

LAKELAND CITY COMMISSION
Regular Session
July 21, 2008

The Lakeland City Commission met in Regular Session in the Commission Chambers. Commissioners Justin Troller, Jim Verplanck, Howard Wiggs, Gow Fields, and Mayor Fletcher were present. Commissioner Glenn Higgins was out of town. Commissioner Edie Yates was ill. 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

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

PRESENTATIONS

Lakeland Linder Regional Airport – Annual Update (Nan Walsh)

PROCLAMATIONS - None

APPROVAL OF MINUTES (with any amendments)

- * City Commission 07/07/08

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

- * Utility Committee 07/07/08

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

APPROVAL OF CONSENT AGENDA

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

- * City Commission 07/07/08
- * Utility Committee 07/07/08
- * Memo re: Interlocal Agreement with Polk County re Development Agreement with Flagler Development Group for Lakeland Central Park Development of Regional Impact
- * Memo re: Approval of Short List for Consultant to Prepare an RFP for Implementation of AMI

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

REQUESTS TO APPEAR FROM THE PUBLIC - None

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 4989; Proposed 06-031; Change in Zoning on 8.49 Acres Located South of Griffin Road, East of Kalt Drive and West of North Florida Avenue (1st Rdg 7/7/08)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 8.49 ACRES WITHIN THE CITY OF LAKELAND LOCATED SOUTH OF GRIFFIN ROAD, EAST OF KALT DRIVE AND WEST OF NORTH FLORIDA AVENUE, 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 Troller seconded.

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4990; Proposed 08-027; Text Amendment #T-08-001 to the Lakeland Comprehensive Plan which Updates the Potable Water Sub-Element and Makes Miscellaneous Related Changes to Other Elements (1st Rdg 4/21/08)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-08-001 TO THE LAKE LAND COMPREHENSIVE PLAN 2000-2010 AS ADOPTED BY ORDINANCE 4140 TO IMPLEMENT LEGISLATIVE REQUIREMENTS RELATED TO LONG-RANGE WATER SUPPLY PLANNING; MAKING RELATED UPDATES TO THE INFRASTRUCTURE, CONSERVATION, 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 Troller seconded.

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4991; Proposed 08-050; Proposed Changes to the Land Development Regulations (1st Rdg 7/7/08)

AN ORDINANCE RELATING TO LAND DEVELOPMENT REGULATIONS; ADOPTING VARIOUS AMENDMENTS TO THE CITY OF LAKE LAND LAND DEVELOPMENT CODE; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4992; Proposed 08-051; Conditional Use for Additional Church Facilities on Property Located at 821 West Beacon Road (1st Rdg 7/7/08)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR ADDITIONAL CHURCH FACILITIES ON PROPERTY LOCATED

AT 821 WEST BEACON ROAD; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4993; Proposed 08-052; Conditional Use for a Parking Lot to Serve Florida Southern College at 1028 McDonald Street (1st Rdg 7/7/08)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A PARKING LOT FOR FLORIDA SOUTHERN COLLEGE AT 1028 McDONALD STREET; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4994; Proposed 08-053; Major Modification of PUD Zoning for a 700,000 Square Foot Warehouse Storage Facility on 43.95 Acres Located East of the Intersection of Gay Road and Airport Road (1st Rdg 7/7/08)

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR A MODIFICATION OF PUD ZONING TO ALLOW A 700,000 SQUARE FOOT WAREHOUSE STORAGE FACILITY ON 43.95 ACRES LOCATED EAST OF THE INTERSECTION OF GAY ROAD AND AIRPORT ROAD; AMENDING ORDINANCE 4879; 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 Wiggs seconded.

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4995; Proposed 08-054; Regarding Water Conserving Spray Valves (1st Rdg 7/7/08)

AN ORDINANCE RELATING TO WATER CONSERVATION REQUIRING THE INSTALLATION OF WATER-CONSERVING PRE-RINSE SPRAY VALVES AND SUBSEQUENT REPLACEMENT OF THE PUBLICLY-FUNDED DEVICES; PROVIDING DEFINITIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there none.

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

The next six items related to the Lakeland Central Park Development of Regional Impact. They were all public hearings and the Commission took public comment at the beginning.

Celeste Deardorff gave a brief overview of the Central Park Development of Regional Impact. A copy of her presentation is on file in the City Clerk's Office.

Mayor Fletcher asked for comments from the Commission and the public.

Bryant Pearlman VP of CJ Pallet Co. wanted to understand the connectivity from Old Tampa Hwy to this project.

Celeste explained there would be an internal road through the project.

Mr. Pearlman was concerned about the strain on Old Tampa Hwy.

Bret Lacey of Gladding Jackson was the transportation consultant for the project. He explained there would be additional turn lanes added to that intersection. That intersection would operate at satisfactory levels for Phase I.

Carl Verdonck, a resident of Steeplechase, was concerned about the noise from the diesel trucks on Airport Rd., the safety in turning left out of their subdivision and a school bus stop at the entrance of their subdivision on Airport Rd. He and other residents wanted to request the developer be required to construct a sound barrier wall from the Polk Parkway north to Steeplechase Dr. and that the City install a traffic light at the intersection of Steeplechase Dr. The school board would also have to review the bus stop situation.

Keith Bricklemyer, the applicants attorney came forward. The parcel between Airport Rd and the subdivision was designated commercial. The future development would provide the buffer the subdivision wanted.

The group discussed operational hours for trucks. There were no such restrictions for this development.

Commissioner Fields asked Celeste to review the color legend: the red areas were the proposed or existing interchange activity centers. Those allow for retail office, employment, hotel, or restaurants. The blue area was stormwater retention or wetlands. The brown was office. The yellow was warehouse distribution areas. The trail area went along the wetlands and emptied into a parking lot for people to access the trail. If there would be residential it would be second floor only over existing retail in Phase III.

Ordinance 4996; Proposed 06-047; Large Scale Amendment #LS-06-005 to Future Land Use Map Assigning Land Use on 324 Acres Within the Lakeland Central Park Development of Regional Impact Located South of Old Tampa Highway, North of the Polk Parkway and West of Airport Road (1st Rdg 8/21/06, Contd 11/19/07, 1/22/08, 3/3/08, 5/5/08, & 6/16/08)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A LARGE SCALE AMENDMENT #LS-06-005 TO THE FUTURE LAND USE MAP FOR 323 ACRES WITHIN THE LAKELAND CENTRAL PARK DEVELOPMENT OF REGIONAL IMPACT LOCATED SOUTH OF OLD TAMPA HIGHWAY, NORTH OF THE POLK PARKWAY AND WEST OF AIRPORT ROAD, 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 Fields seconded.

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4997; Proposed 08-048; Text Amendment #T-08-024 to the Lakeland Comprehensive Plan for DRI-related Road Improvements (1st Rdg 7/7/08)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-08-024 OF THE LAKELAND COMPREHENSIVE PLAN 2000-2010, AS ADOPTED BY ORDINANCE 4140, UPDATING THE 5 YEAR CAPITAL IMPROVEMENTS PLAN AND ASSOCIATED TEXT IN THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4998; Proposed 08-049; Establishing PUD Zoning for Lakeland Central Park on 724 Acres Located North and East of Polk Parkway, South of Old Tampa Highway and West of Airport Road (1st Rdg 7/7/08)

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR PUD ZONING FOR LAKELAND CENTRAL PARK DEVELOPMENT OF REGIONAL IMPACT CONSISTING OF 724 ACRES LOCATED NORTH AND EAST OF POLK PARKWAY, SOUTH OF OLD TAMPA HIGHWAY AND WEST OF AIRPORT ROAD; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; REPEALING CITY OF LAKELAND ORDINANCE 4100; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolutions

Resolution 4698; Proposed 08-037; Adopting a Development Order for a Development of Regional Impact re: Lakeland Central Park

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA, ADOPTING A DEVELOPMENT ORDER FOR A DEVELOPMENT OF REGIONAL IMPACT KNOWN AS LAKELAND CENTRAL PARK ON PROPERTY DESCRIBED HEREIN IN ACCORDANCE WITH THE PROVISIONS OF § 380.06, FLA. STAT.; SETTING FORTH FINDINGS OF FACT, CONCLUSIONS OF LAW, CONDITIONS OF APPROVAL AND APPLICANT'S PROVISIONS FOR PUBLIC FACILITIES; PROVIDING FOR THE EXPIRATION OF THE DEVELOPMENT ORDER; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments.

Commissioner Fields asked how many trees would be added through the buffering. The standard was one tree per 50 ft.

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

Miscellaneous

Memo re: Development Agreement Between the City of Lakeland and FDG Lakeland Central Park LLC for Lakeland Central Park Development of Regional Impact

Flagler Development Group (FDG Lakeland Central Park, LLC) proposed a mixed-use office/warehouse/retail project on property located west of Airport Road, north of the Polk Parkway and south of Old Tampa Highway (CR 542). At ultimate build-out over at least about 15 years, the Lakeland Central Park Development of Regional Impact (DRI) was scheduled to include the following uses:

- 5,000,000 square feet of industrial/warehouse,
- 125 hotel rooms,
- 650,000 square feet of office,
- 225,000 square feet of retail/service uses, and
- 300 multi-family dwelling units.

The Developer's Agreement and the DRI Development Order, provided entitlements to Phase I only, which included the following uses scheduled for construction by 2013:

- 3,400,000 square feet of industrial/warehouse; and
- 120,000 square feet of office space

Traffic analyses conducted for the developer according to a methodology approved by the City, County, Florida Department of Transportation and Central Florida Regional Planning Council indicated certain off-site mitigation measures were necessary for Phase I of the DRI project to be granted "transportation concurrency". The developer elected to consolidate its off-site mitigation obligations into three improvements:

- The four-laning of Airport Road (SR 572) between the Polk Parkway and the LCP northern property boundary;
- The addition of a northbound left-turn lane and westbound departure lane at the US 92/County Line Road intersection; and
- The addition of an eastbound left-turn lane, westbound departure lane and other geometric improvements at New Tampa Highway (US 92) Wabash Avenue intersection

The total estimated cost of these three off-site improvements was \$11.3 million. If the developer had constructed the Phase I development program in a non-DRI project, its transportation impact fee obligation would be approximately \$8.6 million, according to the current adopted fee schedule. This Development Agreement contained a timetable for the construction of the three required off-site improvements and a process through which the \$2.7 million overage (between impact fee obligation and off-site improvement cost) can be credited to

the developer if the City obtained grants or other discretionary dollars for regional transportation improvements or transportation improvements necessary to support economic development projects.

Polk County agreed to accept the improvements in satisfaction of the developer's obligation for County Transportation Impact Fees. The developer agreed to fund, design, and construct the three required improvements (which could be higher than \$11.3 million.) This Development Agreement would comply with all applicable requirements of the Florida Local Government Development Agreement Act, found in Chapter 163, Florida Statutes. Staff requested final action on this Agreement at the City Commission's meeting scheduled for July 21, 2008. This agreement was a separate document that would implement the requirements contained in the DRI Development Order.

Tim McCausland presented this item to the Commission.

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

Memo re: Interlocal Agreement with Polk County re Development Agreement with Flagler Development Group for Lakeland Central Park Development of Regional Impact

This was a proposed interlocal agreement with Polk County relating to the Lakeland Central Park Development of Regional Impact owned by Flagler Development Group. This agreement memorialized the understanding with Polk County with regard to transportation concurrency requirements for the development, which were contained in the Development Agreement that appeared elsewhere on this agenda.

Lakeland, Polk County and the developer agreed that the developer may construct a number of road system improvements in lieu of paying impact fees. The improvements required by the Development Agreement were considerably in excess of the impact fees that would have been required. The Development Agreement set forth the requirements and the procedure for implementing transportation concurrency.

The interlocal agreement, which incorporated the Development Agreement by reference, was simply evidence that the County and the City agreed to its provisions.

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.

EQUALIZATION HEARINGS – None**COMMUNITY REDEVELOPMENT AGENCY - None****CITY MANAGER****Recommendation re Task Authorization for North Lakeland Stormwater Basin Construction Engineering Inspection Services**

Staff recommended a task authorization for Construction Engineering Inspection Services (CEI) in accordance with the Federal Emergency Management Administration (FEMA) Hazardous Mitigation Grant Program (HGMP) for stormwater system improvements to the area identified as North Lakeland Stormwater Basin C. The project would provide for the construction of a stormwater system and drainage retention pond on the west side of North Florida Avenue between Robson Street and Petteway Drive and improvements to the existing drainage outfall ditch between N. Florida Avenue and Lakeland Hills Boulevard. The City previously awarded Kamminga & Roodvoets, Inc. as the low bidder for the construction project in the amount of \$1,093,299.40. The City was currently negotiating the final construction contract and anticipated the project commencing in August 2008 with projected completion by April 2009.

A specific funding requirement of the FEMA HGMP grant necessitated that construction engineering inspection (CEI) services be implemented to coordinate the construction management, inspection and final certification of the project. In accordance with the City of Lakeland Continuing Contract and Agreement for General Municipal Engineering Services, staff recommended that the City enter into a task authorization with Keith & Schnars, P.A. to perform the CEI services for the project. Keith & Schnars, P.A. performed the initial Master Plan study and the engineering design and permitting services for the Basin C project. The recommendation to continue with Keith & Schnars, P.A. for CEI services would provide for continuity between the construction design and final construction inspection requirements. The proposed not to exceed fee for the projected ten-month CEI service was \$56,985. The project was 75% funded through the FEMA HGMP grant, with the remaining 25% supported with City of Lakeland Stormwater funds.

Staff recommended that the City Commission authorize the appropriate City officials to execute a task authorization with Keith & Schnars, P.A. to administer CEI services for the FEMA Hazardous Mitigation Grant Program for stormwater system improvements in the North Lakeland Stormwater Basin C for the not to exceed fee of \$56,985.

Doug Thomas presented this item to the Commission.

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

CITY ATTORNEY

Ordinances (First Reading)

Proposed 08-055; Repealing Ordinance 2978; Revising Transportation Impact Fee Ordinance

AN ORDINANCE RELATING TO IMPACT FEES; REPEALING ORDINANCE 2978; MAKING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR TRANSPORTATION IMPACT FEES; PROVIDING FOR AN INDEPENDENT IMPACT ANALYSIS; PROVIDING FOR CREDITS; PROVIDING FOR THE USE OF FUNDS; PROVIDING FOR ADMINISTRATIVE RULINGS AND APPEALS; 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 August 4, 2008.

Proposed 08-056; Amending Ordinance 2979, As Amended, Regarding Parks and Recreation Impact Fees

AN ORDINANCE RELATING TO PARKS AND RECREATION IMPACT FEES; AMENDING ORDINANCE 2979; CLARIFYING ACTIVITIES NOT CONSTITUTING IMPACT GENERATING LAND DEVELOPMENT ACTIVITY; CLARIFYING EXEMPTIONS AND PROCEDURES; FINDING CONSISTENCY WITH THE COMPREHENSIVE PLAN; 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 August 4, 2008.

Proposed 08-057; Amending Ordinance 2980, As Amended, Regarding Fire Impact Fees

AN ORDINANCE RELATING TO FIRE PROTECTION IMPACT FEES; AMENDING ORDINANCE 2980; CLARIFYING ACTIVITIES NOT CONSTITUTING IMPACT GENERATING LAND DEVELOPMENT ACTIVITY; CLARIFYING EXEMPTIONS AND PROCEDURES; FINDING CONSISTENCY WITH THE COMPREHENSIVE PLAN; 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 August 4, 2008.

Proposed 08-058; Amending Ordinance 2981, As Amended, Regarding Law Enforcement Impact Fees

AN ORDINANCE RELATING TO LAW ENFORCEMENT IMPACT FEES; AMENDING ORDINANCE 2981; CLARIFYING ACTIVITIES NOT CONSTITUTING IMPACT GENERATING LAND DEVELOPMENT ACTIVITY; CLARIFYING EXEMPTIONS AND PROCEDURES; FINDING CONSISTENCY WITH THE COMPREHENSIVE PLAN; 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 August 4, 2008.

Resolutions

Resolution 4699; Proposed 08-038; Amending City of Lakeland Local Government Comprehensive Planning Certification Program Agreement

A RESOLUTION OF THE CITY OF LAKELAND RELATED TO PLANNING; AMENDING THE CITY OF LAKELAND LOCAL GOVERNMENT COMPREHENSIVE PLANNING CERTIFICATION PROGRAM AGREEMENT; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4700; Proposed 08-039; Amending Resolution 4192, Excepting Certain Positions from Civil Service

A RESOLUTION RELATING TO OFFICERS AND EMPLOYEES UNDER CIVIL SERVICE; EXCEPTING CERTAIN EMPLOYEE POSITIONS FROM CIVIL SERVICE, PURSUANT TO SECTION 10 OF DIVISION II OF THE

CHARTER OF THE CITY OF LAKELAND; AMENDING RESOLUTION 4192; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Miscellaneous Reports and Communications

Memo re: Interlocal Agreement for Disposal of Solid Waste Between Polk County and City of Lakeland

This was a proposed interlocal agreement with Polk County for a long-term agreement for the disposal of solid waste. Polk County operated the Polk County landfill where the City disposed of all of the solid waste collected in the City. In order to secure a long-term revenue stream, the County and City staff were recommending an agreement where the City committed to dispose at that site for a 10-year term in exchange for significant price concessions. The disposal fee was \$34.50 per ton for the approximate 85,000 tons collected annually by the City. The agreement, which other Polk municipalities would likely enter, provided a discount according to the amount of tonnage collected. Lakeland would receive a 15% discount, which would increase to 20% if the City's tonnage ever exceeded 100,000 tons per year. Although the County Commission determined the base fee and was likely to increase it, the City would receive the applicable discount throughout the term of the agreement.

The agreement was mutually beneficial as Lakeland received a substantial savings over the current fees and the County received a guaranteed revenue stream throughout the term of the agreement.

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

Tim McCausland presented this item to the Commission.

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

FINANCE DIRECTOR - None

AUDIENCE

Russ Janutalo, a real estate broker, came forward re closing the walk-in center. He had to walk in payments for water bills because he could not count on LE to post payments correctly. Customer service at LE had been deteriorating. It was unfair to the customers that have to scrape up their payments at the last minute to push them to a third party payer. Russ had a master account number. There was confusion amongst the customer service representatives about whether they bill him under the master account or if they had to create a new account. He has had bills sent to wrong addresses and bills sent to collection.

Penny Chappell, citizen, thought that the LE would not be serving the poorest by moving to a third party payer

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Wiggs brought up the CSX issue. The previous motion at the last Commission meeting was to hire an attorney. Jim and Gow pointed out this morning that Lakeland had already accomplished some things. If Lakeland was going to hire someone, they needed to do it quickly. That person could look at what the City has done, evaluate what the City was hoping to accomplish with the DRI and give an opinion on whether or not the City should put more money into it, pursue the DRI process or work to develop alliances, etc. The first issue would be if someone should represent Lakeland at the DRI hearing.

Commissioner Fields explained that Mayor Iorio of Tampa committed her office and staff to collaborate with the City of Lakeland on the Passenger Rail Summit. Mayor Fletcher and Mayor Dyer of Orlando would be meeting Wednesday along with some staff to clear up misunderstandings and keep communications going. Those things were in place without paying an attorney. He felt the Commission needed to understand what was collectively going on before they started throwing money at something else.

Commissioner Wiggs felt it would be making a statement in the community to hire a professional to represent the City in this issue. The citizens will at least know that there was no stone unturned. That was essentially what we voted on, to hire an attorney to investigate those multipurpose possibilities.

Commissioner Verplanck said the Commission voted for the City Attorney and City Manager to investigate it and come back with a report. He encouraged commissioners to meet with Tony Delgado and Jim Studiale to find out what is going on relating to this issue. The City needs to rely on the FDOT funded study relative to trains in downtown Lakeland.

Commissioner Troller asked who would represent the City at the DRI hearing on August 13, 2008 – Jim Studiale. Justin asked Jim Studiale what his presentation would be at the August hearing.

Jim Studiale explained he had not prepared his presentation as of yet. The difficulty of the DRI process was that this was for Phase I of the project. It was identified as just the rail yard. The traffic impacts and the broader implications of the DRI were off the table because they may happen in the future phase. He planned for a PowerPoint that lay out the implications. It would be similar to things he had briefed the Commission on in prior meetings.

Doug Thomas explained the City has had staff at every hearing that has taken place locally or in the Orlando area. Lakeland has had representation identifying the issues and concerns that Lakeland has raised. They are making sure those issues get in the record at these hearings so Lakeland would have the opportunity to speak as this goes forward. Part of the dilemma was knowing what exactly the City wished to accomplish concerning the ILC. At this point staff was trying to walk around a number of issues and were concerned about the implications of the ILC and traffic in downtown Lakeland. Everyone agreed on removing freight traffic from downtown Lakeland. The differences of opinion come up in how best to accomplish that goal. Ultimately, the approach staff has taken was to raise questions and concerns so the City would have standing and the ability to influence decision makers. He and Tim were trying to find direction. Was the position to mitigate the impacts of the ILC in its present proposed location or is it something greater than that? He was not sure there was agreement amongst the Commission. He felt there needed to be some consensus as to the objective in this process.

Commissioner Troller remembered the vote as the City utilizing outside legal assistance to handle this issue, per the minutes. He felt it was prudent to have legal representation at the meeting on August 13, 2008.

Motion: Commissioner Troller moved to direct the City Manager and City Attorney to investigate the possible attorneys that could represent the City of Lakeland interests at the DRI meeting by the end of the week. Commissioner Wiggs seconded.

Commissioner Wiggs felt one of the disconnects was that there were different approaches. The City has had representation but it was low-key and focused on being a good partner. That was not getting the City where they needed to go. It was not until Paula Dockery moved forward that the other began to realize Lakeland would not just wait and see. He believed they were pursuing a course of action that was not in the best interest of the City of Lakeland. That was why he made the motion last time, to be specific as to what kind of presentation Lakeland wanted to make. He wanted to approach the issue from a position of strength not weakness.

Tim McCausland asked someone to restate the motion.

Commissioner Wiggs explained it was to have someone in place to represent the City by August 13, 2008. That meant move quickly to get that person up to speed on where the City was and make them understand what the City has already done.

Commissioner Verplanck thought no one would be more effective than Jim Studiale.

Action: Mayor Fletcher called for the vote and the motion carried 3-2 with Commissioners Jim Verplanck and Gow Fields voting nay.

Recess/reconvene: The Commission recessed at 10:48 a.m. and reconvened at 3:12 p.m.

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

Ordinance (Emergency Adoption)

Ordinance 4988; Proposed 08-059; Authorizing the Issuance of City of Lakeland, Florida Variable Rate Energy System Revenue and Refunding Bonds, Series 2008A in an Aggregate Principal Amount Not Exceeding \$100,000,000 and City of Lakeland, Florida Variable Rate Energy System Revenue and Refunding Bonds, Series 2008B in an Aggregate Principal Amount Not Exceeding \$100,000,000 to Refund the Issuer's Obligations Under a Master Repurchase Agreement

AN EMERGENCY ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF LAKELAND, FLORIDA VARIABLE RATE ENERGY SYSTEM REVENUE AND REFUNDING BONDS, SERIES 2008A IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$100,000,000 AND CITY OF LAKELAND, FLORIDA VARIABLE RATE ENERGY SYSTEM REVENUE AND REFUNDING BONDS, SERIES 2008B IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$100,000,000 TO REFUND THE ISSUER'S OBLIGATIONS UNDER A MASTER REPURCHASE AGREEMENT, TO FINANCE CERTAIN IMPROVEMENTS TO THE CITY'S ENERGY SYSTEM, TO CAPITALIZE INTEREST ON SUCH BONDS AND TO PAY CERTAIN COSTS; PROVIDING FOR THE TERMS OF SUCH BONDS; ESTABLISHING A FORM OF SUCH BONDS; APPROVING THE FORM OF AN OFFICIAL

STATEMENT, AND AUTHORIZING EXECUTION AND DELIVERY THEREOF, IN CONNECTION WITH THE MARKETING OF SUCH BONDS; AUTHORIZING THE MAYOR, THE MAYOR PRO TEM, THE CITY MANAGER OR THE FINANCE DIRECTOR TO ESTABLISH THE PRINCIPAL AMOUNTS, THE REDEMPTION TERMS AND THE MATURITY SCHEDULES OF SUCH BONDS WITHIN CERTAIN PARAMETERS, TO AWARD THE SALE OF THE 2008A BONDS TO GOLDMAN SACHS & CO. AND THE SERIES 2008B BONDS TO SUNTRUST ROBINSON HUMPHREY, INC. ON A NEGOTIATED BASIS AND ESTABLISHING THE CONDITIONS TO SUCH SALE AND APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF BOND PURCHASE AGREEMENTS; DESIGNATING THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A. AS THE REGISTRAR, PAYING AGENT AND TENDER AGENT WITH RESPECT TO SUCH BONDS; APPOINTING GOLDMAN SACHS & CO. AS REMARKETING AGENT WITH RESPECT TO THE 2008A BONDS AND SUNTRUST ROBINSON HUMPHREY, INC. AS REMARKETING AGENT WITH RESPECT TO THE 2008B BONDS AND APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF REMARKETING AGREEMENTS AS TO EACH SERIES; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A TENDER AGENCY AGREEMENT; APPROVING THE FORM AND AUTHORIZING EXECUTION OF A REIMBURSEMENT AGREEMENT WITH BNP PARIBAS, ACTING THROUGH ITS NEW YORK BRANCH IN CONNECTION WITH THE DELIVERY OF AN IRREVOCABLE DIRECT-PAY LETTER OF CREDIT TO PROVIDE LIQUIDITY AND CREDIT ENHANCEMENT FOR THE 2008A BONDS AND A REIMBURSEMENT AGREEMENT WITH SUNTRUST BANK, IN CONNECTION WITH THE DELIVERY OF AN IRREVOCABLE DIRECT-PAY LETTER OF CREDIT TO PROVIDE LIQUIDITY AND 2 CREDIT ENHANCEMENT FOR THE 2008B BONDS AND GRANTING LIENS IN CONNECTION THEREWITH; APPROVING THE FORM OF A CONTINUING DISCLOSURE AGREEMENT AND APPOINTING DIGITAL ASSURANCE CERTIFICATION, L.L.C. AS DISCLOSURE DISSEMINATION AGENT THEREUNDER; AUTHORIZING TERMINATION OF AN INTEREST RATE SWAP AND EXECUTION OF A NEW INTEREST RATE SWAP; AUTHORIZING OFFICIALS OF THE ISSUER TO TAKE ACTIONS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH ANY OF THE FOREGOING; PROVIDING FOR OTHER MATTERS RELATING THERETO; AND PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

UTILITY - CONSIDERED AFTER 1PM UTILITY COMMITTEE MEETING

*** Memo re: Approval of Short List for Consultant to Prepare an RFP for Implementation of AMI**

Lakeland Electric had been exploring recent developments in technology with regards to Advanced Metering Infrastructure (AMI). AMI, also known as "smart metering," generally refers to the systems that measure and provide data about energy (or water) usage. Potential benefits or results of AMI could include; Automated Meter Reading, Demand Response, Dynamic Pricing (Time-of-Use, Critical Peak, and Real-Time), and Direct Load Control. A recent pilot project provided staff the necessary information with regards to AMI feasibility and a Request for Qualifications (RFQ) was issued. Six firms shown below responded:

- Enernex Corp.
- Accenture
- HT/DcR Engineering
- KEMA
- UtiliWorks Consulting
- Plexus Research/R.W. Beck Inc.

After further evaluation by a review committee comprised of City of Lakeland staff members, following is a ranked short list of the top three (3):

1. Accenture
2. KEMA
3. Plexus Research

The review committee would like to place Accenture as the preferred Engineering Consultant with which to begin negotiations. Staff requested authorization to begin competitive negotiations with the recommended firms in accordance with the CCNA procedures.

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

AUDIENCE

William L Phillips Jr. came forward re law enforcement for security at LE. Security guard companies should be sufficient. He brought up the idea that if LE refused to accept cash at their facility they might be forgiving the debt. After the

one year was up, customers might not want to pay Amscot \$1 to pay their utility bill with cash. He did not think the City should do businesses with companies like Amscot.

Marjorie Low: her deposit amount was increased and LE had disconnected her electric recently. She has had to choose between her electric bill and her mortgage payment. She asked the Commission to do something to help the disabled and elderly.

CALL FOR ADJOURNMENT 3:31 p.m.

Ralph L. Fletcher, Mayor

Kelly S. Koos, CMC
City Clerk

CITY OF LAKELAND
Agenda Study Session
July 21, 2008

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

Mayor Fletcher called the meeting to order at 7:32 a.m.

Doug Thomas covered the preliminaries.

Tim McCausland covered the public hearings.

Commissioner Troller asked if the increase in water would finance the projects listed for 2012. Doug Thomas explained the increase in water rates reflected the ongoing operational issues.

Proposed Ordinance 08-054; water conserving spray valves were also included in the State plumbing code. This grant would allow the City to install low-flow sprinklers in volunteer agencies.

Proposed Ordinance 08-049 had some objections from the property owners along Bunker Road.

Proposed Ordinance 08-059 was the financing of the auction rate bonds. \$140 million was refunding and \$60 million was new money. Staff was prepared to go to market this afternoon. They would ask the Commission to defer approval until after the Utility Committee.

Doug Thomas covered the city manager agenda and offered the following verbal:

- * Bids for abatement and demolition of Crossroads Hotel were in. The contractors could start as early as tomorrow.

FY 2009 Budget: Greg Finch updated the Commission on the proposed tax rate. Staff recommended 3.4069 mills. The consensus was to report a proposed rate of 3.4069 mills. The Commission could choose a lower millage rate during the budget hearings.

Tim McCausland covered the First Readings and Resolutions.

Public Works Director Rick Lilyquist explained the interlocal agreement with Polk County for solid waste disposal.

Tim McCausland offered the following verbal re CSX:

Staff had discussed the issue internally and wanted to generate discussion for clear direction about what the City Commission hoped to accomplish. The discussion last time was to hire a lawyer or law firm. Staff was unsure about the City Commission's directive. Staff believed the battleground on which they could be successful was in Tallahassee. That was where the issue was going to be engaged.

Doug Thomas saw this issue having federal ties. Staff was waiting on results of a study of freight rail in central Florida. The long-term battle was to be sure freight rail did not increase and was eliminated from downtown Lakeland. That battle would take place in Tallahassee.

Friday was the joint meeting of the Orlando and Tampa TPOs. Ben Walker presented the study. Someone out of Orlando brought up the issue that the study should look at alternate locations for the winter Haven ILC. Paula Dockery provided some names of qualified people that could represent Lakeland to fight this battle even at the DRI level.

Commissioner Wiggs thought the City should oppose this issue at several different levels. If the City hired an attorney, that attorney would know if the city had standing. Doug Thomas and Tim McCausland were still struggling to understand the scope of services the Commission was looking for to determine the best firm and an estimated cost. Tim McCausland requested the list of names from Commissioner Wiggs.

The Agenda Study Session adjourned at 9 a.m.

Traffic Workshop July 21, 2008

The Lakeland City Commission met for a Traffic Workshop in the Traffic Operations Center on Rose Street. Commissioners Howard Wiggs, Gow Fields, Jim Verplanck, Justin Troller, and Mayor Fletcher were present. Deputy City Manager Tony Delgado, Public Works Director Rick Lilyquist, City Clerk Kelly Koos, Traffic Operations Manager Don Nix, and Chris Brosac of FDOT were present.

Rick Lilyquist called the meeting to order.

Don gave the presentation, a copy of which is on file in the City Clerk's Office. In 1992, the City began the installation of a three-phase traffic management system. The current system was completed in 2005. Signals were grouped together for sequencing. The City now can make timing changes under their traffic engineer and then copy FDOT. The FDOT Traffic Engineering Manual sets standards for flashing signals. A flashing signal should only happen when traffic falls below 200 vehicles per hour. Most State roads

would not meet the standards for flashing signals. FDOT recommended alternating flashing signals and regular signals to prevent speedway operations. The City would have to have FDOT approval to place a signal on flashing on a State road.

The signals in the central business district were pretimed and did not have vehicle detection. Florida Avenue was the controlling factor in the central business district. It was common for a business district to be pretimed. The City conducted the last timing study in 2002. Once the In-Town By-Pass was complete, the City would need to do another timing study.

The group then toured traffic systems control. System Control monitored 51 cameras. They rotate through those 51 cameras four times a day. They look for causes of back-ups. They could change timing to help with back up if LPD had to close a road. They were able to monitor what the signal was saying at the intersection of US Hwy 98 and I-4. If they get complaints, they can check the graphics and see what was happening at the intersection. The only area that did not have surveillance was Lakeland Hills Bl.

There was a request for a light at Ariana and S Florida Av. FDOT looked at that intersection and it did not meet the guidelines. Northbound on Florida at Lime was a similar situation.

A group was meeting on Wednesday, July 23, 2008 to review proposals for the Red Light Running Enforcement program. Those cameras would be wireless and not tied into traffic operations. One company even provided amber alerts. Those cameras could help search for specific license plates. Most of the companies would also do a media campaign for the City.

The workshop adjourned at 11:40 a.m.

Reuse Option For Wetland Discharge Workshop July 21, 2008

The Lakeland City Commission met for the workshop in the Commission conference room. Commissioners Edie Yates, Howard Wiggs, Gow Fields, Justin Troller, and Mayor Fletcher were present. Commissioner Glenn Higgins was out of town. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Water Utilities Director Greg Boettcher, and City Clerk Kelly Koos were present.

Doug Thomas called the meeting to order at 3:48 p.m.

Greg Boettcher gave the presentation, a copy of which is on file in the City Clerk's Office. Lakeland will have the opportunity to sell reuse water to TECO and obtain a 20-year water permit for 35 MGD. The Southwest Florida Water Management District's Governing Board is scheduled to meet at the Polk County Administration Building in Bartow on July 29, 2008 and will be provided an update on this proposed project by the Executive Director. TECO and SWFWMD will complete the Preliminary Engineering Analysis. The

funding, agreements and details would then be defined for consideration by City Commission.

The workshop adjourned at 4:30 p.m.

Ralph L. Fletcher, Mayor

Kelly S. Koos, CMC, City Clerk