

**REGULAR SESSION**  
**January 2, 2007**

The Lakeland City Commission met in Regular Session in the Commission chambers on Tuesday, January 2, 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 9:02 a.m.

**INVOCATION**

Chaplain Rebekah Falk of LRMC offered the invocation followed by the salute to the flag.

**PRESENTATIONS**

**Public Works - Street and Drainage System Maintenance (Greg James & Mike Whigham)**

**Employee Service Awards**

**10 Years**

Irion, Ann	12-09-1996	Electric Utilities
Richburg, Stephen R	12-09-1996	Police
White, Loren	12-09-1996	Electric Utilities

**20 Years**

Beasley, Richard P	12-08-1986	Fire
Hagen Jr, James L	12-18-1986	Airport
Steffy, W. Glenn	12-21-1986	Fire

**25 Years**

Campbell, William L	12-03-1981	Public Works
Lott, Michael	12-14-1981	Parks & Recreation

**30 Years**

Sanders, John D	12-16-1976	Public Works
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**35 Years**

Hunter, Mace D	12-06-1971	Electric Utilities
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**Beautification Awards**

Residential - 723 Success Avenue ~ Chadwell Residence  
Commercial - 2401 Drane Field Road ~ Advanced Handling Systems

Michelle Githens presented these awards.

### **MOTION TO ADJOURN SINE DIE**

**Action:** Commissioner Boring moved to adjourn sine die. Commissioner Yates seconded and the motion carried unanimously.

### **MOTION TO CONVENE AS THE 2007 CITY COMMISSION**

**Action:** Commissioner Verplanck moved to convene as the 2007 City Commission. Commissioner Boring seconded and the motion carried unanimously.

### **ELECTION OF MAYOR PRO TEM**

**Action:** Commissioner Verplanck nominated Commissioner Higgins to serve as the Mayor Pro Tem for 2007. Commissioner Wiggs seconded and the motion carried unanimously.

### **CONSENT AGENDA**

- \* City Commission Minutes of 12/15/06-12/18/06 with any amendments
- \* Utility Committee of 12/18/06 with any amendments
- \* Memo re: Grant Agreement with State of Florida Division of Emergency Management for Design of Basin D Stormwater Drainage Improvements in North Lakeland
- \* Appropriation – Lakeland Linder Regional Airport Fund

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

### **EQUALIZATION HEARINGS – 9:30 AM**

**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 special assessments for Lots Cleaning & Clearing. The list of assessments is on file in the agenda packet.

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

### **REQUESTS TO APPEAR FROM THE PUBLIC**

## **Leon McDougal of 206 Swannanoa Street Appealing Code Enforcement Fine**

Tim McCausland explained that Mr. McDougal was coming with an appeal of the action of the Code Enforcement Board. He explained to Mr. McDougal the requirements for an appeal.

Mr. McDougal explained he thought the City made an error.

Commissioner Wiggs asked if they had the authority to reconsider the case.

Tim McCausland explained the Commission could reconsider the case but it would not be a good practice. He did not think that Mr. McDougal was entitled to relief at this point.

Brian Rewis explained that 25% of the appeals to the Code Enforcement Board involve old special assessment liens.

Commissioner Fields wanted the staff to verify the information that Mr. McDougal presented. Did Mr. McDougal make any payments on the special assessment liens in 2000?

**Action:** The commission referred the case back to the Code Enforcement Board and asked staff to research the payment history.

## **PUBLIC HEARINGS**

### **Ordinances**

#### **Proposed 07-001; Authorizing Issuance of Energy System Revenue Bonds, Series 2009, with attached Conditional Bond Warrant Agreement**

Tim McCausland requested the Commission take action on this item after the Utility Committee.

## **CITY MANAGER**

### **Recommendation: City Hall Permit Center Renovations – Awarding of Construction Bid**

In accordance with the ongoing preparation and architectural design process for the renovation of the City Hall / North First Floor establishing a more comprehensive customer permit and review center, the City of Lakeland initiated bid proceedings for acquiring a project construction firm. On December 13, 2006, the City received ten (10) bids for the project and along with project architect Swilley Curtis Mundy Hunnicutt Associates Architects, Inc. (SCMH) reviewed for the most responsive and qualified bidder, meeting all the requirements associated with the bid. The most economical bid submitted was from

NuJack Development, Inc. (Lakeland, Florida) for \$367,633.00. The second lowest bid submitted was from Strickland Construction, Inc. (Lakeland, Florida) at \$382,000.00.

City staff concurred with the project architect to award the contract to NuJack Development, Inc. Subsequently, the City issued a notice of intent to Award to NuJack Development, Inc. outlining a contract term of 135 days. Staff anticipated that the contractor would begin work in mid-January 2007 and complete the project by June 2007. Funds for the project were available in the Fiscal Year 2007 Annual Budget utilizing required permit revenues and associated public improvement funding.

Staff recommended that the City Commission authorize the appropriate City officials to award the bid to NuJack Development, Inc. for the renovation/construction of the new City Hall Permit and Review Center for the fee of \$367,633.00 and execute the necessary contract associated with the construction project.

Doug Thomas presented this item to the Commission.

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

## **CITY ATTORNEY**

### **Ordinances (First Reading)**

#### **Proposed 07-002; Relating to Commercial Account Security Deposits**

AN ORDINANCE RELATING TO COMMERCIAL ACCOUNT SECURITY DEPOSITS FOR MUNICIPAL SERVICES FOR THE CITY OF LAKE LAND, FLORIDA; REQUIRING COMMERCIAL ACCOUNT SECURITY DEPOSITS TO SECURE PAYMENT FOR MUNICIPAL SERVICES; AUTHORIZING EXEMPTIONS FROM SECURITY DEPOSIT REQUIREMENTS; PROVIDING METHODOLOGY FOR CALCULATING SECURITY DEPOSITS; REQUIRING CONSTRUCTION SECURITY DEPOSITS; AUTHORIZING INCREASE OF SECURITY DEPOSITS; PROVIDING REFUNDS UPON TERMINATION OF SERVICE; PROVIDING FOR INTEREST ON CASH SECURITY DEPOSITS; REPEALING ORDINANCES 3614, 3621, 3655, 3773, 3975, 4008, 4077 AND 4457; MAKING FINDINGS; 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 January 16, 2007.

#### **Proposed 07-003; Relating to Residential Account Security Deposits**

AN ORDINANCE RELATING TO RESIDENTIAL ACCOUNT SECURITY DEPOSITS TO SECURE PAYMENT FOR MUNICIPAL SERVICES FOR THE CITY OF LAKE LAND; REQUIRING RESIDENTIAL SECURITY DEPOSITS FOR

MUNICIPAL SERVICES; AUTHORIZING EXEMPTIONS FROM SECURITY DEPOSIT REQUIREMENTS; PROVIDING METHODOLOGY FOR CALCULATING SECURITY DEPOSITS; PROVIDING FOR REFUND OF DEPOSITS; AUTHORIZING INCREASED SECURITY DEPOSIT; PROVIDING FOR INTEREST ON CASH SECURITY DEPOSITS; MAKING FINDINGS; 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 January 16, 2007.

## **Resolutions**

### **<sup>1</sup>Resolution 4581; Proposed 07-001; 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.

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

Mayor Fletcher asked for comments and there were none.

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

### **Resolution 4582; Proposed 07-002; Vacating a Portion of Edwards Avenue**

A RESOLUTION RELATING TO PUBLIC RIGHT-OF-WAY; DECLARING INTENTION TO ADOPT AN ORDINANCE VACATING A PORTION OF EDWARDS AVENUE LOCATED SOUTH OF GRIFFIN ROAD, EAST OF PROVIDENCE ROAD, AND WEST OF NORTH ROAD 98, WITHIN THE CITY OF LAKE LAND; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

**Motion:** Commissioner Verplanck moved to approve the resolution. Commissioner Higgins seconded.

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<sup>1</sup> The Commission amended this resolution, removing job 06-0378.

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. Commissioner Boring was absent at that time. Ayes: six. Nays: zero. The motion carried.

### **Resolution 4583; Proposed 07-003; Vacating a Portion of Justine Avenue**

A RESOLUTION RELATING TO PUBLIC RIGHT-OF-WAY; DECLARING INTENTION TO ADOPT AN ORDINANCE VACATING A PORTION OF JUSTINE AVENUE LOCATED SOUTH OF GRIFFIN ROAD, EAST OF PROVIDENCE ROAD, AND WEST OF NORTH ROAD 98, WITHIN THE CITY OF LAKE LAND; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

**Motion:** Commissioner Verplanck moved to approve the resolution. Commissioner Higgins 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 4584; Proposed 07-004; Authorizing Mayor to Execute Signal Safety Program Synchronization Agreements - Kentucky Avenue**

A RESOLUTION AUTHORIZING EXECUTION OF FLORIDA DEPARTMENT OF TRANSPORTATION SIGNAL SAFETY PROGRAM SYNCHRONIZATION AGREEMENTS AT KENTUCKY AVENUE; 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.

### **Miscellaneous Reports and Communications**

**\* Memo re: Grant Agreement with State of Florida Division of Emergency Management for Design of Basin D Stormwater Drainage Improvements in North Lakeland**

This was a sub grant Agreement with the State of Florida Division of Emergency Management awarding the City FEMA grant funding for the design of improvements to the existing drainage system serving Basin D in north Lakeland. The City Commission recently approved similar agreements with the Division of Emergency Management for improvements to Basins A and C in the same vicinity. Basin D roughly encompassed the area bounded by Griffin Road to the south, Lakeland Hills Boulevard to the east, Robson Street to the north, and Baird Avenue to the west.

The Agreement was for funding of Phase I of the project, which would involve completion of the design, permitting and geotechnical surveying necessary to determine modifications needed to improve and upgrade the existing system and to develop construction plans. No construction was involved in this phase. Total project costs for Phase I were estimated to be \$4,063.00, with a required 25% local match, for a total City contribution of \$1,016.00 and a FEMA contribution of \$3,047.00. Upon completion of Phase I, the City would be eligible for Phase II construction funding.

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

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

**FINANCE DIRECTOR**

**\* Appropriation – Lakeland Linder Regional Airport Fund**

The HVAC system at 3131 Flightline Drive, also known as the old Aviation Career Academy, was over 30 years old. This system recently stopped working and the City's Facilities Maintenance Department has deemed it beyond repair. The Airport was cooling the building with a temporary cooling tower at the Airport's expense until they could purchase and install a new system. Bids received through Facilities Maintenance show the cost of the new system at \$134,000 from Tampa Bay Trane.

Staff requested approval of the recommendation to proceed with the emergency replacement of this cooling system by Tampa Bay Trane, at the cost of \$134,000. Staff also requested that the City Commission approve the appropriation of funds for \$134,000 from the unappropriated surplus within the Lakeland Linder Regional Airport Fund.

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

**AUDIENCE**

Suliman W Wassef came forward concerning his property at 2909 Drewery Av. He recently purchased property to help someone out and found out there were liens on the property. The mail did not go to his address of record.

The Commission realized that Mr. Wassef was there to address his special assessment lien that the Equalization Board imposed earlier in the meeting. That was job number 06-0378

### **EQUALIZATION BOARD CONT.**

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

Mr. Wassef and the Equalization Board discussed the notice issue.

Brian Rewis, Code Enforcement Manager, had left the meeting for the day.

The Equalization Board decided to remove job number 06-0378 from the Equalization Roll and refer Mr. Wassef to Brian Rewis.

**Action:** Commissioner Fields moved to removed job 06-0378 from this equalization roll. Commissioner Verplanck 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.

### **MAYOR AND MEMBERS OF THE CITY COMMISSION**

Commissioner Yates asked if the Commission needed to revote on resolution 4581, to remove job number 06-0378. Tim McCausland said he would amend the resolution.

The Commission discussed the passing of President Gerald Ford, his genuine personality and the Country's warm response.

**Recess/Reconvene:** The Commission recessed at 10:35 a.m. and reconvened at 2:05 p.m.

The Lakeland City Commission met in Regular Session in the Commission chambers on Tuesday, January 2, 2007. Commissioners Glenn Higgins, Dean Boring, Jim Verplanck, Gow Fields, Edie Yates and Mayor Fletcher were present. Commissioner Wiggs was absent. City Manager Doug Thomas, City Attorney Tim McCausland, Finance Director Greg Finch and City Clerk Kelly Koos were present.

Mayor Fletcher called the meeting to order at 2:05 p.m.

## Finance Committee Minutes

The Finance Committee met Tuesday, January 2, 2007 at 7:30 a.m., in the City Commission Conference Room. Commissioners Howard Wiggs & Edie Yates (members) and Commissioner Gow Fields (chair) were present. Commissioners Dean Boring, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Deputy City Manager Tony Delgado, City Manager Doug Thomas, Finance Director Greg Finch, City Attorney Tim McCausland and City Clerk Kelly Koos were present. David Levy of Goldman Sachs, Dan Burton and Jay Beatty of RBC Capital Markets, and Ed Vogel of Holland & Knight were present.

Commissioner Fields called the meeting to order at 7:33 a.m.

The purpose of this meeting was to discuss the economics of selling an option to Goldman Sachs that could result in the issuance of \$156.515 million in Lakeland Electric Revenue Bonds on or after October 1, 2009.

Greg Finch introduced David Levy, Jay Beatty and Dan Burton. This was to discuss a warrant refunding. This transaction will allow the City to take advantage of the low interest rates today. The City would receive an upfront cash payment representing the economic value of the difference between the interest rate currently paid on the series 1999A revenue bonds (around 5%) and the interest rates prevailing in the tax exempt bond market today (around 4.2%).

In exchange for making this upfront payment, Goldman Sachs will have the options to require the City to sell bonds after 10/01/09. That date was chosen because that was the first time the existing 1999A bonds are callable. The City could use the proceeds for two reasons 1) refund the 1999A bonds 2) finance a new generating unit. If the interest rates were over 5% at that time, it would be best to use the money for financing part of the generator project.

Dan Burton discussed the current interest rate environment. The feds raised short-term rates over the last few years. Long-term rates have not really risen that much. The best option available today was to take advantage of the current interest rate market. Long-term rates were at a historical low, since 1970.

David Levy further explained the transaction to the Finance Committee. The amount Goldman Sachs pays to the City would represent the savings the City would receive in this transaction, approximately \$6.5 million. There is a 60% chance that Goldman Sachs would exercise their option to require issuance of the bonds. The window to buy the bonds was 30 days, right around the call date of the 1999A bonds. The City was considering granting Goldman Sachs a larger window in which to exercise their option in exchange for a larger up-front cash payment to the City

If for some reason Goldman Sachs exercises their options AND the City is unable or unwilling to sell bonds, the City would be obligated to pay a settlement amount to Goldman Sachs representing the economic value of the bonds at that time

Greg Finch suggested that he would not recommend the transaction unless the City's up front payment was at least \$7 million.

David Levy advised that Goldman Sachs had never done a refinancing of Lakeland bonds having 5% coupons that were not due for five more years. The reason that this opportunity existed now was that 30-year interest rates were the lowest they had been since 1970.

Tim McCausland explained staff would make this presentation to the Utility Committee. He requested the Finance Committee make a recommendation to the Commission.

**Motion:** Commissioner Yates moved to recommend the Commission enter the agreement.

Commissioner Wiggs did not support the transaction.

David Levy explained why this was not a common transaction and the work they put into this deal. This was customized specifically for the City. This was a proprietary product of GS and they would not be comfortable sharing this to another firm.

The group discussed other available swap transactions proposed by representatives of Citigroup. Citigroup did propose a product with the same minimal risk profiles as the warrant transaction Goldman Sachs is offering.

**Recommendation:** Commissioner Wiggs seconded the motion to recommend the Commission enter the agreement. Commissioner Fields concurred and the motion carried.

The meeting adjourned at 8:12 a.m.

Commissioner Fields presented the Finance Committee minutes.

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

**Ordinance 4823; Proposed 07-001; Authorizing Issuance of Energy System Revenue Bonds, Series 2009, with attached Conditional Bond Warrant Agreement**

AN EMERGENCY ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF LAKELAND, FLORIDA ENERGY SYSTEM REVENUE BONDS, SERIES 2009 (OR SUCH OTHER DESIGNATION AS PROVIDED HEREIN) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$175,000,000 FOR THE PURPOSES TO BE ESTABLISHED BY SUBSEQUENT ORDINANCE; PROVIDING FOR CERTAIN TERMS OF THE 2009 BONDS; ESTABLISHING A FORM OF THE 2009 BONDS; AUTHORIZING THE MAYOR, THE MAYOR PRO TEM, THE CITY MANAGER OR THE FINANCE DIRECTOR ON BEHALF OF THE CITY, TO APPROVE THE FORM OF A PRELIMINARY OFFICIAL STATEMENT WITH RESPECT TO THE SERIES 2009 BONDS AND DEEM SAID PRELIMINARY OFFICIAL STATEMENT FINAL FOR PURPOSES OF SEC RULE 15C2-12 AND AUTHORIZING THE MAYOR OR THE MAYOR PRO TEM, THE CLERK AND THE CITY MANAGER TO EXECUTE AND DELIVER ON BEHALF OF THE CITY AN OFFICIAL STATEMENT; APPROVING THE FORM OF, AND AUTHORIZING THE EXECUTION AND DELIVERY OF, A CONDITIONAL BOND WARRANT AGREEMENT; GRANTING TO GOLDMAN, SACHS & CO. THE OPTION TO PURCHASE AND UPON THE EXERCISE OF SUCH OPTION, REQUIRING THE CITY TO SELL SUCH BONDS ON A NEGOTIATED BASIS AT A FIXED PURCHASE PRICE WITHIN A PERIOD OF TIME SET FORTH HEREIN, BUT RESERVING TO THE CITY THE RIGHT TO DETERMINE NOT TO ISSUE SUCH BONDS UPON PAYMENT OF A SETTLEMENT AMOUNT; DELEGATING TO THE MAYOR, MAYOR PRO TEM, THE CITY MANAGER OR THE FINANCE DIRECTOR THE AUTHORITY TO NEGOTIATE THE TERMS AND PROVISIONS OF THE CONDITIONAL BOND WARRANT AGREEMENT, ALL WITHIN CERTAIN PARAMETERS; AUTHORIZING THE MAYOR, MAYOR PRO TEM, THE CITY MANAGER OR THE FINANCE DIRECTOR TO APPROVE THE TERMS RELATED TO THE ISSUANCE OF A BOND INSURANCE POLICY WITH RESPECT TO THE 2009 BONDS AND TO EXECUTE AND DELIVER ON BEHALF OF THE CITY A COMMITMENT IN CONNECTION THEREWITH; PROVIDING CERTAIN ADDITIONAL COVENANTS RELATED TO BOND INSURANCE; AUTHORIZING THE MAYOR OR THE MAYOR PRO TEM AND THE CLERK TO APPROVE, EXECUTE AND DELIVER ON BEHALF OF THE CITY A CONTINUING DISCLOSURE AGREEMENT WITH RESPECT TO THE 2009 BONDS; AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE ACTIONS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH ANY OF THE FOREGOING; PROVIDING FOR OTHER MATTERS RELATING THERETO; AND PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Fletcher asked for comments and there were none.

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

**CALL FOR ADJOURNMENT – 2:11 P.M.**

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Ralph L. Fletcher, Mayor

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Kelly S. Koos, CMC, City Clerk