

LAKELAND CITY COMMISSION
Regular Session
May 7, 2007

The Lakeland City Commission met in Regular Session in the Commission chambers on Monday, May 7, 2007. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Fletcher were present. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch and City Clerk Kelly Koos were present.

CALL TO ORDER

Mayor Fletcher called the meeting to order at 9:03 a.m.

INVOCATION

Commissioner Fields announced that Christine Simmons passed away yesterday after surgery. Her energy and passion would be sorely missed. He asked the minister to remember her and her family in prayer this morning.

Reverend Bill Cooley of Westminster Presbyterian Church offered the invocation followed by the salute to the flag.

PRESENTATIONS

Strategic Operating Plan Quarterly Report.

Employee Service Awards

10 Years

Bailey, Jerry Phillip	04-21-1997	Public Works
Camp Jr, Charles E	04-07-1997	LE-CS Field Services
Shatto, Ronald M	04-21-1997	Information Technology

20 Years

Brown Jr, Willie G	04-20-1987	Lakeland Electric
Garcia, Ruben	04-27-1987	Police Department
Holliday, Robert H	04-27-1987	Lakeland Electric
Joseph, Mary E	04-27-1987	Lakeland Electric
Semprini, Patrick E	04-13-1987	Lakeland Electric
Trout, Susan V	04-27-1987	Lakeland Electric

25 Years

Sisson Jr, Joseph E	04-12-1982	Police Department
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Mayor Fletcher and Doug Thomas presented these awards.

Presidents' Roundtable Awards

Detective Michelle Newsome	LPD Officer of the Year
Officer Dale Deas	LPD Honorable Mention LPD Officer of the Year
Lieutenant Scott Gilbreath	LFD Firefighter of the Year
Inspector Frank Bass	Honorable Mention LFD Firefighter of the Year

Mayor Fletcher and Doug Thomas presented these awards.

EQUALIZATION HEARINGS - 9:30 a.m.

Recess: Commissioner Wiggs moved to recess as the City Commission and convene as the Equalization Board. Commissioner Verplanck seconded and the motion carried unanimously.

Tim McCausland presented the assessments for lots cleaning & clearing. A copy of the assessment roll is on file in the City Commission Agenda Packet.

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

Mayor Fletcher asked for comments.

Brian Rewis came forward re: Hosey Grimsley. Brian met with Mr. Grimsley and he was satisfied enough to say that he would not dispute the charges.

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

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

PRESENTATIONS CONT.

Beautification Awards

Commercial: 1775 Sleepy Hill Road - "TerraLargo" - Avatar Properties
Residential: 1037 South New York Avenue - Kathryn Ruth Cortelyou

Frankie Martin presented the residential award. Eileen Claussen presented the commercial award.

PROCLAMATIONS

Big Brothers Big Sisters Week

May 22nd 7:30 a.m. Lone Palm Fundraiser Breakfast

Letter Carriers' Food Drive Day

Nurses Week at Lakeland Regional Medical Center

EQUALIZATION HEARINGS CONT

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

Bridget Crews (Torres), Job No. 07-0037 came forward to ask for relief from these charges. These two retention ponds were included with the deed to her home. She wanted the City or the homeowners association to take over the maintenance.

Brian Rewis presented photos of the job.

Tim McCausland referred her to Palmer Davis to see if there was a way to convey ownership.

Motion: Commissioner Fields moved to remove Job 07-0037 from the assessment roll. Commissioner Boring seconded and the motion carried unanimously.

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

APPROVAL OF MINUTES (with any amendments)

- * **City Commission 04/13/07-04/16/07**
- * **Utility Committee 04/16/07**
- * **Impact Fee Workshop 04/23/07**

Municipal Boards and Committees 05/04/07

The Lakeland Municipal Board Committee met in the Commission conference room. Commissioners Glenn Higgins, Jim Verplanck (members) and Commissioner Dean Boring (chair) were present. Commissioners Edie Yates, Gow Fields, and Mayor Fletcher were present along with administrative staff.

Commissioner Boring (chair) called the meeting to order at 9:43 a.m.

1. Affordable Housing Advisory Committee:

Recommendation from the Housing Division Staff to appoint Cindy Petterson to replace Robert Fields whose second term expired March 15, 2007. Mrs. Petterson will fill the position of the member who “actively serves on the Local Planning Agency Board (Planning & Zoning Board),” and her term will be for three years and expire March 31, 2010.

Recommendation: Commissioner Verplanck moved to recommend the Commission appoint Cindy Petterson. Commissioner Higgins seconded and Commissioner Boring concurred. The motion carried unanimously.

2. Midtown Community Redevelopment Area Advisory Board:

Recommendation from Tamara Sakagawa and the Midtown CRA Advisory Board to appoint Tim Mitchell to replace Patty Willett who has resigned from the board. Mr. Mitchell will fill the remainder of Mrs. Willett’s term, which expires May 31, 2008 and will be eligible for two more terms.

Recommendation: Commissioner Verplanck moved to recommend the Commission appoint Tim Mitchell. Commissioner Higgins seconded. Commissioner Boring concurred and the motion carried unanimously.

3. Police Officers Retirement Fund – Board of Trustees:

Recommendation from Kevin Torres to appoint Richard Carter to replace Keith Albritton whose second term expired December 31, 2006. Mr. Carter’s term will be for two years and expire December 31, 2008.

Recommendation: Commissioner Verplanck moved to recommend the Commission appoint Richard Carter. Commissioner Higgins seconded. Commissioner Boring concurred and the motion carried unanimously.

4. Lakeland Housing Authority Board:

Recommendation from Mayor Buddy Fletcher to reappoint Daryl Johnson and Everette Taylor who’s first terms expired April 30, 2007. Mr. Johnson and Mr. Taylor’s second terms will be for four years and both will expire April 30, 2011.

Recommendation: Commissioner Verplanck moved to recommend Mayor Fletcher re-appoint Daryl Johnson and Everette Taylor. Commissioner Higgins seconded. Commissioner Boring concurred and the motion carried unanimously.

5. Public Employee Relations Commission:

Judge Ernie Jones was elected to the circuit court bench in December making him no longer eligible to serve on the board. Mitch Franks, who serves as counsel to the board, suggested replacing him with Lee Smith. If appointed, Mr. Smith would fill the remainder of Judge Jones’ term, which expires December 31, 2008.

Recommendation: The Committee wanted additional information on Mr. Lee Smith. Commissioner Boring will gather more information and report to the group on Monday.

6. Code Enforcement Board:

Recommendation from Brian Rewis to reappoint Brian Dockery and Pronob "P.K." Bhattacharjee who's first terms expire May 31, 2007. Mr. Dockery and Mr. Bhattacharjee's second terms will be for three years and both will expire May 31, 2010.

Recommendation: Commissioner Verplanck moved to recommend the Commission reappoint Brian Dockery and Pronob "P.K." Bhattacharjee. Commissioner Higgins seconded. Commissioner Boring concurred and the motion carried unanimously.

The meeting adjourned at 9:50 a.m.

Commissioner Boring presented these minutes to the Commission.

Action: Commissioner Boring moved to approve the minutes and the motion carried unanimously.

Land Acquisition and Disposition Committee 05/04/07

The Lakeland Land Acquisition & Disposition Committee met in the Commission conference room. Mayor Fletcher (member) was present. Commissioner Higgins (chair) was present. Commissioner Boring (member) was absent. Commissioners Edie Yates, Gow Fields, and Jim Verplanck were present along with administrative staff.

Commissioner Higgins called the meeting to order at 9:50 a.m.

Proposed disposition of 203 Normandy Street

The City agreed to sell City-owned property located at 203 Normandy Street to Ulanda P. Tate, who qualified as low income for the purchase. Ms. Tate's current home at 1618 East Lane was in the Mid-Town CRA, more specifically in the medical corridor between Watson Clinic and Lakeland Regional Medical Center (LRMC), which the City did not foresee continuing to be a viable single-family neighborhood as the hospital and clinic purchased properties to expand their medical facilities. The City would construct a new 3 bedroom/2 bath home on the property at 203 Normandy Street prior to the sale.

LRMC agreed to purchase Ms. Tate's home at 1618 East Lane for \$80,000, subject to the City constructing a new home for her on the City lot located at 203 Normandy Street. The City would sell the newly constructed home at 203 Normandy Street for the after-construction appraised value, which they estimated to be \$114,000. The net proceeds from the sale of Ms. Tate's property at 1618 East Lane would be

invested in the new construction with the remainder of the after-construction appraised value being in the form of a 30-year lien in favor of the City.

Staff recommended that the Commission authorize the appropriate City officials to execute the necessary instruments to complete the sale of 203 Normandy Street to Ulanda P. Tate.

Nyla Campbell explained this item to the Committee.

Recommendation: Mayor Fletcher moved to recommend that the Commission authorize the agreement with Ulanda P. Tate for 203 Normandy Street. Commissioner Higgins seconded and the motion carried unanimously.

Proposed disposition of 836 and 840 Crawford Street

The City agreed to sell City-owned property located at 836 and 840 Crawford Street to Barbara Tillman, who qualified as low income for the purchase. Since Ms. Tillman's current home at 617 N. Tennessee Avenue was in the Mid-Town CRA "Small Area Study", which the City did not foresee to continuing to be a viable single-family neighborhood.

The City would construct a new 4 bedroom/2 bath home on the property at 836 and 840 Crawford Street prior to the sale. Ms. Tillman needed four bedrooms because of the number and composition of people in the household. Both lots would be necessary to construct the house since one was a corner lot. All the setback requirements could be met with both lots.

The CRA agreed to purchase Ms. Tillman's property at 617 N. Tennessee Avenue for \$67,000 upon completion of the new home. The City would sell the newly constructed home at 836/840 Crawford Street for the after-construction appraised value, which they estimated to be \$125,000. The net proceeds from the sale of Ms. Tillman's property to the CRA would be invested in the new construction with the remainder of the after-construction appraised value being in the form of a 30-year lien in favor of the City.

Staff recommended that the Commission authorize the appropriate City officials to execute the necessary instruments to complete the sale of 836 and 840 Crawford Street to Barbara Tillman and the purchase of 617 N. Tennessee Avenue by the CRA.

Nyla Campbell presented this item to the Committee.

Recommendation: Mayor Fletcher moved to recommend the Commission approve the agreements between Barbara Tillman, the City and the CRA. Commissioner Higgins seconded and the motion carried unanimously.

The meeting adjourned at 9:55 a.m.

Commissioner Higgins presented these minutes to the Commission.

Action: Commissioner Higgins moved to approve the recommendations and the motion carried unanimously.

APPROVAL OF CONSENT AGENDA

- * City Commission Minutes 04/13/07-04/16/07
- * Utility Committee 04/16/07
- * Impact Fee Workshop 04/23/07
- * Memo re: Consent to Assignment of Sublease to Girl Scouts of West Central Florida, Inc. – 1831 North Gilmore Avenue
- * Memo re: Conveyance of City Owned Lot Located at 203 Normandy Street to Ulanda P. Tate
- * Memo re: Conveyance of City Owned Lots Located at 836 and 840 Crawford Street to Barbara Tillman
- * Memo re: Task Authorizations with Chastain Skillman, Inc. for Reports Preliminary to WWTP Operating Permit Renewal
- * Memo re: Shortlist Approval to Provide Engineering/Consulting Services to Evaluate Options for a Capacity Addition to Lakeland's Generation Portfolio

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

PUBLIC HEARINGS

Ordinances (Second Reading)

Proposed 07-028; Amending Ordinance 4592; Updating Sign Regulations for Special Public Interest Zoning District for the Dixieland Community Redevelopment Area (1st Rdg 4/16/07)

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4592; UPDATING SIGN REGULATIONS FOR SPECIAL PUBLIC INTEREST ZONING DISTRICT WITHIN THE DIXIELAND COMMUNITY REDEVELOPMENT AREA LOCATED SOUTH OF EAST WALNUT STREET AND NORTH OF LENOX STREET; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Tim McCausland requested the Commission accept public comment and continue the public hearing to 5/21/07.

Motion: Commissioner Verplanck moved to continue the hearing to May 21, 2007. 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.

COMMUNITY REDEVELOPMENT AGENCY

Recess: Commissioner Wiggs moved to recess as the City Commission and convene as the Community Redevelopment Agency. Commissioner Verplanck seconded and the motion carried 6-0. Commissioner Boring was absent at that time.

Agreement with Keystone Challenge Fund for Administration of the Model Block Homebuyer Assistance Program

This Agreement with Keystone Challenge Fund was for the administration of the CRA Model Block Homebuyer Assistance Program. The Model Block Homebuyer Assistance Program provided funds for owner-occupants to purchase and rehabilitate homes within designated areas of the Parker Street Neighborhood. Buyers of single-family residences were eligible for up to \$35,000 in zero interest loan assistance that could be used as down payment assistance or funding for repairs.

Under the Agreement, Keystone would interview and provide one-on-one homebuyer and/or credit counseling with prospective homebuyers in the Parker Street Neighborhood and in other neighborhoods as approved by the CRA. Keystone would also assist homebuyers in negotiations with sellers and contractors and facilitate financing transactions with lenders. For its services, Keystone would be paid a flat fee of \$2,500 on a quarterly basis, \$1,250 for each closing in the Parker Street Neighborhood and up to \$3,000 for each closing outside of the Parker Street Neighborhood. The term of the Agreement was from October 1, 2006 to September 30, 2007, with two one-year renewal options.

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

Tim McCausland presented this item to the Commission.

Action: Commissioner Verplanck moved to approve the recommendation. Commissioner Wiggs seconded and the motion carried 6-0. Commissioner Boring was absent at that time.

Reconvene: Commissioner Wiggs moved to adjourn as the Community Redevelopment Agency and reconvene as the City Commission. Commissioner Verplanck seconded and the motion carried 6-0. Commissioner Boring was absent at that time.

CITY MANAGER

Recommendation re: Memorial Boulevard FDOT Highway Beautification Grant

For several years, the City planned to implement the Memorial Boulevard Beautification Project, which involved landscaping, and irrigation from Parker Avenue to the Larson Power Plant. The landscape components were similar to the completed sections of Memorial Boulevard utilizing palm trees in the medians and Crape Myrtles along the Boulevard. The City and a FDOT Highway Beautification Grant would equally fund the project. The project budget was \$600,000 and the City allotted that amount in Fiscal Year 2007.

City staff received two qualified bids for the landscaping and irrigation project from the following:

Vila & Sons \$369,602.00

Commercial Landscaping & Irrigation \$573,430.00

Based on the bids and quotes received Staff has deemed Vila & Sons as most responsive.

Staff recommended that the City Commission authorize the appropriate City officials to execute the proposed contract with Vila & Sons for the bid amount of \$369,602.00 to complete the Memorial Boulevard Beautification Project as described in this recommendation.

Doug Thomas presented this item to the Commission.

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

Recommendation re: Flood Control Automation Feasibility Study

Flood control within Lakeland's lakes and stormwater system was a significant operation and maintenance responsibility of the City's Lakes & Stormwater Division. Impervious area was added regularly through new construction and the addition of stormwater conveyance systems, which were added or improved. This continuous growth increased the need for monitoring lake levels and flow. Monitoring system status, making timely adjustments, and collecting real-time data could assist in the protection of life and property. Additionally, the City could use the data collected to plan future development and Total Maximum Daily Load (TMDL) compliance, as well as positively influence the City's Flood Insurance Rating in the future.

The City currently monitored and manually controlled eleven lakes. The Southwest Florida Water Management District controlled Lakes Gibson and Parker. The proposed study would focus on these eleven water bodies listed below:

Hollingsworth	Wire	Horney
Mirror	Bonny	Bentley
Hunter	Beulah	Holloway
Morton	Bonnet	

The Department of Public Works, Division of Lakes & Stormwater proposed to obtain the services of an engineering consultant to evaluate alternatives and design an automated monitoring and control system for flood control structures for the City’s lakes and stormwater conveyance system. Evaluation and design would assist in identifying capital and O&M costs, in addition to the benefits associated with the incorporation of a real-time monitoring and an adjustable system allowing for monitoring and control of lake levels to be administered remotely via personal computer. Staff recommended that the City execute a task authorization with Ardaman & Associates, Inc. (aka Tetrattech) under the City’s Continuing Contract for Lakes and Watershed Management Services for the proposed Flood Control Feasibility Study for a not-to-exceed fee of \$49,372. Funding for the proposed study was included in the FY 2007 Stormwater Utility Fund (Project #006950). The project should be completed within six months of commencement.

Staff recommended that the City Commission authorize the appropriate City officials to execute a task authorization with Ardaman & Associates, Inc. for the not-to-exceed fee of \$49,372 for the proposed Flood Control Automation Feasibility Study.

Doug Thomas presented this item to the Commission.

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

Recommendation re: Affordable Housing Review Committee (AHRC) Impact Fee Waivers

On April 9, 2007, the Affordable Housing Review Committee (AHRC) met to review an application for consideration of development incentives under the City’s established incentive plan. The AHRC membership reviewing the application included representation from real estate, banking, architecture, and the Affordable Housing Advisory Committee. Additionally, City representation was provided from the Electric, Water and Wastewater Departments, and from the Planning, Building Inspection and Housing divisions.

The AHRC recommended the following development for waiver of impact fees:

Project Location Units Impact Fee Waiver			
Project	Location	Units	Impact Fee Waiver
Talbot House Ministries, Inc. “Fellowship House”	827 & 835 N. Tennessee Ave. Lakeland, Florida	20 permanent housing units with supportive services	\$23,380

The fees waived represent a total revenue loss to the City of \$23,380. Staff did not recommend the waiver of water or wastewater fees as such would necessitate a contribution from the City General Fund. However, the City applied the appropriate water/wastewater credits for two houses demolished at the site. The applicant also requested and received impact fee waivers from Polk County.

Staff recommended that the City Commission authorize the waiver of impact fees for the Talbot House Ministries, Inc. "Fellowship House" development, in accordance with the recommendation from the Affordable Housing Review Committee as outlined for a total fee waiver of \$23,380.

Doug Thomas presented this item to the Commission.

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

CITY ATTORNEY

Ordinances (First Reading)

Proposed 07-029; Conditional Use to Provide Zoning Conformity for an Existing 13,000 sq ft Classroom Building and Existing Park Lot and Construction of an Additional 21,000 sq ft Classroom Building Located at 1360 East Main Street

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE TO PROVIDE ZONING CONFORMITY FOR AN EXISTING 13,000 SQUARE FOOT CLASSROOM BUILDING AND EXISTING PARKING LOT AS WELL AS CONSTRUCTION OF AN ADDITIONAL 21,000 SQUARE FOOT CLASSROOM BUILDING ON PROPERTY LOCATED AT 1360 EAST MAIN STREET; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on May 21, 2007.

Proposed 07-030; Conditional Use for a Detached Garage Apartment on 0.17 Acres Located at the Southeast Corner of Cumberland Street and Winfree Avenue (921 Cumberland Street)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A DETACHED GARAGE APARTMENT ON 0.17 ACRES LOCATED AT THE SOUTHEAST CORNER OF CUMBERLAND STREET AND WINFREE AVENUE (921 CUMBERLAND STREET); PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on May 21, 2007.

Proposed 07-031; Change in Zoning on 27.4 Acres Located North of Belmar Street, South of Greenwood Street, East of Central Avenue, and West of Sikes Boulevard (1015 Sikes Boulevard)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING OF 27.4 ACRES WITHIN THE CITY OF LAKE LAND LOCATED NORTH OF BELMAR STREET, SOUTH OF GREENWOOD STREET, EAST OF CENTRAL AVENUE, AND WEST OF SIKES BOULEVARD (1015 SIKES BOULEVARD), PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKE LAND, 1993"; MAKING FINDINGS; 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 May 21, 2007.

Proposed 07-032; Modification of PUD Zoning for a Grocery Store Located South of Forest Lake Drive, East of North Road 98, West of Corporate Avenue, and North of Carpenters Way

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR A MODIFICATION OF PUD ZONING ON PROPERTY LOCATED SOUTH OF FOREST LAKE DRIVE, EAST OF NORTH ROAD 98, WEST OF CORPORATE AVENUE, AND NORTH OF CARPENTERS WAY (4745 NORTH ROAD 98); AMENDING ORDINANCE 4773; 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 May 21, 2007.

Proposed 07-033; Amending Ordinance 4781, Adding Conditions of PUD Zoning for Property Located West of US 98 North, East of Providence Road, and North of Interstate 4

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4781 ALL PROVISIONS OF WHICH ARE HEREBY RESTATED; PROVIDING CONDITIONS RELATED TO EXISTING PUD ZONING CLASSIFICATION FOR PROPERTY LOCATED WEST OF US 98 NORTH, EAST OF PROVIDENCE ROAD, AND NORTH OF INTERSTATE 4; 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 May 21, 2007.

Proposed 07-034; Annexation of 7.78 Acres Located North of State Road 33, East of Lake Luther Road

AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKE LAND, FLORIDA, THAT CERTAIN 13.78 ACRES LOCATED NORTH OF STATE ROAD 33, EAST OF LAKE LUTHER ROAD; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on May 21, 2007.

Proposed 07-035; Small Scale Amendment #SS-06-021 to Future Land Use Map Assigning Use on 7.78 Acres Located North of State Road 33, East of Lake Luther Road

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-06-021 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 7.78 ACRES LOCATED NORTH OF STATE ROAD 33, EAST OF LAKE LUTHER ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKE LAND COMPREHENSIVE PLAN: 2000-2010; 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 May 21, 2007.

Proposed 07-036; Establishing PUD Zoning on 7.78 Acres Located North of State Road 33, East of Lake Luther Road

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR PUD ZONING ON 7.78 ACRES LOCATED NORTH OF STATE ROAD 33, EAST OF LAKE LUTHER ROAD; 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 May 21, 2007.

Proposed 07-037; Vacation of a Portion of Public Right -of-Way Located South of East Lime Street, North of East Walnut Street, West of South Lake Avenue and East of South Indiana Avenue

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY LOCATED SOUTH OF EAST LIME STREET, NORTH OF EAST WALNUT STREET, WEST OF SOUTH

LAKE AVENUE AND EAST OF SOUTH INDIANA AVENUE, WITHIN THE CITY OF LAKELAND; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; 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 May 21, 2007.

Proposed 07-038; Vacation of a Portion of Public Right -of-Way Located East of Omohundro Avenue, West of North Webster Avenue, and North of Memorial Boulevard

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY LOCATED EAST OF OMOHUNDRO AVENUE, WEST OF NORTH WEBSTER AVENUE AND NORTH OF MEMORIAL BOULEVARD, WITHIN THE CITY OF LAKELAND; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; 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 May 21, 2007.

Proposed 07-039; Vacation of a Portion of Neville Avenue Located North of Candyce Street, South of West Memorial Boulevard and West of Crestview Avenue

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING A PORTION OF NEVILLE AVENUE LOCATED NORTH OF CANDYCE STREET, SOUTH OF WEST MEMORIAL BOULEVARD AND WEST OF CRESTVIEW AVENUE, WITHIN THE CITY OF LAKELAND; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; 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 May 21, 2007.

Resolutions

Resolution 4609; Proposed 07-029; Authorizing Reimbursements from Note and Bond Proceeds of Temporary Advances

A RESOLUTION OF THE CITY OF LAKELAND, FLORIDA; AUTHORIZING DECLARATIONS OF OFFICIAL INTENT UNDER U.S. TREASURY REGULATIONS WITH RESPECT TO REIMBURSEMENTS FROM NOTE AND BOND PROCEEDS OF TEMPORARY ADVANCES MADE FOR PAYMENTS PRIOR TO ISSUANCE, AND RELATED MATTERS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4610; Proposed 07-030; Authorizing Application and Loan Agreement for State Revolving Fund Loan Program

A RESOLUTION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCE; MAKING FINDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4611; Proposed 07-031; Authorizing Mayor to Execute All Documents Necessary to Consummate Sale of 184.68 Acres of City-owned Property Located at Northwest Quadrant of Drane Field Road and CSX Railroad to D. R. Horton, Inc.; Accepting Corrective Warranty Deed

A RESOLUTION OF THE CITY OF LAKE LAND, FLORIDA, ACCEPTING THE CORRECTIVE WARRANTY DEED FROM WEST LAKE LAND COMPANY; AUTHORIZING CITY OFFICIALS TO EXECUTE ALL DOCUMENTS NECESSARY TO CONSUMMATE THE SALE OF 184.68± ACRES OF CITY OWNED PROPERTY LOCATED AT THE NORTHWEST QUADRANT OF DRANE FIELD ROAD AND CSX RAILROAD; REPEALING RESOLUTION NO. 4566; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

Resolution 4612; Proposed 07-032; Lots Cleaning and Clearing

A RESOLUTION RELATING TO ASSESSMENTS; DETERMINING THE NECESSITY FOR HAVING CLEANED AND CLEARED CERTAIN PROPERTY WITHIN THE CITY OF LAKE LAND; PROVIDING FOR THE ASSESSMENT OF LIENS AGAINST SUCH PROPERTY FOR EXPENSES INCURRED IN THE CLEANING AND CLEARING THEREOF; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title and recommended the Commission approve the resolution as amended by the Equalization Board.

Motion: Commissioner Verplanck moved to approve the resolution as amended. 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: Consent to Assignment of Sublease to Girl Scouts of West Central Florida, Inc. - 1831 North Gilmore Avenue**

This was a proposed Consent to Assignment of Sublease for property located at 1831 N. Gilmore Avenue. The City entered into a Lease Agreement with Community Health and Service Center of Lakeland, Inc. (Community Health) whereby the City agreed to lease certain real property for the use and benefit of community-oriented, not-for-profit organizations. Community Health subsequently entered into a sublease with Heart of Florida Girl Scout Council, Incorporated for the property at 1831 N. Gilmore Avenue. Community Health then conveyed its leasehold interest back to the City.

Girl Scouts of West Central Florida, Inc. and Heart of Florida Girl Scout Council, Incorporated have proposed to enter into an agreement and plan of merger, with Girl Scouts of West Central Florida, Inc. being the surviving corporation. The sublease

required prior approval from the City for any transfer or assignment of the sublease by Heart of Florida.

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

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

Memo re: Outside Legal Fee Report

Enter item.

Action: The Commission did not act on this item.

*** Memo re: Conveyance of City Owned Lot Located at 203 Normandy Street to Ulanda P. Tate**

The City has agreed to sell City-owned property located at 203 Normandy Street to Ulanda P. Tate, who qualified as low income for the purchase. Ms. Tate's current home at 1618 East Lane was in the Mid-Town CRA, more specifically in the medical corridor between Watson Clinic and Lakeland Regional Medical Center (LRMC), which the City did not foresee to continue to be a viable single-family neighborhood as the hospital and clinic purchase properties to expand their medical facilities. The City would construct a new 3 bedroom/2 bath home on the property at 203 Normandy Street prior to the sale.

LRMC agreed to purchase Ms. Tate's home at 1618 East Lane for \$80,000, subject to the City constructing a new home for her on the City lot located at 203 Normandy Street. The City would sell the newly constructed home at 203 Normandy Street for the after construction appraised value which was estimated to be \$114,000. The net proceeds from the sale of Ms. Tate's property at 1618 East Lane would be invested in the new construction with the remainder of the after-construction appraised value being in the form of a 30-year lien in favor of the City.

Staff recommended that the Commission authorize the appropriate City officials to execute the necessary instruments to complete the sale of 203 Normandy Street to Ulanda P. Tate.

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

*** Memo re: Conveyance of City Owned Lots Located at 836 and 840 Crawford Street to Barbara Tillman**

The City has agreed to sell City-owned property located at 836 and 840 Crawford Street to Barbara Tillman, who qualified as low income for the purchase. Since Ms. Tillman's current home at 617 N. Tennessee Avenue is in the Mid-Town CRA "Small Area Study", which the City did not foresee to continue to be a viable single-family neighborhood, the

City would construct a new 4 bedroom/2 bath home on the property at 836 and 840 Crawford Street prior to the sale. Ms. Tillman needed four bedrooms because of the number of people in the household. Both lots would be necessary to construct the house since one was a corner lot. With both lots, all setback requirements could be met. The CRA agreed to purchase Ms. Tillman's property at 617 N. Tennessee Avenue for \$67,000 upon completion of the new home. The City would sell the newly constructed home at 836/840 Crawford Street for the after-construction appraised value, estimated to be \$125,000. The net proceeds from the sale of Ms. Tillman's property to the CRA would be invested in the new construction with the remainder of the after-construction appraised value being in the form of a 30-year lien in favor of the City.

Staff recommended that the Commission authorize the appropriate City officials to execute the necessary instruments to complete the sale of 836 and 840 Crawford Street to Barbara Tillman and the purchase of 617 N. Tennessee Avenue by the CRA.

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

Memo re: Lease with Lakeland Yacht and Country Club

This was a proposed Long Term Lease Agreement between the City and Lakeland Yacht and Country Club (LYCC) to continue an existing parking lot lease. In 1982, the City entered into a lease agreement with LYCC to lease an area adjacent to the Lake Hollingsworth Shoreline and the east side of the Club. LYCC paved the area and it served as the valet parking area and other parking needs. The large lot and boat ramp accessible from Lake Hollingsworth Drive was not included. The Lease expires in August. The Lease gave LYCC an option to purchase the property at its appraised price, which they could have exercised at any time during the lease. LYCC was prepared to exercise its right to purchase. Negotiations were initiated between the City and LYCC officials. LYCC wanted to ensure that the Club would have that parking available for a long period. The City officials expressed an interest in retaining public ownership. The proposed Lease Agreement was a result of those negotiations. The proposed Lease Agreement provided the following:

1. Term - An initial term of 25 years with a 25-year option upon agreement of the parties.
2. Purchase Option - LYCC would retain the option to purchase, but it was only exercisable during the last year of the Lease.
3. Use Restriction - The property could only be used for parking purposes in conjunction with the Club.
4. Water Access Structure - The existing dock would be licensed to LYCC who would improve it according to plans approved by the City, subject to the City's right to use it and the leased property for special events like the Orange Cup Regatta.

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

Tim McCausland presented this item to the Commission.

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

Memo re: Amendment to eLibrary South Lakeland Interlocal Agreement with Polk County Library Cooperative

This was an amendment to the Interlocal Agreement previously entered into between the City and the Polk County Library Cooperative for funding and staffing of the eLibrary facility to be located at Lake Miriam Square in south Lakeland. The amendment merely recognized that Lakeland would purchase the library collection at this location and, as a result, was entitled to the overdue fines and lost material charges associated with the collection.

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

Tim McCausland presented this item to the Commission.

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

*** Memo re: Task Authorizations with Chastain Skillman, Inc. for Reports Preliminary to WWTP Operating Permit Renewal**

These were two proposed task authorizations with Chastain-Skillman, Inc. The FDEP required renewal of wastewater plant operating permits every five years. Included in the application package must be two reports, both of which must be done by an engineer. The first was an evaluation of the Operation and Maintenance of the facility. The second was a Capacity Analysis Report. In addition to these, the Glendale Wastewater Treatment Plant was expecting to see a marked reduction in loading when the West Lakeland Wasteload Reduction Facility (WLWRF) goes on line in the next year or two. FDEP may permit an exchange of flow (gallons) for loading (Pounds of BOD) in some processes. In addition to the required reports, Chastain-Skillman would determine where the system had reserve capacity and what bottlenecks may exist to allow eventual higher flows of domestic (non-industrial) wastes into the Glendale WWTP.

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

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

AUDIENCE – None

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Yates reminded everyone about Mayfair this weekend.

Commissioner Fields announced that he was not running for Dennis Ross' seat in the legislature. It had been a very humbling experience as he heard from the Community. He decided to run for re-election to the City Commission.

Commissioner Wiggs wished everyone a Happy Mothers Day.

Commissioner Verplanck appreciated his mother who will turn 90 in two weeks.

Commissioner Boring thanked staff for tour of Unit 3 on Friday.

RECESS – 10:48 a.m.

RECONVENE – 2:15 p.m.

The Lakeland City Commission reconvened in Regular Session in the Commission chambers on Monday, May 7, 2007. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Fletcher were present. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch and City Clerk Kelly Koos were present.

UTILITY - CONSIDERED AFTER 1PM UTILITY COMMITTEE MEETING

Memo re: Consulting Agreement with Hellerworx Regarding Coal Transport

This was a proposed consulting agreement with Hellerworx in the not to exceed amount of \$80,000.00 for assistance in the renegotiation of the existing CSX rail agreement and to evaluate other alternatives for the transportation of coal to the McIntosh facility. The facility was currently served by CSX directly and took import coal by truck from the port of Tampa. The City was moving forward with a comparison of rail and water/truck coal deliveries upon expiration of the rail contract with CSX at the end of 2008. The Fuels Division would like Hellerworx to assist Lakeland in determining the most cost effective mix of rail and truck delivery that would minimize costs and maximize reliability for the benefit of Lakeland's ratepayers. The objective was to have a new strategy implemented by January 1, 2008.

The following tasks were proposed to support the City:

- 1. Forecast of CSX rates and fuel surcharges:** Based on CSX bid information and data related to other negotiations involving CSX and eastern carriers, develop a set of forecasts for CSX rail rates and fuel surcharges from the set of coal origin districts where Lakeland expected coal may be purchased. This

would include central Appalachia (CAPP), northern Appalachia (NAPP), and the Illinois Basin (ILB) including both Illinois and western Kentucky. The forecast period would be 20 years and would consider different rail contract pricing scenarios.

2. Forecast of domestic coal (Central Appalachian, Illinois Basin, Western Kentucky, etc): Develop a forecast of coal prices for the different basins based upon information on current mine pricing, expected reserve depletion and changes in productivity and competition. This information would be based partly upon a review of existing forecasts, information developed in the EPA coal reserve analysis, and other research and analysis.

3. Forecast of South American Coal: This would be based upon information from studies prepared by Hill & Associates, McCloskey, and presentations by various entities regarding the future pricing and availability of Colombian and Venezuelan coals.

4. Forecast of ocean freight rates: Ocean freight rate forecasts would be developed from data supplied by Simpson, Spence & Young and other shipbrokers. This would assess the likely freight rates in Panamax vessels or barges from South America. If Lakeland considered other import coals, these would be added as well.

5. Forecast of trucking rates: The forecast of trucking rates to the plant would be based upon current trucking rates and forecasts of changes in the components of trucking costs. This would involve input from trucking companies.

6. Development of strategy for rail and trucking negotiations: Based upon the information gathered in the prior tasks, Hellerworx would work with Lakeland to develop an approach to conducting the rail, trucking and port negotiations including the sequencing of discussions and sharing of information. The purpose would be to create the maximum amount of leverage on the railroad while establishing a system that was flexible, reliable and low cost. This would include development of RFPs and term sheets as well as assisting in the analysis.

7. Development of strategy for importing coal: Imported coals were likely to be a major component of the ultimate coal supply mix. Hellerworx would assist Lakeland in developing a strategy to minimize fuel costs by using import coals when and how appropriate to minimize delivered fuel costs. Trucking some or all of these coals may be a key component of minimizing fuel costs. Any CSX contract would try to leave the option open for maximizing the use of rail when it becomes cost-effective.

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

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

Memo re: Agreement with Freightcar America, Inc. for Purchase of Railcars

This was a proposed agreement to purchase six (6) new railcars for \$498,672.00. The new railcars would replace six (6) that CSX destroyed in an accident a little more than a year ago. Risk Management settled the claim with CSX and the City was obligated to replace the cars per the City's CSX transportation contract. The Fuels Division searched for compatible used cars but was not able to find anyone that would sell just six (6) cars. Therefore, the Fuels Division went to Freightcar America (the successor to the original builder of our fleet) and received a quote to buy new railcars.

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

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

*** Memo re: Shortlist Approval to Provide Engineering/Consulting Services to Evaluate Options for a Capacity Addition to Lakeland's Generation Portfolio**

In the latter part of 2006, Lakeland Electric staff sought proposals from qualified firms to assist in evaluating the options being considered for future generation additions. A RFQ to Provide Engineering/Consulting Services to Evaluate Options for a Capacity Addition to Lakeland's Generation Portfolio was issued in January of this year. Qualification packages were received from seven firms.

1. Black and Veatch
2. Burns & McDonnell
3. Concentric Energy Advisors
4. Sargent & Lundy
5. Stone & Webster
6. Pace Global Energy Services
7. ProEnergy Services

A consultant ranking team, comprised of System Planning and Energy Production staff members, reviewed all submittals and selected the following three firms as the top three for negotiation purposes under CCNA:

1. Pace Global Energy Services
2. Sargent & Lundy
3. Burns & McDonnell

The team recommended that Lakeland begin negotiations with Pace Global to establish an agreement for the services needed.

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

CALL FOR ADJOURNMENT – 2:20 p.m.

LAKELAND CITY COMMISSION
Agenda Study Session
May 4, 2007

The Lakeland City Commission met in the Agenda Study Session in the Commission conference room on Friday, May 4, 2007. Commissioners Edie Yates, Gow Fields, Dean Boring, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Commissioner Wiggs was out sick. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Finance Director Greg Finch, City Attorney Tim McCausland and City Clerk Kelly Koos were also present along with administrative staff.

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

Doug Thomas covered the Presentations. He introduced Chuck Garing, Water Utility Director.

Chuck Garing gave an update on the Combee Water Plant dedication and Open House. He presented Tim McCausland with the 2007 Big Drip Award for leaving his hose on all week while he was in New York.

Tim McCausland covered the Public Hearings. The public hearing on Proposed Ordinance 07-028 will be continued to meet advertising requirements.

Palmer Davis covered the CRA Agenda.

Doug Thomas covered the City Manager agenda and offered the following verbals:

- * Tonight was National Public Works Week in Munn Park, 6-9 p.m. This was happening in conjunction with the Lakeland Downtown Partnership's First Friday.
- * Property Tax Issue: The Legislature has decided today not to tackle reform. There will be a special session June 12-22, 2007. Doug spoke with Mike Herr and there was an interest in meeting with the legislature in the interim. The other groups that received money from the general fund should be included in those meetings. He distributed a sample of letters that those groups have begun to send to the legislature. If these cuts go into place, it would make preparing the 07-08 budget very challenging. The plan was to have a common meeting with the legislature and the County. Mike Herr said they have an actual date for the meeting.

Tim McCausland covered the City Attorney agenda.

Michael Craig covered the Utility Agenda.

Tim McCausland offered the following verbals:

- * Phillip and Marjorie Lowe: He explained the City had a subordination policy and the Lowe's did not meet the requirements. This appeal caused staff to review the policy. During the process, they got a deal with a mainstream lender. The City has authorized subordination.
- * Michael Townsend, former police officer: Michael became injured on the job and was unable to continue as a police officer. There was a provision in the plan to allow for a disability pension. Michael had applied for that provision. Mr. Townsend asked the Commission to amend the plan so that the Pension Board could make the benefit retroactive to his termination date.

Kevin Torres explained that had the proper procedures been in place, Mr. Townsend would have gotten this money. The cost was \$4,404.95.

Doug Thomas thought the Commission should be cautious not to create an opportunity for a former employee to apply three years beyond the deadline.

The consensus of the Commission was to make the one time allowance.

Mayor Fletcher said he was getting calls on the retention on Lake Hollingsworth. The report in the paper said that the stakes were wider than the actual project to allow for room for construction. The Commission would like someone to review the project for the Commission so they could respond.

The meeting adjourned at 9:43 a.m.