

LAKELAND CITY COMMISSION

**Regular Session
May 17, 2021**

The Lakeland City Commission met in Regular Session in the City Commission Chambers. Mayor Bill Mutz and Commissioners Chad McLeod, Bill Read, Stephanie Madden, Sara McCarley, Mike Musick, and Phillip Walker were present. City Manager Shawn Sherrouse, City Attorney Palmer Davis, Finance Director Mike Brossart, and City Clerk Kelly Koos were present.

CALL TO ORDER - 3:00 P.M.

PRESENTATIONS

Swearing in of Southeast District D Commissioner – Michael L. Musick

PROCLAMATIONS

Community Action Month
Lakeland Magic
Mrs. Florida Plus America
National Safe Boating Week
National Stop the Bleed Day
Water Safety Awareness Month

COMMITTEE REPORTS AND RELATED ITEMS

Municipal Boards & Committees 05/14/21

Commissioner Stephanie Madden presented the Committee report.

Motion: Commissioner Phillip Walker moved to approve the recommended appointments. Commissioner Chad McLeod seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

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

Real Estate & Transportation Committee 05/14/21

1. Lease Addendum with Project Redfish, LLC for 802 N. Massachusetts Avenue

Commissioner Bill Read presented this report.

Motion: Commissioner Chad McLeod moved to approve the recommendation. Commissioner Phillip Walker seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments from the audience.

Commissioner Stephanie Madden: last summer during COVID we were looking for ways to help small businesses. The CRA invests a lot of dollars to encourage private development. Yard on Mass (YOM) came after the investment in Haas. They opened right before the shut down and bars had the longest closures. Every CRA development is unique. These small business owners invested over \$500,000 into a city asset. Forgiving the \$18,000 was not too much to ask to help ensure their success.

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

APPROVAL OF CONSENT AGENDA

All items listed with an asterisk (*) were considered routine by the City Commission and were enacted by one motion following an opportunity for public comment. There was no separate discussion of these items unless a City Commissioner or Citizen so requested, in which event the item was removed from the consent agenda and considered in its normal sequence.

Motion: Commissioner Sara McCarley moved to approve the Consent Agenda. Commissioner Phillip Walker seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

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

APPROVAL OF MINUTES (with any amendments)

- * City Commission Minutes – April 20 – May 11
- * Utility Committee Minutes – May 3

Action: The Commission approve the minutes are part of the Consent Agenda.

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC - None

EQUALIZATION HEARINGS – None

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5872; Proposed 21-019; Vacating Right-of-Way for Old Kathleen Road west of Kathleen Rd./Sikes Blvd. and east of George Jenkins Blvd. (1st Rdg. 05-03-21)

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING PUBLIC RIGHT-OF-WAY FOR OLD KATHLEEN ROAD LOCATED WEST OF KATHLEEN ROAD AND SIKES BOULEVARD AND EAST OF GEORGE JENKINS BOULEVARD, WITHIN THE CITY OF LAKE LAND, FLORIDA; AUTHORIZING THE RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Phillip Walker moved to approve the ordinance. Commissioner Sara McCarley seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

Action: Upon roll call vote Commissioners Phillip Walker, Don Selvage, Sara McCarley, Stephanie Madden, Chad McLeod, Bill Read, and Mayor Bill Mutz voted aye. Ayes-seven. Nays-zero. The motion carried unanimously.

COMMUNITY REDEVELOPMENT AGENCY – None

CITY MANAGER

Recommendation re: Award of Request for Proposal No. 1103 to Gallagher Benefit Services, Inc. for Employee Benefits Broker/Consultant

Gallagher Benefit Services, Inc. is the City's current Employee Benefits Broker/Consultant. The current contract is due for renewal on June 1, 2021. The Employee Benefits Broker/Consultant is instrumental in analyzing the marketplace, consulting on behalf of the City regarding changes to our benefit plans, recommending benefit plan changes, preparing mandated certified actuarial reports, assisting with Request for Proposal (RFP) preparation, as well as securing a comprehensive benefits package for our employees, retirees, and their dependents.

On February 12, 2021, 91 prospective vendors received notification of the Employee Benefits Broker/Consultant RFP, none were local. Four proposals were received at the RFP opening on April 13, 2021. The four vendors that responded to the RFP were: Foundation Risk Partners dba Acentria Public Risk, McGriff Insurance Services, Inc., Willis Towers Watson Midwest, Inc., and Gallagher Benefit Services, Inc. The four prospective vendors were invited to interview with their representatives on April 30 or May 4, 2021, at prescheduled times.

The selection committee ranked submissions on May 4, 2021, after the scheduled interviews had been completed. The selection committee ranked the prospective vendors as follows:

1. Gallagher Benefit Services, Inc., Orlando, FL
2. Foundation Risk Partners dba Acentria Public Risk, Daytona, FL
2. McGriff Insurance Services, Inc., Orlando, FL
3. Willis Towers Watson Midwest, Inc, Naples, FL

The decision to retain Gallagher Benefit Services, Inc., is based on several factors noted as follows:

- Gallagher is the leader in Public Sector business with 775 public sector clients nationally. In Florida, Gallagher represents 45+ cities and towns, 15+ counties, and 14 school boards. Gallagher has the experience and expertise to support the City's needs.
- Gallagher has expanded their scope of work to include monthly reporting, and quarterly data analytics reporting. Additional data will give the City the needed information to expand our efforts around utilization and cost control.
- The Gallagher team has been expanded, adding an additional senior consultant with 20+ years of experience and a senior client manager.
- The healthcare delivery system is changing due to COVID-19. Gallagher will continue to deliver new innovative solutions to the City as they emerge. Some examples include the expansion of telemedicine, concierge surgery services, and specialty drug programs which will lead to lower costs for the member and our plan. Additionally, Gallagher provided a credit for ongoing actuarial services that will reduce the current costs for these services annually by \$5,000.

Staff recommended that the City Commission authorize the appropriate City Officials to execute the agreement with Gallagher Benefit Services, Inc. to provide Employee Benefits Broker/Consultant services effective June 1, 2021. The annual cost of services is \$128,000 and will remain in effect for three years, through June 1, 2024, with two additional one-year renewal options.

Shawn Sherrouse presented this item to the Commission. There were questions on Friday about the different costs and responses. He referred the Commission to the handout on the overhead.

Commissioner Sara McCarley asked questions on Friday about the RFP. 1) Tell us the numbers again and 2) Please explain the local preference credentials.

Joyce Dias responded to the questions. The information submitted in the RFP only gave one address in Lakeland and the business license was applied for in September.

Mark Raiford explained local preference policy. Ord20-043 definition of local business is a vendor who conducts business inside LE service territory, maintains business location within LE service territory, conducts business daily from location, conducted for

at least 12 consecutive months, and provides business tax receipt. Purchasing contacted the City's business office and got the date from them. They routinely check on those business tax license.

Commissioner Sara McCarley thought that information needed to be clearer to the vendors.

Commissioner Stephanie Madden asked what the benefit would be for a local provider.

Mr. Raiford explained that because this was an RFP, they would be eligible for 10 additional points.

Joyce Dias highlighted the annual fees for each company.

- Foundation Risk Partners \$125,000-no terms specified
- McGriff Insurance Services \$115,000-first year, \$110,000-second & third year
- Gallagher Benefit Services \$128,000-for each year

Joyce Dias highlighted the other fees: Annual GASB Valuation, 112.09 Annual State Filing, and Medicare Part D Reporting Assist.

Commissioner Phillip Walker asked about No Terms Specified. That meant that after the first year, the City would enter negotiations for the remaining years.

The City would go back out for a new RFP rather than renew if they thought they could get a better rate.

Commissioner Chad McLeod thought there was an opportunity to be more aggressive on outreach for RFPs.

Commissioner Stephanie Madden thanked Ms. Dias for the additional information. She did not feel like the local vendors realized they had an improved chance to obtain the business. She wanted to reduce the length of the contract. The Commission had the authority to request a shorter contract.

Mayor Bill Mutz heard that there were too many variables in this process that were causing uncertainty. Ms. Dias would prefer a shorter term if the Commission wanted to make modifications.

Commissioner Bill Read preferred a two-year term with a 1 year renew option.

Commissioner Stephanie Madden also wanted to ensure the City allowed ample time for vendors to respond to the RFP. The City allowed 60 days to respond.

Commissioner Phillip Walker: Lakeland was unique because of the services they provide.

Commissioner Sara McCarley supported the two-year agreement. She agreed with Commissioner Phillip Walker that Lakeland was unique. Competition makes everything better for our residents. We need to make sure that we can look at all the options on the table and give all vendors all the information needed to bid on the job.

Commissioner Mike Musick asked if the Commission thought there is a vendor out there who did not respond.

Commissioner Stephanie Madden: there is the thought that businesses do not apply because they do not think they have a chance.

Commissioner Mike Musick asked if the locals did not have the information so they could bid.

Mayor Bill Mutz: we feel uncomfortable because the price was not included in the agenda item, the winner had the higher price, and we are not sure how long the local vendor was present in Lakeland. We should not be looking at this mid-May for a June 1 start. We should be looking at this in March. We are compromised to not have an advisor in place on June 1. We could ask for them to put this back out for bid.

Ms. Dias was concerned because the City goes to open enrollment in October so not having a broker in place will be problematic. She thought their response would be quick on the rates if they moved to 2 years.

Commissioner Chad McLeod agreed with 2 years. He agreed they should look at it sooner.

Commissioner Stephanie Madden loved the points the mayor raised. She preferred to go back out to bid.

Commissioner Bill Read was not making a motion for a two-year contract.

Commissioner Phillip Walker wanted to be sure this was not going to cause a hiccup. He did not want to cause challenges for employees by going out to bid all over again.

Commissioner Bill Read asked Gallagher if they would sign for 2 years.

Eric Scott with Gallagher would sign the two-year contract and give the city an option on the third year. The City can go out to bid anytime even if they have the contract. It would be \$128,000 a year for a 2-year and the 3rd if desired. Local preference is great. He had history with a small firm years ago. They were a small firm with great resources and very responsive. A local firm can compete, but proximity does not make a big difference. Most meetings are remote and not face to face. The City was not buying a commodity. This was a difficult purchase and not easily compared vendor to vendor.

Jeff Miles with Acentria. We have been operating here for 25-26 years before they were acquired by Acentria. They were contesting the local preference. They did have 2 offices and they were local 25 years prior to the acquisition.

Commissioner Phillip Walker: if we start all over again what happens to the firms who have already bid? Would these bids affect a new RFP process?

Ms. Dias preferred to extend the agreement for one additional year before going back out for proposals again. That way they would not be at risk of going to open enrollment without a broker.

Mr. Raiford explained the proposals submitted have now become public record, so everybody knows everyone's strategy. We would look at making changes or enhancing requirements in the RFP.

Commissioner Bill Read asked if the city could limit participants to shorten the timeframe.

Commissioner Stephanie Madden asked Palmer Davis about local vendors who felt they did not receive proper consideration. Palmer Davis explained there is a bid protest procedure. A bid protest did not necessarily restart the bid process. It could result in awarding the bid to the successful bid protestor. The protest period had passed.

Commissioner Stephanie Madden asked if vendors were notified about the bid protest period. No, the language was not in the letter but in the purchasing policies.

Commissioner Chad McLeod was concerned about restarting but was frustrated because we are not telling people about the protest period. Businesses are not going to read the purchasing policies.

Commissioner Sara McCarley these are great opportunities to tweak our system.

Commissioner Stephanie Madden this is not to disparage Gallagher. We want our locals to have the opportunity provided they are qualified.

Commissioner Phillip Walker apparently, we missed the mark. It is very unfortunate. He wanted to get to that point. How do we get there today?

Palmer Davis: reopening an RFP response period is not the way to go. It might be appropriate to continue this until the first meeting in June. There is nothing to gain by requiring further submittals. The Commission could continue to June to review the submittals and ask for any additional information needed. We do not know if the 10 points would make a difference between first and second place. Over riding staff's recommendation would not reopen the protest period.

The Commission continued to debate the ranking, local preference, open enrollment, extending the Gallagher contract for 6-months.

Motion: Commissioner Chad McLeod moved staff revisit the local vendor option in the ranking and bring this back to the first meeting in June. Commissioner Sara McCarley seconded.

Mayor Bill Mutz suggested calling over to the office to discover the rankings and the 10 points.

Amended Motion: Commissioner Sara McCarley moved to amend the motion table the item until later in the meeting. Commissioner Chad McLeod seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

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

Recommendation re: Award of RFQ No. 8365 to Rodda Construction, Inc. for Phase II Construction Management at Risk Services at John McGee Park

John McGee Park (formerly known as Cypress Youth Sports Complex) is a 33-acre park located at 2125 E. Edgewood Drive, in south east Lakeland. The park currently has four multi-purpose fields (two of which are lighted), a restroom facility, parking and a maintenance building which were constructed as Phase 1 and opened to the public in 2012. Phase 2 of the project will include construction of two additional lighted multi-purpose fields and a playground.

The City's Purchasing Division issued RFQ No. 8365 in December 2018 to obtain qualified submittals from firms experienced in professional construction management with guaranteed maximum price for the construction of Cypress Youth Sports Complex Phase II. The firms were expected to demonstrate qualifications and experience in the following construction areas: parks of 15 + acres constructed in Central Florida, competitive sports field construction, sports field lighting and construction on sites of previously mined land.

One submittal was received, from Rodda Construction, Inc. Purchasing sent a Notice of Intent to Award to Rodda Construction on January 14, 2019. The city worked with Rodda Construction and Hardeman Kempton (the engineer of record) to design the project to match the budget. The city adopted a Memorandum of Understanding on October 19, 2020 to accept a \$600,000 donation from the McGee Family and renamed the park John McGee Park.

Funds for construction of Phase II are currently budgeted in the FY21 Public Improvement Fund and Park & Recreation Impact Fees District II (\$1,000,000) and the McGee Family donation (\$600,000) for a total project budget of \$1,600,000.

Staff recommended that the City Commission authorize the appropriate City Officials to award RFQ No. 8365 and contract to Rodda Construction for a not to exceed price of \$1,600,000 to complete Phase II of John McGee Park.

Shawn Sherrouse presented this item.

Motion: Commissioner Bill Read moved to approve the recommendation. Commissioner Sara McCarley seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

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

Recommendation re: Change Order for Register Construction & Engineering Inc. for the National Oceanic and Atmospheric Administration (NOAA) project at Lakeland Linder International Airport

In February 2020, the U.S. Government issued a Request for Lease Proposal (RLP) seeking additional space to accommodate the expansion of National Oceanic and Atmospheric Administration (NOAA) operations, which included the ability to add up to 50-75 additional staff and two (2) aircraft (G550 and King Air). Based on a Lease Agreement entered with NOAA in April 2020, that committed NOAA to expand into an adjacent space in the Airside Center, LLIA received approvals from Commission to enter into a contract with Register Construction & Engineering Inc (Register) to provide the construction services.

The improvements for NOAA's expansion were substantially complete and Register had submitted a Change Order to close out the project in the amount of \$429,021 for the additional work completed.

The Change Order for \$429,021 included the costs for construction modifications that were made to the initial plans. This included providing a complete generator backup for the expansion area, additional data drops to support NOAA's operation, additional electrical work and equipment requested by NOAA for the hangar, and fire pump and tank improvements requested by LLIA. These additional expenses were partially offset by the release of an owner's contingency included in the base contract as well as contract savings related to several trade allowances.

Description	Cost
ATS/ Generator Work	\$ 371,331
Data/ IT	\$ 68,605
Electrical Changes	\$ 189,468
Fire Pump/ Tank Removal	\$ 218,986
Mechanical Changes	\$ 23,824
Permit/ Impact Fees	\$ 39,975
Acoustical	\$ 37,054
Hobart	\$ 70,000
All Other	\$ 120,858
Contract Savings	\$ (319,031)
Owner's Contingency	<u>\$ (392,049)</u>
Change Order Total	\$ 429,021

The Shell/Infrastructure additional investments were recovered through the base rent collected in the NOAA lease agreement, while the costs for the Tenant Improvements were amortized and repaid by NOAA to LLIA over the fifteen-year firm term of the agreement at cost plus interest, paid as additional rent.

Staff recommended that the City Commission authorize the appropriate City officials to enter into a change order with Register Construction & Engineering Inc. in the amount of \$429,021 for the additional construction work completed for the NOAA expansion. No appropriations were required to accommodate this request.

Shawn Sherrouse presented this item.

Motion: Commissioner Phillip Walker moved to approve the recommendation. Commissioner Chad McLeod seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

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

Recommendation re: Amendment to FAA Reimbursement Agreement for the Instrument Landing System (ILS) Category III Project at Lakeland Linder International Airport

On June 17, 2019, the City Commission authorized City officials to enter into a grant agreement to upgrade Runway 9 to a Category III ILS capable runway at Lakeland Linder International Airport (LLIA). The airport planned and implemented this upgrade as required by its contract with Amazon and is obligated to be completed by November 2021.

On August 6, 2020, the City and the FAA entered into a Reimbursable Agreement (RA) to establish equipment necessary for the ILS. Due to the accelerated timeline to complete the ILS and a change of scope in the project, the FAA is requesting an amendment to increase the

reimbursable agreement in the amount of \$113,675.40. Article 9 Subsection E of the RA permits the FAA to alter the estimated cost of the project and require additional advance payment at any time in the process.

Scope changes include the procurement and installation of the Engine Remote Monitoring System (ERMS), which monitors the backup generator in support of the Approach Light System with sequenced Flashing lights (ALFS-2), telecommunication connectivity for the ERMS, and the FAA's increased estimation of personnel costs supporting installation activities.

Staff recommended that the City Commission authorize the appropriate City Officials to enter into the Amendment to the Non-Federal Reimbursable Agreement between the Federal Aviation Administration and the City of Lakeland, Lakeland Linder International Airport Agreement Number AJW-FN-ESA-20-SO-003732-A1 subject to approvals from the Florida Department of Transportation.

Staff also recommended that the City Commission authorize an appropriation in the amount of \$113,675 in the Airport Capital Fund to be funded from the Airport's Operating Fund Surplus.

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

Recommendation re: Ratification of Collective Bargaining Agreements with the Fraternal Order of Police

Beginning March 9, 2021, representatives from the Lakeland Police Department, Human Resources, Finance, outside counsel and Bargaining Committees representing Police Officers, Sergeants, and Lieutenants had been actively negotiating the initial Collective Bargaining Agreements (CBA) between the City of Lakeland and the Fraternal Order of Police, Lakeland Lodge 185 (FOP).

The proposed agreements were recently ratified by the Lakeland FOP memberships on May 4th and 5th respectively, and now await final consideration by the City Commission.

1. The parties have agreed to a two-year agreement commencing October 11, 2020 and expiring on September 30, 2022.
2. The parties have agreed to a modification regarding Take Home Vehicles, increasing the current 20-mile radius from the Police Station for take home vehicles to a 25-mile radius from the current city limits. (Article 23)
3. The parties have agreed to modifications regarding Wages (Article 25). Effective upon ratification of the agreement, the following provisions will go into effect:

Fiscal Year 2021 (Beginning 10-11-20)

o Officers

1. Eliminate the bottom 3 Steps in the current Pay Plan (Officers currently in Steps 1-3 will be moved to the same hourly rate as a Step 4 Officer)
2. Once item #1 is complete, all Officers will then receive an 11.4% pay increase reflecting the most recent pay study
3. No ATB or Merit in FY'21

- Sergeants
 1. All Sergeants will receive a 9.19% pay increase reflecting the most recent pay study
 2. No Across the Board or Merit in FY'21
- Lieutenants
 1. All Lieutenants will receive a 7.21% pay increase reflecting the most recent pay study
 2. No Across the Board or Merit in FY'21

Fiscal Year 2022

- All FOP members will be provided the same citywide Across the Board increase as approved by the City Commission
 - All FOP members will be provided the same citywide merit increase as approved by the City Commission upon completion of an acceptable performance review during the member's normally scheduled review cycle, except for those already at the top of their pay range
 - If no Across the Board or Merit are provided by the City Commission in Fiscal Year 2022, there is an opportunity for a wage reopener by either party
4. The parties agree that the benefits under the City's health, dental, vision, supplemental and flexible spending account plans, applicable to general non-bargaining unit employees of the City, would be applicable to the FOP members, and would be subject to such future changes in benefit plan terms, contributions, benefits, providers, and administrators as are applicable to general non-bargaining unit City employees. (Article 26)

Staff recommended that the City Commission ratify the proposed Collective Bargaining Agreements to reflect the above noted amendments and authorize the appropriate City officials to execute the associated documents between the City of Lakeland and the Fraternal Order of Police, Lakeland Lodge 185 representing Police Officers, Sergeants and Lieutenants.

Shawn Sherrouse presented this item.

Motion: Commissioner Stephanie Madden moved to approve the recommendation. Commissioner Phillip Walker seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments from the audience.

Commissioner Sara McCarley wanted to light up the blue lights for celebrating the contract.

Shawn Sherrouse commended the city's negotiation team and the FOP.

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

CITY ATTORNEY

Ordinances (First Reading)

Proposed 21-020; Vacating a Portion of Right-of-Way Located East of 119 Kerneywood Street

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED EAST OF 119 KERNEYWOOD STREET, WITHIN THE CITY OF LAKE LAND, FLORIDA; AUTHORIZING THE RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; 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 June 7, 2021.

Resolutions

Resolution 5682; Proposed 21-037; Authorizing Application for Additional Funding from the State Revolving Fund for Improvements to the English Oaks Project

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

Palmer Davis read the short title

Motion: Commissioner Chad McLeod moved to approve the resolution. Commissioner Sara McCarley seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

Action: Upon roll call vote Commissioners Chad McLeod, Stephanie Madden, Mike Musick, Sara McCarley, and Mayor Bill Mutz voted aye. Ayes – five. Nays – zero. The motion carried unanimously. Commissioners Phillip Walker and Bill Read were absent during the vote.

Resolution 5683; Proposed 21-038; Authorizing the Execution of an Agreement for the Subordination of City Utility Interests Located at N. Galloway Road and Sleepy Hill Road, Within Parcel 100

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA AUTHORIZING EXECUTION OF AN AGREEMENT FOR THE SUBORDINATION OF CITY UTILITY INTERESTS LOCATED AT THE INTERSECTION OF NORTH GALLOWAY ROAD AND SLEEPY HILL ROAD WITHIN PARCEL 100; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Sara McCarley moved to approve the resolution. Commissioner Stephanie Madden seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

Action: Upon roll call vote Commissioners Chad McLeod, Stephanie Madden, Sara McCarley, Mike Musick, and Mayor Bill Mutz voted aye. Ayes – five. Nays – zero. The motion carried unanimously. Commissioners Phillip Walker and Bill Read were absent during the vote.

Resolution 5684; Proposed 21-039; Intent to Vacate a Portion of Right-of-Way Located East of 119 Kerneywood Street

A RESOLUTION RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; DECLARING THE CITY COMMISSION'S INTENTION TO ADOPT AN ORDINANCE VACATING A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED EAST OF 119 KERNEYWOOD STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Chad McLeod moved to approve the resolution. Commissioner Sara McCarley seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

Action: Upon roll call vote Commissioners Mike Musick, Sara McCarley, Stephanie Madden, Chad McLeod, and Mayor Bill Mutz voted aye. Ayes-five. Nays-zero. The motion carried unanimously. Commissioners Phillip Walker and Bill Read were absent during the vote.

Resolution 5685; Proposed 21-040; Authorizing the Lease-Purchase of 100 New E-Z-GO Golf Carts for Use at Cleveland Heights Golf Course

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA FOR AND AUTHORIZING THE LEASE PURCHASE OF ONE HUNDRED (100) NEW 2021 E-Z-GO GOLF CARTS FOR USE AT THE CITY OF LAKE LAND'S CLEVELAND HEIGHTS MUNICIPAL GOLF COURSE IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$407,032; AWARDING THE LEASE FINANCING OF SUCH GOLF CARTS TO PNC EQUIPMENT FINANCE, LLC IN ACCORDANCE WITH THE TERMS SET FORTH HEREIN; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE ANY DOCUMENTS AND TAKE ANY ACTIONS REQUIRED IN CONNECTION WITH THE LEASE PURCHASE AGREEMENT; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Sara McCarley moved to approve the resolution. Commissioner Stephanie Madden seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

Action: Upon roll call vote Commissioners Phillip Walker, Mike Musick, Sara McCarley, Stephanie Madden, Bill Read, Chad McLeod, and Mayor Bill Mutz voted aye. Ayes-seven. Nays-zero.

Miscellaneous Reports**Memo re: Lease Purchase Agreement for E-Z-GO Golf Carts with PNC Equipment Finance, LLC**

This was the proposed Lease Purchase Agreement and corresponding documents between the City and PNC Equipment Finance, LLC (PNC) for the lease purchase of golf carts from E-Z-GO to be used by the Parks & Recreation Department to service golfers for play at the City of Lakeland's Cleveland Heights Golf Course (Cleveland Heights).

The lease purchase of 100 new golf carts from E-Z-GO is essential to offering superior customer service by providing an alternative mode of transportation to golfers besides walking the golf course and improving the overall golfing experience at Cleveland Heights. City staff has determined that golf rounds at Cleveland Heights have increased from 57,396 in FY19 to 65,271 in FY20. The City's existing four (4) year lease with PNC for E-Z-GO golf carts, approved by the City Commission in 2018, does not expire until January 2022. However, due to the increased usage and substantial wear and tear to the golf carts, E-Z-GO and City staff have negotiated a new lease proposal that would

enable the City to lease 100 new golf carts at a slight cost reduction from the existing lease by surrendering the used carts early.

The City's Purchasing Department approved the procurement of the golf carts from E-Z-GO pursuant to Sourcewell Contract #122220-JCS, based on E-Z-GO's ability to best serve the golfers at Cleveland Heights. Sourcewell is a municipal contracting agency that enables governmental entities to cooperatively procure equipment, product and services in order to receive competitive pricing. The financing will be provided by PNC.

The term of the Lease Purchase Agreement for 100 new golf carts is for a period of four (4) years. Upon approval by the City Commission production of the golf carts would begin in June 2021 and have an anticipated delivery date to the City of September 2021. The monthly payment for the 100 golf carts will be \$7,040 during the Lease term, with a final installment payment of \$100,000 should the City seek to purchase the golf carts at the end of the Lease for a total cost of \$437,920 over the four (4) year term at an interest rate of 2.95%. The monthly Lease payment includes maintenance costs and a four (4) year warranty from E-Z-GO on major golf cart components, including a four (4) year warranty or 25,000-amp hours, whichever occurs first, on battery life.

Staff recommended that the City Commission approve this Lease Purchase Agreement for E-Z-GO golf carts with PNC and authorize the appropriate City officials to execute all corresponding documents.

Palmer Davis presented this item to the Commission.

Motion: Commissioner Sara McCarley moved to approve the agreement. Commissioner Mike Musick seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

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

Memo re: Engineering Services Agreement with Chastain-Skillman, Inc. for Replacement of Northside Pump Station

This proposed Engineering Services Agreement with Chastain-Skillman, Inc. was for professional engineering services associated with replacement of the Northside Wastewater Pump Station.

The existing Northside Pump Station is located within an old free-standing red brick building situated on US 98 N. adjacent to Home Depot, and just south of American Car Center. The Northside Pump Station was originally constructed in the 1960s and was renovated in the early 1990s. The Pump Station has exceeded its useful life and will be replaced with a modern submersible pump station.

Pursuant to the Consultants' Competitive Negotiation Act, the City's Purchasing Department issued RFQ No. 0220 for engineering services associated with replacement of the Northside Pump Station. On October 19, 2020, the City Commission approved and authorized Water Utilities to negotiate an engineering services contract with the ranked firms in the order of their ranking.

Chastain-Skillman was the top-ranked firm and staff has successfully negotiated the attached Engineering Services Agreement with them. Under this Agreement, Chastain-Skillman will perform all work required for the design, permitting, bidding, construction engineering services and quality control for this project at a not-to-exceed cost of \$348,900. This project has been included in Water Utilities' FY 2021 budget.

Staff recommended that the City Commission approve the Engineering Services Agreement with Chastain-Skillman, Inc. and authorize the appropriate City officials to execute the Agreement.

Shawn Sherrouse presented this item.

Motion: Commissioner Phillip Walker moved to approve the agreement. Commissioner Chad McLeod seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

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

Memo re: Task Authorization with Chastain-Skillman, Inc. for Sanitary Sewer System Modeling Evaluation and Strategic Planning Study

This proposed Task Authorization with Chastain Skillman, Inc. was for professional services to assist the Water Utilities Department with a Sanitary Sewer System Modeling Evaluation and Strategic Planning Study (Wastewater Master Plan).

The City has experienced significant population growth and associated demand on its wastewater infrastructure and recognizes the need for a new strategic tool to assist in decision making. The planning horizon for this study will address wastewater infrastructure needs for the next 20 years. The Wastewater Master Plan to be developed by Chastain-Skillman will include the following:

- Confirmation of the basis for projection of wastewater flows.
- Use of existing records to examine the existing collection and transmission system.
- Evaluation of system performance and operations, and provision of recommendations for replacements, upgrades and expansion for future system needs.
- Development of criteria to prioritize Capital Improvement Program (CIP) recommendations and the System Renewal and Replacement Plan.

- Development of population projections and evaluation of conceptual facilities.
- Critique of and recommendations for edits to the City's existing GIS-based system hydraulic model, including:
 - Development of an existing and future service area map
 - Physical and operational attributes of model for major system components
 - Major facility locations
 - Model for future/planned growth scenarios

All services under this Task Authorization will be performed in accordance with the terms and conditions set forth in the Continuing Agreement for Municipal Engineering Services between the City and Chastain-Skillman previously approved by the City Commission in September 2016. The total not-to-exceed cost associated with this Task Authorization is \$499,060. This project has been approved and budgeted for in Water Utilities' FY 2021 budget.

Staff recommended that the City Commission approve the Task Authorization with Chastain-Skillman for a Sanitary Sewer System Modeling Evaluation and Strategic Planning Study and authorize the appropriate City officials to execute the Task Authorization.

Palmer Davis presented this item.

Motion: Commissioner Phillip Walker moved to approve the task authorization. Commissioner Stephanie Madden seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

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

- * **Memo re: Task Authorization with Tetra Tech, Inc. for Hydrologic and Vegetative Monitoring and Production of Reports to Comply with the City's Water Use Permit**

This Task Authorization with Tetra Tech, Inc. was for professional services to assist the Water Utilities Department with compliance with the conditions of the City's Water Use Permit, which requires hydrologic and vegetative monitoring and production of reports related thereto from May 2021 through April 2023.

The City's Water Use Permit with the Southwest Florida Water Management District (SWFWMD) requires continuous environmental monitoring of the Northeast Wellfield for specific parameters, such as the health of surrounding wetlands and hydrologic conditions. Technical surveys must be incorporated into reports to be communicated to SWFWMD. Tetra Tech has assisted the City previously with these requirements and

possesses the technical expertise to assess potentially affected wetlands, analyze hydrologic data and produce reports responsive to the needs of SWFWMD.

The not-to-exceed cost for the performance of the work under this Task Authorization is \$130,438.00. Purchase orders for the work will be written as the tasks are needed over the three-year period in order to normalize the impact on Water Utilities' annual budget.

Staff recommended that the City Commission approve the Task Authorization with Tetra Tech, Inc. and authorize the appropriate City officials to execute the Task Authorization.

Action: The Commission approved this item as part of the Consent Agenda.

FINANCE DIRECTOR

*** Appropriation and Increase in Estimated Revenue – Various Funds for FY 2021**

Throughout the fiscal year, the City receives various donations from private individuals that are designated for expenditure on specific projects or operating expenses, at the donor's request. These donations are not included in the original operating budget of the City, because the dollar value cannot be anticipated.

The City also receives reimbursement for certain types of expenses - most notably the reimbursement for overtime duties performed by Lakeland Police Officers. These reimbursements and the associated expenses are not included in the original operating budget of the City, because they cannot be forecasted accurately.

The budgeting practice adopted by the City for these transactions is to present these donations and expenses reimbursements to the City Commission semi-annually, at which time the operating budgets are amended accordingly.

Staff requested that the City Commission authorize an increase in estimated revenue and matching appropriation to the various operating budgets of the City as required based on the listing of donations and expense reimbursements received for the six-month period October 1, 2020 through April 30, 2021 and on file in the agenda packet.

Action: The Commission approved this item as part of the Consent Agenda.

UTILITY

Ordinances – NONE

Resolutions – NONE

Miscellaneous

*** Memo re: Agreement with Aglime Sales, Inc. for the Purchase of Gypsum Byproduct from McIntosh Unit 3**

This proposed Agreement with Aglime Sales, Inc. (Aglime) was for the purchase of gypsum byproduct from Lakeland Electric's McIntosh Power Plant. Gypsum is a byproduct produced from the burning of coal and the flue gas desulfurization process at McIntosh Unit 3 which can be sold to generate revenue. The byproduct is used in such applications as wallboard for home/commercial construction and for agricultural uses such as neutralizing the pH and supplementing calcium deficiencies in soil.

The City recently was under contract with Charah, Inc. for the sale of all its byproduct, including gypsum, from Unit 3. Charah's contract with the City expired on April 30, 2021. However, approximately 10,000 tons of gypsum byproduct remains on site at the McIntosh Power Plant and is available for sale. Aglime, a Polk County company, is seeking to remove all the remaining gypsum byproduct and was the only viable vendor interested in the material. The alternative would be to move the material to the landfill at an estimated cost of \$20,000 to the City.

While the term of the Agreement will be for a period of six (6) months upon Commission approval, with one (1) additional six (6) month option of renewal upon mutual written agreement of the parties, Aglime is prepared to remove the remaining gypsum byproduct within two (2) to four (4) weeks. Pursuant to the Agreement, Aglime will purchase the remaining gypsum byproduct at a price of \$6.00 per ton, which is anticipated to generate gross revenue for the City in the amount of \$60,000. The estimated cost to the City for loading the gypsum byproduct is \$5,000, which results in net revenue to the City of approximately \$55,000.

Staff recommended that the City Commission approve this Agreement with Aglime for the sale of gypsum byproduct and authorize the appropriate City officials to execute all corresponding documents to the Agreement.

Action: The Commission approved this item as part of the Consent Agenda.

AUDIENCE - None

Recommendation re: Award of Request for Proposal No. 1103 to Gallagher Benefit Services, Inc. for Employee Benefits Broker/Consultant

Joyce Dias returned and asked to bring this back to the first meeting in June. There are many questions they need to work through to provide accurate information. Commission agreed unanimously.

Shawn Sherrouse gave a presentation on his filling of the Deputy City Manager position. There were 11 internal applicants. Three were not qualified. He narrowed the list to two finalists. They were interviewed by department directors. He named Nicole Travis Deputy City Manager. Reviewed her accomplishments as CRA Manager and CED Director. He promoted Emily Colon to Assistant City Manager and Manager of

Innovation and Strategy. She will reorganize OMB. He will be requesting a grant writer. These changes will be effective May 23, 2021.

Commissioner Chad McLeod thanked Shawn Sherrouse for the announcement and receiving their comments today during his review session.

Commissioner Phillip Walker commended Shawn Sherrouse for maintaining his composure this afternoon during his review.

Mayor Bill Mutz offered comments and congratulated Nicole Travis on her promotion.

Commissioner Stephanie Madden reserved her comments for Emily Colon for when she can be present. She acknowledged Nicole Travis's leadership and her motto Grit Don't Quit

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Phillip Walker:

- Recognized Graduate of CFAA Michael Franklin. On his way to get his pilot license.
- Announced Legislative Wrap Up Breakfast May 27 First Presbyterian 7:30 a.m.
- Legislative Committee Meeting June 18th

Commissioner Sara McCarley congratulated Commissioner Mike Musick.

Commissioner Stephanie Madden announced the City of Lakeland, FPU, and CFDC were meeting to dream about a hydrogen consortium and applying for grants. She will report back after the meeting.

Commissioner Phillip Walker and Commissioner Sara McCarley left the meeting at 5:23 p.m.

Commissioner Chad McLeod thanked Commissioner Stephanie Madden for representing the City on APPA.
He asked if there was an appetite to move agenda study back to in person.

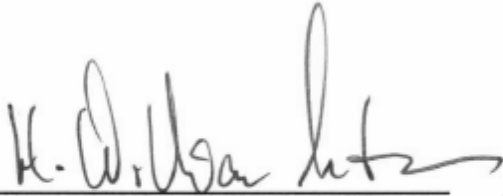
Mayor Bill Mutz wanted to provide for someone who was traveling to be able to join via GoTo.

Palmer Davis: a hybrid would be okay because they do not vote at agenda study.

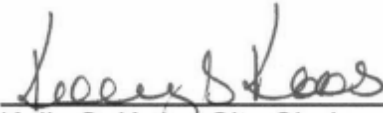
Mayor Bill Mutz also wanted to be back at the dais during the Commission meetings.

Commissioner Chad McLeod suggested June and the Commission agreed unanimously, 5-0.

CALL FOR ADJOURNMENT – 5:27 p.m.



H. William Mutz, Mayor



Kelly S. Koos, City Clerk

