

LAKELAND CITY COMMISSION
Regular Session
October 2, 2006

The Lakeland City Commission met in Regular Session on Monday, October 2, 2006 in the Commission chambers. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Howard Wiggs, Gow Fields, Edie Yates and Mayor Fletcher were present. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch and Deborah Cason, of the City Clerk's office were also present.

CALL TO ORDER

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

INVOCATION

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

PRESENTATIONS

Lakeland Fire Department-State Emergency Response Plan

Fire Chief Mike Mohler introduced Assistant Chief Gary Ballard, who made the presentation.

Employee Service Awards

10 Years

Conner, Robert J	09-16-1996	WU-Wastewater Administration
Lilyquist, Lisa A	09-03-1996	P & R-Libraries

20 Years

Hay, Sapho	09-29-1986	PW-Facilities Maintenance
Ngo, Ngeck	09-29-1986	PW-Facilities Maintenance
Sok, Ly Kim	09-29-1986	PW-Facilities Maintenance

25 Years

Lange Jr., R. Paul	09-15-1981	WU-Water Engineering
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30 Years

Boatner, Roger G
Harrison, William R

09-27-1976
09-27-1976

Lakeland Police Administration
Lakeland Police

City Manager Doug Thomas and Mayor Fletcher presented these awards.

Beautification Awards

Garry and Cathy Anstey-714 Tropical Way
Lakeland OBGYN-1733 Lakeland Hills Blvd.

Michele Githens made this presentation.

PROCLAMATIONS

Fire Prevention Week

Mayor Fletcher presented this proclamation to Fire Chief Mike Mohler, Fire Marshall Larry Riles, and Public Information Officer Cheryl Edwards.

Red Ribbon Week

Commissioner Wiggs presented this proclamation to students and staff from Griffin Elementary school and representatives for the Drug Prevention Resource Center.

EQUALIZATION HEARING

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 Lots Cleaning and Clearing fees for assessment. *A copy of this assessment roll is on file in the agenda packet.*

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

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

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

PUBLIC HEARINGS

Hospital Bond TEFRA Hearing

Resolution 4561; Proposed 06-067; Indicating Intention to Issue Hospital Revenue Bonds Not to Exceed \$125,000 and Finding Compliance with Statutory Requirements

A RESOLUTION OF THE CITY OF LAKELAND, FLORIDA WITH RESPECT TO THE ADVANCE REFUNDING ALL OR A PORTION OF THE CITY'S OUTSTANDING HOSPITAL REVENUE BONDS (LAKELAND REGIONAL HEALTH SYSTEMS), 1999 SERIES A AND HOSPITAL REVENUE BONDS (LAKELAND REGIONAL HEALTH SYSTEMS), SERIES 2002 IN ORDER TO REFINANCE ALL OR A PORTION OF THE COSTS OF ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS TO THE MEDICAL FACILITIES OF LAKELAND REGIONAL HEALTH SYSTEMS, INC. AND LAKELAND REGIONAL MEDICAL CENTER, INC.; PROVIDING APPROVAL FOR THE ISSUANCE OF NOT TO EXCEED \$125,000,000 ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF CITY OF LAKELAND, FLORIDA HOSPITAL REVENUE REFUNDING BONDS (LAKELAND REGIONAL HEALTH SYSTEMS), SERIES 2006; MAKING CERTAIN FINDINGS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

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

Mayor Fletcher asked for comments and there were none.

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

Ordinance 4793; Proposed 06-075; Providing for the Issuance by the City of Not to Exceed \$125,000 Aggregate Principal Amount of its Hospital Revenue Refunding Bonds, Series 2006, and for a Loan to Lakeland Regional Health Systems, Inc. and Lakeland Regional Medical Center, Inc. in an Amount Equal to the Principal Amount of Such Series 2006 Bonds

AN ORDINANCE OF THE CITY OF LAKELAND, FLORIDA PROVIDING FOR THE ISSUANCE BY THE CITY OF NOT TO EXCEED \$125,000,000 AGGREGATE PRINCIPAL AMOUNT OF ITS HOSPITAL REVENUE REFUNDING BONDS (LAKELAND REGIONAL HEALTH SYSTEMS), SERIES 2006, AND FOR A LOAN OR LOANS BY THE CITY TO LAKELAND REGIONAL HEALTH SYSTEMS, INC. AND LAKELAND REGIONAL MEDICAL CENTER, INC. IN AN AMOUNT EQUAL TO THE PRINCIPAL AMOUNT OF SUCH SERIES 2006 BONDS FOR THE PRINCIPAL PURPOSE OF ADVANCE REFUNDING ALL OR A PORTION OF THE CITY'S OUTSTANDING HOSPITAL REVENUE BONDS (LAKELAND REGIONAL

HEALTH SYSTEMS), 1999 SERIES A AND HOSPITAL REVENUE BONDS (LAKELAND REGIONAL HEALTH SYSTEMS), SERIES 2002; PROVIDING FOR THE RIGHTS OF THE OWNERS OF THE SERIES 2006 BONDS AND FOR THE PAYMENT THEREOF; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2006 BONDS; AUTHORIZING A DELEGATED NEGOTIATED SALE OF THE SERIES 2006 BONDS UPON MEETING CERTAIN CONDITIONS SPECIFIED HEREIN; AUTHORIZING AND APPROVING THE USE OF A PRELIMINARY OFFICIAL STATEMENT AND FINAL OFFICIAL STATEMENT IN CONNECTION WITH SUCH DELEGATED NEGOTIATED SALE OF THE SERIES 2006 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, A SECOND SUPPLEMENTAL TRUST AGREEMENT, A SECOND SUPPLEMENTAL FINANCING AGREEMENT AND AN ESCROW DEPOSIT AGREEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF THE SERIES 2006 BONDS AND ALL OTHER NECESSARY AND RELATED INSTRUMENTS AND CERTIFICATES; PROVIDING FOR OTHER AGREEMENTS, MISCELLANEOUS MATTERS IN CONNECTION WITH THE FOREGOING; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Fletcher asked for comments and there were none.

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

PROCLAMATIONS-cont.

Crime Prevention Month

Commissioner Fields presented this proclamation

National Domestic Violence Awareness Month

Commissioner Verplanck presented this proclamation

Lakeland Electric Customer Service Week

Commissioner Yates presented this proclamation.

APPROVAL OF MINUTES (with any amendments)

***City Commission 09/15/2006-09/18/2006**

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

***Utility Committee 09/18/2006**

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

***CONSENT AGENDA**

*City Commission Minutes with any Amendments for 09/15/06-09/18/06

*Utility Committee Minutes with any Amendments for 09/18/06

*Recommendation re: Change Order for Fort Fraser Trail Project

*Memo re: Right of Way and Easements Agreement with Penske Truck Leasing Co., LP - Fairbanks Street Improvements Project

*Memo re: Amendment to Tower Agreement with Sprint for Beacon Road Fire Station

*Memo re: Task Authorization with Mechanical Dynamics and Analysis, Ltd. For McIntosh Power Plant Unit #2 Turbine Services

*Memo re: Interlocal Agreement with Polk County for Building Official Services

*Appropriation and Increase in Estimated Revenues – Various Funds

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

PUBLIC HEARINGS – cont.

Ordinances (Second Readings)

Ordinance 4789; Proposed 06-071; Modifying Ordinance 4691; Amending Acreage, Legal Description and Map

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; AMENDING ORDINANCE 4691; CORRECTING LEGAL DESCRIPTION, MAP, AND ACREAGE; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

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

Mayor Fletcher asked for comments and there were none.

Action: Upon roll call vote Commissioners Yates, Fields, Wiggs, Verplanck, Higgins and Mayor Fletcher voted aye. Ayes: six. Nays: zero. Commissioner Boring was absent at that time. The motion carried.

Ordinance 4790; Proposed 06-072; Modifying Ordinance 4734; Amending Acreage, Legal Description and Map

AN ORDINANCE RELATING TO ZONING; AMENDING ORDINANCE 4734; CORRECTING LEGAL DESCRIPTION, MAP, AND ACREAGE; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

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 Higgins, Verplanck, Wiggs, Fields, Yates and Mayor Fletcher voted aye. Ayes: six. Nays: zero. Commissioner Boring was absent at that time. The motion carried.

Ordinance 4791; Proposed 06-073; Change in Land Use on 1.16 Acres Located South of Griffin Road and West of US Highway 98

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-06-015 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 1.16 ACRES LOCATED SOUTH OF GRIFFIN ROAD AND WEST OF U.S. HIGHWAY 98 NORTH, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

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 Higgins, Verplanck, Wiggs, Fields, Yates and Mayor Fletcher voted aye. Ayes: six. Nays: zero. Commissioner Boring was absent at that time. The motion carried.

Ordinance 4792; Proposed 06-074; Change in Zoning on 1.16 Acres Located South of Griffin Road and West of US Highway 98

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 1.16 ACRES WITHIN THE CITY OF LAKELAND LOCATED SOUTH OF GRIFFIN ROAD AND WEST OF US 98 NORTH, 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.

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, Higgins and Mayor Fletcher voted aye. Ayes: six. Nays: zero. Commissioner Boring was absent at that time. The motion carried.

CITY MANAGER

***Recommendation re: Change Order for Fort Fraser Trail Project**

The Fort Fraser Trail Project is currently under construction and while not officially opened, many individuals have begun to use portions of the trail that have been completed. Staff was recommending approval of Change Order #4 with the project contractor, Gibbs & Register Construction, Inc., for \$44,520 in response to a recent private donation, coupled with on-site modifications to the original design due to drainage and structural issues as outlined below.

The project received a generous donation for \$22,520 from the Stuart Family for the inclusion of a Stuart Family Picnic Pavilion, which will be placed along the trail south of Highlands City. Furthermore, engineers have identified the need for various drainage revisions adjacent to the trail along 4th Street in Highlands City to alleviate runoff to private properties to the east for \$12,000 and for the replacement of the southernmost bridge structure with a prefabricated pedestrian bridge for \$10,000. The original plans called for the use of an existing railroad trestle structure; however, it has deteriorated to the point that it will not support the intended designed bridge deck. In addition to the private donation for the Picnic Shelter, a transfer of \$22,000 from the project contingency account is required to cover the costs related with the proposed drainage and bridge replacement components. The proposed Change Order increases the overall project contract amount from \$5,462,346 to \$5,506,866.

Staff recommended that the City Commission authorize the appropriate City officials to execute Change Order #4 with Gibbs & Register Construction, Inc. in the amount of \$44,520 to include the noted project elements for the Fraser Trail, and to authorize the transfer of the corresponding private donation in the amount of \$22,520 and the transfer of \$22,000 from the project contingency account.

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

Recommendation re: Task Authorization for Consultant Services for Impact Fee Studies

The Community Development Department was requesting authorization to employ consultant services related to the review of new Impact Fee studies for Parks and Recreation, Law Enforcement and Fire Protection. A task authorization, under the City of Lakeland Continuing Contract for Planning Design and Development Services, with Tindale-Oliver and Associates, Inc. was proposed for a not-to-exceed fee of \$67,500 to accomplish the three-pronged study. Additionally, a legal review and minor change to the

Transportation Impact Fee Ordinance may be required to ensure consistency between all of the City's impact fee methodologies and is therefore included in the proposed scope of services.

The task authorization will be funded through an anticipated FY2007 General Fund Budget expenditure. The funding will be required to be appropriated from the following specific impact fee accounts:

- \$25,000 from Parks & Recreation Impact Fee Account
- \$20,500 from Law Enforcement Impact Fee Account
- \$20,500 from Fire Protection Impact Fee Account
- \$ 1,500 from City Transportation Impact Fee Account

The studies will provide final study research documents, impact fee equations and proposed rate schedules, and amendment language for current impact fee ordinances. The study is scheduled to be completed approximately five months from project commencement with completion projected for March 2007.

Staff recommended that the City Commission authorize the appropriate City officials to execute the Task authorization with Tindale-Oliver and Associates, Inc. to administer impact fee studies for Parks and Recreation, Law Enforcement and Fire Protection for a not-to-exceed fee of \$68,000. Additionally, staff recommended that the City Commission authorize the associated budget appropriations as outlined above.

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

Miscellaneous Reports and Communications

Executive Summary: Utility Committee Meeting of 9/18/06

CITY ATTORNEY

Ordinances (1st Reading)

Proposed 06-076; Vacating a Portion of Lee Avenue

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING A PORTION OF LEE AVENUE LOCATED SOUTH OF GRIFFIN ROAD, EAST OF PROVIDENCE ROAD, AND WEST OF NORTH ROAD 98, 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 October 16, 2006.

Proposed 06-077; Vacating a Portion of Lake Horney Drive

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING A PORTION OF LAKE HORNEY DRIVE LOCATED EAST OF LAKE HORNEY AND NORTH OF CLEARVIEW 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 October 16, 2006.

Proposed 06-078; Conditional Use for Senior Center in an Existing Building on Property Located South of Palmetto Street, West of Rushing Avenue, and East of College Avenue (801, 803, 805, and 807 East Palmetto Street)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A SENIOR CENTER IN AN EXISTING BUILDING LOCATED SOUTH OF PALMETTO STREET, WEST OF RUSHING AVENUE AND EAST OF COLLEGE AVENUE (801, 803, 805, AND 807 EAST PALMETTO 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 October 16, 2006.

Proposed 06-079; Establishing PUD Zoning for 56 Acres Located East and South of North Road 33, South of Lakeland Harbor Mobile Home Park

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING OF 56 ACRES WITHIN THE CITY OF LAKELAND LOCATED EAST AND SOUTH OF NORTH ROAD 33, SOUTH OF LAKELAND HARBOR MOBILE HOME PARK, 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.

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 October 16, 2006.

Proposed 06-080; Change in Zoning on 7.63 Acres Located East of Donovan Road, North of Wildcat Run

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING ON 7.63 ACRES WITHIN THE CITY OF LAKELAND LOCATED EAST OF DONOVAN ROAD, NORTH OF WILDCAT RUN, 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.

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 October 16, 2006.

Proposed 06-081; Small Scale Amendment #SS0-06-017 to Future Land Use Map Assigning Use on 2.6 Acres Located West of Lake Parker Avenue, South of East Lemon Street, and East of Bartow Road

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-06-017 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 2.6 ACRES LOCATED WEST OF LAKE PARKER AVENUE, SOUTH OF EAST LEMON STREET, AND EAST OF BARTOW ROAD, ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

SS-06-017 Proposed amendment to change the Future Land Use Map designation from 3.6 acres of RH (Residential High) to 3.6 acres of LCC (Linear Commercial Corridor) on property located west of Lake Parker Avenue, south of East Lemon Street, and east of Bartow Road. Owner: Polk Motor Cars Real Estate Holdings II, LLC. Applicant: Timothy Kelly.

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 October 16, 2006.

Proposed 06-082; Establishing PUD Zoning on 3/6 Acres Located West of Lake Parker, South of East Lemon Street and East of Bartow Road

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING OF 3.6 ACRES WITHIN THE CITY OF LAKELAND LOCATED WEST OF LAKE PARKER AVENUE, SOUTH OF EAST LEMON STREET, AND EAST OF BARTOW ROAD, 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.

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 October 16, 2006.

Proposed 06-083; Annexation of 2.13 Acres Located a the Northwest Corner of Knight Station Road and Kathleen Road (3120 Kathleen Road)

AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKELAND, FLORIDA, THAT CERTAIN 2.13 ACRES LOCATED AT THE NORTHWEST CORNER OF KNIGHT

STATION ROAD AND KATHLEEN ROAD (3120 KATHLEEN 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 October 16, 2006.

Proposed 06-084; Small Scale Amendment #SS-06-011 to Future Land Use Map Assigning Use on 2.13 Acres Located at the Northwest Corner of Knight Station Road and Kathleen Road (3120 Kathleen Road)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-06-011 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 2.13 ACRES LOCATED AT THE NORTHWEST CORNER OF KNIGHT STATION ROAD AND KATHLEEN ROAD (3120 KATHLEEN ROAD), ATTACHED TO ORDINANCE 4140, WHICH ADOPTED THE LAKELAND COMPREHENSIVE PLAN: 2000-2010; PROVIDING AN EFFECTIVE DATE.

SS-06-011 Proposed amendment to change the Future Land Use Map designation from 2.13 acres of County CAC (Community Activity Center) and County BPC-1 (Business Park Center) to 2.13 acres of NAC (Neighborhood Activity Center) on property located at the northwest corner of Knight Station Road and Kathleen Road (3120 Kathleen Road).
Owner/Applicant: Walgreen Co.

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 October 16, 2006.

Proposed 06-085; Establishing PUD Zoning on 2.13 Acres Located at the Northwest Corner of Knight Station Road and Kathleen Road (3120 Kathleen Road)

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING OF 2.13 ACRES WITHIN THE CITY OF LAKELAND LOCATED AT THE NORTHWEST CORNER OF KNIGHT STATION ROAD AND KATHLEEN ROAD (3120 KATHLEEN ROAD), 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.

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 October 16, 2006.

Proposed 06-086; Text Amendment #T-06-018 to Update the 5-Year Capital Improvements Plan and Associated Text in the Lakeland Comprehensive Plan

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT #T-06-018 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; MAKING A DETERMINATION THAT THIS ACTION IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF COMMUNITY AFFAIRS; 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 October 16, 2006.

Resolutions

Resolution 4562; Proposed 06-068; Authorizing State Revolving Fund Loan Application

A RESOLUTION OF THE CITY OF LAKELAND, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCE; 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 Higgins, Verplanck, Boring, Wiggs, Fields, Yates and Mayor Fletcher voted aye. Ayes: seven. Nays: zero. The motion carried.

Resolution 4563; Proposed 06-069; Lots Cleaning and Clearing

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

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

Mayor Fletcher asked for comments and there were none.

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

Miscellaneous Reports and Communications

***Memo re: Right of Way and Easements Agreement with Penske Truck Leasing Co., LP-Fairbanks Street Improvements Project**

This was an Agreement with Penske Truck Leasing Co. for the conveyance at no cost to the City of right-of-way and easements necessary for the Fairbanks Street road improvement project. The Fairbanks Street project encompasses the reconstruction of Fairbanks Street from Kathleen Road to Bella Vista Street, the closing of a railroad crossing at Bella Vista Street, and the opening of a new crossing at Fairbanks Street. Construction on the project is scheduled to commence in January 2007.

Under the Agreement, Penske will convey to the City right-of-way, a temporary construction easement and a permanent easement for a retention pond. The City, in exchange, will agree to reserve sufficient water capacity to serve Penske's property, up to a maximum of 2,000 gpd.

Staff recommended that the appropriate City officials be authorized to execute the attached Agreement and all necessary instruments for the conveyance of the right-of-way and easements.

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

***Memo re: Amendment to Tower Agreement with Sprint for Beacon Road Fire Station**

This was the First Amendment to PCS Site License, Construction & Maintenance Agreement with SprintCom, Inc. under which the City will lease an additional 90.2 square feet at the Beacon Road Fire Station to SprintCom for installation of a back-up generator for their existing tower. SprintCom will pay the City an additional \$300.00 a month for the leased area, with a 3% increase each year thereafter. All other terms and conditions of the original agreement will remain the same.

Staff recommended that the appropriate City officials be authorized to execute the attached Agreement.

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

Memo re: Task Authorization with Mechanical Dynamics and Analysis, Ltd. For McIntosh Power Plant Unit #2 Turbine Services

This was a proposed Task Authorization with Mechanical Dynamics and Analysis, Ltd. ("MDA") regarding work associated with the McIntosh Unit #2 outage beginning October 1,

2006. MDA will provide consulting services based upon their expertise with Westinghouse turbines to oversee the overhaul of Unit #2 steam turbine during the twenty (20) day outage. All work will be performed on a "time and material" basis in accordance with MDA's continuing contract up to the not-to-exceed amount of \$30,000.

Staff recommended that the appropriate City Officials be authorized to execute the proposed Task Authorization on behalf of the City.

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

Memo re: Interlocal Agreement with Polk County for Building Official Services

This was a proposed Interlocal Agreement with Polk County to provide services of a Building Official on an interim basis. With the recent departure of the City's Building Official, an interim Building Official must be appointed to allow for issuance of permits. Florida law allows other agencies to provide those services in instances such as this. The County Building Official will provide oversight and supervise on an "as needed" basis at a rate of \$45.00 per hour.

Staff recommended that the appropriate City Officials be authorized to execute the proposed Interlocal Agreement on behalf of the City.

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

FINANCE DIRECTOR

Appropriation and Increase in Estimated Revenues – Various Funds

The City's Fiscal Year 2006 ended on September 30, 2006. In reviewing the financial results for various City funds, it was apparent that the level of spending in certain expense accounts would exceed the amount originally budgeted in those accounts for the fiscal year. These excess expenditures were equally offset by revenues collected in excess of original budgeted amounts. As such, an adjustment of both the revenue and expenditure budgets of these operations was recommended.

The Lakeland Center has seen a significant increase in program activity over what was originally anticipated for FY 2006 when its budget was originally prepared. Total revenues will exceed the original budget for the year by \$540,000, or 9%. This additional activity also caused related expense accounts to exceed the budget by approximately \$450,000.

The Wastewater System Fund will collect slightly more revenues than originally budgeted of approximately \$650,000 or 2.5%. This increase is mostly the result of additional wastewater service and pretreatment revenues. It is also anticipated that operating expenses will exceed the original budget by \$85,000 primarily due to increased electric utility costs.

The Electric Utility Fund will incur higher expenses in its fuel budget by approximately \$20,000,000 or 9%. This increase is offset by additional revenues derived from reimbursement of fuel costs.

Staff requested that the City Commission authorize budget amendments effective September 30, 2006 to adjust the following FY 2006 Budgets to reflect increased revenue and expense appropriations:

Lakeland Center Revenues	540,000
Lakeland Center Operating Expense	450,000
Wastewater System Revenues	650,000
Wastewater System Operating Expenses	85,000
Lakeland Electric Fuel Recovery Revenues	20,000,000
Lakeland Electric Fuel Expenses	20,000,000

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

AUDIENCE

Richard Brown appeared before the Commission and offered comments on a recent encounter with the Lakeland Police Department.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Yates complemented the middle schools for their participation in reading and being entered into the Guinness Book of World Records.

Commissioner Verplanck reminded everyone of the State of Downtown Luncheon.

Commissioner Boring complemented Commissioner Fields on his comments regarding his gratitude to our public safety personnel.

CALL FOR ADJOURNMENT-10:26 a.m.

Ralph L. Fletcher, Mayor

Deborah M. Cason for
Kelly S. Koos, City Clerk

AGENDA STUDY SESSION
September 29, 2006

The Lakeland City Commission met in the Agenda Study Session on Friday, September 29, 2006 in the Commission conference room. Commissioners Edie Yates, Gow Fields, Jim Verplanck, Glenn Higgins, and Mayor Fletcher were present. Commissioners Howard Wiggs and Dean Boring were absent. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Assistant Community Development Director Steve Bissonnette, Finance Director Greg Finch, City Attorney Tim McCausland, Assistant to the City Manager Stanley Hawthorne and City Staff were present.

Mayor Fletcher called the meeting to order at 8:30 a.m.

Doug Thomas covered the presentations and proclamations.

Tim McCausland covered the public hearings.

Doug Thomas covered the city manager's portion of the agenda and offered the following verbals:

- Letter of resignation from Rosetta Lue; recruiting her replacement
- Housing programs – using the state's published rates for maximum purchase limits; \$237,031.00 effective October 1, 2006.
- new fiscal year-blanket purchase orders:
 - MOR-power plant maintenance assistance
 - UMA Construction Co.-technical assistance
 - S & W Crane Service
 - Lewis Tree Service
 - P & M Communication
- Car allowances-increased due to fuel costs
- Florida League-11/16 & 17/2006-Annual Legislative Conference-Orlando
- National League of Cities- Conference-12/5-9/2006 in Reno NV
- Leadership Lakeland -10/12/2006

Tim McCausland covered the City Attorney's portion of the agenda and offered the following verbal:

The City received a letter from developer for Hilton Garden Inn. They were unable to accept the terms approved by the commission.

Greg Finch covered finance director's portion of the agenda.

The meeting adjourned at 9:19 a.m.

Sun 'n Fun Workshop
September 29, 2006

The Lakeland City Commission met for the Sun 'n Fun Workshop on Friday, September 29, 2006 in the Commission conference room. Commissioners Edie Yates, Gow Fields, Jim Verplanck, Glenn Higgins, and Mayor Fletcher were present. Commissioners Howard Wiggs and Dean Boring were absent. City Manager Doug Thomas, Deputy City Manager Tony Delgado, City Attorney Tim McCausland, and City Staff were present.

Doug Thomas opened the meeting at 9:23 a.m. and introduced John Burton, who gave an update of some of the things Sun 'n Fun was involved in and presented highlights of this past fly in.

John introduced Donna Gabriel, the new Director of Communications and Marketing for Sun 'n Fun.

First priority for the Fly-In was safety. This past one was one of the safest in their 32-year history. There were only two minor ground incidents.

They had one of the key 25th Anniversary ceremonies of the first launch of the space shuttle. The crew, John Young and Bob Crippen, were there.

The new F 22 Raptors made their debut. They were the new frontline fighters for the military.

Attendance was down this year due to 1) rising fuel costs, 2) weather, and 3) not enough promotion, thus the new marketing director.

They were expanding their programs including lecture series, Wings & Things, and High Flying Holidays.

The workshop adjourned at 9:50 a.m.

Proportionate Fair Share Program Workshop September 29, 2006

The Lakeland City Commission met for the Proportionate Fair Share Program Workshop on Friday, September 29, 2006 in the Commission conference room at 9:51 a.m. Commissioners Edie Yates, Gow Fields, Jim Verplanck, Glenn Higgins, and Mayor Fletcher were present. Commissioners Howard Wiggs and Dean Boring were absent. City Manager Doug Thomas, Deputy City Manager Tony Delgado, City Attorney Tim McCausland, Assistant Community Development Director Steve Bissonnette, and City Staff were present.

Celeste Deardorff made this presentation highlighting the mandate from the State requiring localities to adopt provisions regarding a proportionate fair share program.

She distributed copies of the recommended Proportionate Fair-Share Ordinance and Memorandum of Understanding on the Implementation of a Uniform Transportation

Concurrency Management System and Proportionate Fair-Share Program for Polk County.

She explained that the Proportionate Fair-Share Program was being developed because of issues with transportation. It was noted that if a transportation facility, e.g., a roadway segment, was found to be failing in terms of capacity and adopted level of service standards, then localities should provide an option to the developer to allow them to assist in funding the required improvements and thereby move forward with their development.

She covered the key points of the Memorandum of Understanding and gave examples that illustrated the application.

The workshop adjourned at 10:35 a.m.