

REGULAR SESSION
February 5, 2007

The Lakeland City Commission met in Regular Session on Monday, February 5, 2007 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 City Clerk Kelly Koos were present.

CALL TO ORDER

Mayor Fletcher called the meeting to order at 9:02 a.m.

INVOCATION

Pastor Jesse Sharpe of First Alliance Church of the Christian & Missionary Alliance offered the invocation followed by the salute to the flag.

PRESENTATIONS

Strategic Operating Plan Quarterly Report (Doug Thomas)

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 lot cleaning and clearing assessments.
A copy of those assessments 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, Wiggs, Verplanck, Boring, Higgins 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.

Employee Service Awards

<u>10 Years</u>		
Delgado, Anthony J	01-20-1997	City Manager
Flanigan, C Joanna	01-27-1997	Lakeland Electric
French, Bryan C	01-19-1997	Parks & Recreation
<u>20 Years</u>		
Duncan, Lourdes	01-12-1987	Lakeland Electric
Harper, Gordon C	01-13-1987	Public Works
Jones, Charles Randal	01-14-1987	Police Department
Lukhaub, Alan A	01-26-1987	Lakeland Electric
<u>25 Years</u>		
Smith, Larry Earl	01-06-1982	Fire

Mayor Fletcher and Doug Thomas presented these awards.

Beautification Awards

Commercial: Lakeland Hills Blvd ~ Central Florida Foot & Ankle Center

Residential: 1410 Briarwood Lane ~ Larry & Connie Durrence

Eileen Clawson presented these awards.

Mayor Fletcher turned the meeting over to Mayor Pro Tem Higgins at 9:50 a.m. He had to leave for a ribbon cutting ceremony.

PROCLAMATIONS

Polk Senior Games Weeks

Commission Wiggs presented this proclamation.

Step Up Florida Day

APPROVAL OF CONSENT AGENDA

- * City Commission Minutes 01/12/07-01/26/07 with any amendments
- * Utility Committee Minutes 01/16/07 with any amendments
- * Memo re: Planning Funding Agreement with Nextel Operations, Inc. for the Rebanding of the 800 Megahertz Radio Spectrum
- * Memo re: Reconfiguration Planning Phase Agreement with Motorola, Inc. for the Rebanding of the 800 Megahertz Radio Spectrum

- * Memo re: Amendment to Interlocal Agreement with Polk County for Additional Construction Funding to Complete the Fort Fraser Trail
- * Memo re: Easement Agreement with Triad Properties I, LC for Elevated Walkway Connecting Lofts on the Park to the Main Street Parking Garage
- * Memo re: Letter of Intent with Columbia Air Services / Dixie Jet and Rotor - Lakeland Linder Regional Airport

Action: Commissioner Wiggs moved to approve the Consent Agenda. Commissioner Verplanck seconded and the motion carried 6-0.

APPROVAL OF MINUTES (with any amendments)

Municipal Boards Committee

The Municipal Boards Committee met in the Commission conference room on Friday, February 2, 2007. Commissioner Dean Boring (chair), Commissioners Glenn Higgins, and Jim Verplanck (members) were present. Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, City Attorney Tim McCausland, and City Clerk Kelly Koos were present.

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

Polk Transportation Planning Organization (TPO):

Citizens Advisory Committee Application – The TPO Bylaws state the City endorse the CAC applicants for the jurisdiction they represent. Mr. Dan Clark has sent in an application indicating his desire to serve on the Transportation Planning Organization's CAC. He resides in the Lakeland City Limits and requires an endorsement from the Lakeland City Commission prior to the TPO Board taking action.

Celeste Deardorff recommended the Commission endorse Mr. Clark's application for the Transportation Planning Organization's CAC.

Recommendation: Commissioner Verplanck moved to recommend the Commission approve the appointment of Mr. Dan Clark to the TPO. Commissioner Higgins seconded and Commissioner Boring concurred.

Utility Committee:

The Lakeland Economic Development Council recommended the Commission reappointment of Terry Simmers as the Industrial Rate member of the committee. His initial term expired January 31, 2007. His second term will be for three years and expire January 31, 2010.

Recommendation: Commissioner Verplanck moved to recommend the Commission reappoint Terry Simmers to the Utility Committee as the Industrial Rate member. Commissioner Higgins seconded and Commissioner Boring concurred.

Jessica Hawks announced Anu Saxena resigned from the Economic Development Council. Committee asked staff to talk with Steve Scruggs help find a replacement.

Tim McCausland explained the Civil Service Board selected Hollis Hooks to serve on the Board but his company would not allow him to serve. They chose Bob Bertrand.

The meeting adjourned at 8:21 a.m.

Commissioner Boring presented these minutes to the Commission.

Action: Commissioner Boring moved to approve the minutes and the motion carried unanimously, 6-0.

REQUESTS TO APPEAR FROM THE PUBLIC

Education & Enlightenment Group, Inc. re 2007 MLK Week of Education & Activities

Jesse Williams highlighted the activities of the 2007 MLK Week.

Lynn Simpkins showed a clip from the weekend.

Lynn Simpkins and Jesse Williams presented plaques to the groups that supported the activities.

Carol Castagnero re Lakeland Law Enforcement and Hiring Practices

Ms. Castagnero sent word that she could not attend.

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 4827; Proposed 07-005; Vacating a Portion of Edwards Avenue (1st Rdg 1/16/07)

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; 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 LAKELAND; 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 Boring seconded.

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

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

Ordinance 4828; Proposed 07-006; Vacating a Portion of Justine Avenue (1st Rdg 1/16/07)

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; 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 LAKELAND; 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 Boring seconded.

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

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

Ordinance 4829; Proposed 07-007; Establishing Hawthorne Mill Community Development District (1st Rdg 1/16/07)

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT TO BE KNOWN AS HAWTHORNE MILL COMMUNITY DEVELOPMENT DISTRICT WITHIN A PARCEL OF LAND LYING IN SECTIONS 7, 8 AND 18, TOWNSHIP 29 SOUTH, RANGE 23 EAST PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

Mayor Pro Tem Higgins 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.

Ordinance 4830; Proposed 07-008; Amending Ordinance 4776; Related to City of Lakeland Investment Policy (1st Rdg 1/16/07)

AN ORDINANCE RELATING TO INVESTMENT POLICIES; AMENDING ORDINANCE NO. 4776 TO PROVIDE ADDITIONAL CRITERIA FOR AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS; PROVIDING AN EFFECTIVE DATE.

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

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

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

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

Ordinances (First Reading)

Proposed 07-009; Amending Ordinance 4193; Providing for Revisions to Previously Approved Development of Regional Impact for Bridgewater

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA, AMENDING ORDINANCE NO. 4193, WHICH ADOPTED A DEVELOPMENT ORDER WITH CONDITIONS FOR A DEVELOPMENT OF REGIONAL IMPACT KNOWN AS BRIDGE WATER, ON PROPERTY DESCRIBED THEREIN, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 380.06, FLORIDA STATUTES; SETTING FORTH FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL; PROVIDING FOR REVISED PHASING AND ASSOCIATED DATES; PROVIDING FOR REVISIONS TO MAP H; PROVIDING FOR REDUCTION IN CERTAIN ENTITLEMENTS; PROVIDING FOR CLARIFICATIONS TO, AND IMPLEMENTATION OF CERTAIN TRANSPORTATION PROVISIONS OF THE ADOPTED DEVELOPMENT ORDER; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

Donna Feldman was representing Bridgewater Master Association Inc. This was a clean-up amendment to extend the phase date by five years, include residential language, accelerate traffic monitoring, update transportation concurrency divisions, and Map H clerical amendments. None of these changes constituted substantial changes. There were a few additional changes that would happen before the second reading. She would coordinate that with the City Attorney's office.

Mayor Pro Tem Higgins asked for any other comments and there were none. The second reading and public hearing will be February 19, 2007.

CITY MANAGER

Recommendation re: North Lakeland Stormwater Master Plan – Basin A

The City of Lakeland Public Works department recommended a task authorization with Keith & Schnars, P.A. for professional engineering and design services for the North Lakeland Stormwater Master Plan Basin "A" Project. The City obtained a FEMA Hazard Mitigation Grant totaling \$2,176,171.00 for the project. The project area was bounded by Interstate 4 (I-4) to the north, Lakeland Hills Boulevard to the east, Griffin Road to the south and US 98 to the west. The project and grant funds were divided into four study basins. A sub grant agreement for \$111,830.00 has been executed by and received concurrence from FEMA to proceed with Phase I engineering design for Basin "A".

Staff recommended Keith & Schnars, P.A. to undertake engineering and design phase of the Basin "A" Project under the City of Lakeland Continuing contract for Engineering Consultant Services. Keith & Schnars has been the consultant of record on the North Lakeland Stormwater Improvements project since the Master Plan study. They also assisted the City in the generation and compliance requirements of the application for the FEMA Grants obtained for the project. The scope of the Phase I element of the project will include:

1. Detailed construction drawings for the Robson Street Bridge replacement and reconstruction of the stormwater pond as designed in the Mater Plan
2. Included in the removal and replacement design of the bridge was a design for a new concrete box culvert and stabilization of the canal approaches to the bridge.
3. Design for the pond will include the replacement of the non-functioning dry retention pond with a wet detention treatment pond
4. Creation of Permit application, construction schedule and engineers estimate of construction cost, along with providing any technical expertise on the FDOT specifications for road and bridge construction
5. Wetland assessment and environmental services including consultation on the preparation of the environmental resource permit application
6. Related Permitting Services

Staff estimated that the design and permitting would take approximately 210 days from the issuance of the task authorization with final bid and awarding of the construction contract an additional 90 days. The cost of the task authorization was a not-to-exceed fee \$91,755.00. The project was budgeted in the Fiscal Year 2007 Stormwater Utility Fund and fully reimbursable from the FEMA Grant.

Staff recommended that the City Commission authorize the appropriate City officials to execute the task authorization with Keith & Schnars, P.A. for the engineering design services for the North Lakeland Stormwater Master Plan Basin "A" Project for the not-to-exceed fee of \$91,765.00.

Doug Thomas presented this item to the Commission.

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

Recommendation re: Construction Contract for E-Library

On December 14, 2006 the City received five bids for construction (remodeling of vacant leased space) of the South Lakeland E-Library located at Lake Miriam Plaza on South Florida Avenue. The E-Library, or express branch at the Lake Miriam Square Plaza Center, will allow for expansion of library services to south Lakeland residents at a highly convenient location. The project architect Furr & Wegman Architects, along with City staff (Parks & Recreation and Public Works) have evaluated the bid submissions and concluded Crossroads Construction of Central Florida, Inc. submitted the most qualified and responsive bid to the project specific requirements.

Crossroads Construction submitted a bid of \$229,300 with the second lowest bid received from Strickland Construction for \$235,000. The term of the contract was 100 days from issuance with construction completed by May 2007. The City issued a notice of intent to Crossroads Construction, Inc. in anticipation of authorization from City Commission. The Polk County Library Cooperative awarded project funding for \$250,000 to the City for the remodeling/construction of the E-Library.

Staff recommended that the City Commission authorize the appropriate City officials to execute the construction contract with Crossroads Construction of Central Florida, Inc. to remodel vacant space for the South Lakeland E-Library for a fee of \$229,300, coupled with an increased appropriation and offsetting increase in estimated revenues in the Public Improvement Fund in the amount of \$250,000 as provided above.

Doug Thomas presented this item to the Commission.

Commissioner Wiggs complimented staff for bringing a library to the south side.

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

CITY ATTORNEY

Ordinances (First Reading)

Proposed 07-010; Establishing PUD Zoning on 453 Acres Located South of West Pipkin Road and North of Ewell Road, West of Busy Bee Lane

AN ORDINANCE RELATING TO ZONING; CHANGING THE CLASSIFICATION OR ZONING OF 453 ACRES WITHIN THE CITY OF LAKE LAND LOCATED SOUTH OF WEST PIPKIN ROAD AND NORTH OF EWELL ROAD, WEST OF BUSY BEE LANE, PURSUANT TO THE "ZONING CODE OF THE CITY OF LAKE LAND, 1993"; MAKING FINDINGS; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on February 19, 2007.

Proposed 07-011; Amending Ordinance 4746; Modifying PUD Zoning on 26.71 Acres Located in the Northwest Quadrant of Grasslands (formerly 17th Hole Villas, now Castle Pines)

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR A MODIFICATION OF PUD ZONING ON 26.71 ACRES LOCATED IN THE NORTHWEST QUADRANT OF GRASSLANDS (FORMERLY 17TH HOLE VILLAS, NOW CASTLE PINES); AMENDING ORDINANCE 4746; 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 February 19, 2007.

Proposed 07-012; Amending Ordinance 3830, As Amended, Modifying PUD Zoning for a 4,300 Square Foot Office Expansion Located at 1301 Grasslands Boulevard

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR A MODIFICATION TO PUD ZONING FOR A 4,300 SQUARE FOOT OFFICE EXPANSION LOCATED AT 1301 GRASSLANDS BOULEVARD; AMENDING ORDINANCE 3830, AS AMENDED; 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 February 19, 2007.

Proposed 07-013; Conditional Use for Parking and Stormwater Retention to Serve the Conversion of Existing Structure from Residential to Office at 515 East Valencia Street

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR PARKING AND STORMWATER RETENTION TO SERVE THE CONVERSION OF AN EXISTING STRUCTURE FROM RESIDENTIAL TO OFFICE AT 515 EAST VALENCIA 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 February 19, 2007.

Proposed 07-014; Conditional Use for a Concrete Products Manufacturing Plant on 5.5 Acres Located South of US 92 West, West of Edwards Avenue (255 Edwards Avenue)

AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE FOR A CONCRETE PRODUCTS MANUFACTURING PLANT ON 5.5 ACRES LOCATED SOUTH OF US 92 WEST, WEST OF EDWARDS AVENUE (255 EDWARDS AVENUE); 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 February 19, 2007.

Resolutions

Resolution 4587; Proposed 07-007; Lots Cleaning & 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 Higgins asked for comments and there were none.

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

Resolution 4588; Proposed 07-008; Joint Project Agreement with FDOT for Improvements at Socrum Loop Road and I-4 Interchange

A RESOLUTION AUTHORIZING EXECUTION OF A JOINT PROJECT AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR FINANCIAL PROJECT NO. 201209-2-58-01 FOR ROAD IMPROVEMENTS AT SOCRUM LOOP ROAD AND I-4 INTERCHANGE; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

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

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

Resolution 4589; Proposed 07-009; Local Agency Program Agreement with FDOT for Design of Street Lights Along North Combee Road from US 92 to Saddle Creek Road

A RESOLUTION AUTHORIZING EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE FOR LIGHTING DESIGN AND INSTALLATION AT SR 659 (NORTH COMBEE ROAD) FROM US 92 TO SADDLE CREEK ROAD; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

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

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

Resolution 4590; Proposed 07-010; Local Agency Program Agreement with FDOT for Maintenance and Lease of Fiber Network for Advanced Traffic Management System

A RESOLUTION AUTHORIZING EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE AND LEASE OF FIBER NETWORK FOR ADVANCED TRAFFIC MANAGEMENT SYSTEM; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

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

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

Resolution 4591; Proposed 07-011; Authorizing Use of Condemnation for the Lime Street Two-Way Conversion Project

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO TRANSPORTATION; MAKING FINDINGS; AUTHORIZING THE ACQUISITION OF SUCH PROPERTY RIGHTS AS ARE NECESSARY FOR THE CONSTRUCTION OF THE LIME STREET TWO-WAY CONVERSION PROJECT; PROVIDING AN EFFECTIVE DATE.

Tim McCausland read the short title.

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

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

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

Commissioner Wiggs asked if this was just right of way. Tim McCausland expected the right of way to be acquired without litigation.

Miscellaneous Reports and Communications

* **Memo re: Planning Funding Agreement with Nextel Operations, Inc. for the Rebanding of the 800 Megahertz Radio Spectrum**

This was a proposed agreement with Nextel Operations, Inc. regarding the reimbursement of expenses incurred by the City due to the rebanding of the 800 MHz channels. This was one of the second round of agreements wherein Nextel was required to pay for the movement of licensed users from their current location on the radio spectrum to another due to interference issues between Nextel's mobile phone system and emergency services throughout the country. As proposed in the following agenda item, staff wished to retain Motorola again to assist the City in this second stage of the rebanding process. If approved, the funding arrangement provided for Nextel to pay Motorola directly, with no financial liability on the part of the City. The estimated cost of this stage was \$62,248.00.

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

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

* **Memo re: Reconfiguration Planning Phase Agreement with Motorola, Inc. for the Rebanding of the 800 Megahertz Radio Spectrum**

This was a proposed agreement with Motorola, Inc. regarding the reimbursement of expenses incurred by the City due to the rebanding of the 800 MHz channels. This was the second of this round of agreements wherein Nextel was required to pay for the movement of licensed users from their current location on the radio spectrum to another due to interference issues between Nextel's mobile phone system and emergency services throughout the country. Staff wished to retain Motorola again to assist the City in this second stage of the rebanding process. If approved, the funding arrangement provided for Nextel to pay Motorola directly, with no financial liability on the part of the City. The estimated cost of this stage is \$62,248.00.

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

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

* **Memo re: Amendment to Interlocal Agreement with Polk County for Additional Construction Funding to Complete the Fort Fraser Trail**

The City entered into an Interlocal Agreement with Polk County in April 2006 wherein the County agreed to provide funding to the City in the amount of \$1,596,844 in order to allow completion of the Fort Fraser Trail in accordance with the original plans, including the PCC/USF Trailhead and extension of the Trail into Bartow. The amount contributed by the County included \$897,000 that FDOT was originally to provide but that would not become available until FDOT's subsequent fiscal year. The County had

funds in this amount available and agreed to advance them to the City so that the City could complete the project without waiting for the FDOT funds.

The City and FDOT have now entered into a JPA providing for FDOT to forward \$897,000 to the City subsequent to July 1, 2007 for the Fort Fraser project. The amendment to the Interlocal Agreement with the County provided that the City reimburse the County in this amount upon receipt of said funds from FDOT as contemplated when the original Interlocal Agreement was entered into.

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

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

* **Memo re: Easement Agreement with Triad Properties I, LC for Elevated Walkway Connecting Lofts on the Park to the Main Street Parking Garage**

This was a proposed Easement Agreement with Triad Properties I, LC, the developer of Lofts on the Park, providing for an elevated walkway connecting Lofts on the Park and the City's Main Street Parking Garage. Lofts on the Park was under construction and was planned as a five-story residential condominium project, with residential condominium units on floors 2-5 and either a retail business or a restaurant on the first floor. Parking for the residents of Lofts on the Park was planned in the Main Street Parking Garage and the City reserved 36 parking spaces for such purpose, to be leased on the same terms as all other City garage parking spaces.

The Easement Agreement would allow Triad to construct, at its sole expense, an elevated walkway connecting Lofts on the Park and the Main Street Parking Garage. The walkway would tie into the Garage between the third and fourth floors of the Garage, with the actual point of access on the third floor. The City would retain a structural engineer, to be paid for by Triad, to review the plans and specifications for the walkway and to conduct inspections to ensure structural soundness. The City would retain the right to close the walkway if any structural problems develop and require Triad to undertake all necessary repairs to remedy any problems. If for some reason repairs cannot be made, Triad would be responsible for removing the walkway at its own expense. Triad has agreed to indemnify the City from all risks and would carry commercial general liability insurance with policy limits of \$1,000,000 and umbrella coverage for \$2,000,000.

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

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

* **Memo re: Letter of Intent with Columbia Air Services / Dixie Jet and Rotor - Lakeland Linder Regional Airport**

This was a proposed Letter of Intent involving Columbia Air Services, a current tenant at Lakeland Linder Regional Airport. Several years ago, the City Commission authorized a Lease Agreement with Columbia to lease existing space previously occupied by Daryl Hicks, who operated Lakeland Air Service. Their plan was to construct a new FBO on a second parcel to the east of the terminal building.

A part of their leasehold included Hangar No. 4, which was a 10,000 sq. ft. stand-alone hangar with office space to the west of their present operation. Wayne Bradbury, President of Dixie Jet and Rotor Service and a tenant at Lakeland Airside Center, wished to relocate to Hangar No. 4. Dixie agreed to assume all of the obligations in the Columbia lease. Current rent was \$6,000.00 per month or approximately \$7.20 per sq. ft. annually, with a term of 4 years remaining. Dixie intended to occupy the property long term. There were existing sub-tenants in the building whose leases would have to expire before Dixie could occupy the entire property. In order to accommodate those existing leases, a number of documents would be required. Columbia would assign its leasehold interest to Dixie until the sub-leases expire, at which time the City would enter into a lease directly with Dixie.

The Letter of Intent explained the mechanics of this transaction. Staff recommended that the Commission authorize the appropriate City Officials to execute the necessary documents to transfer Columbia's interests to Dixie Jet and Rotor Service.

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

Memo re: Agreement with Textron Financial Corporation for Acquisition of New Fleet of Golf Carts

This was a proposed Municipal Agreement with Textron Financial Corporation to finance the acquisition of 120 E-Z-GO golf carts for the Cleveland Heights Golf Course. The original principal amount due was \$400,776.35, which was financed over four (4) years at an interest rate of 6.375% and a monthly payment amount of \$6,470.40. The existing fleet of 2002 models has been in service for approximately four and one-half years. The City would trade-in the existing fleet for \$1,250.00 per cart for a total of \$150,000.00, which the City would receive as a lump sum payment. Last year the City changed out the batteries of the existing fleet under the battery warranty, which extended the life of the carts into 2007. It is generally recommended that fleets be replaced every three (3) years.

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

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

Memo re: Legal Fee Report

Following are legal fees and expenses paid to outside law firms October - December of 2006 along with a comparison from the same time frame for 2005 and a comparison of this fiscal year to last.

Fraxedas Mediation Firm	Mediation Services - Personal Injury Defense	\$1,143.75
Gray Robinson	Miscellaneous Personal Injury Defense, Eminent Domain & Other Litigation	\$95,454.41
Holland & Knight	Bond Counsel	\$40,000.00
Hopping, Green & Sams	Regulatory Compliance	\$692.20
Leibowitz & Associates	Cable Franchise Renewal	\$3,542.00
Oertel, Fernandez, Cole & Bryant, P.A.	SWFWMD Permitting	\$29,549.91
Putnam & Creighton, P.A.	Miscellaneous Real Estate Matters	\$6,779.11
Ross, Vecchio, & Trussel P.A.	Miscellaneous Workers Comp Defense	\$23,840.73
Ruden, McClosky, Smith, Schuster & Russell, P.A.	Counsel Relating to Union Negotiations	\$3,789.89
WilsonMiller, Inc.	Eminent Domain Litigation	\$4,817.26
OCTOBER - DECEMBER 2006 TOTAL		\$209,609.26
OCTOBER - DECEMBER 2005 TOTAL		\$152,859.38
FY 2005-2006		\$152,859.38
FY 2006-2007		\$209,609.26

The Commission did not act on this report.

Mayor Fletcher returned at 10: 42 a.m.

FINANCE DIRECTOR

Appropriation and Increase in Estimated Revenue – Transportation Fund

The Florida Department of Transportation awarded the City a grant in the total amount of \$450,000 to finance 100% of the cost of various improvements to Socrum Loop Road. The related Joint Participation Agreement (JPA) was included on the City Attorney's portion of the agenda for consideration by the City Commission.

Staff requested that the City Commission approve a budget amendment to the Transportation Fund consisting of an increase in Estimated Revenues in the amount of \$450,000 along with an equal increase in the appropriations within that Fund to accommodate the subject Socrum Loop Road Improvement Project.

Greg Finch presented this item to the Commission.

Action: Commissioner Verplanck moved to approve the recommendation. Commissioner Boring seconded and the motion carried unanimously, 7-0.

AUDIENCE

MAYOR AND MEMBERS OF THE CITY COMMISSION

Glenn Higgins wished Edie Yates and Gow Fields a Happy Birthday.

The meeting adjourned at 10:45 a.m.

Ralph L. Fletcher, Mayor

Kelly S. Koos, CMC, City Clerk

AGENDA STUDY SESSION
February 2, 2007

The Lakeland City Commission met for the Agenda Study Session on Friday, February 2, 2007 in the City Commission conference room. Commissioners Edie Yates, Gow Fields, Dean Boring, Jim Verplanck, Glenn Higgins and Mayor Fletcher were present. Commissioner Wiggs was out of town for the Florida League of Cities. City Manager Doug Thomas, Deputy City Manager Tony Delgado, Community Development Director Jim Studiale, Finance Director Greg Finch, City Attorney Tim McCausland, and City Clerk Kelly Koos were also present.

Mayor Fletcher called the meeting to order at 8:32 a.m.

Commissioner Fields introduced Shannon Lanier, new Executive Director of Lakeland Vision. Shannon told the Commission a little about herself.

Doug Thomas covered the preliminaries. Mayor Fletcher will have to leave the meeting Monday at 10 a.m. for a ribbon cutting ceremony. Mayor Pro Tem Higgins will take over in his absence.

Doug Thomas covered the Requests to Appear from the Public.

The Commission discussed the need for a time limit on speakers from the public.

Tim McCausland covered the Public Hearings.

Proposed 07-007; Establishing Hawthorne Mill Community Development District (1st Rdg 1/16/07)

Previously the Commission had concerns about public notice to the property owners in the area. Tim provided the notice requirements to the Commission. The levy or additional tax for the CDD would be as much as the market would bear. They provided a list to the Commission of all the CDDs in Polk County and their levies.

Tim McCausland covered the Equalization Hearings.

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

Red Light Running Workshop

PAL Bus

The group got a new bus. They will unveil it and its advertising wrap on February 15, 2007.

Cultural Assistance Program

Commissioner Yates is chairing this committee this year. Tony Delgado explained this was a 3-year grant. The time was coming up again to renew the grants. The goal is to have a fund balance of \$2 million by 2011. All applications should be in by May 15, 2007. Then the Commission will hold a workshop to review the applications.

Tony Delgado wanted the Commission to consider the amount contributed each year to the fund, the terms of the grants and other groups they would like to apply. The goal was to build the fund to \$2 million and run the program off the interest.

On-line survey

Larry Ross put together an on-line survey concerning the retreat. Doug asked the Commission to respond to the survey by this weekend.

Tim McCausland covered the City Attorney agenda and offered the following verbals:

The Civil Service/Pension Board had hired Kevin Torres as the new Retirement Services Director.

The PCC Board approved the lease agreement for the old Keiser space at the Airside Center. Publix has the right of first refusal. Staff was trying to discourage that.

Greg Finch covered the Finance Director agenda.

Glenn Higgins said the City needed to update the signs to recognize Lakeland High's second National Championship. He recommended better colors that would be easier to read by drivers.

The meeting adjourned at 9:27 a.m.

Ralph L. Fletcher, Mayor

Kelly S. Koos, CMC, City Clerk