

LAKELAND CITY COMMISSION
Regular Session
December 17, 2007

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

CALL TO ORDER - 9 a.m.

INVOCATION

Reverend Robert Moore of Hope Hospice offered the invocation followed by the salute to the flag.

PRESENTATIONS

Department of IT - Security Overview (Terry Brigman & Josh Wilson)

2007 Christmas Parade Winners

Awards presented by the Junior League of Greater Lakeland, Parade Co-chairs, Andrea Childress and Lyndi Smith

1. Judge's Choice Award: Family Martial Arts
2. Best Professional Float: Southeastern University
3. Most Outstanding Band: Lake Gibson High School
4. Best Theme Float ("Christmas Around the World"): St. Joseph's Church and School
5. Most Original: All Pest Off
6. Best Youth or Educational Group Float: James W. Sikes Elementary
7. Best Community Float: Noah's Ark of Central Florida
8. Best Business Float: Summit Consulting, Inc.

PROCLAMATIONS - None

APPROVAL OF MINUTES (with any amendments)

- * **City Commission: November 30 – December 7, 2007**
- * **Utility Committee: December 3, 2007**

Transportation-Airport Committee: December 14, 2007

The Transportation-Airport Committee met in the Commission conference room. Commissioners Gow Fields and Glenn Higgins (members) were

present. Commissioner Jim Verplanck (chair) was present along with other commissioners and administrative staff.

Commissioner Verplanck called the meeting to order at 9:29 a.m.

Purchase of land at 4310 Hamilton Road

Staff recommended the purchase of land at 4310 Hamilton Road for future airport expansion in compliance with the approved Airport Master Plan as previously adopted by the City of Lakeland in June 2003. The acquisition of the subject parcel would be supported by an 80% - 20% FDOT/City grant program. The Property contained approximately one acre of land with a single-family residence. It was located at the west end of runway 9-27. The purchase price of the Property would be \$319,350.00 payable in cash at closing. The purchase price included the tax differential and the cost of the appraisal. The City would purchase the property under threat of condemnation. Therefore, the City would pay all closing costs associated with this transaction. Prior to closing, the City would obtain a boundary survey, a title commitment, and an environmental inspection. Subject to the satisfactory completion of these reports, closing will occur as soon as practical thereafter.

Recommendation: Commissioner Higgins moved to recommend approval. Commissioner Fields seconded and Commissioner Verplanck concurred.

Doherty Holdings, LLC Requesting Vacation of ROW north of Memorial Bl

Consider the request of Doherty Holdings, LLC to vacate unimproved right-of-way located north of Memorial Boulevard, east of Atlantic Road and west of Triangle Street. This request was made to accommodate the redevelopment of the former Suburban Propane site. The applicant owns all of the property wherein the subject easement lies as well as all of the properties adjacent to the subject portions of right-of-way. The various City and private utilities have reviewed this request and have no objection to the vacations subject to the reservation of a 25 foot by 15-foot sanitary sewer easement over the centerline of an existing manhole and 24" vitrified clay sewer pipe. The Community Development Department estimates the value of the existing right-of-way to be \$2.00 per square foot with a 50% reduction for the portion requiring a utility easement. The area to be vacated contained 6,319 square feet, and the required utility easement contains 375 square feet, making the estimated value of the vacated area \$12,263.

Recommendation: Commissioner Higgins moved to recommend approval. Commissioner Fields seconded and Commissioner Verplanck concurred.

Lease Agreement with Foster Aircraft Refinishing, Inc.

Consider a proposed Lease Agreement with Foster Aircraft Refinishing, Inc. for space at the Lakeland Airside Center. This Lease is for a total of 29,224 sq. ft. of paint booth space, office space and common area at a blended rate of \$57,005.00 annually. The Lessee pays all utilities and property taxes. The initial term is for five (5) years with no renewal options.

Lease Agreement with National Flight Services, Inc.

Consider a proposed Lease Agreement with National Flight Services, Inc. for space at the Lakeland Airside Center. This Lease is for a total of 20,462 sq. ft. of paint booth space, office space and common area at a blended rate of \$41,555.00 annually. The Lessee pays all utilities and property taxes. The initial term is for five (5) years with no renewal options.

Recommendation: Commissioner Higgins moved to recommend approval of both leases. Commissioner Fields seconded and Commissioner Verplanck concurred.

The meeting adjourned at 9:46 a.m.

Commissioner Verplanck presented these minutes to the Commission.

Action: The Commission approved all four items unanimously.

*** APPROVAL OF CONSENT AGENDA**

- * City Commission Minutes November 30-December 7, 2007
- * Utility Committee Minutes December 3, 2007
- * Memo re: Vacation of a Sanitary Sewer Easement Located at 3410 North Road 98
- * Memo re: Vacation of a Portion of a 40' Sanitary Sewer and Drainage Easement Located at 2770 Mall Hill Road
- * Memo re: Updated Interlocal Agreement with Polk County and Other Municipalities on Educational Facilities Planning
- * Memo re: Interlocal Agreement with Polk County Exempting Mid-Town CRA Core Improvement Area from Impact Fees
- * Memo re: Hangar Lease with Foster's Aircraft Refinishing at Lakeland Airside Center
- * Memo re: Hangar Lease with National Flight Services at Lakeland Airside Center
- * Memo re: Assignment of Hangar Lease Agreement from DKS Aviation, LLC to Terry and Pam Holding
- * Appropriation re: Fleet Management Capital Reserve Fund
- * Memo re: HomeWire® Agreement with Progress Energy
- * Memo re: Amendment of the Consulting Contract with Itron

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC

Steve Scruggs, Lakeland Economic Development Director, re University of South Florida's Proposed Polytechnic Campus

The polytechnic campus would be 500 acres on I-4. It was important to Lakeland's economic development efforts. It would bring high skill high wage jobs to Lakeland. LEDC was asking the City to support their efforts to attract this campus to Lakeland. They were specifically asking for \$5 million toward funding to bring this campus to Lakeland.

Doug Thomas explained how the City of Lakeland would commit the \$5 million. This was an investment in Lakeland's future. Staff looked for a creative approach to make this investment possible. Staff proposed to borrow the \$5 million from the Fleet Reserve Fund. The City would make a \$3 million cash contribution in 2007 to the LEDC. The City would donate \$1 million in 2008 and \$1 million in 2009. That would be repaid over a 7-year period. The loan was for 7 years at 6%. Doug Thomas explained that the Fleet Reserve Fund had an excess of \$22 million on hand today.

Memo re: Economic Development Agreement with Lakeland Economic Development Council for the Williams' Development of Regional Impact

This proposed Economic Development Grant Agreement was in support of the University of South Florida (USF) Lakeland Branch Campus. The agreement provided for the City to transfer funds to LEDC subject to the conditions in the agreement. The City agreed to provide support to the USF Branch Campus for \$5 million over a three-year period payable as follows:

1. \$3 million by December 31, 2007
2. \$1 million by December 31, 2008
3. \$1 million by December 31, 2009

The City's obligation was subject to several conditions as follows:

- Application for matching funds from the Alec P. Courtelis Facility Enhancement Challenge Grant Program or other supporting contributions.
- Fulfillment of all of the conditions required by the Williams Company donation by June 30, 2008
- Significant state funding approved initially in the upcoming budget in an amount no less than \$15 million
- Construction to commence no later than January 1, ~~2009~~ 2010, with no funds spent prior to commencement.

In the event of the failure of any of these conditions, LEDC agreed to return the grant funds with interest.

Tim McCausland presented this item to the Commission. The commencement of construction would be no later than 1/1/2010. This was one year later than what the agreement read. The agreement also now required other supporting contributions in matching funds.

Motion: Commissioner Boring moved to approve the recommendation. Commissioner Verplanck seconded.

Mayor Fletcher asked for comments and there were none.

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

EQUALIZATION HEARINGS – 9:30 a.m.

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.

Demolition of Buildings

Tim McCausland presented the assessments to the Commission, a copy of which is on file in the agenda packet.

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

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

Action: Mayor Pro Tem Glenn Higgins called for the vote and the motion carried six to zero. Mayor Fletcher was absent at that time.

Adjourn/reconvene: Commissioner Wiggs moved to adjourn as the Equalization Board and reconvene as the City Commission in Regular Session. Commissioner Verplanck seconded and the motion carried six to zero. Mayor Fletcher was absent at that time.

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 4929; Proposed 07-091; Text Amendment #T-07-017 to the Lakeland Comprehensive Plan to Add the Public Schools Facility Element

and Make Associated Updates to the Intergovernmental and Capital Improvements Elements (1st Rdg 9/17/07)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-07-017 TO THE LAKELAND COMPREHENSIVE PLAN 2000-2010 AS ADOPTED BY ORDINANCE 4140 TO ADD THE PUBLIC SCHOOLS FACILITY ELEMENT AND MAKE ASSOCIATED UPDATES TO THE INTERGOVERNMENTAL AND CAPITAL IMPROVEMENTS ELEMENTS OF THE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Glenn Higgins asked for comments.

Celeste Deardorff gave a brief update on this ordinance.

Mayor Fletcher asked for comments from the audience and there were none.

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

Ordinance 4930; Proposed 07-113; Vacation of Portions of a Public Right-of-Way Located North of Olive Street, South of the CSX Railroad and West of Brooklyn Avenue (1st Rdg 12/3/07)

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING A PORTION OF MONTANA AVENUE, OREGON AVENUE, COMMERCE STREET, AND THE ACCOMPANYING ALLEYS LOCATED NORTH OF OLIVE STREET, SOUTH OF THE CSX RAILROAD AND WEST OF BROOKLYN AVENUE, WITHIN THE CITY OF LAKELAND; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4931; Proposed 07-114; Conditional Use for a Tattoo Studio on Property Located at 1321 East Gary Road (1st Rdg 12/3/07)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A TATTOO STUDIO ON PROPERTY LOCATED AT 1321 EAST GARY ROAD; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Motion: Commissioner Boring moved for approval.

Commissioner Verplanck asked to hear from staff.

Bruce Kistler explained this would be located in the building where the AMVETS was located. The surrounding area was largely industrial.

Commissioner Verplanck seconded the motion.

Mayor Fletcher asked for comments.

Commissioner Wiggs asked about the conditions on the project.

Bruce Kistler explained there no specific conditions other than the square footage, which was a 900 sq ft. It was an appropriate location for a business like this.

The group discussed the precedence this approval might set.

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

Ordinance 4932; Proposed 07-115; Conditional Use for a Church and an Accessory Structure on Property Located at 224 Antilla Street (1st Rdg 12/3/07)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A CHURCH AND AN ACCESSORY STRUCTURE ON PROPERTY LOCATED AT 224 ANTILLA STREET; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4933; Proposed 07-116; Conditional Use for a Church on 1.57 Acres Located at the Southwest Corner of Maple Street and Cornell Street (1310 Maple Street) (1st Rdg 12/3/07)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A CHURCH ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF MAPLE STREET AND CORNELL STREET (1310 MAPLE STREET); PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4934; Proposed 07-117; Conditional Use for a Bank with Drive-Through Tellers on 1.1 Acres Located at 2000 East Edgewood Drive (1st Rdg 12/3/07)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A BANK WITH DRIVE-THROUGH TELLERS ON 1.1 ACRES LOCATED AT 2000 EAST EDGEWOOD DRIVE; 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 Boring seconded.

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4935; Proposed 07-118; Modification of PUD Zoning to Allow a 32 Unit Addition to the Carpenters Home Estates Senior Living Facility Located at 1001 Carpenters Way (1st Rdg 12/3/07)

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR A MODIFICATION OF PUD ZONING TO ALLOW A 32 UNIT ADDITION TO THE CARPENTERS HOME ESTATES SENIOR LIVING FACILITY LOCATED AT 1001 CARPENTERS WAY; AMENDING ORDINANCE 4773; 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 Boring seconded.

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4936; Proposed 07-119; Amending 102 of the Code of the City of Lakeland, Revising Wastewater Impact Fees (1st Rdg 12/3/07)

AN ORDINANCE RELATING TO WASTEWATER IMPACT FEES; AMENDING CHAPTER 102 OF THE CODE OF THE CITY OF LAKE LAND, FLORIDA; REVISING WASTEWATER IMPACT FEES; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4937; Proposed 07-120; Amending Ordinance 2620, As Amended, Modifying Water Service Capacity Fees, Modifying Water System Capacity Fee Refunds (1st Rdg 12/3/07)

AN ORDINANCE RELATING TO WATER SYSTEM CAPACITY CHARGES; MAKING FINDINGS; AMENDING SECTION 2 (B) (1) AND SECTION 7 OF ORDINANCE 2620, AS AMENDED, MODIFYING WATER SERVICE CAPACITY FEES; MODIFYING WATER SYSTEM CAPACITY FEE REFUNDS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4938; Proposed 07-121; Amending Ordinance 2978, as amended, including Portions of the Mid-Town Community Redevelopment Area in City's Core Improvement Area for Purposes of Exemption from Transportation Impact Fees (1st Rdg 12/3/07)

AN ORDINANCE RELATING TO IMPACT FEES; MAKING FINDINGS; AMENDING PARAGRAPH 7 OF SECTION 5(A) OF ORDINANCE 2978, AS AMENDED, TO EXEMPT CERTAIN PORTIONS OF THE MID-TOWN COMMUNITY REDEVELOPMENT AREA FROM TRANSPORTATION IMPACT FEES AND TO INCLUDE SAID PORTIONS OF THE MID-TOWN COMMUNITY REDEVELOPMENT AREA WITHIN THE CITY OF LAKELAND'S DESIGNATED CORE IMPROVEMENT AREA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4939; Proposed 07-122; Amending Ordinance 2979, as amended, including Portions of the Mid-Town Community Redevelopment Area in City's Core Improvement Area for Purposes of Exemption from Parks and Recreation Impact Fees (1st Rdg 12/3/07)

AN ORDINANCE RELATING TO IMPACT FEES; MAKING FINDINGS; AMENDING PARAGRAPH 7 OF SECTION 5(A) OF ORDINANCE 2979, AS AMENDED, TO EXEMPT CERTAIN PORTIONS OF THE MID-TOWN COMMUNITY REDEVELOPMENT AREA FROM PARKS AND RECREATION IMPACT FEES AND TO INCLUDE SAID PORTIONS OF THE MID-TOWN COMMUNITY REDEVELOPMENT AREA WITHIN THE CITY OF LAKELAND'S DESIGNATED CORE IMPROVEMENT AREA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4940; Proposed 07-123; Amending Ordinance 2980, as amended, including Portions of the Mid-Town Community Redevelopment Area in City's Core Improvement Area for Purposes of Exemption from Fire Protection Impact Fees (1st Rdg 12/3/07)

AN ORDINANCE RELATING TO IMPACT FEES; MAKING FINDINGS; AMENDING PARAGRAPH 7 OF SECTION 5(A) OF ORDINANCE 2980, AS AMENDED, TO EXEMPT CERTAIN PORTIONS OF THE MID-TOWN COMMUNITY REDEVELOPMENT AREA FROM FIRE PROTECTION IMPACT FEES AND TO INCLUDE SAID PORTIONS OF THE MID-TOWN COMMUNITY REDEVELOPMENT AREA WITHIN THE CITY OF LAKELAND'S DESIGNATED CORE IMPROVEMENT AREA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4941; Proposed 07-124; Amending Ordinance 2981, as amended, including Portions of the Mid-Town Community Redevelopment Area in City's Core Improvement Area for Purposes of Exemption from Law Enforcement Impact Fees (1st Rdg 12/3/07)

AN ORDINANCE RELATING TO IMPACT FEES; MAKING FINDINGS; AMENDING PARAGRAPH 7 OF SECTION 5(A) OF ORDINANCE 2981, AS AMENDED, TO EXEMPT CERTAIN PORTIONS OF THE MID-TOWN COMMUNITY REDEVELOPMENT AREA FROM LAW ENFORCEMENT IMPACT FEES AND TO INCLUDE SAID PORTIONS OF THE MID-TOWN COMMUNITY REDEVELOPMENT AREA WITHIN THE CITY OF LAKELAND'S DESIGNATED CORE IMPROVEMENT AREA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolutions

Resolution 4659; Proposed 07-080; Electing to Utilize the Uniform Method of Collection to Collect all Unpaid Special Assessments

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA ELECTING TO UTILIZE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS AS AUTHORIZED UNDER SECTION 197.3632, FLORIDA STATUTES, FOR COLLECTING ALL UNPAID DEMOLITION AND LOT CLEARING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED BY THE CITY COMMISSION DURING CALENDAR YEAR 2007 AND PRECEDING YEARS; ADOPTING

FINDINGS OF FACT; STATING THE NEED FOR THE LEVY OF SAID ASSESSMENTS; PROVIDING FOR THE MAILING OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Miscellaneous

Memo re: Campus Development Agreement Between the City of Lakeland and the University of South Florida for the USF Lakeland Campus

This was a proposed Campus Development Agreement, or CDA, between the University of South Florida and the City of Lakeland. This agreement was required by Ch. 1013, F.S., as a follow up to the 2005-2015 USF Campus Master Plan adopted earlier this year. As the host local government, the City and USF were required to enter into an agreement regarding the need and costs of providing water, wastewater, solid waste collection, parks, storm water, transportation and other public services due to the new campus and what, if any, associated costs must be paid by the University for such services. In particular:

- * The City extended water and wastewater lines along State Road 33 to a point near the Williams DRI several years ago and that was available once USF extended the lines south under I-4 to the property. Water and wastewater capacity was also available or reserved for this project. The City would entertain a proposal to allow Auburndale to provide reuse water to the City and the City would in turn provide the same to USF for irrigation.
- * The Williams Acquisition and Holding Company donated several hundred acres to USF southwest of the main campus, in addition to the main campus parcel, which was designated for Recreation and Conservation land.
- * USF has an agreement with the Williams Company to handle storm water flows elsewhere on the Williams DRI property.
- * The City would collect solid waste.
- * Fire protection was available from the new city fire station located on Old Combee Road. Law enforcement would exist on campus.

- * The Citrus Connection/LAMTD and/or the newly forming Regional Transit Authority (RTA) would provide transit services independent of the City. The USF expected most students to be commuters for the first several years with very limited on-site campus student housing (only 500 beds) planned through 2015. Thus, transit service demand may need to be re-evaluated as the campus expands, if the student enrollment projections proved too low and/or if there was a demand from students residing in nearby housing.
- * The traffic study done by consultants for the Williams DRI partially considered the campus transportation impacts. In addition, USF hired its own consultant to review their transportation impacts. The University had funding available in the statewide university infrastructure trust fund that addressed funding needs for new campuses, in particular, to address concurrency or level of service issues. The proposed agreement suggested a final amount of approximately \$5.1 million for the USF contribution.
- * The Campus Development Agreement may also be updated or amended over time if the Campus plans expanded.

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

Tim McCausland explained there would be a public hearing this week at a special called commission meeting this Friday, December 21, 2007 for the Commission to take action.

COMMUNITY REDEVELOPMENT AGENCY - None

CITY MANAGER

Recommendation Re: Lake Mirror Park Construction Phase Services

As the City moves forward to complete the remaining park construction phase of the Lake Mirror Park Project, a variety of administrative and certification components would be required to ensure construction work was in accordance with project design standards. Scopes of services associated with the outstanding construction phase included project management, construction administration, observation and oversight, and compliance with maintaining engineering certification throughout the term of construction. Pursuant to the City of Lakeland Continuing Contract for Park Architectural Consultant Services, City staff recommended revising the current task authorization with Gladding Jackson Kercher Anglin to include these necessary services and the addition of Chastain Skillman, Inc. to assist in the structural and civil engineering of the project as a sub-consultant entity. The fees for the proposed services including sub-consultant fees would be billed on a time and materials basis, with the total not to exceed \$104,000, including

direct expenses. Lake Mirror Park was projected to be completed by December 2008.

Staff recommended that City Commission authorize the appropriate City officials to execute the task authorization with Glatting Jackson for the Lake Mirror Park Project Construction Phase Services for a not-to-exceed fee of \$104,000.

Doug Thomas presented this item to the Commission.

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

Ratification of Office of Tourism, Trade and Economic Development (OTTED) Economic Development Transportation Trust Fund Grant in support of the proposed Firmenich Inc. Development

The City of Lakeland Public Works Department was developing the engineering design and construction of associated roadway improvements in conjunction with the Firmenich Project to accommodate the impacts of increased traffic accessing the development. The development would be located on an approximate 41-acre site on the south side of Drane Field Road and west of Kidron Road. The roadway improvements included realignment and widening of Air Park Drive between Kelvin Howard Road and Kidron Road. Additionally, the intersection of Drane Field Road and Kidron Road would need signalization and turn lane additions. The City previously engaged Keith & Schnars, P.A. to perform engineering design services required to provide construction plans, specifications and documents and required permits for the construction of the intersection improvements at Drane Field Road and Kidron Road, in addition to associated Construction Engineering Inspection (CEI) services for a not-to-exceed fee of \$234,390. Additionally, the City will perform the engineering services for the intersection improvements and utilize City in-house resources to undertake design and construction of the Air Park Drive improvements. This arrangement would allow the City to better administer and stay within the budget of the project budget, coupled with the need to meet the scheduled Phase I opening of the Firmenich project in June 2009. An Office of Tourism, Trade and Economic Development (OTTED) Economic Development Transportation Trust Fund Grant for \$1,950,000 would fully support the above noted transportation improvements. In an effort to avoid delays in execution of the Grant Agreement and to meet the aggressive project schedule, the City Commission previously authorized the City Manager to execute the OTTED Grant Agreement to allow commencement of reimbursable expenses at the earliest opportunity, and subsequently place the Agreement for ratification at the next available City Commission meeting.

Staff recommended that the City Commission ratify the execution of the Office of Tourism, Trade and Economic Development (OTTED) Economic Development

Transportation Trust Fund Grant Agreement for \$1,950,000 in support of the Firmenich Incorporated Development.

Action: Commissioner Verplanck moved to ratify the agreement. Commissioner Boring seconded and the motion carried unanimously.

CITY ATTORNEY

Ordinances (First Reading) - NONE

Resolutions

Resolution 4660; Proposed 07-081; Vacation of a Portion of a Public Right-of-Way Located North of Memorial Boulevard, East of Atlantic Road and West of Triangle Street

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

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4661; Proposed 07-083; Appointing Two City of Lakeland Representatives to the Polk Transit Authority and Pledging Support

RESOLUTION RELATING TO PUBLIC TRANSPORTATION RECOGNIZING THE CREATION OF THE POLK TRANSIT AUTHORITY FORMED TO ADDRESS REGIONAL TRANSPORTATION NEEDS; APPOINTING CITY OF LAKELAND REPRESENTATIVES TO THE POLK TRANSIT AUTHORITY; PLEDGING SUPPORT FOR THE IMPLEMENTATION OF THE LONG RANGE, COUNTYWIDE TRANSIT PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Miscellaneous Reports and Communications

Memo re: Purchase of Property at 4310 Hamilton Road for Future Airport Expansion

This was a proposed Purchase Agreement for property located at 4310 Hamilton Road. The City was considering purchasing this property for future airport expansion in compliance with the approved airport master plan as previously adopted by the City of Lakeland in June 2003. The material provisions of the contract were:

1. PROPERTY – The Property contained approximately one acre of land with a single-family residence. It was located at the west end of runway 9-27 and described in the Agreement.
2. PURCHASE PRICE - The purchase price of the Property was \$319,350.00 payable in cash at closing. The purchase price included the tax differential and the cost of the appraisal. The City was purchasing the property under threat of condemnation. Therefore, the City would pay all closing costs associated with this transaction.
3. DUE DILIGENCE – Prior to closing, the City will obtain a boundary survey, a title commitment, and an environmental inspection. Subject to the satisfactory completion of these reports, closing will occur as soon as is practical thereafter.

The balance of the Agreement contains the typical terms and conditions. Staff recommended that the Commission authorize the appropriate City officials to execute this Purchase Agreement.

Action: The Commission approved this item when they approved the Transportation-Airport Committee recommendations.

* **Memo re: Vacation of a Sanitary Sewer Easement Located at 3410 North Road 98**

This was proposed quitclaim deed from the City of Lakeland to Hooters of America, Inc. for the vacation of a sanitary sewer easement at 3410 North Road 98. More specifically, the easement was located at the northwest intersection of

I-4 and North Road 98 on parcel number 232736-000000-044080. This request was in conjunction with the demolition and reconstruction of the existing building northwest of the current footprint on the same parcel. The reconfiguration of the existing building would allow space for two new additional out parcels. During the course of construction, the existing water and sewer service would be removed and replaced in accordance with the Lakeland Water Utilities Department standards. The Lakeland Water Utilities Department reviewed this request and has no objection to the vacation of this sanitary sewer easement.

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

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

* **Memo re: Vacation of a Portion of a 40' Sanitary Sewer and Drainage Easement Located at 2770 Mall Hill Road**

This was a proposed quitclaim deed from the City of Lakeland to Kathleen Pointe Partners, LLLP for the vacation of a 15-foot portion of an existing platted 40-foot wide sanitary sewer and drainage easement located at 2770 Mall Hill Road. More specifically, the easement runs east and west along the rear of parcels 232802-020504-000130 and 232802-020504-000072. This request was in conjunction with the second phase of the Cambridge Cove development. The original 40-foot wide easement was designed to accommodate both the sanitary sewer and the drainage for the second phase of this project. With construction pending, the development design had been altered to reroute all of the drainage to the existing retention ponds constructed in phase one via underground storm pipes. The Lakeland Water Utilities and Public Works Departments have reviewed this request and have no objection to the vacation of 15 feet of the sanitary sewer and drainage easement.

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

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

* **Memo re: Updated Interlocal Agreement with Polk County and Other Municipalities on Educational Facilities Planning**

This was a proposed Interlocal Agreement with the Polk County Commission, School Board of Polk County, and all of the municipalities within the County. This Interlocal Agreement had been significantly revised since its original approval in 2002. The revisions were necessary in great part due to provisions to address school level of service standards and concurrency as well as to revise coordination and other procedures within the document. This updated and revised Interlocal was required by Florida Statutes to accompany and be consistent with the City's

adopted Public School Facilities Element, which was also on this agenda (Proposed Ordinance 07-091).

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: Interlocal Agreement with Polk County Exempting Mid-Town CRA Core Improvement Area from Impact Fees**

The County Commission recently consolidated its impact fee ordinances into new Polk County Ordinance 07-018. The new ordinance exempted from County impact fees the construction, alteration or expansion of any structure within a “core improvement area” that was formally recognized and designated by an interlocal agreement between the County and a city. Per the Ordinance, the City must agree to waive the imposition of City impact fees within the core improvement area, exclusive of water and sewer utility fees, in order to be entitled to the County exemption. By previous interlocal agreement, the City and the County formally recognized all of the City’s historic districts listed on the National Register of Historic Places (South Lake Morton Historic District, East Lake Morton Historic District, Dixieland Historic District, Beacon Hill Historic District, Lake Hunter Terrace Historic District, Biltmore-Cumberland Historic District and the Munn Park Historic District), as well as the Downtown Community Redevelopment Area, as a core improvement area exempt from City and County impact fees. The interlocal agreement additionally recognized the portion of the Mid-Town Community Redevelopment Area described therein as a part of the City’s core improvement area, with the effect that the construction, alteration or expansion of any structure within such area will be exempt from both City and County impact fees, with the exception of water and sewer utility fees.

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

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

* **Memo re: Hangar Lease with Foster’s Aircraft Refinishing at Lakeland Airside Center**

This was a proposed Lease Agreement with Foster Aircraft Refinishing, Inc. for space at the Lakeland Airside Center. Foster Aircraft was a long time tenant whose most recent lease expired without renewal in May 2006. They continued to occupy the space on a month-to-month basis. This Lease was for a total of 29,224 sq. ft. of paint booth space, office space and common area at a blended rate of \$57,005.00 annually. The Lessee paid all utilities and property taxes. The initial term was for five (5) years with no renewal options.

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

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

* **Memo re: Hangar Lease with National Flight Services at Lakeland Airside Center**

This was a proposed Lease Agreement with National Flight Services, Inc. for space at the Lakeland Airside Center. National Flight assumed an existing lease from Executive Wings, Inc. in November of 2000. That lease expired in September of 2004; however, they continued to occupy the space on a month-to-month basis. This Lease was for a total of 20,462 sq. ft. of paint booth space, office space and common area at a blended rate of \$41,555.00 annually. The Lessee paid all utilities and property taxes. The initial term was for five (5) years with no renewal options.

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

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

* **Memo re: Assignment of Hangar Lease Agreement from DKS Aviation, LLC to Terry and Pam Holding**

This was a proposed Assignment, Assumption and Consent of Long Term Lease Agreement between the City and DKS Aviation, LLC. DKS was the successor tenant to Lance Aviation who occupied a hangar building on the north side of the airport for some time. DKS approached the City to consent to an assignment of its interest to Terry and Pam Holding, or a related entity. The assignment was on the same terms as presently exist and DKS and Don Stephens personally would continue to be liable under the terms of the lease until released by the City. Assuming that the Holdings could demonstrate sufficient financial capability that was likely to occur.

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

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

FINANCE DIRECTOR

* **Appropriation – Fleet Management Capital Reserve Fund**

The City has established a fund within our Fleet Management operation, which was used to accumulate moneys necessary to replace vehicles at the end of their useful

life. As of September 30, 2007, the estimated replacement cost of the entire motor fleet was approximately \$44,000,000. The capital reserve fund has approximately \$22,800,000 million on hand. The historical balance in this fund at the end of the last several fiscal years is as follows:

2001	19,250,000
2002	19,250,000
2003	19,500,000
2004	21,150,000
2005	21,950,000
2006	22,700,000
2007	22,900,000

The corpus of this fund continues to grow. Monthly deposits into the fund (including investment income) have historically exceeded the withdrawals necessary to purchase vehicles.

For the past ten years, the City has operated an Internal Loan Fund. That fund has been capitalized from the proceeds of various bond issues. As those bonds were repaid, the corpus of the fund decreased. At present, the Internal Loan Fund had approximately \$2.5 million in corpus remaining to process new loans. This fund had been very beneficial in funding projects that did not qualify for tax-exempt financing, had relatively short terms, and/or were repaid from revenue sources that may fluctuate over time. In order to provide additional flexibility, the Finance Department would like to augment the Internal Loan Fund with an additional \$15 million of corpus from the Fleet Management Capital Reserve Fund. This would be structured as a long-term advance from the Fleet Fund to the Internal Loan Fund. Interest would be paid on this advance monthly at the same yield the City earns on its internal investment pool. Loans issued from within the Internal Loan Fund would carry the same (or greater) rate of interest. The financial impact on the Fleet Management Capital Reserve Fund would be zero – that fund would still earn investment income on these assets at the same rate.

Staff recommended that the City Commission authorize an appropriation of \$15 million from the Fleet Management Capital Reserve Fund.

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

AUDIENCE - None

IX. MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Wiggs requested Doug Thomas schedule a workshop so the Commission could better understand how the State was investing City money. Greg Finch will do a Department Presentation on this subject at the first Commission meeting in 2008.

Doug Thomas confirmed there was a Special Called meeting Friday at 8:30 a.m. Assuming there was sufficient returns in the pension fund a pension increase could be forthcoming. Tim McCausland planed to bring an ordinance for first reading in January. Greg Finch explained the retiree's increase was typically approved in January but paid retro to the first pension check in January.

Commissioner Higgins noted this was Commissioner Boring's last full meeting.

Recess/reconvene: The Commission recessed at 10:22 a.m. until after the Utility Committee meeting. They reconvened at 2:51 p.m.

Regular Session Continued December 17, 2007

The Lakeland City Commission reconvened in Regular Session in the Commission chambers. Commissioners Glenn Higgins, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Fletcher were present. Commissioner Dean Boring was absent. 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

Resolutions

Resolution 4662; Proposed 07-082; Establishing Fuel Charge Effective January 1, 2008

A RESOLUTION RELATING TO THE ELECTRIC UTILITY; ESTABLISHING THE FUEL CHARGE FOR ALL CUSTOMER CLASSES, COMMENCING JANUARY 1, 2008 AND THEREAFTER; MAKING FINDINGS; REPEALING RESOLUTION 4634; 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, Higgins and Mayor Fletcher voted aye. Ayes: six. Nays: Zero. The motion carried unanimously.

Miscellaneous Reports & Communications

* **Memo re: HomeWire® Agreement with Progress Energy**

This was a proposed agreement with Progress Energy to partner in providing Progress' HomeWIRE™ services to our Customers. The HomeWIRE™ program was an electrical service plan that provided access to Progress Energy's network of independent electrical contractors for repair or replacement of certain home electrical components and circuits. The Service would be available for single-family homes, garages, condominiums and manufactured housing with individual electric metering. By entering into this agreement, Lakeland would promote the HomeWIRE™ program and refer customers into enrolling. Progress Energy's contractors would be responsible for performing the actual work. Lakeland customers enrolling in the program would pay Lakeland a monthly fee of \$3.95 and Lakeland would pass \$2.95 through to Progress Energy. The initial term of the agreement was two years with automatic renewal thereafter on an annual basis.

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

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

* **Memo re: Amendment of the Consulting Contract with Itron**

This was a proposed amendment to the agreement with Itron, Inc. for services associated with the City's utility forecasting software. In 2005, the City solicited bids for Forecasting Software and related consulting services. As a result of the RFP, the City entered into an agreement with Itron, Inc. on November 5, 2005. Staff determined that the consulting services were still required and wished to extend the agreement until September 2008, with an option for a one-year renewal through September of 2009. Staff estimated that the fees for fiscal year 07-08 would be \$50,000 - \$60,000.

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

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

CALL FOR ADJOURNMENT – 2:52 p.m.

LAKELAND CITY COMMISSION
Agenda Study Session
December 14, 2007

The Lakeland City Commission met in the Agenda Study Session in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Dean Boring, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, City Attorney Tim McCausland and City Clerk Kelly Koos were present along with staff and the media.

Mayor Fletcher called the meeting to order at 8:34 a.m.

Tony Delgado covered the preliminaries.

Tim McCausland covered the requests to appear from the public. There were several items on the agenda relating to the USF campus. Item VI-C-8 was an agreement to fund a grant for that campus. Neither Steve Scruggs nor David Steele had a chance to review this item yet. It was important to structure this agreement so that it would qualify for matching funds from the State. Staff may need to make changes to make sure the agreement would be eligible for funding from the State.

The other related item was II-C. That was the campus development agreement. This was a product of a year's work. This was on the agenda today for information purposes and would require two additional public hearings.

Jim Studiale explained that included in that document was their transportation plan. USF would pay the City towards roadway improvements.

Steve Scruggs, Executive Director of the Lakeland Economic Development Council, (LEDC) would make a presentation on Monday about LEDC's plans for the funds.

Greg Finch distributed an agenda item relating to funding for the \$5 million toward the project. This money will come from the Internal Loan Fund. The Internal Loan Fund was getting low. Staff wanted to transfer money from the Fleet Reserve Fund and the Internal Loan Fund would make payments back.

Tim McCausland covered the public hearings.

Tony Delgado covered the City Manager Agenda and offered the following verbal:

- There were meetings in Tallahassee re commuter rail in Orlando. There will be additional workshops in January. Lakeland will attend those meetings.

Tim McCausland covered the resolutions and offered the following verbal:

- Lakeland's code required elections to be non-partisan. There was a complaint pending right now that was in the hands of the State Attorney. The enforcement section of that code defined unfair campaign practices. He felt it was over the top

to have the punishment be possible time served in jail. He asked the Commission for their thoughts on the issue. He suggested they dial back the penalty portion of the code. The consensus was that it should be a financial penalty. In many elections, the parties get involved and the candidates have no control.

The Commission wanted the fuel charge resolution 07-082 moved under the Utility Committee heading.

Tim McCausland covered the Utility Committee agenda.

Greg Finch gave a verbal on State Investment Pool. A few weeks ago the State froze the investment pool as local agencies started making large withdraws in response to the sub-prime mortgage investments. This fund had been in place for 25 years and there had never been a problem. The City stopped sending money to the State pool until things were straightened out. The investment policy would require the City to take bids to replace the pool. That could be complicated because by its nature, money markets fluctuate

The meeting adjourned at 9:29 a.m.