

Agenda Study Session February 27, 2009

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

Mayor Fletcher called the meeting to order at 8:37 a.m.

Doug Thomas covered the preliminaries.

Doug announced that Randy Roberts, Publix Lobbyist, had passed away.

Employee Service Awards-Commissioner Verplanck would like to receive the list of the employees receiving service awards, as they had in the past.

Tim noted that the Land Acquisition and Disposition meeting was scheduled for Monday morning. The Commission could take action at the City Commission meeting or wait until after the Utility Committee meeting.

Tim covered Resolution 09-011 re: guidelines for appearing before the commission.

Tim also noted the city clerk wanted a sign up card for people speaking.

Commissioner Wiggs felt it was not necessary.

After a brief discussion, the majority of the commission gave thumbs up to limiting the audience portion of the agenda to three minutes per speaker. Commissioner Wiggs disagreed, felt it should be five minutes, and Commissioner Troller was absent.

Request to appear from public was a public fundraiser put on by the LRMC Hospital Foundation.

Tim covered the Public Hearings.

Tim covered the Community Redevelopment Agency item - Tax Increment financing for improvements at property on S. Florida owned by Gregory Sanoba. Anne Furr, LDDA Director showed current pictures of the property and pictures of what it would look like after completion.

Doug offered the following verbals:

- Tallahassee-there would be a series of hearings going on and they would be going up a number of times. Would like for the commission to respond to list of dates sent to them.
- June 2007 –entered into a \$350,000.00 grant with State of Florida Department of Financial Services for My Safe Florida Home program. The city had been able to assist 48 homeowners. Due to shortfalls at the State level, the Sate was reducing Lakeland's amount by \$100,000.00.
- Handed out a draft letter of feedback to the USPS regarding the proposed consolidation of the Lakeland P & DC with the Tampa P & DC. Kathleen Munson handed out a similar letter that the Chamber of Commerce had sent. They did not know when a decision would be made.
- Rick Lilyquist made a presentation on a proposed brick street restoration program
- Update to the red light running camera system: Kevin Cook was working on signs to post. The cameras would be going into operation on June 1.

Tim covered the City Attorney agenda and asked for the proposed Sun 'N Fun use agreement to be put on the consent agenda.

Tim covered the Utility Committee agenda.

Commissioner Wiggs reported on his recent trip to Washington D. C.

The meeting adjourned at 10:10 a.m.

LAKELAND CITY COMMISSION
Regular Session
March 2, 2009

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 – 9:02 a.m.

INVOCATION

Pastor Thomas Block of Christ Lutheran Church LCMS offered the invocation followed by the salute to the flag.

PRESENTATIONS

Risk Management - A Healthy Workforce is a Happy Workforce

Karen Lukhaub gave this presentation a copy of which is on file in the City Clerk's Office.

Discussion

The City's policy on emergency room visits was that if an employee or dependent visited the emergency room and it was not a true emergency, then they had to pay a \$100 deductible.

The definition of participating in Health State was to complete the health risk assessment and visit the clinic. To be compliant, the employee had to keep their appointments with the doctor at the clinic.

Including retirees in Health State would require the addition of a nurse practitioner and more clinic space.

Purchasing Month Proclamation – Karen Lukhaub and Mark Raiford accepted the proclamation.

Employee Service Awards

10 Years

VanHorn, Jami L	02-28-1999	Human Resources
Waters, Michael L	02-14-1999	Water Utilities
Postell Jr, George E	02-15-1999	Public Works

Swick Douglas W	02-15-1999	Electric Utilities
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20 Years

Daley, Winston	02-06-1989	Public Works
Deines, Troy A	02-20-1989	Fire Dept
Farnam, J. M. "Bud"	02-27-1989	Public Works
Brown, Douglas R	02-13-1989	Water Utilities
Ingram, Mark	02-01-1989	Police Dept
Miller, Linda S	02-13-1989	Electric Utilities
Mitchell, Arfinder E	02-27-1989	Parks & Recreation
Policastro, Gregory E	02-01-1989	Police Dept
Taylor Jr, Sammy L	02-01-1989	Police Dept
Welshans, Gary	02-27-1989	Public Works

25 Years

Moore, Melinda J	02-16-1984	Finance
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30 Years

Bombard, Dale C	02-05-1979	Electric Utilities
Shaffer, Alan W	02-05-1979	Electric Utilities
Bowman, Cornelia D	02-12-1979	Police Dept

Mayor Fletcher and Doug Thomas presented these awards.

EQUALIZATION HEARINGS

Recess/convene: 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 the Assessment Roll for equalization. A copy of that roll is attached to the end of these minutes.

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

Mayor Fletcher asked for comments and there were none.

Action: Mayor Fletcher called the vote and the motion was approved unanimously.

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

Beautification Awards

- Commercial: 1501 South Florida Avenue – Community Foundation of Greater Lakeland
- Residential: 1030 Lake Hollingsworth Drive – Kevin & Maureen Brown

Frankie Martin presented these awards. She encouraged the public to send nominations to Parks & Recreation at City Hall. The City hosts a Gardening Lecture the 1st Monday of each month at 6:30 p.m. at the Main Branch Library and the 3rd Monday of each month at 6:30 p.m. at the Larry Jackson Branch Library.

PROCLAMATIONS

Multiple Sclerosis Awareness Week

Parents and Children's Day

Election Worker Appreciation Day

COMMITTEE REPORTS AND RELATED ITEMS

Land Acquisition and Disposition Committee

The Land Acquisition & Disposition Committee met in the Commission conference room. Commissioners Glenn Higgins (chair), Justin Troller (member), and Mayor Fletcher (member) were present. Commissioner Jim Verplanck, City Manager Doug Thomas, Deputy City Manager Tony Delgado, City Attorney Tim McCausland, and City Clerk Kelly Koos were present, along with staff.

Commissioner Higgins called the meeting to order at 8:36 a.m.

There was a proposed Exchange Agreement between the City and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to implement a proposed land exchange that had been under discussion and negotiation for some time. In November of 2007, the City Commission passed Resolution 4654 approving this transaction in concept and authorizing the staff to move forward with surveys and appraisals to finalize the exchange. That work was complete and the appropriate legal descriptions developed. Execution of this agreement was the final action by the City prior to approval by the State and ultimate closing of the transaction.

The property to be exchanged was approximately 116 acres.

The City owned property to be conveyed to the State, consisted largely of wetlands, some hard wood forest, relic scrub, and the shoreline of Little Lake Parker. It was a known habitat for gopher tortoises, an eagle nest, and wading bird rookeries. That parcel would be more appropriately managed by FWCC.

The State owned property had better access for the features proposed in the City's master plan for parks. It could provide nature based recreation such as walking trails, fishing piers, wildlife-viewing platforms and other amenities.

In an arrangement between the City and the State, the City would provide management for a 24-acre parcel that would complete the City's park plan.

The process to conclude this transaction required authorization to execute the Exchange Agreement. That Agreement would be processed by the State Division of Lands and presented to the State's Acquisition and Restoration Council (ARC) for final approval. Once that occurred, a closing would follow.

Staff recommended the appropriate City officials be authorized to execute the Agreement.

Recommendation: Commissioner Troller moved to recommend approval. Mayor Fletcher seconded and Commissioner Higgins concurred.

The meeting adjourned at 8:51 a.m.

Commissioner Higgins gave the Land Acquisition Disposition Committee report.

Agreement with State of Florida for Proposed Tenoroc Land Exchange

Action: The Commission approved this item 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 02/13/09 – 02/16/09
- * Utility Committee 02/16/09
- * Memo re: 2009 Sun 'n Fun Use Agreement
- * Memo re: Settlement Agreement with Mineral Resource Technologies, Inc.

Commissioner Troller removed item X-D from the Consent Agenda.

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

APPROVAL OF MINUTES (with any amendments)

*City Commission 02/13/09 – 02/16/09

*Utility Committee 02/16/09

REQUESTS TO APPEAR FROM THE PUBLIC

Paula Higgins and Alana Trimmier, LRMC Foundation re Women in Philanthropy Giving Society

Ms. Higgins announced an event intended to involve women in philanthropy. The event "Cooking Men" was Saturday March 28 at 7 p.m. at the Hilton Garden Inn at LLRA. For more information go to www.cookinmen.org.

Carol Castagnero

Ms. Castagnero planned to attend every month and the County Commission meetings too until the needs of the citizens were met. She distributed two handouts, which are on file in the City Clerk's Office.

PUBLIC HEARINGS

Ordinances (Second Reading) – NONE

Ordinances (Emergency Adoption)

Ordinance 5083; Proposed 09-007; Establishing Prohibition Against Open Burning

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO OPEN BURNING; ADOPTING FINDINGS; PROHIBITING OPEN BURNING IN THE CITY OF LAKELAND AS DEFINED HEREIN; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; 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 Yates, Fields, Wiggs, Verplanck, Troller, Higgins, and Mayor Fletcher voted aye. Ayes: seven. Nays: Zero. The motion carried unanimously

Miscellaneous

Memo re: Amendment to Development Agreement for Property Located North of Interstate 4, South of Griffin Road and East of Kathleen Road (Mall Hill Drive)

This proposed amended Development Agreement with *North Lakeland Development, Inc.* (the Developer) related to property located generally south of Griffin Road, north of Interstate 4 and on both sides of Mall Hill Road. The Commission previously approved the agreement in August of 2007. The properties that were subject to the Development Agreement form a majority of a significant multi-use project consisting of the following:

1. Office use up to a total of 298,000 feet
2. Light industrial up to 305,000 square feet
3. Commercial (C-2) uses – a maximum of 61,500 feet
4. Multi-family residential use up to 305 dwelling units

This project represented a potential employment center located near housing, transportation facilities, and shopping opportunities.

Background

Florida Statutes 163.3220-163.3243, known as the Florida Local Government Development Agreement Act, allowed local governments to enter into agreements with developers that would provide certain assurances as to the character of the development and the public improvements that the developer will make to support the project, and guaranteed approvals for the developer for the period of the agreement. Large projects of this type were typically developed over a number of years and the assurances that an agreement provided facilitated an orderly development.

In the original Agreement, the Developer committed to implementing various transportation improvements in exchange for a transportation concurrency determination of longer than normal duration (2012) stating that adequate transportation facilities were available to serve this development; the original commitments, listed below, were not requested to change:

- a. The addition of a northbound right-turn lane on Kathleen Road @ Mall Hill Drive;
- b. The addition of a northbound right-turn lane on Mall Hill Road @ Griffin Drive;
- c. The addition of an eastbound right-turn lane on Griffin Road @ US 98; and
- d. Sidewalk and transit shelter improvements made along Mall Hill Drive.

Amendment Request

The Developer asked the City Commission to consider a request to amend the Development Agreement executed in August 2007, which granted transportation concurrency to the Developer through February 2012. The Developer requested an extension for when the first building permit must be pulled and/or an extension to the duration of the agreement.

The amendments to the Agreement recommended by staff included:

1. Extending a deadline for issuance of a first building permit from 2009 to March 2010;
2. Allowing, under certain conditions, for a future request to extend the duration of the entire agreement by one year, to February 2013; and

3. Administratively amending the adopted Planned Unit Development (PUD) zoning ordinance to add a condition requiring implementation of certain “transportation demand management” strategies.

The February 16, 2009 Commission meeting constituted the first of **two** required public hearings for the amended Development Agreement. On February 16, the Commission established a date for the second and final adoption hearing, March 2, 2009. The public hearing for this amended Development Agreement had been advertised in accordance with Florida Statutes.

Tim McCausland presented this item to the Commission.

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

Mayor Fletcher asked for comments and there were none.

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

Public Hearing re: Proposed 2009-2010 One Year Action Plan and Projected Use of Funds, 35th Year CDBG and 15th Year HOME

Annie Gibson made a brief presentation on this item.

Mayor Fletcher asked for comments.

The maximum amount that can be spent to rehab the home was \$187,000.

Action: The Commission did not act on this item.

Public Hearing re: State Local Government Comprehensive Plan Certification Program Monitoring Report

This was the City of Lakeland’s fifth annual monitoring report for the State Local Government Comprehensive Plan Certification Program. This report was required per Ch. 163.3246 F.S. and per the City’s July 2004 Certification Agreement with the Florida Department of Community Affairs, FDCA. By Statute, the City was required to hold one public hearing on the monitoring report prior to transmitting the report to the State. The purpose of the public hearing was to briefly review the report and gather any public comment on the report in regard to whether the City’s activities have been consistent with the requirements of the certification agreement.

Celeste Deardorff, Long Range Planning Manager, reviewed the report summary at the public hearing was available for questions during the public hearing. The meeting had been noticed as provided by law and public comment was encouraged.

Motion: Commissioner Verplanck moved to approve the report and authorize staff to submit it to Tallahassee. Commissioner Yates seconded.

Mayor Fletcher asked for comments. There were none.

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

COMMUNITY REDEVELOPMENT AGENCY

Recess/convene: Commissioner Wiggs moved to recess as the City Commission and convene as the Community Redevelopment Agency. Commissioner Verplanck seconded and the motion carried unanimously.

Memo re: Tax Increment Financing Agreement with Gregory A. Sanoba for Improvements to 422 South Florida Avenue

This Tax Increment Financing (TIF) Agreement with Gregory A. Sanoba was for improvements to 422 South Florida Avenue. Mr. Sanoba planned to renovate the existing building at this location for use as a law office. Improvements would include a new façade, new windows and doors, improved landscaping and a complete interior demolition and build out. Estimated project costs were \$275,000.

The property appraiser would reassess the property after the renovations were complete and tax increment revenue would result from application of the millage rates of the various taxing authorities to the difference between the pre-construction assessed value of the property and the post-construction assessed value. This additional tax revenue would be deposited into the Downtown CRA's Trust Fund. Under the TIF Agreement, the CRA would rebate a percentage of the tax increment generated from this property based upon the following schedule:

Year One 100% Year Seven 40%
Year Two 90% Year Eight 30%
Year Three 80% Year Nine 20%
Year Four 70% Year Ten 10%
Year Five 60% Beyond Year Ten 0%
Year Six 50%

Staff recommended that the LCRA authorize the appropriate officials to execute the Agreement.

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

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

CITY MANAGER – None

CITY ATTORNEY

Ordinances (First Reading)

Proposed 09-009; Establishing PUD Zoning on 28.35 Acres Located at the Southwest Corner of County Line Road and Swindell Road

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR PUD ZONING FOR COMMERCIAL USES ON 28.35 ACRES LOCATED AT THE SOUTHWEST CORNER OF COUNTY LINE ROAD AND SWINDELL 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 March 16, 2009.

Resolutions

Resolution 4743; Proposed 09-009; 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 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 4744; Proposed 09-010; Amending City of Lakeland Local Government Comprehensive Planning Certification Program Agreement

A RESOLUTION OF THE CITY OF LAKELAND RELATED TO PLANNING; AMENDING THE CITY OF LAKELAND LOCAL GOVERNMENT COMPREHENSIVE PLANNING CERTIFICATION PROGRAM AGREEMENT; MAKING FINDINGS; 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 Higgins, Troller, Verplanck, Wiggs, Fields, Yates, and Mayor Fletcher voted aye. Ayes: seven. Nays: Zero. The motion carried unanimously.

Proposed 09-011; Guidelines for Appearances Before the City Commission

A RESOLUTION OF THE CITY OF LAKELAND, FLORIDA; EXPRESSING A POLICY IN SUPPORT OF OPEN AND PARTICIPATORY GOVERNMENT; ESTABLISHING RULES OF CONDUCT AND DECORUM FOR PUBLIC MEETINGS; ESTABLISHING TIME LIMITS FOR SPEAKERS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title and requested the Commission give the City Manager the discretion to decide where to place on the agenda the requests to appear from the public.

The Commission discussed noticing the public about the three-minute time limit, removing the time limit, and the need for guidelines.

Gene Strickland came forward to oppose the resolution.

Action: Commissioner Verplanck moved to continue the resolution to March 16, 2009. Commissioner Wiggs seconded and the motion carried unanimously.

Miscellaneous Reports and Communications

*** Memo re: 2009 Sun 'n Fun Use Agreement**

This was the annual Sun 'n Fun Use Agreement which gave Sun 'n Fun the authority to conduct their event at the Airport. The main purpose of this agreement was to provide for insurance and indemnification provisions, as well as delineate those areas where Sun 'n Fun had the responsibility to control and maintain. Furthermore, Sun 'n Fun shall have the use of ramps, runways, taxiways and other facilities provided for aircraft and the public at the Airport which were subject to the operational control of the Airport Manager and the Federal Aviation Administration.

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

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

FINANCE DIRECTOR - None

AUDIENCE

James Goetz came forward to ask the Commission to change the meetings to early evenings to give citizens a greater opportunity to participate.

MAYOR & MEMBERS OF THE COMMISSION

Commissioner Troller attended the Word of Life Ministries Groundbreaking ceremony. That facility should be up in about 6 months. It will have classrooms, banquet facilities, and basketball courts.

Recess/reconvene: The Commission recessed at 11:21 a.m. until after the Utility Committee meeting. The Commission reconvened at 1:52 p.m.

The Lakeland City Commission reconvened 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, and City Clerk Kelly Koos were present.

UTILITY

Memo re: Task Authorization with Stanley Consultants, Inc. for Coal Handling Modifications

This proposed Task Authorization related to a previously approved agreement with Stanley Consultants, Inc. for the design of a modification to the existing coal-handling infrastructure for Unit #3 at the McIntosh Power Plant. The City Commission approved the initial agreement with Stanley Consultants in January 2008 to provide a comprehensive analysis of existing coal handling operations in order to improve/automate blending capabilities for Unit #3. The initial agreement contemplated six major tasks, including work related to conceptual design, bidding, support for preparation of the application for modification of the existing power plant site certification, permitting support, contract award and construction management. In accordance with the agreement, each Task required authorization by the City to proceed. To date, two of the six tasks have been completed pursuant to the agreement.

The first Task Authorization (Task 1), approved by the City Commission in January 2008, involved activities related to the study and preliminary design of blending, truck delivery, and coal yard capacity & loading that included a not-to-exceed cost of \$475,000.00. The second Task Authorization (Task 2) approved by the Commission in May 2008 involved an engineering evaluation and design of an automated truck delivery and unloading system, including all of the equipment in the process, final drawings for proposed modifications, assistance with the assembly of bid documents and the evaluation of bidders for a not-to-exceed price of \$607,949.00. This third Task Authorization (Task 3)

involved having Stanley Consultants develop the design and specifications for the blending and stack out improvements for Unit #3 coal yard, which included a detailed design of the proposed diverter gate valve (flop gate) in the existing Crusher building. The detailed diverter gate installation would include engineering design drawings and equipment/technical specifications required to purchase and install the diverter gate. Also included were modifications to the coal truck-unloading route, requiring construction of a new access road extending from the existing access point to the end of the coal yard at the north end. As a result of the completion of Task 3, Stanley Consultants' design would enable the City to have a coal blending system that allowed for more accurate blending of fuels in various ratios at a reduced cost from manual methods thereby permitting Lakeland Electric to take maximum advantage of its ability to purchase coal from different sources that may ultimately save the City \$5 to \$7 million dollars per year in fuel costs. The estimated cost for Task 3 was a not-to-exceed amount of \$314,200.00.

Staff recommended that the City Commission authorize the appropriate City officials to execute this proposed Task Authorization on behalf of the City.

Tim McCausland presented this item to the Commission. The Utility Committee recommended approval.

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

Memo re: Approval of Consulting Services Agreement with Accenture, LLP for a Smart Grid System

This was a proposed agreement with Accenture, LLP to provide services related to the creation of a Smart Grid System, which would enable Lakeland Electric and the Water Utilities Department to integrate metering data with the City's existing IT infrastructure. This Agreement with Accenture would provide consulting services leading up to and including the preparation and evaluation of the Request for Proposal (RFP) for a Smart Grid System that would encompass the following:

- Education of City Departments/Divisions related to the Smart Grid concept and its related applications
- Interviews and summaries of data from subject matter experts with various City Departments/Divisions
- Assistance with preparing specifications for the Smart Grid System
- Support in drafting the RFP and associated rating criteria for a Smart Grid System
- Guidance in evaluating the RFP and recommendations relating to awarding the contract for creation of the City's Smart Grid System

The City selected Accenture, LLP in accordance with the Consultant's Competitive Negotiation Act (CCNA) #8049, "Request for a Qualified Consultant to Prepare an RFP for the Implementation of Advanced Metering Infrastructure." The City Commission approved the shortlist ranking and contract negotiations with Accenture at the July 21, 2008

Commission Meeting. The City selected Accenture as the preferred consultant based on its substantial experience in the area of automated meter reading and advanced metering infrastructure. They have worked with over 300 utilities all over the world. Accenture also had a number of offices in Florida located in Lakeland, Tampa, Orlando, and St. Petersburg. The term of this Agreement shall be effective upon approval by the City Commission and shall continue until September 1, 2009, with a total cost of \$317,645.00. The implementation of Smart Grid technologies by the City would fundamentally change the core areas of utility customer service and distribution business functions effectively enabling the City to:

- **Eliminate** manual meter reading, field residential disconnect/reconnect orders and field responses to non-interruption calls
- **Reduce** billing exception processing, outage response/restoration times, water usage due to undetected leaks and out of cycle lawn watering.
- **Increase** support for new technology Smart Grid components, expand Supervisory Control and Data Acquisition (SCADA), Engineering and analytical support.
- **Proactively** identify overload conditions to reduce system losses and refine capital spending

Staff recommended that the City Commission authorize the appropriate City officials to execute this Agreement for a Smart Grid System with Accenture, LLP.

Tim McCausland presented this item to the Commission. The Utility Committee recommended approval.

Action: Mayor Fletcher called for the vote and the Commission approved the recommendation unanimously.

* **Memo re: Settlement Agreement with Mineral Resource Technologies, Inc.**

Staff requested approval for a mediated settlement agreement with Mineral Resource Technologies, Inc. (MRT). The City entered into an ash marketing contract with MRT in September of 2005. That contract was for marketing certain by-products from the City's coal fired generator known as McIntosh Unit #3. As a result of the coal combustion process, the unit produced fly ash and bottom ash, which were materials that had a number of commercial uses. During the period of the contract, a number of disputes arose between the City and MRT. It was the contention of the electric staff that the contract placed a clear obligation on MRT to take all of the fly ash and bottom ash that Unit 3 produced, and pay the contract price for each. MRT contended that the contract required Lakeland to produce certain quantities of fly ash consistent with an industry standard or specification that would allow its use in concrete. They contended that Lakeland failed to produce fly ash consistent with that specification for a considerable portion of the contract period. The dispute continued and MRT refused to pay for the fly ash produced for significant periods during the term of the contract. Numerous attempts to negotiate a settlement were unsuccessful.

In an effort to avoid litigation, counsel for both parties agreed to a stipulated informal mediation process that took place on January 30, 2009. Jim Stanfield and the CEO for MRT were involved. Settlement was agreed to by the parties subject to approval by the City Commission. The agreement stipulated that the contractual relationship between the City and MRT would terminate on March 15, 2009. In satisfaction of any claims Lakeland may have for fly ash prior to January 1, 2009, MRT would pay the sum of \$500,000. For the period of January 2009, MRT would pay for all ash produced in accordance with the terms of the contract. For the period of February 1 through March 15, 2009, MRT shall pay in accordance with the terms of the contract for fly ash that conforms to the specification. For ash that does not conform, they will pay the contract price for the amount taken. All parties will share equally in the costs associated with mediation and bear its own attorney's fees and costs.

Staff recommended that the City Commission approve the mediated settlement agreement.

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

Memo re: Agreement with Trend Core, LLC d/b/a AppTheory for Redevelopment of Lakeland Electric's Website

This was a proposed agreement with Trend Core, LLC d/b/a AppTheory for redevelopment of Lakeland Electric's website. In October 2008, the City requested statements of interest and qualifications pursuant to Request for Proposal (RFP #8301) from experienced website developers to provide technical documentation and conceptual services for the redevelopment of Lakeland Electric's website.

As a result, eight firms responded, whereby the Lakeland Electric website team evaluated the firms, narrowing the list of firms down to four based on their experience, methodology, technical solutions and deliverables. Representatives from each of the four firms met with Lakeland Electric's website team evaluation staff and conducted a presentation of their respective website solutions.

Following the evaluation process, the team selected AppTheory as the firm best suited to provide the requested deliverables needed to redevelop Lakeland Electric's website. The term of this Agreement shall be effective upon approval by the City Commission and shall continue through May 25, 2009, with a total cost of \$43,985.00 for this project.

Staff recommended that the Commission authorize the appropriate City officials to execute this Agreement with AppTheory for the redevelopment of Lakeland Electric's website.

Tim McCausland presented this item to the Commission. The Utility Committee recommended approval.

Action: Mayor Fletcher called for the vote and the Commission approved the recommendation unanimously.

CALL FOR ADJOURNMENT 2 p.m.

Ralph L. Fletcher, Mayor

Kelly S. Koos, CMC, City Clerk

ATTACH EQUALIZATION ROLE HERE