

LAKELAND CITY COMMISSION

**Regular Session
November 7, 2022**

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

CALL TO ORDER – 9 A.M.

SWEARING IN – Northwest District A Commissioner – Dr. Samuel Simmons

PRESENTATIONS

LRH Update (Danielle Drummond, President/CEO, Lakeland Regional Health)

Beautification Awards (Bill Koen)

- Residential: 957 South Tennessee Avenue – Sunnye G. Harrison
- Commercial: 647 West Memorial Boulevard – Coney Funeral Home

PROCLAMATIONS – None

COMMITTEE REPORTS AND RELATED ITEMS

Municipal Boards & Committees 11/04/22

Commissioner Sara McCarley presented this report to the Commission.

Motion: Commissioner Bill Read moved to approve the appointments. 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.

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 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.

APPROVAL OF MINUTES (with any amendments)

- * City Commission Minutes – October 14-17, 2022

Action: The Commission approved these minutes as part of the Consent Agenda.

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC – None

EQUALIZATION HEARINGS

Recess/Convene: The City Commission recessed the Regular Session and convened as the Equalization Board.

Palmer Davis explained the City Charter requires that prior to recording a lien against private property, the City Commission convene as the Equalization Board and grant those property owners the opportunity to object to the recording of the lien or ask any questions they might have. If someone present received a notice to appear before the City Commission re a lots cleaning/clearing or demolition assessment, this is the time to address the Commission.

Lots Cleaning and Clearing

Motion: Commissioner Mike Musick moved to approve the assessments. Commissioner Bill Read 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.

Adjourn/Reconvene: The Equalization Board adjourned, and the City Commission reconvened in Regular Session.

PUBLIC HEARINGS

**Ordinances (Second Reading) – None
Resolutions – None**

Miscellaneous**Memo re: Public Notification of Justice Assistance Grant Award**

The Department of Justice recently posted 2022 local allocations for the Edward Byrne Memorial Justice Assistance Grant (JAG). Lakeland intended to use its \$31,089.00 direct award for 2022, to fund a Police Public Information Officer position. The period to expend these funds runs from October 1, 2022, through September 30, 2023.

This City Commission meeting will provide an opportunity for citizens and neighborhood or community organizations to comment as mandated.

Staff recommended the Commission approve the grant application and the expenditure of funds.

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

COMMUNITY REDEVELOPMENT AGENCY

Recess/Convene: The City Commission recessed the Regular Session and convened as the Community Redevelopment Agency.

Tax Increment Financing Agreement with Lake Wire Apartments, LLC for Improvements to Property Located North of W. Peachtree Street, South of W. Magnolia Street, West of N. New York Avenue and East of N. Virginia Avenue

This Tax Increment Financing (TIF) Agreement was with Lake Wire Apartments, LLC for properties that the entity currently owns for purposes of development of multi-family residential units and structured parking. The site consists of 7 parcels totaling 1.6 acres of land on the north side of Lake Wire and has one existing structure that will be demolished once the developer receives proper permitting.

The proposed development will include a total of 84 units comprised of one- and two-bedroom market-rate apartments. The project consists of a four-story 90,199 square foot residential building with residential amenities, central pool area and pavilion and a two-story 34,872 square foot parking structure with 102 parking spaces.

The Developer's hard costs are projected at \$18,000,000, with an additional \$1,858,875 in soft costs and \$1,275,000 in land acquisition costs, bringing the total development cost to approximately \$21,133,875. Renderings and proposed plans are attached to the

Agreement for reference, and more detailed plans will be submitted to the Building Division for permitting.

The Tax Increment Financing program allows qualified developers to receive a reimbursement of tax increment funds collected by the CRA. The reimbursement is based on incremental revenue collected due to increases in the property's taxable value resulting from the investment made in the real estate. The standard term of reimbursement under the TIF program is five (5) years, beginning in the year following the project's receipt of a Certificate of Occupancy, with the developer receiving a reimbursement of 50% of the tax increment generated in the first year and reimbursement of that same dollar amount each of the next four years, for a total of five years, conditioned upon proof of payment of property taxes.

Lake Wire Apartments, LLC requested consideration of a modified 10-year TIF Agreement, with 75% reimbursement of tax increment for years 1 through 10. Based upon estimated project costs, TIF payments under the developer's requested TIF Agreement are projected to total \$1,267,859 over the ten years, while TIF payments under the standard TIF Agreement would be an estimated \$422,620 over the five years.

The CRA Advisory Board reviewed the request and recommends approval of a hybrid TIF Agreement, under which the Developer will receive 75% reimbursement for years 1 through 5. TIF payments under the Advisory Board's hybrid approach are estimated to total \$633,929 over five years.

Staff recommends that the City Commission, acting as the City's Community Redevelopment Agency, approve the Tax Increment Financing Agreement with Lake Wire Apartments, LLC, which has been prepared in accordance with the CRA Advisory Board's recommendation, and authorize the appropriate CRA officials to execute the Agreement.

Valerie Ferrell presented this item to the Commission. Greg Wilkerson (owner) was present to answer questions.

Motion: Commissioner Bill Read moved to approve the agreement. Commissioner Stephanie Madden seconded.

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

The Commission discussed:

- The agreement was a compromise between the standard agreement and the developer's request.
- Developer has submitted their plans to the Design Review Committee (Dr. Collins). The parking garage would be a separate building.
- This was a great redevelopment project on a parcel that has been poorly maintained over the years.

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

Adjourn/Reconvene: The Community Redevelopment Agency adjourned, and the City Commission reconvened the Regular Session.

CITY MANAGER

Recommendation re Task Authorization with Goodwyn Mills Cawood (formerly Florida Disaster Consulting, LLC) for Disaster Consulting Services

It is requested that the City Commission approve a Task Authorization with Goodwyn Mills Cawood for disaster consulting services in response to hurricane Ian for the not to exceed amount of \$450,000.

In April of 2021, the City entered into an agreement with Florida Disaster Consulting, LLC for disaster consulting services including:

1. Identifying eligible Federal Emergency Management (FEMA) Public Assistance (PA) projects
2. Conducting meetings with City, State, and FEMA staff
3. Performing site visits with FEMA and other stakeholders
4. Collecting and preparing project documentation
5. Drafting scopes of work and project language
6. Provide assistance working with FEMA as needed
7. Other tasks as required throughout the duration of the project

President Biden declared a state of emergency designated as Florida Hurricane Ian DR-4673-FL on September 29, 2022, with an incident period of September 23, 2022, and continuing. Within Florida, FEMA has designated Polk County as eligible for Individual and Public Assistance (Categories A-G). Based on initial damage assessments and the City's prior experience with recovery costs related to Hurricane Irma, a not to exceed amount of \$450,000 has been proposed under the terms of the Disaster Consulting Services Agreement with Goodwyn Mills Cawood for their services. Funding of these direct administrative costs are eligible for reimbursement through FEMA.

Staff recommended that the City Commission approve a Task Authorization to Goodwyn Mills Cawood in the amount of \$450,000 for disaster consulting services and authorize the appropriate City staff to execute the Task Authorization on behalf of the city.

Shawn Sherrouse presented this item to the Commission.

Motion: Commissioner Bill Read moved to approve the task authorization. Commissioner Mike Musick seconded.

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

The Commission discussed:

- Progress of debris collection.
- The City is still using the third-party haulers. They were in the last neighborhoods over the weekend. They will continue passes until completed which was anticipated to be mid-December.
- The expense is not as high as it was for Hurricane Irma.
- The governor has reimplemented an expedited process for municipalities to get reimbursed. Assistant Finance Director Deidra Joseph is joining a call today to make sure the City is participating in that program.
- The complete first pass of the entire community will be completed by November 14, 2022.

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

Recommendation re: Approval of Successor Collective Bargaining Agreements with the International Association of Fire Fighters Local 4173

Since May 2022, representatives from the City and the International Association of Fire Fighters (IAFF) Local 4173 have been actively negotiating a successor Collective Bargaining Agreement (CBA) between the City and the IAFF. The IAFF represents all full-time regular, certified employees of the City of Lakeland working only for the Lakeland Fire Department in the job classifications of Firefighter/EMT, Firefighter/Paramedic, Driver Engineer/EMT, Driver Engineer/Paramedic and Lieutenant. The Agreement applies respectively to Firefighters, Driver Engineers and Lieutenants and the most recent agreements expired in September 2022.

The proposed amendments represent the conclusion of the negotiation process resulting in a successor agreement that was recently ratified by the respective Lakeland IAFF membership and now await final consideration by the City Commission. Although not exhaustive of the modifications to the CBA, the list of items below represents the substantive changes to the CBA as a result of negotiations.

1. The parties have agreed to a three-year agreement commencing October 1, 2022 and expiring on September 30, 2025. The agreement will provide for specific economic implementations in Fiscal Year 2023, 2024 and 2025.
2. Modifications to Article 22 Education – Providing for tuition reimbursement that shall be no more than \$2,500.00 per fiscal year, per individual employee. Also, the City eliminated the one (1) year waiting requirement prior to being eligible to participate in the Tuition Reimbursement/ Educational Assistance program. Leadership approval is only required if the Firefighter has less than six (6) months service with the City.
3. Modifications to Article 24 Observation of Holidays – Available annual floating holiday hours were increased from 12 hours per employee, per calendar year to 24 hours per employee, per calendar year.

4. Modifications to Article 25 Deferred Holiday Time-Off Policy – An employee may roll a maximum of 48 hours of deferred holiday to an Educational Leave Bank to be used by that employee for education. At no time may an employee have a balance of more than 48 unused hours of Educational Leave time in the City's Payroll system.
5. Modifications to Article 27 Compensatory Time-Off Policy:
 - Currently an employee can carry a maximum of 100 hours of compensatory time.
 - Once the Fire Department establishes a 52-hour work week (12-hour 3-week Kelly Day) on or prior to September 30, 2023, the maximum an employee can carry over into a new year will be 60 hours of usable compensatory time. The employee would be paid at their current hourly rate for hours above the 60.
 - Once the Fire Department establishes a 48-hour work week (24-hour 3-week Kelly Day) on or prior to October 1, 2024, the maximum an employee can carry over into a new year will be 0 hours of usable compensatory time. The employee will still be allowed to carry 60 hours of compensatory time for payout upon retirement.
6. Modifications to Article 29 Pay and Benefits - Effective upon approval of the agreement, the following provisions will go into effect:

Year 1 - Fiscal Year 2023 (applied retroactively to October 1, 2022)

 - Firefighters – 10.0% Market increase
 - Driver Engineers – 7.0% Market increase
 - Lieutenants – 7.5% Market increase
 - All members receive an Across-the-Board increase (ATB) of 0%
 - A 2.5% Merit Increase will be given to all eligible members of the bargaining unit upon completion of an acceptable performance review during the members normally scheduled review cycle except for those at the top of the pay range
 - The City will eliminate Step 1 for all Firefighter positions
 - The City will eliminate Steps 1 & 2 for all Driver Engineer positions (Firefighters promoting into Driver Engineer positions come in at Step 3 or above at present, so there is no cost for this change)
 - The City will eliminate Steps 1 & 2 for all Lieutenant positions (Firefighters or Driver Engineers promoting into a Lieutenant position come in at Step 3 or above at present, so there is no cost for this change)

- The Fire Department will hire and train 12 additional Firefighters during Fiscal Year 2023 for implementation of a 3-week, 12-hour Kelly Day beginning no later than September 30, 2023

Year 2 - Fiscal Year 2024

- All members will be provided a 1.5% Across the Board (ATB) increase.
- A 2.5% Merit Increase will be given to all eligible members of the bargaining unit upon completion of an acceptable performance review during the members normally scheduled review cycle except for those at the top of the pay range.
- The Fire Department will hire and train 12 additional Firefighters during Fiscal Year 2024 for implementation of a 3-week, 24-hour Kelly Day beginning no later than October 1, 2024.

Year 3 – Fiscal Year 2025

- All members will be provided the same City Wide Across the Board increase as approved by the City Commission for non-collective bargaining employees.
 - All members will be provided the same City-Wide Merit Increase as approved by the City Commission for non-collective bargaining employees and upon completion of an acceptable performance review during the members normally scheduled review cycle with the exception of those at the top of the pay range.
7. Modifications to Article 31 Health Benefits – Providing for annual NFPA 1582 firefighter physicals to be conducted through Life Scan Wellness Centers at a maximum cost of \$456 per member. This is a 3-year negotiated amount through Life Scan.

Staff recommended that the City Commission approve the proposed successor Collective Bargaining Agreement and authorize the appropriate City officials to execute the associated document between the City of Lakeland and the International Association of Fire Fighters Local 4173 representing Firefighters, Driver Engineers and Lieutenants.

There is no appropriation requested or required for this action. All amounts are currently in the Fiscal Year 2023 budget.

Shawn Sherrouse presented this item to the Commission.

Motion: Commissioner Mike Musick moved to approve the recommendation retroactive to October 1, 2022. Commissioner Stephanie Madden seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience.

The Commission discussed:

- The agreement was good for the fire fighters and the City.
- The 3-year agreement was something they should typically be pursuing.

- Kelly Day: This goes way back in the history of fire service. It was a fire fighter who came up with the idea to compensate fire fighters for the extra hours they work each year. Departments throughout the nation have 3-week Kelly Days.
- Battalion Chiefs, Captains, and Assistant Chiefs are not represented by the union.

Shannon Turbeville came forward representing the union. This was his first time involved in negotiation process. In exchange for Kelly Days, fire fighters will give up compensatory time.

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

Chief of Police

Shawn Sherrouse gave a verbal report. He announced the selection of the next Police Chief. The promotion will be effective December 1, 2022. This will allow a transitional period of almost 4-weeks. Chief Garcia will have full authority until his retirement. He gave a summary about both candidates. **Sammy Taylor Jr. was selected as the next Chief of Police.**

CITY ATTORNEY

Ordinances (First Reading)

Proposed 22-050; Small Scale Amendment #LUS22-006 to the Future Land Use Map to Change Future Land Use from Public Buildings, Grounds, Institutional Uses (PI) to Community Activity Center (CAC) on Approximately 2.63 Acres Located at 1005 E. Memorial Boulevard

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR SMALL SCALE AMENDMENT #LUS22006 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP OF THE LAKE LAND COMPREHENSIVE PLAN: OUR COMMUNITY 2030; CHANGING THE FUTURE LAND USE DESIGNATION ON APPROXIMATELY 2.63 ACRES LOCATED AT 1005 E. MEMORIAL BOULEVARD FROM PUBLIC BUILDINGS, GROUNDS, AND INSTITUTIONAL USES (PI) TO COMMUNITY ACTIVITY CENTER (CAC); 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 November 21, 2022.

Proposed 22-051; Change in Zoning from O-2 (Limited Impact Office) to C-4 (Community Center Commercial) on Approximately 2.63 Acres Located at 1005 E. Memorial Boulevard

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; PROVIDING FOR A CHANGE IN ZONING FROM O-2 (LIMITED IMPACT OFFICE) TO C-4 (COMMUNITY CENTER COMMERCIAL) ON APPROXIMATELY 2.63 ACRES LOCATED AT 1005 E. MEMORIAL BOULEVARD; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; 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 November 21, 2022.

Resolutions

Resolution 5787; Proposed 22-051; Lots Cleaning and Clearing

A RESOLUTION RELATING TO ASSESSMENTS; DETERMINING THE NECESSITY FOR HAVING CLEANED AND CLEARED CERTAIN PROPERTIES 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.

Palmer Davis read the short title.

Motion: Commissioner Mike Musick 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 Samuel Simmons, Mike Musick, Sara McCarley, Stephanie Madden, Bill Read, and Mayor Bill Mutz voted aye. Ayes-six. Nays-zero. The motion carried unanimously.

Miscellaneous Reports

Memo re: Legal Fee Report

The following are legal fees and expenses paid to outside law firms from July 2022 – September 2022 along with a comparison from the same time frame for 2021 and a comparison of this fiscal year to previous years:

Allen Norton & Blue PA	Counsel Relating to Union and Labor Matters- PERC Matters	\$26,835.24
Boswell & Dunlap LLD	LPD Representation, Civil Service Board Hearing	\$60,902.72
Constangy, Brooks & Smith LLC	Counsel Relating to Union and Labor Matters- Arbitrations; Negotiations	\$50,902.74

Ted Weeks, PA	Correspondence Relating to Mark MacDonald	\$13,180.26
Gail Cheatwood, Esq.	Miscellaneous Municipal Ordinance Defense	\$562.50
Gray Robinson	Litigation Matters – Robson 200 (CE), Mindi Fitch, Howard Mathis	\$48,523.70
Koch Professional Services PA	Mediation Services for 1 Source Towers II, LLC v COL Litigation	\$737.50
Reporters on Madison LLC	Deposition Testimony in 1 Source Towers II, LLC v COL Litigation	\$410.25
Kaplan Kirsch & Rockwell LLP	Lakeland Linder International Airport Matters	\$14,641.50
Sugarman & Susskind	Counsel Relating to Employee Pension Plan Matters – Pension Board	\$10,710.00
Putnam, Creighton & Airth PA	Quiet Title Action – Mark MacDonald	\$945
Campbell, Trohn, Tamayo & Aranda	Personal Injury Defense-injuries on city property or auto accidents involving city vehicles	\$47,775.15
Vecchio, Carrier & Feldman P.A.	Miscellaneous Workers Comp Defense	\$64,780.59
Carlton Fields	457B Plan	\$2,907.00
Westwind Consulting Inc.	Deposition Testimony in Cook v COL Litigation	\$2,800.00
Steven E Samuel	Deposition Testimony in Cook v COL Litigation	\$2,250.00
Robert Schulze	Deposition Testimony in Cook v COL Litigation	\$3,300.00
Innovative Public Safety & Media	Expert Witness Testimony in Cook v COL Litigation	\$3,000
Bradley Arant Boult Cummings	Unit 3 Boiler Insurance Coverage Dispute	\$16,260.00
	Total	\$371,424.15

JULY – SEPTEMBER 2022 TOTAL	\$371,424.15
JULY – SEPTEMBER 2021 TOTAL	\$357,372.30
FY 2017-2018 (Oct – Sep)	\$1,335,873.51
FY 2018-2019 (Oct – Sep)	\$1,375,252.32
FY 2019-2020 (Oct – Sep)	\$1,354,900.84
FY 2020-2021 (Oct – Sep)	\$1,688,520.84
FY 2021-2022 (Oct – Sep)	\$1,636,850.10

Action: The Commission did not act on this item.

Memo re: Purchase Agreement with IN-PIPE Technology for Odor Control within the Sanitary Sewer Collection System

This proposal from IN-PIPE Technology was for the provision of odor control technology and services within the City's sanitary sewer collection system.

The City's sewage collection system consists of approximately 475 miles of pipelines and more than 180 sewage lift stations that transport raw sewage to the City's Wastewater Treatment Plants. Naturally, the sewage often produces odorous hydrogen sulfide gases that find their way out of manholes and lift stations.

The City has employed a biological process that is injected into certain lift stations and manholes to minimize the odors in problematic areas since 2004. Water Utilities has observed tremendous results over the years and desires to continue using this process.

The microbial dosing product is proprietary and is provided by a sole source vendor. The proposal includes supply of the product, service and maintenance of the dosing units, and collection system monitoring and reporting for three (3) years, with three (3) optional one-year extensions. The price is \$32,500 per month for October 2022 through September 2023, with 3% escalations each year thereafter. This item is budgeted in Water Utilities FY 2023 budget and will be subject to annual budgetary appropriations for subsequent years.

Staff recommended that the City Commission approve and authorize the appropriate City officials to execute the purchase agreement with IN-PIPE Technology for the provision of odor control technology and services.

Palmer Davis presented this time to the Commission.

Motion: Commissioner Sara McCarley moved to approve the recommendation. 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: Task Authorization with Kamminga & Roodvoets, Inc. for Construction Services for the SW Wastewater Pump Station Flow Reversal Project

This proposed Construction Task Authorization with Kamminga & Roodvoets, Inc. (K&R) was for construction services for the SW Wastewater Pump Station Flow Reversal Project. This project is designed to transfer flow from the existing 24" SW sewer force main to the 20" and 30" English Oaks force mains, to include piping, related fittings and appurtenances, and miscellaneous civil and mechanical construction. This turn-around

will reduce loading on the Western Trunk sanitary sewer line and will re-direct the flow into the English Oaks force main.

Water Utilities pre-qualified seven (7) contractors to participate in bidding for multiple budgeted projects. The intention is to award a construction task authorization to the winning bidder for each respective project. Each project undergoes the standard process of bidding through the City's Purchasing Department. Purchasing issued Invitation to Bid No. 2262A to procure the services of one of these prequalified and experienced contractors to perform the work for the SW Wastewater Pump Station Flow Reversal Project. The following three (3) responses were received:

<u>Company</u>	<u>Location</u>	<u>Evaluated Cost</u>
Kamminga & Roodvoets, Inc.	Tampa, FL	\$ 260,641.00
Killebrew, Inc.	Lakeland, FL	\$ 405,600.00
Garney Companies, Inc.	Winter Garden, FL	\$460,100.00

City Staff, as well as Chastain-Skillman, Inc., the City's Engineer of Record, evaluated the bids and determined that K&R was the lowest responsive, responsible bidder. Subsequently, a Notice of Intent to Award was sent out on October 21, 2022.

K&R will perform all construction services for this project for the total sum of \$260,641.00 and in accordance with the terms and conditions in the original pre-qualification agreement (RFQ7363) and this bid (ITB2262A). The work is expected to start as soon as possible and to be completed in Summer 2023. The total cost of the project has been included in Water Utilities' FY2023 budget.

Staff recommended that the City Commission approve and authorize the appropriate City officials to execute the Construction Task Authorization with Kamminga & Roodvoets, Inc. for the SW Pump Station Flow Reversal project.

Palmer Davis presented this item to the Commission.

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.

Memo re: Contract for Preliminary Design-Build Services with Garney Companies, Inc. for Western Trunk Gravity Sewer Replacement Phase 1 - Route Evaluation

This proposed Contract with Garney Companies Inc. (Garney) was for progressive design-build services to replace the existing 36" Western Trunk Gravity Sewer Line.

The City owns and operates many gravity sewer lines, and the Western Trunk is one of the City's largest. This trunk line is responsible for a flow of approximately 3.5 million gallons per day (MGD) annual average, and terminates at the City's Southwest Pump Station through a 36-inch gravity sewer line.

The existing 36-inch reinforced concrete pipe gravity sewer and manholes were lined in the late 1980's. This refurbishment was done with a lining system that reduced the line from 36 inches to approximately 30 inches. The line has reached its capacity and is also starting to show numerous maintenance concerns with localized repairs.

RFQ No. 2033 was previously issued and the shortlist of two (2) companies was approved at the June 20, 2022, City Commission meeting. RFP No. 2235 was subsequently issued on June 26, 2022, to make the final selection. The proposals were evaluated by staff and the ranking is as follows:

<u>Ranking</u>	<u>Company</u>	<u>Location</u>
1.	Garney	Winter Garden, FL
2.	Killebrew	Lakeland, FL

Project management is being performed in three (3) phases: (1) Preliminary Engineering/Route Study, (2) Final Engineering, and (3) Construction with a Guaranteed Maximum Price (GMP). Each phase will be brought to the City Commission for approval of respective contracts.

The Contract is for the first phase of this overall project, which is the Preliminary Engineering/Route Study. City staff and Garney will continue to negotiate a second contract to cover the specific design and construction of the Project, which will be brought back to the City Commission later. Under Phase 1 of this Project, Garney will perform branch investigation, survey existing manholes, conduct hydraulic modeling, and perform subsurface utility investigations, among other things, that will ultimately result in a Report and Recommendation to find the best route for the future sewer line.

Garney will be compensated based upon a fixed fee arrangement in accordance with the following fee schedule:

Total Phase 1 Cost Allocation w/ Allowances: \$781,683.00

PHASE 1 SCOPE & FEE		
TASK	DESCRIPTION	FEE
TASK 1	General Project Management & Meetings	\$ 99,621.00
TASK2	Branch Verification & CCTV Support Allowance	\$ 52,120.00
TASK3	Survey Existing Manholes	\$ 85,044.00
TASK 4	Hydraulic Modeling	\$ 13,000.00
TASK 5	Route Analysis	\$ 158,898.00
TASK 6	Final Route Survey Allowance	\$ 151,000.00
TASK 7	SUE Preparation & Allowance	\$ 199,000.00
MISC.	Project Contingency	\$ 25,000.00

Task 2 includes an allowance for CCTV of existing sewer lines and Task 3 includes an allowance for access to manholes and maintenance of traffic, if necessary. Tasks 6 and 7 are work items for Phase 2, but allowances are included here to get an early start while Phase 2 contracting is underway.

This Project has been approved and budgeted in Water Utilities' FY 2023 budget and is anticipated for further budgeting for the life of the Project through FY 2026. It is also partially funded by the American Rescue Plan Act, which will provide \$17.8 million toward the Project. All Work associated with Phase 1 will be completed in March 2023 and current projections are for the total Project to be completed in late 2026.

Staff recommended that the City Commission approve and authorize the appropriate City officials to execute the attached Contract with Garney Companies Inc. for preliminary design-build services.

Palmer Davis presented this item to the Commission.

Motion: Commissioner Mike Musick moved to approve the recommendation. Commissioner Stephanie Madden seconded.

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

Robby Kniss explained they will begin Phase I right away. Phase II will begin after that. He anticipated it to cost \$5-7 Million. The project is complicated because of the urban route. They do not know what they will find underground. The goal is to be finished by 2026.

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

Indemnification Agreement with Polk County for Installation of Fiber Optic Cable Beneath CSX Right-of-Way on County Line Road

This Indemnification Agreement with Polk County related to the installation of conduit for fiber optic cable beneath CSX right-of-way south of the intersection of US 92 and County Line Road. The City of Lakeland, through its contractor, Cobb Site Development, is constructing improvements to the intersection of US 92 and County Line Road. In conjunction with these improvements, the traffic signal at the US 92/County Line Road intersection will need to be synchronized with the traffic signal at the intersection of County Line Road and Amberjack Boulevard. To accomplish this, the signals will need to be connected by fiber optic cable.

Because County Line Road is a Polk County roadway, CSX Transportation is requiring Polk County to enter into an Encroachment Agreement with them for the installation of the conduit under the CSX right-of-way and track. The City is involved because it was successful in receiving an award of construction funding from the State of Florida Economic Development Transportation Project Fund relating to the Amazon facility off County Line Road. The City previously constructed improvements to the Amberjack Boulevard/County Line Road intersection related to the Amazon facility with these funds and is constructing the improvements to the US 92/County Line Road intersection with the same grant funds.

Under the Indemnification and Hold Harmless Agreement, the City, in exchange for Polk County entering into an encroachment agreement with CSX, agrees to indemnify the County from any negligence, recklessness or intentional wrongful misconduct by the City or its contractors related to the installation of the conduit under the CSX right-of-way. The City also agrees to require its contractors (in this case, Cobb and its subcontractors) to indemnify the County from any negligence, recklessness or intentional wrongful misconduct related to the project.

Staff recommended that the City Commission approve the Indemnification and Hold Harmless Agreement with Polk County and authorize the appropriate City officials to execute the Agreement on behalf of the City.

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

UTILITY

Ordinances – None

Resolutions - None

Miscellaneous

Memo re: Task Authorization with TEAMWORKnet, Inc. for Inspection of Wood Utility Poles

This proposed Task Authorization with TEAMWORKnet, Inc. (TWN) was for the assessment of wood utility poles for Lakeland Electric. The Public Service Commission requires all electric utilities in Florida to inspect their wood poles on an eight (8) year inspection cycle. As a result of such inspections, poles that are inspected and cannot be treated or restored are then scheduled to be replaced. The City currently contracts

with Osmose Utility Services, Inc. to inspect approximately 7,500 of Lakeland Electric's 58,000 wood utility poles each year. As a result of these inspections, approximately 1,000 of those poles require replacement.

Lakeland Electric's engineering group currently does not have the available staff to keep up with the crews that replace poles. Accordingly, TWN will provide one (1) senior engineer and one (1) engineering assistant to assess and create the necessary work orders for 1,100 of Lakeland Electric's wood poles. Pursuant to this Task Authorization, TWN will provide an initial assessment of 100 poles to establish quality assurance/quality control standards to ensure efficiency in the replacement process. Following this initial assessment, TWN will then provide Lakeland Electric with long term support for data collection and creation of pole work orders for the remaining 1,000 poles, which is anticipated to be completed within a fifty (50) week period.

Upon approval by the City Commission, TWN will commence services for the assessment of the 1,100 poles. All services pursuant to this Task Authorization will be performed in accordance with the terms and conditions contained in the City's Continuing Contract for Electrical Engineering Services with TWN approved by the City Commission on August 15, 2022, and TWN's proposal dated October 24, 2022. All reimbursable expenses shall be paid in accordance with the City's Consultant Expense Reimbursement Policy. The total not-to-exceed cost of the services is \$236,480 and included in Lakeland Electric's FY2023 budget.

Staff recommended that the City Commission approve this Task Authorization with TWN for the assessment of wood utility poles and authorize the appropriate City officials to execute all corresponding documents on behalf of the City.

Deputy City Attorney Ramona Sirianni presented this item to the Commission.

Motion: Commissioner Sara McCarley moved to approve the recommendation. 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: Agreement with Plant-N-Power, Inc. for Larsen Unit 8 Outage Contractor Services

This proposed Agreement with Plant- N- Power, Inc. was for Larsen Unit 8 boiler maintenance and repair services. On October 17, 2022, Larsen Unit 8 was taken off-line for its scheduled Fall outage. During this outage the Heat Recovery Steam Generator will undergo repair work to replace evaporator piping and economizer tube sections, as well as inspections related to these services. These components are critical to steam generation and have suffered repeated failures in recent years.

On August 26, 2022, the City's Purchasing Department issued Invitation to Bid No. 2259 seeking qualified and experienced contractors to perform outage boiler services at Larsen Unit 8 in accordance with the City's Bid Specifications. The City received responses from the two (2) contractors listed below.

Contractor	Location	Bid Price
Plant-N-Power, Inc.	Silverhill, AL	\$132,652.00
Mid-State Industrial Maintenance, LLC	Lakeland, FL	\$247,833.00

Upon evaluation by City staff, Plant-N-Power, Inc. was selected as the most responsive responsible bidder with the lowest price capable of providing the services in accordance with the City's Bid Specifications. Upon City Commission approval, the work is scheduled to be completed during Unit 8's Fall outage scheduled from October 17, 2022, through December 12, 2022. Plant-N-Power, Inc. will perform all services pursuant to the terms and conditions set forth in the City's Bid Specifications and Plant-N-Power Inc.'s submittal to the City's Bid Rev 1, dated September 14, 2022. Pursuant to the Agreement, Plant-N-Power, Inc. will provide all material, equipment and labor to perform the work. The total cost of the work is \$132,652.00 and is included in Lakeland Electric's FY23 budget.

Staff recommended that the City Commission approve this Agreement with Plant- N-Power, Inc. for Larsen Unit 8 boiler maintenance and repair services and authorize the appropriate City officials to execute all corresponding documents on behalf of the City.

Ramona Sirianni presented this item to the Commission.

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 from the audience.

The Commission discussed:

- The supervisor position. Staff discussed the matter with Midstate prior to deciding.
- There is not an opportunity to adjust a bid because of the sealed bid process.
- The window to dispute the award had closed.

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

Memo re: Agreement with Optimus Industries, LLC to Furnish a Rotor Air Cooler for McIntosh Unit 5

This Agreement with Optimus Industries, LLC (Optimus) was to furnish a replacement Rotor Air Cooler for McIntosh Unit 5. The Rotor Air Cooler is a two-pressure heat exchanger which uses low pressure and intermediate pressure water from the Unit 5 Heat Recovery Steam Generator (HRSG) to cool compressor discharge air before returning it to the turbine to cool the rotor. During this process, the drum water is heated to steam and returned to the HRSG. The Rotor Air Cooler for Unit 5 is original equipment manufactured by Chanute Manufacturing Company, a division of Optimus. After over twenty (20) years of service this equipment has reached the end of its useful life and needs replacement due to leaks that continue to plague the system, which can trip the Unit and cause forced outages.

The City's Purchasing Department approved Optimus, the original equipment manufacturer of the Rotor Air Cooler and now a division of The Babcock & Wilcox Company, as a sole source vendor for this replacement. Upon approval by the City Commission, Optimus will begin engineering and fabrication of the Rotor Air Cooler, which is anticipated to be delivered in December 2023 and installed by Lakeland Electric staff during a scheduled outage in the Spring of 2024.

This Agreement will be governed by Optimus' proposal dated October 28, 2022. Optimus' initial bid price for the work is \$1,061,707. Due to market conditions related to the procurement of materials needed, City staff is requesting a 5% contingency in the amount of an additional \$53,085 be added to the initial bid price. The total cost of the work is \$1,114,792 and is included in Lakeland Electric's FY23 budget.

Staff recommended that the City Commission approve this Agreement with Optimus to furnish a Rotor Air Cooler for Unit 5 and authorize the appropriate City officials to execute all corresponding documents on behalf of the City.

Ramona Sirianni presented this item to the Commission.

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 from the audience.

Ramona Sirianni spoke to the possible 25% increase. Once the contract was signed, the 25% provision was no longer available.

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

AUDIENCE

Terry Coney congratulated Commissioner Samuel Simmons. He reminded the Commission of the Veterans Day Ceremony this Saturday at Veterans Park.

MAYOR AND MEMBERS OF THE CITY COMMISSION

City Attorney and City Manager Compensation - Following 10/14/22 Annual Review Workshop

Motion: Commissioner Bill Read moved to approve an ATB of 5% and a 2.5% merit increase effective October 1, 2022, for the City Manager and the City Attorney. 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.

Commissioner Bill Read: Go vote tomorrow.

Commissioner Stephanie Madden gave a shout out to Traffic Ops and ADA team for their work at the Safe Streets Symposium.

Commissioner Mike Musick thanked the team on the fire contracts and the selection of the new police chief.

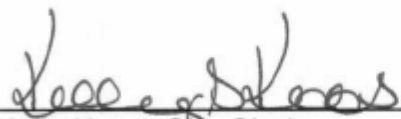
Commissioner Samuel Simmons stated this was a momentous event for him.

Mike Brossart offered an update on the storm recovery. As of Friday, the estimate is slightly less than \$1.6M in debris pick up.

Kevin Cook explained the haulers grind the debris and they use it at some other construction sites.

CALL FOR ADJOURNMENT – 10:43 a.m.


H. William Mutz, Mayor


Kelly Koos, City Clerk

