

**Agenda Study Session
July 20, 2009**

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

Mayor Fletcher called the meeting to order at 8:03 a.m.

Doug opened the meeting with the preliminaries.

Tim McCausland covered the public hearings.

Doug distributed a handout of the proposed taxable values/millage rates.

Greg Finch explained the proposed millage rate. The consensus of the commission was to approve the proposed millage rate of 3.6538.

Tim McCausland covered the city attorney agenda.

Jim Studiale explained the process and challenges regarding the necessary address changes in the Grasslands community.

Steve Bissonnette reported that the Federal Government was making another round of funding available for the Neighborhood Stabilization Program. Polk County and the City of Lakeland could both receive funds. Lakeland and Polk County agreed that the county would initiate the application.

Tim McCausland covered the utility committee items.

Jeff Curry explained, and the Commission discussed, the Solar Water Heating Energy Purchase Agreement with Regenes Power.

Commissioner Wiggs had spoken with a citizen that had to rebuild her home after a fire. Currently when someone remodels or rebuilds they are required to pay a fee that goes into a sidewalk fund whether or not they ever intend to build a sidewalk. This seemed unfair to pay into this fund under the circumstances. This wasn't just a remodel or something she wanted.

Jim Studiale explained the ordinance and how allowances were made. He would work with Commissioner Wiggs to try and resolve this issue.

The meeting adjourned at 8:50 a.m.

Ralph L. Fletcher, Mayor

Deborah M. Cason, CMC
Deputy City Clerk

LAKELAND CITY COMMISSION
July 20, 2009

The Lakeland City Commission met in the Commission Chambers. Commissioners Justin Troller, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates, and Mayor Fletcher were present. Commissioner Higgins was out of town. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch, and Deputy City Clerk Deborah Cason were present.

CALL TO ORDER - 9 a.m.

INVOCATION

Pastor Buddy Pyles of Edgewood Baptist Church offered the invocation followed by the salute to the flag.

PRESENTATIONS

Historic Lakeland, Inc. – The Lake Mirror Story 1924 – 2009 (Roger Haar, President and Jean Bunch, Board Member)

Master Municipal Clerk Designation - Kelly Koos, City Clerk (Pamela Smith, MMC, President of Florida Association of City Clerks)

PROCLAMATIONS - None

COMMITTEE REPORTS AND RELATED ITEMS - None

APPROVAL OF CONSENT AGENDA

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

- * City Commission Minutes 07/06/09
- * Utility Committee Minutes 07/06/09
- * Memo re: Amendment to Interchange Service Agreement with Tampa Electric

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 07/06/09**

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

* **Utility Committee 07/06/09**

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC

Carol Castagnero re Code Enforcement, People Seeking Public Office, Fuel Adjustment, and City of Lakeland Charter

Mrs. Castagnero did not appear.

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5110; Proposed 09-013; Establishing Zoning on 129.8 Acres North and South of Swindell Road, East of County Line Road (1st Rdg 7/6/09)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 129.8 ACRES LOCATED NORTH AND SOUTH OF SWINDELL ROAD, EAST OF COUNTY LINE ROAD WITHIN THE CITY OF LAKELAND, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKELAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments. There were none.

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

Ordinance 5111; Proposed 09-015; Establishing Zoning on 36.6 Acres Located East of Lakeland Hills Boulevard and West of Lake Crago (1st Rdg 7/6/09)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 36.6 ACRES OF TENOROC FISH MANAGEMENT AREA LOCATED EAST OF LAKELAND HILLS BOULEVARD AND WEST OF LAKE CRAGO LOCATED 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 Yates seconded.

Mayor Fletcher asked for comments. There were none.

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

Ordinance 5112; Proposed 09-038; Small Scale Amendment #SS-09-009 to Future Land Use Map Assigning Land Use to 6.51 Acres Located North of Old Combee Road on the West Side of Lakeland Commerce Parkway (4820 Lakeland Commerce Parkway) (1st Rdg 7/6/09)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-09-009 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 6.51 ACRES LOCATED NORTH OF OLD COMBEE ROAD ON THE WEST SIDE OF LAKELAND COMMERCE PARKWAY (4820 LAKELAND COMMERCE PARKWAY), 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 Yates seconded.

Mayor Fletcher asked for comments. There were none.

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

Ordinance 5113; Proposed 09-039; Application of I-2 Zoning on 6.51 Acres Located North of Old Combee Road on the West Side of Lakeland Commerce Parkway (4820 Lakeland Commerce Parkway) (1st Rdg 7/6/09)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 6.51 ACRES LOCATED NORTH OF OLD COMBEE ROAD ON THE WEST SIDE OF LAKELAND COMMERCE PARKWAY (4820 LAKELAND COMMERCE PARKWAY) 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 Yates seconded.

Mayor Fletcher asked for comments. There were none.

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

EQUALIZATION HEARINGS - None

COMMUNITY REDEVELOPMENT AGENCY - None

CITY MANAGER - None

CITY ATTORNEY

Ordinances (First Reading) - NONE

Resolutions

Resolution 4768; Proposed 09-034; Naming Previously Unnamed Private Streets Located Within the Community of The Enclave at Grasslands “Enclave Drive” and “Enclave Place”

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA, RELATING TO PRIVATE STREETS WITHIN THE COMMUNITY OF THE ENCLAVE AT GRASSLANDS; NAMING PREVIOUSLY UNNAMED PRIVATE STREETS “ENCLAVE DRIVE” AND “ENCLAVE PLACE;” MAKING FINDINGS; 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. There were none.

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

Resolution 4769; Proposed 09-035; Subordination Agreements with Polk County – County Road 37B (Lakeland Highlands Road) (Parcels 106, 115, 130 & 131, 140 &

141, 155 a & b, 156, 161, 164, 167, 168, 108, 134 a & b, 135 & 136, 137, 138 & 139, 140, 141, 142, 144, 145 & 146, 148, 153 & 154, 156, 157, 158, 159, 160, 804 & 806)

A RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS FOR THE SUBORDINATION OF UTILITY EASEMENTS IN VARIOUS LOCATIONS ON COUNTY ROAD 37B (LAKELAND HIGHLANDS ROAD); MAKING FINDINGS; 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. There were none.

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

Miscellaneous Reports and Communications - None

FINANCE DIRECTOR - None

AUDIENCE - None

MAYOR AND MEMBERS OF THE CITY COMMISSION – None

Recess/reconvene: The Commission recessed at 9:38 a.m. until after the Utility Committee Meeting. They reconvened at 2:52 p.m.

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

Mayor Fletcher called the meeting to order at 2:52 p.m.

UTILITY - CONSIDERED AFTER 1PM UTILITY COMMITTEE MEETING

Memo re: Solar Water Heating Energy Purchase Agreement with Regenes Power, LLC

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

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

Regenesis Power expressed an interest in the second option noted above and was evaluated to be the most responsive bidder. Through a Solar Water Heating Energy Purchase Agreement, Regenesis Power would provide and maintain turnkey residential solar water heating systems. The aggregate target number of systems was between 8000 and 15,000, dependant on market interest/demand. In accordance with the Agreement, Lakeland would be required to:

- Assist Regenesis Power with finding suitable sites via access to specified areas within Lakeland Electric's customer information system
- Handle customer inquiries and maintain customer relationships
- Market and advertise the Solar Water Heating Program
- Provide the billing mechanism for the monthly collection of subscriber payments

The Agreement would be effective for a period of 20 years, which would consist of an Implementation Period and Operations Period commencing on approval by the City Commission and execution by the parties. The Agreement governed the relationship between the City and Regenesis Power in terms of implementing a Solar Water Heating Energy Program. The corresponding Customer Agreement governed the terms and conditions between customers and Regenesis Power seeking to participate in the Solar Water Heating Program.

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

Staff recommended that the Commission authorize the appropriate City officials to execute this Solar Water Heating Energy Purchase Agreement with Regenesis Power, LLC.

Action: Commissioner Verplanck moved to approve the recommendation. Commissioner Wiggs seconded and the motion carried. Ayes: Four. Nays: Two. Commissioner Troller and Mayor Fletcher voted nay.

***Memo re: Amendment to Interchange Service Agreement with Tampa Electric**

This was a proposed Amendment to the Interchange Service Agreement with Tampa Electric dated December 6, 1992. The Agreement enabled the City and Tampa Electric to participate in the interchange of electric power by coordinating their respective systems.

In February 2008, the City and Tampa Electric executed an Economy Energy Interchange Service, or "Schedule C", under the original Interchange Service Agreement for Florida Cost-Based Broker System (FCBBS) transactions. This Amendment sought to clarify and conform settlement calculations contained in the Schedule C previously adopted. The settlement calculation effectively split the net savings for the transaction between the seller and the buyer.

The term of this Amendment would be effective upon approval by the City Commission and would continue until the Interchange Service Agreement was terminated or otherwise amended. Any economy interchange transaction pursuant to this Amendment was voluntary. All other terms and conditions contained in the Interchange Service Agreement would remain in full force and effect.

Staff recommended that the Commission authorize the appropriate City officials to execute this Amendment to the Interchange Service Agreement with Tampa Electric.

Action: The Commission approved this item on the consent agenda.

Memo re: Agreement with CEA Materials, LLC for Sale of Reclaimed Coal-Fired Power Plant Combustion Byproducts

Previously, Lakeland Electric issued two Requests for Proposals (RFPs) that offered byproducts (fly ash and bottom ash) for sale. American Cement Company, Inc., CEA Materials, LLC, and Charah, Inc. submitted proposals.

The purpose of RFP 9071A was to find a new Buyer (or Broker) for the fly ash and bottom ash that McIntosh Unit 3 produced. Mineral Resource Technologies was purchasing this ash, however, that relationship ended on March 15, 2009.

The purpose of RFP 9055 was to determine if there was any interest in reclaiming fly ash and bottom ash from the plant's ash storage landfill. In general, there was little interest at this time, but CEA Materials, LLC (CEA) did express an interest in trying to find a use for the ash.

Lakeland Electric was proposing that the City enter into a contract with CEA who would act as a (Broker) to sell all of the fly ash and bottom ash produced by the plant or reclaimed from the plant's ash storage landfill.

Terms of the Agreement provided for no fixed selling costs, but with fixed allocations for distributing revenues realized from ash sales.

The market (and the economy) was very flat so the intent of this contract was to empower our Broker to develop advantageous transactions based upon any specific circumstances encountered, but with a continuing obligation for disposal. The City and the Broker would then proportionately share in whatever proceeds.

Lastly, the Broker understood that the City's priority was removal of as much of the ash as possible and that CEA was to subsidize its efforts at moving bottom ash and non-spec fly ash with its proceeds from selling specification grade fly ash.

The proposed term of this agreement was deliberately short (with a 9/30/2010 expiration date) and there was a "termination for convenience" (without cause) clause that may be exercised. The Broker understood that his performance would determine whether Lakeland Electric prematurely terminated the agreement or choose to extend the agreement beyond 9/30/2010. Likewise, the short term would allow reconsideration of the structure of this contract should the market change.

Staff recommended that the Commission authorize the appropriate City officials to execute this Agreement with CEA Materials, LLC.

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

The meeting adjourned at 2:57 p.m.

Ralph L. Fletcher, Mayor

Kelly S. Koos, MMC
City Clerk