

LAKELAND CITY COMMISSION
Regular Session
February 4, 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 Commission Kelly Koos were present.

CALL TO ORDER - 9 a.m.

INVOCATION

Father John Caulfield of St. Joseph's Catholic Church offered the invocation followed by the salute to the flag.

PRESENTATIONS

FY 2008 1st Quarter Strategic Operation Plan Update (Doug Thomas)

EQUALIZATION HEARINGS

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 the assessments for Lots Cleaning and Clearing.

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

Mayor Fletcher asked for comments and there were none.

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

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

PRESENTATIONS CONT.

Employee Service Awards

10 Years

| | | |
|---------------------|------------|----------------------|
| Hilton, John P | 01-12-1998 | Risk Mgmt-Purchasing |
| Mitchell, Kathryn A | 01-04-1998 | P&R-Library |

20 Years

| | | |
|------------------|------------|----------------------------------|
| Faz, Jose E | 01-04-1988 | LE-Energy Production |
| Grice, Bradley S | 01-29-1988 | Lakeland Police |
| Gross, Gary B | 01-29-1988 | Lakeland Police |
| Marshall, Steven | 01-04-1988 | LE-Energy Production Engineering |

30 Years

| | | |
|-------------------|------------|--------------------|
| Donahay, Robert P | 01-23-1978 | Parks & Recreation |
|-------------------|------------|--------------------|

35 Years

| | | |
|----------------------|------------|----------------------|
| Bassford, Patricia A | 01-15-1973 | Risk Mgmt-Purchasing |
| McCawley, Sharon W | 01-02-1973 | Parks & Recreation |

Beautification Awards

- * Commercial: 1845 East Memorial Boulevard ~ Fun Bike Center Motorsports
- * Residential: 2203 Coventry Avenue ~ David & Janice Martin

PROCLAMATIONS - Black History Month

APPROVAL OF CONSENT AGENDA

- * City Commission Minutes (with any amendments) 01/18/03-01/22/08
- * Utility Committee (with any amendments) 01/22/08
- * Memo re: Lease with ITT Corporation for ADS-B Radio Station Site at Lakeland Linder Regional Airport
- * Memo re: Memorandum of Agreement with Florida Department of Agriculture and Consumer Services, Division of Forestry for Timber Management Services at Lakeland Linder Regional Airport

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 01/18/08 – 01/22/08

*Utility Committee 01/22/08

Municipal Boards & Committees 02/01/08

The Municipal Boards Committee met on Friday, February 1, 2008 in the City Commission Conference Room. Commissioner Edie Yates (chair), Commissioners Glenn Higgins, and Jim Verplanck (members) were present. Commissioners Gow Fields, Justin Troller, and Mayor Fletcher were present. Deputy City Manager Tony Delgado, City Manager Doug Thomas, City Attorney Tim McCausland, Assistant City Manager Stanley Hawthorne and City Clerk Kelly Koos were present along with staff and the media.

Commissioner Yates called the meeting to order at 9:43 a.m.

Discussion - Participation of non-residents serving on City boards and committees.

Tim McCausland put this item on the agenda at the request of the Employees Association. They wanted employees that did not live inside the city limits to be eligible to serve on the "soon to be restructured" Pension Board. The only other committee with non-residents was the Utility Committee. The Committee discussed the issue.

Recommendation: Commissioner Verplanck moved to recommend the Commission allow city employees to serve on the "soon to be restructured" Pension Board if they lived in the Lakeland Electric service area. Commissioner Higgins seconded. Commissioner Yates concurred.

Mayor Fletcher encouraged the Municipal Boards Committee to include new people on the City boards.

Citizens Advisory Committee

Recommendation from Steve Bissonnette to appoint Michael Dunn to replace Scott Norris whose term expired on January 31, 2008. Mr. Dunn's first term will be for three years and will expire February 1, 2011.

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

Dixieland CRA Advisory Board

Recommendation from Tamara Sakagawa to appoint Melissa Chambers and Stuart Artman to fill two existing vacancies. Both of their terms will be for three years and will expire February 1, 2011.

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

Zoning Board of Adjustment and Appeals

Recommendation from Herman Blom to appoint Charles Robertson to fill an existing vacancy. Mr. Robertson's term will be for three years and will expire on February 1, 2011.

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

Polk Transportation Planning Organization

Recommendation from Celeste Deardorff to appoint David Hitchcock as a City of Lakeland TPO CAC member. Mr. Hitchcock was approved by the County as an alternate for an at-large Lakeland slot. At the time, there were no inside city TPO CAC membership vacancies.

The county TPO has requested that Mr. Hitchcock represent us as a City of Lakeland TPO CAC member rather than as an at-large member. They acknowledge that he lives inside our city limits and we now have a City slot available.

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

Lakeland Electric Utility Committee

Recommendation from the Lakeland Area Chamber of Commerce to reappoint Tom Joyner as the Commercial Rate Representative to the Utility Committee. Mr. Joyner's initial term on the Committee expires on January 31, 2008 and he was eligible for an additional three-year term.

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

Polk Transportation Planning Organization

Celeste Deardorff explained that there was an additional vacancy for an inside city TPO CAC Lakeland seat and the TPO asked the City to approve Bruce Abels moving into that position.

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

The meeting adjourned at 9:56 a.m.

Commissioner Yates presented these minutes to the Commission.

Action: The Commission approved the minutes unanimously.

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC

David Touchton, Chairman of Lakeland Vision re Lakeland's Support of Community Wide Update to Current Vision

David Touchton, Chairman of Lakeland Vision re Lakeland's Support of Community Wide Update to Current Vision David Touchton introduced Phil Dunn and

Shannon Lanier, Executive Director of Lakeland Vision. David explained that they spent last year getting ready to refresh the vision document. The preparation included a lengthy process to find a firm to help lead the process. They had selected ACP. They were here to solicit the City's financial support in this effort. Phil Dunn reviewed Lakeland Vision's budget for this process. They would need approximately \$180,000 to complete the entire project. Mayor Fletcher asked Doug Thomas to comment. Doug explained that the City was one of the ten founding partners of Lakeland Vision 10 years ago. He recommended the City support the project at \$90,000 out of the Public Improvement Fund. Lakeland Vision would raise the balance.

The Commission discussed the roll of Lakeland Vision and its funding.

Action: Commissioner Verplanck moved to approve the request and the corresponding appropriation. Commissioner Yates seconded and the motion carried six to one with Commissioner Troller voting nay.

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 4945; Proposed 08-004; Proposed Changes to the Land Development Regulations Related to Permitted Uses in C-2 Zoning Districts (1st Rdg 1/22/08)

AN ORDINANCE RELATING TO LAND DEVELOPMENT REGULATIONS; ADOPTING VARIOUS AMENDMENTS TO THE CITY OF LAKE LAND DEVELOPMENT CODE RELATED TO PERMITTED USES IN C-2 ZONING DISTRICTS; MAKING FINDINGS; 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 4946; Proposed 08-005; Providing for School Facility Concurrency Regulations (1st Rdg 1/22/08)

AN ORDINANCE OF THE CITY OF LAKELAND, FLORIDA, RELATING TO LAND USE; AMENDING ORDINANCE 4808; ESTABLISHING THE CONCURRENCY MANAGEMENT SYSTEM, INSTITUTING THE LAKELAND PROPORTIONATE FAIR-SHARE PROGRAM; ESTABLISHING CONCURRENCY FOR PUBLIC SCHOOL FACILITIES; PROVIDING FOR APPLICATION, PROCESSING AND APPROVAL PROCEDURES; 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 Higgins, Troller, Verplanck, Wiggs, Fields, Yates and Mayor Fletcher voted aye. Ayes: seven. Nays: Zero. The motion carried unanimously.

Ordinance 4947; Proposed 08-006; Small Scale Amendment #SS-07-020 To Future Land Use Map Assigning Use on Certain Properties Near the Intown Bypass and North and East of Lake Mirror (1st Rdg 1/22/08)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-07-020 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR CERTAIN PROPERTIES NEAR THE INTOWN BYPASS AND NORTH AND EAST OF LAKE MIRROR, 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 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 4948; Proposed 08-007; Changes in Zoning on Certain Properties Near the Intown Bypass and North and East of Lake Mirror (1st Rdg 1/22/08)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON CERTAIN PROPERTIES NEAR THE

INTOWN BYPASS AND NORTH AND EAST OF LAKE MIRROR 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 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.

Ordinance 4949; Proposed 08-008; Amending the Boundary for the Garden District Special Public Interest Zoning District (1st Rdg 1/22/08)

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4634; EXTENDING THE BOUNDARIES FOR THE GARDEN DISTRICT SPECIAL PUBLIC INTEREST ZONING DISTRICT; 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 Higgins, Troller, Verplanck, Wiggs, Fields, Yates and Mayor Fletcher voted aye. Ayes: seven. Nays: Zero. The motion carried unanimously.

Ordinance 4950; Proposed 08-009; Amending the Boundary for the Parker Street Special Public Interest Zoning District (1st Rdg 1/22/08)

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

Resolutions - NONE

COMMUNITY REDEVELOPMENT AGENCY - None

CITY MANAGER

Recommendation re: Stormwater Treatment Facilities for Southwest Basin of Lake Parker

The Stormwater Division of the City of Lakeland recommended a task authorization with MacTec Engineering and Consulting, Inc. to provide design, engineering and permitting services for stormwater treatment facilities for the Southwest Basin of Lake Parker. MacTec was under a City of Lakeland Continuing Contract for Lakes and Watershed Management Services established on January 31, 2006. The Lake Parker Southwest Basin Feasibility Study (1995) identified areas of downtown Lakeland to be a major source of pollution. As part of that evaluation, treatment within the Lake Parker Southwest Basin was deemed necessary and the recommended task authorization would establish various treatment facilities within three of the twenty-one identified potential sites in the Southwest Basin of Lake Parker BMP Alternatives Analysis 2007.

Design, engineering and permitting of the following project components comprised the proposed scope of work as further reflected on the exhibits:

- A dry retention pond at site "hh" located at East 1st Street and N. Vermont Avenue, to provide stormwater treatment for a 64-acre sub-basin;
- A dry retention pond at site "k" located north of East Peachtree Street between N. Lake Avenue and N. Morgan Avenue, to provide treatment for a 203-acre sub-basin, and;
- An in-lake wetland treatment pond at site "ii" located inside Lake Parker at the Southwest Outfall near the intersection of Lakeshore Drive and Bon Air Street to provide treatment for a 560-acre sub-basin.

The ponds would remove a significant portion of stormwater pollutants from the 560 acres of downtown Lakeland that ultimately flow into the Southwest Basin of Lake Parker. The not-to-exceed cost of the task authorization with MacTec was \$271,768. Funding for the project was budgeted in the 2008 Stormwater Fund Budget. The project would require 48 weeks to complete following issuance of the notice to proceed.

Staff recommended that the City Commission authorize the appropriate City officials to execute a task authorization under the City of Lakeland Continuing contract for Lakes and Watershed Management Services with MacTec Engineering and Consulting, Inc.

for the not-to-exceed fee of \$271,768 to undertake design, engineering and associated permitting for the subject stormwater treatment facilities for the Southwest Basin of Lake Parker.

Doug Thomas presented this time to the Commission.

Action: Commissioner Verplanck moved to approve the recommendation. Commissioner Higgins seconded and the motion carried six to zero. Commissioner Wiggs was absent at that time.

CITY ATTORNEY

Ordinances (First Reading)

Proposed 08-010; Annexation of 1.05 Acres Located on Little Lake Bonny, West of Longfellow Boulevard, South of Shakespeare Street

AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKE LAND, FLORIDA, THAT CERTAIN 1.05 ACRES LOCATED ON LITTLE LAKE BONNY, WEST OF LONGFELLOW BOULEVARD, SOUTH OF SHAKESPEARE STREET; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; 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 March 3, 2008.¹

Proposed 08-013; Conditional Use for Church Facilities and Associated Off-Street Parking Areas on Three Separate Parcels Located on North Virginia Avenue, North and South of West 2nd Street

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR CHURCH FACILITIES AND ASSOCIATED OFF-STREET PARKING AREAS ON THREE SEPARATE PARCELS LOCATED ON NORTH VIRGINIA AVENUE, NORTH AND SOUTH OF WEST 2ND STREET; 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 3, 2008.²

¹ After the meeting, the City Attorney Tim McCausland clarified the date for public comment and seconded reading would be February 18, 2008.

² After the meeting, the City Attorney Tim McCausland clarified the date for public comment and seconded reading would be February 18, 2008.

Resolutions**Resolution 4666; Proposed 08-004; 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 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

Resolution 4667; Proposed 08-005; Authorizing Approval of Pipeline Crossing Agreement between the City and CSX Transportation, Inc. – Fairbanks Street Improvements Project

A RESOLUTION AUTHORIZING EXECUTION OF A "PIPELINE CROSSING AGREEMENT" WITH CSX TRANSPORTATION, INC. FOR A PIPELINE CROSSING LOCATED AT VALUATION STATION 12206+66, MILEPOST AR-854.28, VITIS SUBDIVISION FOR THE FAIRBANKS STREET IMPROVEMENTS PROJECT; 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.

Resolution 4668; Proposed 08-006; Amending Previously Established Regulatory Review Fees

A RESOLUTION RELATING TO REGULATORY FEES; ESTABLISHING FEES FOR REVIEWING APPLICATIONS FOR ZONING AND RE-ZONING, PLANNED UNIT DEVELOPMENTS, CONDITIONAL USES, VOLUNTARY ANNEXATION, VARIANCE, INITIAL REQUESTS FOR DEVELOPMENTS OF REGIONAL IMPACT AND REQUESTS FOR DETERMINATION OF SUBSTANTIAL DEVIATION, COMPREHENSIVE PLAN AMENDMENTS, APPLICATIONS FOR SALE OF ALCOHOLIC BEVERAGES, SUBDIVISION REVIEW, PLAT REVIEW, CONSTRUCTION PLANS REVIEW, FIELD INSPECTIONS, MOBILE HOME PARKS, DEVELOPMENT PLANS, CONSTRUCTION PLANS AND FIELD INSPECTION, AND SITE PLAN REVIEW; PROVIDING METHOD OF COMPUTING ACREAGE; ESTABLISHING THE TIME FOR PAYMENT; REPEALING RESOLUTION 4646; 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.

Miscellaneous Reports and Communications

Memo re: Outside Legal Fee Report

Following are legal fees and expenses paid to outside law firms October – December of 2007 along with a comparison from the same time frame for 2006 and a comparison of this fiscal year to last.

| | | |
|--|--|--------------|
| Bush Ross | Personal Injury Subrogation | \$195.27 |
| Dorman & Gutman | Eminent Domain Litigation | \$925.00 |
| Gail M. Cheatwood | Miscellaneous Municipal Ordinance Defense | \$491.66 |
| Gray Robinson | Miscellaneous Personal Injury Defense, Eminent Domain & Other Litigation | \$123,434.17 |
| Hopping, Green & Sams | Regulatory Compliance | \$12,366.35 |
| John & Hengerer | Miscellaneous Regulatory Matters with FERC | \$1,887.11 |
| Mitchell D. Franks P.A. | Counsel Relating to Mini-Perc | \$180.00 |
| Oertel, Fernandez, Cole & Bryant, P.A. | SWFWMD Permitting | \$121,343.25 |
| Putnam & Creighton, P.A. | Miscellaneous Real Estate Matters | \$460.00 |

| | | |
|---|--|-------------|
| Ross, Vecchio, & Trussel P.A. | Miscellaneous Workers Comp Defense | \$36,693.21 |
| Ruden, McClosky, Smith, Schuster & Russell, P.A. | Counsel Relating to Union Negotiations | \$37,060.89 |

| | |
|--------------------------------------|---------------------|
| OCTOBER - DECEMBER 2007 TOTAL | \$335,036.91 |
| OCTOBER - DECEMBER 2006 TOTAL | \$209,609.26 |
| FY 2006-2007 | \$209,609.26 |
| FY 2007-2008 | \$335,036.91 |

Action: The Commission took no action on this item.

*** Memo re: Lease with ITT Corporation for ADS-B Radio Station Site at Lakeland Linder Regional Airport**

This was a proposed Land Lease Agreement with ITT Corporation for a radio/tower site at Lakeland Linder Regional Airport.

The tower would operate as part of the ADS-B system which was being deployed nationwide. The system was a ground based tracking and navigational network to monitor location and movements of ADS-B equipped and non-ADS-B equipped aircraft. This next-generation would improve safety for commercial and private aircraft in major air traffic corridors.

The Agreement was for a total area of 900 square feet for installation of a 60' radio/tower together with the necessary rights-of-way for ingress and egress and establishing and maintaining electric power and telecommunication lines. ITT, under contract with FAA, was responsible for the provision of all required electrical power and telecommunications services to the leased site for the term of the lease. The proposed site was indicated on the aerial map attached to the Lease Agreement.

The lease term, beginning at the date of the lease agreement, would be renewed from year to year with no renewal extending beyond September 30, 2025. ITT may terminate with thirty (30) days written notice prior to any renewal period. There would be no rental paid to the City by ITT in lieu of ITT assuming all obligations in the establishment, operation and maintenance of the ADS-B radio station facilities for the Airport.

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

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

* **Memo re: Memorandum of Agreement with Florida Department of Agriculture and Consumer Services, Division of Forestry for Timber Management Services at Lakeland Linder Regional Airport**

This was a proposed Memorandum of Agreement (MOA) with the Division of Forestry (DOF) for timber management services at Lakeland Linder Regional Airport. Those services may include consulting, harvesting of trees and prescribed burning. DOF would perform the tasks stated below and train City of Lakeland (CITY) staff to conduct same following completion of the MOA:

1. Provide assistance to CITY staff in designating timber for harvesting.
2. DOF would document any environmentally sensitive areas, such as wetlands, encountered while marking the timber. Areas of concern included, but were not limited to, pitcher plant bogs, seepage slopes, herb bogs, wet-weather ponds, archaeological sites, and threatened or endangered plant or animal habitations (e.g. inactive or active red-cockaded woodpecker cavity trees).
3. The DOF shall administer the timber sales during the term of this MOA. These sales would include reducing merchantable pine basal area for timber stand health, habitat restoration and removal of trees for airport operations. DOF would conduct all timber sales operations in accordance with the most current Florida Silviculture Best Management Practices Manual.
4. DOF would prepare timber sale packages, mail the packages to prospective bidders, and be responsible for overseeing the harvesting operation along with CITY staff. DOF would receipt the timber revenues and returned said revenues (less 10% administrative fee) to the city at the end of each sale.

This Agreement would become effective upon execution by both parties and would remain in effect until terminated by either party giving sixty days notice in writing to the other party. The City would compensate DOF for their services with revenues from all timber sales they administer on behalf of the CITY pursuant to this MOA.

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

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

FINANCE DIRECTOR

Appropriation and Increase in Estimated Revenues – Public Improvement Fund

Lakeland Vision, Inc. was preparing to conduct a comprehensive, community-wide update to the existing Lakeland Vision Plan, which was developed roughly ten years

ago. The estimated total cost of the new visioning process was \$180,000 for which they requested financial support. The City of Lakeland was one of the original ten founding partners of Lakeland Vision, Inc. and remained a continuing partner on an annual basis both financially and through in-kind support with office space in City Hall.

In response to the request, the City Manager proposed to support the update to the Lakeland Vision Plan financially in the amount of \$90,000 through funds that were available from the recently eliminated *Lakeland Community Credit Union Renovation* project in the Public Improvement Fund. Additionally, Lakeland Vision was proposing to commence fundraising activities to secure the remaining \$90,000 prior to the close of the fiscal year on October 30, 2008.

Staff requested that the City Commission authorize an appropriation for \$90,000, with an offsetting increase in estimated revenues of \$90,000 to amend the FY 2008 Public Improvement Fund Budget to reflect the proposed update to the Lakeland Vision Plan and to reflect the additional \$90,000 Lakeland Vision would raise through associated fundraising efforts.

Action: The Commission approved this item along with the Request to Appear from the Public. Commissioner Verplanck moved to approve the request. Commissioner Yates seconded and the motion carried six to one with Commissioner Troller voting nay.

AUDIENCE - None

MAYOR AND MEMBERS OF THE CITY COMMISSION

Edie Yates clarified that (in relation to the Lakeland Vision process) the City also does additional "reaching out" to the community as they prepare their visioning process for the City Commission retreat.

Commissioner Wiggs extended condolences to the family of George Burt, former mayor of the City of Lakeland.

Commissioner Verplanck disagreed with The Ledger's gig for their position on CSX.

Recess: The Commission recessed at 10:38 a.m. until after the Utility Committee meeting. They reconvened at 1:30 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, Finance Director Greg Finch and City Commission Kelly Koos were present.

UTILITY - CONSIDERED AFTER 1PM UTILITY COMMITTEE MEETING**Memo re: Agreement with National Steel Constructors, LLC for Installation of Selective Catalytic Reduction (SCR) Retrofit Project at McIntosh Unit 3**

This was an Agreement with National Steel Constructors, LLC of Birmingham, Alabama for the installation and construction of the Selective Catalytic Reduction (SCR) Retrofit project at McIntosh Unit 3. LE was undertaking this project in order to comply with Clean Air Interstate Rule (CAIR) requirements for the reduction of NOx emissions. To date, the City had entered into nine (9) different supply contracts to purchase equipment, structural steel and ductwork necessary to construct the SCR.

Three (3) firms responded to the City's invitation to bid. Sargent & Lundy, LLC, the City's engineer for this project, in consultation with Lakeland Electric staff, evaluated the bids and determined National Steel Constructors, LLC, by and through its Steel City Erectors division, to have submitted the most responsive bid. Under the Agreement, National Steel Constructors would perform the following services:

- (1) Erect all structural steel, SCR reactors and ductwork
- (2) Install catalyst
- (3) Modify induced draft fans
- (4) Off load and receive all equipment and materials purchased by the City
- (5) Other miscellaneous piping and equipment installation work

The Agreement was for a lump sum price of \$27,812,206 and the project schedule required that all work necessary for Unit 3 to return to service and SCR be completed by December 23, 2008.

Staff recommended that the Commission authorize the appropriate City officials to execute the Agreement with National Steel Constructors, LLC.

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 – 1:31 p.m.

LAKELAND CITY COMMISSION
Agenda Study Session
February 1, 2008

The Lakeland City Commission met for the Agenda Study Session in the Commission conference room. Commissioner Edie Yates, Howard Wiggs, Gow Fields, Justin Troller, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, Assistant City Manager Stanley Hawthorne, City Clerk Kelly Koos, Staff and the media were present.

Mayor Fletcher called the meeting to order at 8:33 a.m.

Doug Thomas covered the preliminaries.

Shannon Lanier of Lakeland Vision explained that Lakeland Vision was about to undergo an update to the vision process. They planned for this to be a community wide effort. They planned to work with ACP Visioning and Consulting. The total cost would be \$180,000. Lakeland Vision planned to request that the City pay half that cost.

Tim McCausland covered the public hearings.

Doug Thomas covered the city manager agenda.

March 25-27 Lakeland reps will be going to Tallahassee. March 26 was Florida League of Cities Legislative Day.

Mayors Sister Cities Golf Tournament today.

Groundbreaking for Common Ground at 7:45 p.m. today.

Tim McCausland covered the ordinances for first reading.

Bruce Kistler covered 08-010.

Tim McCausland covered the resolutions.

The group discussed Proposed Resolution 08-007 at length. The Commission wanted the resolution to firmly state that the CSX plans would 1) destroy Lakeland's downtown and 2) it is not congruent with what they tell every city in the state is good planning. The resolution should not focus on just Lakeland because they were hurting the rest of Florida not just Lakeland. It was a regional issue in the minds of non-Polk legislatures. That would be the only way to make progress. A rail plan needed to be in place before they start building. This issue needed major community support. Lakeland needed Tampa to say yes they need the commuter rail to reach all the way across the state. Lakeland needed to communicate the impact on the local roads in Polk County. Those same roads

were failing now. Lakeland needed to make this a much more global issue. The Commission removed this resolution until the next meeting.

Tim McCausland covered the miscellaneous reports and communications and the utility committee.

Greg Finch covered the finance agenda.

The meeting adjourned at 9:43 a.m.