

**LAKELAND CITY COMMISSION  
REGULAR SESSION  
March 5, 2007**

The Lakeland City Commission met in Regular Session on Monday, March 5, 2007 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, Assistant City Attorney Michael Craig, Assistant Finance Director Mike Brossart and City Clerk Kelly Koos were present.

**CALL TO ORDER**

Mayor Fletcher called the meeting to order at 9:02 a.m.

**INVOCATION**

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

**PRESENTATIONS**

**Performance Evaluation Process: Update on Pay for Performance**

Lynn Chisholm gave the presentation.

**Employee Service Awards**

**10 Years**

Gerhart, Charles F	02-24-1997	Employee Relations
Jacques, Deborah V	02-02-1997	Police Department
Owen, William L	02-12-1997	Parks & Recreation

**20 Years**

Bass, Alfred Franklin	02-16-1987	Fire Department
Niblack, James L	02-16-1987	Fire Department

**30ears**

Williams, Jeffrey T	02-14-1977	Lakeland Electric
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Mayor Fletcher and Doug Thomas presented these awards.

**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.

Michael Craig presented the assessments for Lots Cleaning & Clearing.

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

### **Beautification Awards**

Commercial: 321-327 North Kentucky Avenue ~ My Cottage Garden 1115

Residential: 721 Johnson Avenue ~ Donna Medeiros

Frankie Martin presented these awards.

### **APPROVAL OF CONSENT AGENDA**

- \* City Commission Minutes 02/16/07-02/19/07
- \* Utility Committee Minutes 02/19/07
- \* Memo re: Sun 'n Fun Use Agreement
- \* Memo re: Maintenance Service Agreement with L-3 Communications ILEX Systems, Inc.
- \* Memo re: Easement Agreement with City of Orlando and Orlando Utilities Commission for Location of Water and Wastewater Facilities to Serve Williams Development and USF Campus

**Action:** Commissioner Wiggs moved to approve the Consent Agenda. Commissioner Verplanck seconded and the motion carried six to zero. Commissioner Fields was absent at that time.

### **PUBLIC HEARINGS**

#### **Ordinances (Second Reading)**

#### **Proposed 07-015; Amending Lakeland City Code Section 78-9 Regarding Street Solicitation for Contributions (1st Rdg 2/19/07)**

AN ORDINANCE RELATING TO SOLICITATION, PEDDLERS; AMENDING CHAPTER 78 OF THE CODE OF THE CITY OF LAKE LAND, FLORIDA; PROHIBITING THE PRESENCE OF PEOPLE STANDING ON STREETS

REGARDLESS OF PURPOSE; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Michael Craig read the short title.

**Motion:** Commissioner Verplanck moved to continue the public hearing to March 19, 2007. Commissioner Boring seconded and 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 4837; Proposed 07-016; Amending Lakeland City Code Chapter 102 Regarding Wastewater Impact Fees (1st Rdg 2/19/07)**

AN ORDINANCE RELATING TO WASTEWATER IMPACT FEES; AMENDING CHAPTER 102 OF THE CODE OF THE CITY OF LAKELAND, FLORIDA; PROVIDING FOR CLARIFICATION IN DETERMINING IMPACT FEES; PROVIDING AN EFFECTIVE DATE.

Michael Craig 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 4838; Proposed 07-017; Amending Ordinance 2620 Regarding Water System Capacity Fees (1st Rdg 2/19/07)**

AN ORDINANCE RELATING TO WATER SYSTEM CAPACITY CHARGES; MAKING FINDINGS; AMENDING SECTION 2 (B) (1) OF ORDINANCE 2620, PROVIDING CLARIFICATION IN DETERMINING WATER SYSTEM CAPACITY CHARGES; PROVIDING AN EFFECTIVE DATE.

Michael Craig 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.

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

Celeste Deardorff gave a presentation on this item.

Mayor Fletcher asked for comments.

Commissioner Wiggs asked about the elimination of property tax and its affect on the CRAs.

Celeste explained that she had been in discussions with other agencies and they did not have an answer at this point.

Doug Thomas explained the City had been in contact with the Florida League of Cities. This issue was going to get a lot of attention over the next 60 days. It was difficult to predict which process was going to win out. There would be significant consequences. Maybe the State should look at the process by which assessed values are determined.

**Action:** Commissioner Boring moved to approve the report. 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 2007-2008 One Year Action Plan and Projected Use of Funds, 33rd Year CDBG and 13th Year HOME**

Nyla Campbell gave the presentation. She did not require action today.

May 17, 2007 was the tentative date for the upcoming Affordable Housing Summit.

**APPROVAL OF MINUTES (with any amendments)**

- \* **City Commission 02/16/07-02/19/07**

**Action:** The Commission approved these minutes on the Consent Agenda.

- \* **Utility Committee 02/19/97**

**Action:** The Commission approved these minutes on the Consent Agenda.

## Transportation-Airport Committee 03/02/07

The Transportation Airport Committee met on Friday, March 2, 2007 in the Commission conference room. Commissioners (members) Gow Fields and Glenn Higgins were present. Commissioner (chair) Jim Verplanck was absent. Commissioners Edie Yates, Dean Boring and Mayor Fletcher were present. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Assistant to the City Manager Stanley Hawthorne, City Clerk Kelly Koos, and Annexation Coordinator Jason Willey were present. Sally Myers and Larry Helton of the Polk County School Board were also present.

The School Board was requesting the vacation of approximately 416 feet of W. Peachtree Street right-of-way between N. New York Avenue and N. Florida Avenue, 237 feet of N. Missouri Street right-of-way between W. Magnolia Street and W. Peachtree Street and approximately 350 feet of the 20 foot unmaintained public east/west alleyway located south of W. Magnolia Street and north of W. Peachtree Street, between N. New York Avenue and N. Florida Avenue.

The School Board owned all of the properties abutting the subject rights-of-way. This vacation request would accommodate the applicant's overall redevelopment plan for Lawton Chiles Middle School by utilizing the rights-of-way to reconfigure certain onsite improvements. In doing so, the applicant would apply a drainage easement and a public utility easement over the entire subject portion of W. Peachtree Street. Additionally, utilities within the remaining areas would be relocated at the applicant's expense upon the reconfiguration of the property.

The various City and private utilities reviewed this request and have no objections to the vacation. Lakeland Electric, Water Utilities and TECO maintained utilities within the subject right-of-way and required a utility easement over the entire area. Additionally, Lakeland's Public Works Department requested the reservation of a drainage easement over the entire subject portion of W. Peachtree Street.

Staff recommended that the Committee recommend the Commission approve the request to vacate 44,548 sq.ft. of right-of-way, subject to the reservation of a public utility easement over the entire area and a drainage easement over the subject portion of W. Peachtree Street.

The Community Development Department estimated the value of the existing right-of-way to be \$2.00 per sq.ft. with a 50% reduction for a utility easement. The City would take an additional reduction for the donation of 11,000 sq.ft. of land by the School Board for the reconstruction of a small portion of N. Missouri Avenue, located just north of the school. The table below summarized the estimated value.

Right-of-Way to be Vacated	44,548 sq.ft at \$1.00 per sq.ft.	\$44,548
Right-of-Way to be Donated	11,000 sq.ft. at \$2.00 per sq.ft.	\$22,000
Estimated Value		\$22,548

Jason Willey reviewed the request from the school board.

Recommendation: Commissioner Higgins moved to recommend the Commission approve the recommendation to vacate the right-of-ways. Commissioner Fields concurred.

Jason Willey talked with Jim Verplanck and he was okay with the donation of right-of-way if that was how the rest of the group chose to go.

The meeting adjourned at 9:56 a.m.

Commissioner Fields presented these minutes to the Commission.

**Action:** Commissioner Fields moved to approve the vacation of right-of-ways and the motion carried unanimously.

Commissioner Verplanck clarified that the City would not charge a fee for these vacations.

### **Closure of a Portion of Lake Wire Drive**

Steve Bissonnette brought a second request relating to this subject. He requested to close a portion of Lake Wire Drive while the School Board did the survey work.

**Action:** Commissioner Fields moved to approve the closure of a portion of Lake Wire Drive. Commissioner Boring seconded and the motion carried unanimously.

## **CITY MANAGER**

### **Verbals:**

House Policy and Budget Council meeting this Friday in Tallahassee to deal with the property tax issue. Doug Thomas was asking who on the Commission could attend.

Doug Thomas introduced Kevin Torres, the new Lakeland Retirement Services Director. Commissioner Wiggs requested a workshop with Kevin to discuss where the City is with the pension program. Kevin was willing to put a workshop together within 30 days. He did ask for specific areas in which the Commission had questions.

### **Ordinances (First Reading)**

#### **Proposed 07-018; Amending Ordinance 4681; Revising Fire Permit Fees to Provide for Recovery of Costs for HAZMAT Response**

AN ORDINANCE RELATING TO FIRE PROTECTION; AMENDING ORDINANCE 4681; PROVIDING FOR REIMBURSEMENT FOR HAZARDOUS MATERIALS RESPONSE COSTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on March 19, 2007.

**Proposed 07-019; Establishing PUD Zoning for 42.35 Acres Located in the Northwest Quadrant of Grasslands, North of the Polk Parkway, West of Harden Boulevard**

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR PUD ZONING ON 42.35 ACRES LOCATED IN THE NORTHWEST QUADRANT OF GRASSLANDS, NORTH OF THE POLK PARKWAY, WEST OF HARDEN BOULEVARD; 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 19, 2007.

**Proposed 07-020; Establishing Rates for Electric Service for the City of Lakeland and Related Matters**

AN ORDINANCE RELATING TO THE ELECTRIC UTILITY; PROVIDING FOR AVAILABILITY OF SERVICE AND CONDITIONS THEREOF; ESTABLISHING RATES FOR ELECTRIC SERVICE BY THE CITY OF LAKE LAND; ESTABLISHING A SURCHARGE FOR CUSTOMERS RECEIVING SERVICE OUTSIDE THE CORPORATE LIMITS OF THE CITY OF LAKE LAND; ESTABLISHING GENERAL PROVISIONS; PROVIDING RATES AND GENERAL PROVISIONS FOR PRIVATE AREA LIGHTING; PROVIDING FOR AN ENVIRONMENTAL COMPLIANCE COST CHARGE; PROVIDING GENERAL PROVISIONS OF MEDICALLY ESSENTIAL SERVICE FOR RESIDENTIAL CUSTOMERS; PROVIDING DEFINITIONS; REPEALING ORDINANCES 3681, 3692, 3720, 3793, 3804, 3972, 4572, 4621, AND 4664 OF THE CITY OF LAKE LAND, FLORIDA NOT SUPERSEDED HEREIN, AND ALL PRIOR ORDINANCES REPEALED THEREBY; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on March 19, 2007.

**Resolutions**

**Resolution 4593; Proposed 07-013; Vacating a Portion of West Peachtree Street, a Portion of North Missouri Avenue and a Portion of an East/West Alleyway**

A RESOLUTION RELATING TO PUBLIC RIGHT-OF-WAY; DECLARING INTENTION TO ADOPT AN ORDINANCE VACATING A PORTION OF WEST PEACHTREE STREET, A PORTION OF NORTH MISSOURI AVENUE, AND A

PORTION OF AN EAST/WEST ALLEYWAY, ALL LOCATED NORTH OF WEST OAK STREET, SOUTH OF WEST MAGNOLIA STREET, EAST OF NORTH NEW YORK AVENUE AND WEST OF NORTH FLORIDA AVENUE, LOCATED WITHIN THE CITY OF LAKE LAND; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Michael Craig 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 4594; Proposed 07-014; Supporting the Development of an Urban Forestry Management Plan; Authorizing the City Manager to Enter into an Urban and Community Forestry Grant Memorandum of Agreement with the Florida Department of Agriculture and Consumer Services**

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNATED REPRESENTATIVE TO APPLY FOR AN URBAN AND COMMUNITY FORESTRY GRANT AND TO ENTER INTO AN URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR THE DEVELOPMENT OF AN URBAN FORESTRY OPERATIONAL REVIEW AND MANAGEMENT PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Michael Craig 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 Higgins, Boring, Verplanck, Wiggs, Fields, Yates and Mayor Fletcher voted aye. Ayes: seven. Nays: zero. The motion carried unanimously.

**Resolution 4595; Proposed 07-015; Lots Cleaning & 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.

Michael Craig 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 4596; Proposed 07-016; Subordination Agreements with Polk County - County Road 540-A - Phase II -- Project No. 03048 (Parcels 107, 112, 113, 167, 169, 172, 173, 182, 183, 184, 185, & 186)**

A RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS FOR THE SUBORDINATION OF UTILITY EASEMENTS IN VARIOUS LOCATIONS ON CR ROAD 540-A - PHASE II IMPROVEMENT PROJECT; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Michael Craig 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 Higgins, Boring, Verplanck, Wiggs, Fields, Yates and Mayor Fletcher voted aye. Ayes: seven. Nays: zero. The motion carried unanimously.

**Resolution 4597; Proposed 07-017; Authorizing Eminent Domain Proceedings - North Lakeland Stormwater Project**

A RESOLUTION RELATING TO EMINENT DOMAIN: AUTHORIZING EMINENT DOMAIN PROCEEDINGS TO ACQUIRE CERTAIN INTERESTS IN PARTICULAR REAL PROPERTY GENERALLY LOCATED ON AND IN THE VICINITY OF THE ROBSON STREET NEIGHBORHOOD ON HENNESSEE STREET AND NORTH FLORIDA AVENUE AND THE WEST SIDE OF LAKELAND HILLS BOULEVARD. FOR THE PURPOSE OF CONSTRUCTING STORMWATER AND DRAINAGE IMPROVEMENTS AND THE MAINTENANCE AND DEVELOPMENT OF RELATED FACILITIES; AUTHORIZING CONDEMNATION OF THE PROPERTY

DESCRIBED HEREIN; AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Michael Craig 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 Reports and Communications**

#### **\* Memo re: 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. 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: Maintenance Service Agreement with L-3 Communications ILEX Systems, Inc.**

This was a proposed agreement with L-3 ILEX Systems, Inc. to provide call maintenance services for the radios and air traffic control equipment in the Airport's air traffic control tower. This agreement was a renewal of the past years. The agreement was structured on a time and materials basis. Staff recommended that the appropriate Commission authorize the appropriate City Officials to execute the proposed agreement on behalf of the City.

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

#### **Memo re: Modification to Agreement with Schwing Bioiset for the Processing and Disposal of Sewage Sludge**

The City previously entered into an agreement with Schwing Bioiset to process sewage sludge at the Glendale Wastewater Treatment Plant. The City intended that this agreement would remain in effect until the Wastewater Division could construct additional sludge processing assets. These assets, consisting in part of an egg shaped digester and

feed tank, were under construction and scheduled to be complete and operational prior to October 1, 2007.

The term of the original agreement with Schwing Bioset expired on October 1, 2006. A modification to that agreement was being proposed, as Schwing Bioset's services are still required until September 30, 2007. Under the modified agreement, the City would pay Schwing \$724.23 per dry ton of sewage sludge delivered and processed, with a minimum payment of \$80,000 per month. The Wastewater Division had sufficient funds budgeted for this purpose.

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

Michael Craig presented this item to the Commission.

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

**Memo re: Task Authorization with Dyer, Riddle, Mills & Precourt, Inc. for North Lakeland Eastern Connector Study**

This Task Authorization with Dyer, Riddle, Mills & Precourt, Inc. (DRMP) for the development of a Preliminary Engineering Report to identify and evaluate potential east-west corridors between US 98 North and Lakeland Hills Boulevard/North Socrum Loop Road. The general boundaries of the study area will encompass the area bounded on the west by US 98 North, on the south by Griffin Road, on the east by Lakeland Hills Boulevard/North Socrum Loop Road and on the north by North Socrum Loop Road/Marcum Road. The study will include an evaluation of existing facilities as well as the identification of potential new east-west corridors as may be necessary. The not-to-exceed fee for this Task Authorization is \$295,447.50 and has been budgeted in the Transportation Fund.

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

Michael Craig presented this item to the Commission.

**Action:** Commissioner Verplanck moved to approve the task authorization. Commissioner Boring seconded and the motion carried unanimously.

**Memo re: Cooperative-Funding Agreement with SWFWMD for Construction of Lake Parker Southwest Basin Stormwater Treatment Systems**

This was a Cooperative Funding Agreement with the Southwest Florida Water Management District for the construction of multiple stormwater treatment systems in the Lake Parker Southwest Drainage Basin. This basin encompassed 595 acres of highly

urbanized land. Stormwater runoff from this area had been identified as a major source of pollutant loading to Lake Parker. The agreement provided for funding assistance for the construction of up to four (4) stormwater treatment/attenuation areas on parcels located between Lake Mirror and Lake Parker. The areas are needed to hold and slowly release water to the newly constructed treatment ponds at the southwest corner of Lake Parker. Due to the limited amount of available land at the lakeshore, the existing ponds were undersized, and this project would enhance the treatment capabilities of the ponds and reduce existing flooding conditions. The estimated total project cost was \$1,346,900. Under the Agreement, SWFWMD and the City would each fund half of the cost (\$673,450 each), with the City being responsible for any costs exceeding the project budget. Funds were budgeted in the Stormwater Utility Fund.

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

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

#### **Memo re: Grant Agreement with FDEP for Urban Lake Restoration Initiative**

This was a grant agreement with the Florida Department of Environmental Protection (FDEP) providing funds for the Lakeland Urban Lake Restoration Initiative. Under the agreement, the FDEP would provide funding for \$500,000 towards the total project cost of \$1,062,000. The City would provide the remaining funds. The funds were for the evaluation of various stormwater treatment alternatives and for the purchase of necessary property, with a primary focus on the improvement of water quality in Lake Gibson and Lake Parker. Funds were budgeted in the Stormwater Utility Fund. Staff recommended that the Commission authorize the appropriate City officials to execute the Agreement.

Michael Craig presented this item to the Commission.

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

#### **\* Memo re: Easement Agreement with City of Orlando and Orlando Utilities Commission for Location of Water and Wastewater Facilities to Serve Williams Development and USF Campus**

This was a Utility Easement Agreement whereby the City of Orlando and the Orlando Utilities Commission were granting the City of Lakeland a utility easement in which the City of Lakeland would locate water and wastewater facilities to serve the Williams Development and the new USF campus. Lakeland, in turn, agreed to indemnify and hold harmless the City of Orlando and the OUC from any damages they may suffer from the existence of our facilities, subject to normal sovereign immunity limits.

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

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

## **AUDIENCE – NONE**

### **MAYOR AND MEMBERS OF THE CITY COMMISSION**

Commissioner Higgins recognized that Commissioner Yates's was honored by United Way as Volunteer of the Year.

Commissioner Higgins thanked staff for their work on the Boards & Committee Dinner last week.

Commissioner Verplanck said the County staff did a tremendous job in Tallahassee on Polk County Days.

Commissioner Wiggs said that March 15, 2007 was the next Ridge League Meeting in Bartow. He encouraged everyone to attend.

Commissioner Fields asked Doug Thomas if the City had in bullet point form what the impact of the property tax change would be on the City. Doug Thomas has asked Greg Finch to put that list together. They would send that out as soon as it was available.

Commissioner Yates wished the Tigers much success in the upcoming season.

Commissioner Fields congratulated KHS basketball team on a great season.

**Recess/Reconvene:** The Commission recessed at 10:27 a.m. and reconvened at 5:41 p.m.

The Lakeland City Commission reconvened in Regular Session on Monday, March 5, 2007 in the Commission chambers. Commissioners Glenn Higgins, 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.

## **UTILITY – CONSIDERED AFTER 1PM UTILITY COMMITTEE MEETING**

### **Memo re: Agreement with The Energy Authority (TEA) Regarding Lakeland Electric Fuels Hedging Program**

This proposed agreement with The Energy Authority, Inc. ("TEA") was for assistance with the City's Natural Gas Hedging Program. TEA was wholly owned by its 39 Public Power members representing more than 25,000 MW of combined generation assets and was the

leader in public power energy trading and risk management. The base fee for the proposed services was \$14,000 per month, which shall escalate at 3% per year, after the initial term of the Agreement.

The City developed an Energy Risk Management Program ("Risk Program"), which was comprised of a Risk Oversight Committee Policy Manual and an Energy Risk Management Operations Manual. Under the Program, the City was required to take certain measures to manage its exposure to natural gas prices and volumetric risk. The City wished to retain TEA to assist the City with the management of these risks, using TEA's financial tools and transaction experience. The Scope of Work for the base fee shall be:

- A. Act as Agent on the City's accounts and execute financial trades on behalf of the City within predetermined and defined limits based on the City's risk tolerances and Risk Program, using TEA's Natural Gas Hedging Program.
- B. Continuously monitor the City's positions and the market for market opportunities.
- C. Mark all positions to market and report daily.
- D. Provide recommendations and upon approval, reset hedge positions if the market presented such opportunities.
- E. Provide sufficient back-office support (daily and monthly reports) to facilitate the City's preparation of the "Lakeland Electric Fuel Hedge Activity" report.
- F. Provide access to natural gas market experts via telephone and email.
- G. Provide access to historical data analysis on request, including futures, basis, and daily gas price relationship analysis.
- H. Provide access to TEA's Weather Data (Weather Bank) via TEA's Web Portal.
- I. TEA will develop daily and monthly reports and commentary.
  - a. Daily Energy Commentary.
  - b. Daily Forward Portfolio Report.
  - c. Credit Exposure and Counterparty Monitoring.
  - d. Preparation of the monthly "Lakeland Electric Credit Report."
  - e. Monthly Spot Gas Forecast.
- J. Routine communications between the City and TEA.
  - a. Monthly status/review conference calls between TEA and the City's Hedge Operations Committee.
  - b. Quarterly (face-to-face) meetings between TEA and the City's Hedge Operations Committee to review and evaluate potential changes in the City's risk tolerance, model performance, TEA's performance, service enhancements and other such issues.

Upon request, TEA may also provide the City with other services as more specifically described in mutually agreed to Task Orders on such topics as financial transaction structuring, terms with counterparties, and setting counterparty credit limits.

The initial term of the proposed agreement would end September 30, 2008, with an automatic renewal provision. Thereafter, either party may terminate the Agreement by 180

days advance written notice. The agreement limited liability of the parties to instances of gross negligence or willful misconduct.

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

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

**CALL FOR ADJOURNMENT – 5:42 p.m.**

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Ralph L. Fletcher, Mayor

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Kelly S. Koos, CMC, City Clerk

**LAKELAND CITY COMMISSION  
AGENDA STUDY SESSION  
March 2, 2007**

The Lakeland City Commission met in the Agenda Study Session on Friday, March 2, 2007 in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Dean Boring, Glenn Higgins and Mayor Fletcher were present. Commissioner Verplanck was absent. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, Assistant City Attorney Michael Craig, Assistant to the City Manager Stanley Hawthorne and City Clerk Kelly Koos were present along with administrative staff.

Mayor Fletcher called the meeting to order at 8:46 a.m.

Doug Thomas covered the Presentations.

Michael Craig covered the Public Hearings.

Michael Craig covered the Equalization Hearings and the City Attorney agenda.

**Proposed 07-020; Establishing Rates for Electric Service for the City of Lakeland and Related Matters** - staff will make a presentation to the Utility Committee on Monday afternoon and present alternatives to the rate study recommendations.

**Memo re: Agreement with The Energy Authority (TEA) Regarding Lakeland Electric Fuels Hedging Program** - Lakeland Electric was seeking the contract in preparation for employee retirements. This group offered a significant alternative that the City could not duplicate in-house.

Michael Craig explained that the School Board was still working through the site selection process and the City may need to extend their contract with D.R. Horton.

Tamara Sakagawa introduced Heather Huebner, the new CRA Project Coordinator. Heather's office was located in the LDDA Office.

The meeting adjourned at 9:43 a.m.