public Improvement Fund, with an offsetting increase in estimated revenues of \$75,000 from the Parks & Recreation District 2 Impact Fee Fund.

Greg Finch presented this item to the Commission.

Commissioner Troller asked what the City would have to sacrifice for the needed \$75,000.

Doug Thomas explained that the dollars for impact fees pay for projects. It did not appear the City would have to delay any projects for this change.

Commissioner Wiggs asked about the cause of the deficiencies.

Greg Finch understood that there were actually footers missing.

The group discussed the different remodels that occurred under previous owners.

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

Appropriation and Increase in Estimated Revenue – Fleet Depreciation Reserve Fund and Lakeland Electric Fund

Vehicle #841402, an alternate fuel 2006 Chevrolet Silverado assigned to Lakeland Electric, was involved in an accident on July 26, 2008. The vehicle was scheduled for replacement in 2014 and as of September 30, would have \$7,236 available in the Fleet Depreciation Reserve Fund. The cost to replace this unit was \$19,000. This unit was a total loss.

As this unit was a total loss, staff requested a replacement vehicle. Because sufficient funds were not yet available in the reserve to finance this purchase, an appropriation for the difference of \$11,764 and a budget adjustment of \$7,236 were necessary to accommodate the required funding.

Staff requested that the City Commission approve a budget transfer from the Fleet Management Depreciation Reserve Fund to the Fleet Management Fund in the amount of \$7,236 and an appropriation and increase in estimated revenues of \$11,764 from the Lakeland Electric Fund representing the difference between the replacement cost of the vehicle and amount to be received from the Fleet Depreciation Reserve transfer.

Greg Finch presented this item to the Commission.

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

AUDIENCE - None

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Yates said her firm participated last year on a habitat house. Her staff still talked about how much fun they had. It was a great way for employees to work together and do something for their community.

Commissioner Verplanck asked about the status of the red light running project. Tim McCausland explained they have selected a vendor they were working on a project and expected to bring an ordinance for first reading on October 20, 2008.

Commissioner Troller thanked Kelly Koos and Jennifer Stovall for updating the website with the meeting minutes for the year. It would be more helpful for the community.

Recess/reconvene: The Commission recessed at 10:56 a.m. until after the Utility Committee meeting. The Commission reconvened at 2:38 a.m.

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

UTILITY - CONSIDERED AFTER 1PM UTILITY COMMITTEE MEETING

Memo re: Agreement with Sun Edison LLC for the Development / Implementation of a Solar Photo Voltaic Program

This was a proposed Agreement between the City and Sun Edison LLC. In November 2007, the City issued a Request for Proposal (RFP) #7346 seeking qualified and experienced investors, vendors, and contractors to provide Lakeland Electric with options for expansion of its solar renewable energy program.

Prospective bidders were encouraged to consider a variety of potential service options including: 1) Vendor/Contractor installation of residential metered solar water heaters; 2) Vendor/Contractor financing, equipment, installation and maintenance of residential solar water heating systems; and 3) Investor/Vendor/Contractor installation, ownership and operation of PV systems up to 24 MW of the total capacity in Lakeland Electric's service territory with the

sale of metered energy back to Lakeland Electric via a Purchase Power Agreement.

Sun Edison LLC expressed an interest in the third option noted above and was evaluated to be the most responsive bidder. Through a Master Agreement, Sun Edison would provide and maintain turn-key commercial and utility scale solar energy systems up to 2 MW each and commercial customer-sited systems up to 500 kW each. Staff anticipated hitting the target aggregate capacity of 24 MW for both types within 10 years, with the initial capacity coming on line in 2009.

In accordance with the Agreement, Lakeland would be required to:

- Assist Sun Edison with finding suitable sites including permits, permissions and access
- Manage customer billing
- Handle customer inquiries and maintain customer relationships
- Market and advertise the PV program
- Enter into 20 year Solar Energy Purchase Agreements (SEPA's) with Sun Edison in a form and format approved through the Master Agreement with Sun Edison to pay for the solar energy produced

The Master Agreement would be effective for an implementation period of 10 years and would remain in effect throughout the term of any individual SEPAs commencing on approval by the City Commission and execution by the parties. The Master Agreement governed the relationship between the City and Sun Edison in terms of implementing a solar energy program. The corresponding SEPA Agreements between Sun Edison and the City would govern the development, operation, and terms relating to metered solar energy for a term of 20 years.

The Agreement with Sun Edison LLC enabled the City to comply with state regulatory compliance standards for a renewable energy program, while maintaining title to all renewable energy credits (RECs) generated or produced through the program. These RECs would count toward required solar energy compliance standards and the City could sell or trade any surplus RECs.

Staff recommended that the Commission authorize the appropriate City officials to execute this Master Solar Power Program Agreement with Sun Edison LLC and to authorize the appropriate City officials to execute individual SEPAs in accordance with the approved form of 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: Memorandum of Understanding with Siemens Power Generation, Inc. for Steam Turbine Generator Stator Rewind and Associated Work

This was a proposed Memorandum of Understanding between the City of Lakeland and Siemens Power Generation Inc. for work during the McIntosh Unit 5 outage scheduled to begin October 25, 2008, and completed in 36 days. Lakeland Electric staff has been closely watching the operation of the steam turbine generator for several years. In response to problems on similar units at other utilities, the staff performed testing on the steam turbine stator for the unit. That testing indicated spark erosion was occurring which deteriorates insulation in the stator windings more quickly than would occur under normal operating conditions. If left unaddressed, an arc could occur causing significant damage to the machine.

In response to this problem, the staff and Siemens negotiated a contract to address the problem. Specifically, the scope of services provided for a rewinding of the Steam Generator Stator along with other work ancillary to that activity. In addition, the staff considered it advisable to replace the Row 1 Ring Segments with an improved design to improve reliability. The negotiated price of \$3.0 million for all parts and installation recognized Siemens' responsibility for the reduced useful life of the stator. Also, there would be a \$1 million discount if the City entered into a Long Term Maintenance Agreement on the entire unit when the existing one expired in 2009.

Staff recommended that the Commission authorize the appropriate city officials to execute the Memorandum of Understanding with Siemens Power Generation, Inc.

Tim McCausland presented this item to the commission.

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

CALL FOR ADJOURNMENT – 2:39 p.m.

THIS PAGE RESERVED FOR THE LOTS CLEANING AND CLEARING
ASSESSMENT ROLL.

LAKELAND CITY COMMISSION
Agenda Study Session
October 3, 2008

The City Commission met for the Agenda Study Session in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Justin Troller, 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 City Manager Stanley Hawthorne, and City Clerk Kelly Koos were present.

Mayor Fletcher called the meeting to order at 8:30 a.m.

Doug Thomas covered the Presentations and Proclamations.

Karen Lukhaub would present the Above & Beyond award along with Mayor Fletcher and Doug Thomas.

The Fire Prevention Week Proclamation can be presented right after the Department Presentation.

Doug Thomas covered the Requests to Appear from the Public.

Tim McCausland covered the Public Hearings. He planned to ask the Commission to continue the public hearing for proposed ordinance 08-063 until October 20, 2008.

Proposed ordinance 08-094 would establish the Health Care Reimbursement Trust. This fund was being created in response to the GASB regulations. This was being passed on an emergency basis, as employees would begin contributing prior to a second reading. Because it was an emergency ordinance, it would require a 2/3 vote (five votes) for approval.

Memo re: Development Agreement for Property Located on State Road 33 Within the Bridgewater Development of Regional Impact. This road improvement would allow the developer to prepay impact fees. The delay was due to the letter of credit. Development agreements were going to become more common as the City had a more difficult time maintaining concurrency.

Doug Thomas offered the following verbals:

- Greg Ruthven was the City representative on the Central Florida Development Council (CFDC). The CFDC appointed Greg to the Tampa Bay Partnership. The City needed to fill Greg's position on CFDC.
- Swan Development Advisors nominated the City, LDDA and the CRA collectively for the Florida Redevelopment Association's 2008 Roy F. Kenzie Award for outstanding redevelopment plans and projects. The project submitted on behalf of Lakeland was under the category for innovative approach funding and partnerships

specifically for the 14-acre area in LDDA. Bruce Lyon invited the Commission to the presentation on October 22, 2008 at noon. RSVPs were due right away.

Proposed Ordinance 08-095; Creating A Section of the Lakeland City Code Related to Truancy - LPD will make a presentation at the second reading on October 20, 2008.

Proposed 08-096; Conditional Use for a Bank in an Existing Building Located at 1817 Crystal Lake Drive and Additional Off-Street Parking Located at 1416 Meadowbrook Avenue - This was for MIDFLORIDA Credit Union. There was some opposition because they would be using an additional lot that was residential. Commissioner Troller talked with Kevin Jones of MIDFLORIDA concerning traffic calming on that street. MIDFLORIDA may be willing to provide funding for the traffic calming. The residents would also like a fence around the retention area. The residents of Meadow Brook were also concerned about flooding during rains.

Proposed 08-100; Establishing PUD Zoning for an Office/Light Industrial Park on 48.6 Acres Located West of Kathleen Road, Approximately 400 Feet South of Sleepy Hill Road - George Lindsey, the developer, objected to 2 issues:

1. Disagreed as to the cost of the traffic signal that would eventually be required. The developer agreed to install a traffic light at the intersection of Kathleen and Jim Galloway Rd. Staff included a number of \$300,000 to be escrowed or bonded. The developer thought that number was excessive. That added over \$6,000 per acre in the subdivision. FDOT thought the standard installation would be \$150,000. A "Cadillac" installation would be about \$205,000. He requested the Commission set the number at \$200,000.
2. He had concerns about the period to determine concurrency. This proposed ordinance read that concurrency would be measure at the time of permit. If concurrency was not met, staff wanted a system in place that would require retroactive assessment earlier buyers. He wanted the City to use the system in place today established in Ordinance 4946.

He asked the Commission to modify or delete paragraph 3 under offsite transportation mitigation and apply the fair share program if concurrency became an issue.

The group discussed not including a dollar amount on the light and just saying the developer would pay for the light installation.

Celeste explained that this ordinance could not proceed to second reading until land use was ready and that would not be October 20, 2008.

Community Development planned to make a presentation on the Southwest Sector Plan on Monday.

Memo re: Consideration of Request for Extension of Closing Date on Lot 4, Lakeland Airpark Subdivision. FAA had released the City to sell the property and then changed their mind. They were asking the Commission to push the end date out on the contract to allow everyone to keep negotiating.

Memo re: Agreement for Software License with Syclo, LLC – this software supports the City's Wastewater Division.

Mayor Fletcher had received calls about the shooting in Grasslands. That incident appeared to be a hunting incident. The police was investigating in cooperation with the sheriff's department.

Mike Brossart covered the Finance agenda.

The meeting adjourned at 9:30 a.m.

General Investment Portfolio Workshop October 3, 2008

The Lakeland City Commission met for the Investment Workshop in the City Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Justin Troller, Jim Verplanck, Glenn Higgins, and Mayor Fletcher were present. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, Assistant Finance Director Mike Brossart, Investment Manager Jeff Stearns, City Attorney Tim McCausland, Assistant City Manager Stanley Hawthorne, and City Clerk Kelly Koos were present.

Mayor Fletcher called the meeting to order at 10:04 a.m.

Doug Thomas gave opening remarks. There have been a variety of questions about the City's general investment portfolio and he thought this workshop would bring everyone to the same page.

Jeff Stearns gave the presentation, a copy of which is on file in the City Clerks Office. This workshop focused on pool investments not on pension funds. The total value of the portfolio is approximately \$317 million

Fidelity Money Market Account - The City was now using this fund in place of the SBA to invest short-term working capital. This money market fund was invested in government securities only and did not include corporate funds. No additional deposits have been made into the SBA since it was originally frozen in November 2007. To date, 70% of the amount originally on deposit in that fund has been returned to the City.

Investment Performance - The investment yield target for the City was the average rate of return on the 2-Year Treasury Bond. In FY 2007, the City missed the target slightly (4.39% vs. 4.67%). In FY 2008, the City exceeded that target by over 2 percent (4.66% vs. 2.54%) This rate of was calculated without regard to the gains and losses associated with assets in the Impaired Assets Reserve. The Federal Government published the 2-Year Treasury Bond Rate everyday.

Impaired Assets & Reserve – The portfolio includes certain investments, which are considered impaired. These investments are being valued at amounts less than current market value. These include amounts on deposit in the SBA fund B and senior lien bonds issued by Lehman Bros and Washington Mutual. It is expected that these investments, which were purchased at an original cost of \$4,309,057 have a current market value of \$2,783,839. The city also earned an extraordinary gain of approximately \$2.4 million resulting from termination of an interest rate swap. The entire amount of the gain on that interest rate swap transaction would be placed in a reserve to offset the possible \$1,525,218 loss on the impaired assets.

The meeting adjourned at 10:27 a.m.