

REGULAR SESSION
December 4, 2006

The Lakeland City Commission met on Monday, December 4, 2006 in Regular Session in the Commission chambers. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Gow Fields, Edie Yates and Mayor Pro Tem Howard Wiggs were present. Mayor Fletcher was out of town. Assistant City Manager Tony Delgado, City Attorney Tim McCausland, Finance Director Greg Finch and Deborah Cason, of the City Clerk's office, were present.

CALL TO ORDER

Mayor Pro Tem Wiggs called the meeting to order at 9 a.m.

INVOCATION

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

PRESENTATIONS

Employee Relations-Compensation Philosophy

George Brooks made this presentation. A copy is on file in the agenda packet.

Employee Service Awards

Assistant City Manager Tony Delgado and Mayor Pro Tem Howard Wiggs presented these awards.

Beautification Awards

Michele Githens presented these awards:

- Residential: 4339 Forest Hills Drive, James and Barbara Guffey
- Commercial: 4245 South Pipkin Road, Curry Controls

APPROVAL OF MINUTES (with any amendments)

- * **City Commission 11/17/06-11/20/06**

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

- * **Utility Committee 11/20/06**

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

Land Acquisition & Disposition Committee-12/01/2006

The Land Acquisition & Disposition Committee met Friday, December 1, 2006 at 8:16 a.m. in the City Commission conference room. Chairman, Commissioner Higgins, Member Mayor Fletcher, City Manager Doug Thomas, City Attorney Tim McCausland, and Steven Harris, of the City Clerk's office, were present.

Commissioner Higgins called the meeting to order at 8:16 a.m.

The purpose of this meeting was to discuss the following:

Proposed Disposition of 531 West 12th Street to Belinda Baker

The City agreed to convey City-owned property located at 531 West 12th Street to Belinda Baker in exchange for the applicant's property at 1546 Martin Luther King Jr. Avenue. Ms. Baker was an applicant for housing rehabilitation and qualified as low income. Ms. Baker's current home at 1546 Martin Luther King Jr. Avenue no longer provided proper shelter for her family. The Housing Division recommended that the City demolish her current home and construct a new home. However, her lot was unbuildable due to its size and the required setbacks.

The City agreed to construct a new 3-bedroom/2-bath house on the Urban Homestead lot at 531 West 12th Street. If approved, upon completion of her new home Ms. Baker will convey her property at 1546 Martin Luther King Jr. Avenue to the City and execute a 30-year lien in favor of the City for the after-construction appraised value of the new home.

Staff recommended that the Commission authorize the appropriate City officials to execute the necessary instruments to complete the transaction between Ms. Baker and the City of Lakeland.

Recommendation: Mayor Fletcher moved to authorize the appropriate City officials to execute the necessary instruments to complete the transaction between Ms. Baker and the City of Lakeland and Commissioner Higgins concurred.

Proposed Disposition of 308 Oconee Street to Samuel and Merari Castro

The City agreed to sell City-owned property located at 308 Oconee Street to Samuel and Merari Castro, who qualify as low income for the purchase. The Castro's current home at 702 N. Kentucky Avenue was in the Mid-Town CRA "Small Area Study", which was not foreseen to continue to be a viable single-family neighborhood; the City would construct a new 3-bedroom/2-bath home on the property at 308 Oconee Street prior to the sale.

The CRA agreed to purchase the Castro's property at 702 N. Kentucky Avenue for \$55,000.00 upon completion of the new home. The City would invest the net proceeds from the sale of the Castro's property to the CRA 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 308 Oconee Street to Samuel and Merari Castro and the purchase of 702 N. Kentucky Avenue by the CRA.

Recommendation: Mayor Fletcher moved to authorize the appropriate City officials to execute the necessary instruments to complete the sale of 308 Oconee Street to Samuel and Merari Castro and the purchase of 702 N. Kentucky Avenue by the CRA and Commissioner Higgins concurred.

The meeting adjourned at 8:21am.

Commissioner Higgins presented these minutes to the City Commission.

CONSENT AGENDA

- City Commission Minutes 11/17/06-11/20/06
- Utility Committee Minutes 11/20/06
- Memo re: Fairbanks Street Right of Way Agreement with Paul G. Meadows and Marita K. Meadows
- Memo re: Stipulation of Parties for the Opening of Fairbanks Street Highway Rail Grade Crossing and Closing of Bella Vista Street Highway Rail Grade Crossing
- Memo re: Task Authorization with Black & Veatch re Route Study for 69kV Transmission Line Orangedale-Socrum
- Memo re: Disposition of City Owned Property at 531 West 12th Street to Belinda Baker
- Memo re: Sale of City Owned Property at 308 Oconee Street to Samuel and Merari Castro
- Memo re: Waiver of 5:01 p.m. Hearing
- Appropriation-Fleet Management Fund
- Appropriation and Increase in Estimated Revenues-General Fund

Action: Commissioner Verplanck moved to approve the consent agenda. Commissioner Fields seconded and the vote carried six to zero.

REQUESTS TO APPEAR FROM THE PUBLIC

Christine Simmons, Founder and President of the Dr. Martin Luther King Jr. CEC

Ms. Simmons did not appear. She called to say she would reschedule.

PUBLIC HEARINGS

Ordinances (Second Reading)

Proposed 06-090; Consenting to Inclusion within the Polk County Parks and Recreation Municipal Service Taxing Unit (1st Reading 11/20/06)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO PARKS AND RECREATION; MAKING FINDINGS; CONSENTING TO THE INCLUSION OF THE ENTIRE INCORPORATED AREA OF THE CITY OF LAKE LAND WITHIN THE BOUNDARIES OF THE POLK COUNTY MUNICIPAL SERVICE TAXING UNIT FOR PARKS AND RECREATION SERVICES, FACILITIES AND PROGRAMS; AUTHORIZING AN AD VALOREM TAX LEVY WITHIN SAID AREA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title and asked that at the conclusion of the public hearing this morning, the Commission continue the public hearing to December 18, 2006 for final action.

Bill Tinsley, Parks and Recreation Director, presented the background for this item. A study had been done and found there was a need for significant amount of financing to meet the needs of the community for parks and community centers over the next ten years.

The plan was to join the county with their county parks and recreation municipal service-taxing unit to fund this need.

Mr. Sheets, resident, offered comments in favor of the tax. He was a volunteer and had coached and felt these parks were needed.

Michael Dunn offered comments against the proposed tax. He felt this was not a good time to put another tax on residents.

Richard Hunter, resident, offered comments against the tax. Mr. Hunter was against the way the City was handling this. He felt this should have been on a referendum and voted on.

Gene Strickland offered comments against this funding increase. He felt the city should live within its means.

Jim Malless, resident, offered comments in favor of the tax. He felt you knew what you were buying with this type of tax.

Commissioner Boring asked how much land would be purchased with this money.

Bill Tinsley responded \$17.4 million.

Commissioner Boring asked if that land available.

Bill commented that the City may have already missed the window of opportunity to complete their goal at 100%.

Gene Strickland asked about the dividend from the hospital. The City had used it to cover the shortfall on the Lakeland Electric contract issue. What would happen when the contract ended?

Greg Finch noted that staff had already considered the dividend from the hospital after the Lakeland Electric contract terminated. This proposed increase was what the City needed in addition to the hospital payment.

Commissioner Boring said they would need to buy the land now and not wait.

Action: Commissioner Verplanck moved to continue this item to December 18, 2006. Commissioner Boring seconded and the motion carried unanimously.

EQUALIZATION BOARD

Lots Cleaning and Clearing

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

Tim McCausland presented the Lots Cleaning & Clearing Assessments for equalization. This equalization roll is on file in the record copy of the agenda packet.

Dupuy Florestal came forward to ask for relief for the assessment for 336 W. 7th Street.

Brian Rewis, Code Enforcement Division Manager, showed photos of the property before and after the contractor mowed. He recommended that the Equalization Board lower the nuisance abatement fee of to \$100.00.

Action: Commissioner Boring moved to impose the assessments with the change as noted. Commissioner Verplanck seconded and the motion carried unanimously.

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

Public Hearings-cont.

Ordinance 4811; Proposed 06-091; Vacating Poplar Street (1st Reading 11/20/06)

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING POPLAR STREET LOCATED SOUTH AND EAST OF NORTH FLORIDA AVENUE, WEST OF LAKE LAND HILLS BOULEVARD, AND NORTH OF CAROL DRIVE, WITHIN THE CITY OF LAKE LAND; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Wiggs asked for comments and there were none.

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

Ordinance 4812; Proposed 06-092; Amending Ordinance 2978, As Amended, to Accommodate the County Increase in Transportation Impact Fees (1st Reading 11/20/06)

AN ORDINANCE RELATING TO IMPACT FEES; AMENDING ORDINANCE 2978, AS AMENDED; AMENDING SECTION 5(A)(4) TO PROVIDE FOR AN EFFECTIVE DATE FOR APPLICATIONS IN PROCESS; AMENDING SECTION 5(C)(1) TO PROVIDE FOR A REVISED IMPACT FEE SCHEDULE FOR TRANSPORTATION FACILITIES; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Wiggs asked for comments and there were none.

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

Ordinance (First Reading)

Proposed 06-093; Proposed Changes to Various City of Lakeland Land Development Regulations

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

Tim McCausland read the short title.

Bruce Kistler read the proposed changes to the Land Development Regulations.

Action: The Commission took no action. They will hold the second reading and second public hearing on December 18, 2006.

COMMUNITY REDEVELOPMENT AGENCY-none

CITY MANAGER-none

CITY ATTORNEY

Ordinances (First Reading)

Proposed 06-094; Annexation of 4/55 Acres Located South of Sleepy Hill Road and West of Kathleen Road

AN ORDINANCE RELATING TO VOLUNTARY ANNEXATION; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKE LAND, FLORIDA, THAT CERTAIN 4.55 ACRES LOCATED SOUTH OF SLEEPY HILL ROAD AND EAST OF 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 December 18, 2006.

Proposed 06-095; Small Scale Amendment #SS-06-020 to Future Land Use Map Assigning Use on 2.5 Acres Located South of Sleepy Hill Road and West of Kathleen Road

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR A SMALL SCALE AMENDMENT #SS-06-020 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP FOR 2.5 ACRES LOCATED SOUTH OF SLEEPY HILL ROAD AND WEST OF KATHLEEN ROAD, ATTACHED TO ORDINANCE

4140, WHICH ADOPTED THE LAKELAND 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 December 18, 2006.

Proposed 06-096; Establishing PUD Zoning on 2/5 Acres Located South of Sleepy Hill Road and West of Kathleen Road

AN ORDINANCE RELATING TO ZONING; ESTABLISHING PUD ZONING ON 2.5 ACRES LOCATED SOUTH OF SLEEPY HILL ROAD AND WEST OF KATHLEEN ROAD; AMENDING ORDINANCE 3966; 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 December 18, 2006.

Commissioner Verplanck noted that all three of the proposed ordinances above should read "East Kathleen Road" and not "West Kathleen Road."

Resolutions

Resolution 4575; Proposed 06-081; Authorizing Eminent Domain Proceedings- Intersection of Beacon Road and South Lincoln Avenue

A RESOLUTION RELATING TO EMINENT DOMAIN: AUTHORIZING EMINENT DOMAIN PROCEEDINGS TO ACQUIRE CERTAIN INTERESTS IN PARTICULAR REAL PROPERTY GENERALLY LOCATED ON BEACON ROAD IN THE VICINITY OF THE INTERSECTION WITH SOUTH LINCOLN AVENUE FOR THE PURPOSE OF ROAD CONSTRUCTION, MAINTENANCE AND THE DEVELOPMENT OF RELATED FACILITIES AUTHORIZING CONDEMNATION OF THE PROPERTY DESCRIBED HEREIN; AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Greg James explained the eminent domain proposal.

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

Mayor Pro Tem Wiggs asked for comments and there were none.

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

**Resolution 4576; Proposed 06-082; Authorizing Eminent Domain Proceedings-
Waring Road between Old Medulla Road and West Pipkin Road**

A RESOLUTION RELATING TO EMINENT DOMAIN: AUTHORIZING EMINENT DOMAIN PROCEEDINGS TO ACQUIRE CERTAIN INTERESTS IN PARTICULAR REAL PROPERTY GENERALLY LOCATED ON WARING ROAD AND ALONG ITS PROPOSED EXTENSION BETWEEN OLD MEDULLA ROAD AND WEST PIPKIN ROAD FOR THE PURPOSE OF ROAD CONSTRUCTION, MAINTENANCE AND THE DEVELOPMENT OF RELATED FACILITIES AUTHORIZING CONDEMNATION OF THE PROPERTY DESCRIBED HEREIN; AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Greg James explained the eminent domain proposal.

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

Mayor Pro Tem Wiggs asked for comments and there were none.

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

Resolution 4577; Proposed 06-083; 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.

Tim McCausland read the short title.

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

Mayor Pro Tem Wiggs asked for comments and there were none.

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

Miscellaneous Reports and Communications

Memo re: Fairbanks Street Right of Way Agreement with Paul G. Meadows and Marita K. Meadows

This was a proposed Right of Way Agreement with Paul G. and Marita K. Meadows. Right of way acquisition is nearly complete for the Fairbanks Street improvements project, which encompasses the re-construction of Fairbanks Street from Kathleen Road to Bella Vista Street and the closing of a railroad crossing at Bella Vista Street, and the opening of a new crossing at Fairbanks Street. Chastain-Skillman will complete design and have the bid documents prepared by the end of November 2006. Construction should commence by March 2007. With this project funded under an Economic Development Transportation Fund Grant that is limited to design and construction only, the attached Fairbanks Street Right of Way Agreement with the Meadows provides an effective solution for the City to acquire the necessary right of way needed for the project. In exchange for the right of way, the City would be providing the property owners, Paul G. Meadows and Marita K. Meadows, with surveying assistance to locate property lines of the parent parcel to enable the property owners to construct a fence paralleling the located property lines. The City would also expand the property owners' existing unimproved parking area, located to the west of the existing commercial building, providing materials and re-grading the areas consistent with the existing parking area. The estimated cost to the City for the surveying and parking area expansion was \$400.00 and \$20,000.00, respectively.

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

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

Memo re: Stipulation of Parties for the Opening of Fairbanks Street Highway Rail Grade Crossing and Closing of Bella Vista Street Highway Rail Grade Crossing

The Fairbanks Street improvements project encompasses the re-construction of Fairbanks Street from Kathleen Road to Bella Vista Street and the closing of a railroad crossing at Bella Vista Street, and the opening of a new crossing at Fairbanks Street.

A Stipulation of Parties was being executed by all parties having an interest in this matter thereby authorizing the City of Lakeland, through the Florida Department of Transportation, to open the rail crossing at Fairbanks Street and close the rail crossing at Bella Vista Street with CSX Transportation, Inc. as part of the overall roadway improvement / extension project of Fairbanks Street.

The Stipulation also provided that CSX Transportation, Inc., at the City's expense, will furnish, or have furnished, all necessary materials required for, and will construct a Standard Railroad Crossing at the extension of Fairbanks Street. CSX would restore the right of way to remove evidence of the aforementioned closed crossing. CSX, at the City's expense, would remove the railroad grade crossing surface and the roadway pavement ten (10) feet from both sides of the railroad track centerline at the Bella Vista Street crossing. CSX, at the City's expense, would remove the highway-rail grade crossing warning devices at Bella Vista Street crossing at the same time as the removal of the crossing surface. CSX must complete the removal of the Bella Vista crossing within three (3) months following the opening of the Fairbanks Street Crossing. The City would be responsible for removal of any crossing surface and roadway pavement left behind by CSX from the roadway removal process. The City shall erect on each side of the closed crossing signs and object markers as identified in the Stipulation.

It was anticipated that Chastain-Skillman would complete design and have the bid documents prepared by the end of November 2006. Construction should commence by March 2007.

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

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

Memo re: Amendment to Joint Project Agreement with FDOT-Lakeland In-town Bypass -Phase II

This was a proposed First Amendment to a Joint Project Agreement (JPA) that was approved at the July 17, 2006 City Commission meeting. Through this Agreement, the City would receive \$621,524.43 in State funding to update and complete the design / roadway construction plans for the west section of the Lakeland In-Town By-Pass from George Jenkins Highway to Florida Avenue. Consequently, the City has entered into a task authorization with Dyer, Riddle, Mills and Precourt, Inc. in the not-to-exceed amount of \$621,524.43 to perform the professional engineering services.

The First Amendment to the JPA, for \$130,517.58, provides additional funding from FDOT for the redesign of the concrete beam bridge and the design for the retaining wall across the severed portion of the Florida Tile pond.

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

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

Memo re: Task Authorization with Black & Veatch re Route Study for 69kV Transmission Line Orangedale- Socrum

This was a proposed task authorization with Black & Veatch, in the not to exceed amount of \$40,000.00, to perform a route study to select at least three (3) transmission line routes between the Orangedale and Socrum Substations. The proposed task authorization was to be performed on a time and material basis in accordance with the rates for professional services set forth in the continuing contract with the City up to the not-to-exceed amount of each part identified below. The City would pay all reimbursable expenses in accordance with the City's Consultant Expense Reimbursement Policy. Those expenses were not included in the amounts set forth herein. The scope of work for each part of the task authorization is as follows:

<u>Part A</u>	
• Identification of alternate corridor segments.	\$15,000.00
Part B	
• Location of existing and planned subdivisions.	
• Identification of land use categories.	
• Identification of wetlands and water crossings.	
• Identification of LE utilities, road, and RR crossings.	
• Identification of airport glide path data.	
• Evaluation of alternate routes.	
• ROW costs not included in B&V Scope of Work.	
• Construction cost estimate.	
• Selection and recommendation of proposed routes.	\$25,000.00
Total professional services	\$40,000.00

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: Cooperative Funding Agreement with SWFWMD for the Design and Permitting Phase of the Lake Gibson Southwest Sub-basin Stormwater Management System Retrofit

This was a proposed Cooperative Funding Agreement with Southwest Florida Water Management District, on behalf of the Peace River Basin Board, for \$75,000.00, for the design and permitting of the Lake Gibson Southwest Sub-basin Stormwater Management System Retrofit. The total projected cost of the project was \$150,000.00, leaving the City responsible for \$75,000.00 and all costs in excess of the anticipated total project cost.

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

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

Memo re: Disposition of City Owned Property at 531 West 12th Street to Belinda Baker

The City had agreed to convey City-owned property located at 531 West 12th Street, to Belinda Baker in exchange for the applicant's property at 1546 Martin Luther King Jr. Avenue. Ms. Baker was an applicant for housing rehabilitation and qualified as low income. Ms. Baker's current home at 1546 Martin Luther King Jr. Avenue no longer provided proper shelter for her family. The Housing Division recommended the City demolish her current home and construct a new home. However, her lot is unbuildable due to its size and the required setbacks.

The City had agreed to construct a new 3-bedroom/2-bath house on the Urban Homestead lot at 531 West 12th Street. If approved, upon completion of her new home, Ms. Baker will convey her property at 1546 Martin Luther King Jr. Avenue to the City and execute a 30-year lien in favor of the City for the after-construction appraised value of the new home.

Staff recommended that the Commission authorize the appropriate City officials to execute the necessary instruments to complete the transaction between Ms. Baker and the City of Lakeland.

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

Memo re: Sale of City Owned Property at 308 Oconee Street to Samuel and Merari Castro

The City had agreed to sell City-owned property located at 308 Oconee Street, to Samuel and Merari Castro, who qualified as low income for the

purchase. Since the Castro's current home at 702 N. Kentucky Avenue was in the Mid-Town CRA "Small Area Study", which was not foreseen to continue to be a viable single-family neighborhood, the City would construct a new 3-bedroom/2-bath home on the property at 308 Oconee Street prior to the sale.

The CRA had agreed to purchase the Castro's property at 702 N. Kentucky Avenue, for \$55,000.00 upon completion of the new home. The City would invest net proceeds from the sale of the Castro's property to the CRA 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 308 Oconee Street to Samuel and Merari Castro and the purchase of 702 N. Kentucky Avenue by the CRA.

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

Memo re: Waiver of 5:01 p.m. Hearing

During the month of December, the Community Development Department would be presenting the Commission with certain large-scale amendments to the Future Land Use Map and zoning changes, which would require at least one hearing after 5:00 p.m.

Staff requested that the Commission waive the statutory requirement that at least one of the hearings on these matters be held after 5:00 p.m.

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

FINANCE DIRECTOR

Appropriation – Fleet Management Fund

The Lakeland Police Department utilized a 1993 minivan for the purpose of carrying necessary supplies and personnel for community presentations. That vehicle was scheduled for replacement in FY 2008.

The vehicle was now in need of extensive repairs. Rather than invest in those repairs, the Fleet Manager had suggested replacing the vehicle now, one year earlier than otherwise planned. The replacement cost was \$19,250. There were sufficient funds accumulated in the vehicle replacement reserve for this unit to finance this cost.

Staff requested that the City Commission approve an appropriation of \$19,250 from the Fleet Management Vehicle Replacement Fund to finance this acquisition.

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

Appropriation and Increase in Estimated Revenues – General Fund

The U.S. Department of Justice awarded a Bulletproof Vest Partnership grant to the Lakeland Police Department for \$12,395 to finance the purchase of 46 bulletproof vests. The grant represented 50% of the total purchase price of \$24,790.

The FY 2007 Budget presently included a total of \$10,864 for this program, which was carried over from FY 2006. Accordingly, an additional appropriation of \$13,926 was required, along with the increase in estimated revenues resulting from the larger than anticipated grant award.

Staff requested that the City Commission authorize an appropriation for \$13,926, with an offsetting increase in estimated revenues of \$6,963 in order to adjust the FY 2007 Budget to the amount awarded through the grant application process.

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

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Boring congratulated the Lakeland Dreadnaughts for making it the State finals for the third year in a row.

Commissioner Higgins wished Commissioner Verplanck well on his surgery.

The meeting recessed at 11:08 a.m.

The City Commission reconvened at 1:30 p.m.

Mayor Fletcher and Commissioner Boring were absent.

Memo re: Amendment to Joint Utility Agreement with General Electric for Extended Support and Maintenance of Energy Management System

This was a proposed amendment to the Master Services and Software Agreement, dated December 16, 2003, with GE Energy Management Services, Inc. (the "Agreement"). The amendment extended the expiration date of the Agreement from December 2010 to December 2015.

In 2003, Lakeland joined five (5) other utilities that were using GE's XA21 Energy Management System. The City of Lakeland's share had been \$246,457.00 per year. The other five (5) utilities using the system were Gainesville Regional Utilities (GRU), Southern Mississippi (SMEPA), Memphis Tennessee (MLG&W), MinnKota (Minnesota) and Wolverine (Michigan). The system was comprised of hardware and software that collected operating data, and monitored and controlled the transmission

and distribution of electrical current within the Lakeland Electric Service Area. In simple terms, the system continuously monitored the transmission and distribution wires, substations, switches and transformers and notified the operators when a circuit was down. The system also allowed the operators to remotely close switches and re-route electric current. GE and the system have performed well under the Agreement. GE approached the JUP Group about extending the agreement for an additional six years under the following terms:

- 1) Patch Management commencing with the installation of XA21 9.1 Release;
- 2) Extended Support services;
- 3) Two (2) additional Upgrade Installations (in years 2012 and 2015);
- 4) Paid registration to GE XA/21 User Group through 2015;
- 5) \$40,000 of credit to be applied to future services or materials;
- 6) The annual payment will increase from \$246,457 to \$261,000 starting in January 2010 (5.9% increase).

GE was requiring at least three (3) other JUP members to join Lakeland in the amendment by December 31, 2006, or the amendment will be void.

Staff and the Utility Committee recommended that the Commission authorize the appropriate City Officials to execute the proposed amendment on behalf of the City.

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

The meeting adjourned at 1:35 p.m.

Howard Wiggs
Mayor Pro Tem

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

AGENDA STUDY SESSION
December 1, 2006

The Lakeland City Commission met in the Agenda Study Session on Friday, December 1, 2006 in the Commission conference room. Commissioners Edie Yates, Gow Fields, Dean Boring, Glenn Higgins and Howard Wiggs and Mayor Fletcher were present. Commissioner Jim Verplanck was absent. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, and City Clerk Staff Steven Harris were present.

Mayor Fletcher called the meeting to order at 8:34 a.m.

Doug Thomas covered the Presentations and Requests to Appear from the Public.

Tim McCausland covered the Public Hearings.

Verbals:

Doug Thomas pointed out that in conjunction with Polk County, that on February 20 and 21st 2007, it will be Polk County Day and recognized in Tallahassee.

Doug Thomas also covered that the date for the Legislative Statement draft copy due by January 16, 2007 has been changed and although no date has been supplied, the date will be taken further out.

Commissioner Wiggs explained that the City of Lakeland is going to be talking with different Legislators about coming to Lakeland Commission Meeting and spending some time here in Lakeland. They will be invited to the Commission retreat and the retreat dinner.

Tim McCausland presented the City Attorney agenda.

Greg Finch covered the Finance agenda.

Commissioner Boring asked for an update on the LDDA.

Tim McCausland explained that this was on hold due to the homeowner taking the defense of Legislative hearing currently going on regarding the taking of property thru eminent domain. The hearing was scheduled somewhere in the next few weeks.

The Meeting adjourned at 9:47a.m.

**Airport Marketing Update Workshop
December 1, 2006**

Commissioners Edie Yates, Gow Fields, Dean Boring, Glenn Higgins and Howard Wiggs and Mayor Fletcher were present. Commissioner Jim Verplanck was absent. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, and City Clerk Staff Steven Harris were present.

Doug Thomas called the meeting to order at 9:52a.m.

John Ford of the Daedalus Group gave a presentation. A copy of the presentation is on file in the Agenda Packet.

Exploration of New Business Opportunities at Lakeland Linder Airport.

- Regional Jet Maintenance Operations
- Fractional Jet Program Regional Operations Center
- VLJ Operations Base
- Alternate Status for TPA and MCO
- Limited Scheduled Regional Jet Carrier Operations
- Limited Air Cargo Sort or Distribution

Industry Awareness Campaign

- LLRA Updatable Annual Report
- Airport Brochure(s) for Selected Targets
- Active Participation in NBAA & RAA
- Conduct Regional Airline Passenger Traffic Analysis
- Establish Working Relationships with NBAA Schedulers
- Conduct LLRA Fly-IN Events
- Conduct Regional GA Airport Users Awareness Campaign

The meeting adjourned at 10:22a.m.

Ralph L. Fletcher, Mayor

Steven D. Harris for
Kelly S. Koos, CMC, City Clerk