LAKELAND CITY COMMISSION

Regular Session
December 20, 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. Assistant City Manager Emily Colon, City Attorney Palmer Davis, Finance Director Mike Brossart, and City Clerk Kelly Koos were present.

CALL TO ORDER – 9 a.m.

PRESENTATIONS

2021 Christmas Parade Winners (Bob Donahay, P&R Director)

Florida Fire Chiefs' Association (FFCA) Firefighter Safety, Health and Wellness Award of Excellence (Lakeland Fire Department)

COMMITTEE REPORTS AND RELATED ITEMS

Finance Committee 12/17/21

Commissioner Chad McLeod presented this report.

Motion: Commissioner Phillip Walker moved to approve the report. Commissioner Mike Musick seconded.

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

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously, 6-1. Commissioner Bill Read was absent.

Real Estate & Transportation Committee

Commissioner Mike Musick presented this report.

1. Second Addendum to Parking License Agreement for Main Street Garage with Broadway RES, LLC. Jason Willey recapped the "swap" of parking spaces between the two entities and two garages.

2. First Amendment to Parking Garage Lease Agreement with 210 South, LLC

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

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

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously, 6-1. Commissioner Bill Read was absent.

Motion: Commissioner Phillip Walker moved to approve the Second Addendum with Broadway RES, LLC. Commissioner Sara McCarley seconded.

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

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously, 6-0. Commissioner Bill Read was absent.

Motion: Commissioner Chad McLeod moved to approve the First Amendment with 210 South, LLC. Commissioner Phillip Walker seconded.

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

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously, 6-0. Commissioner Bill Read was absent.

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 Chad McLeod seconded.

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

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously, 6-1. Commissioner Bill Read was absent.

APPROVAL OF MINUTES (with any amendments)

* City Commission Minutes – Dec 3-6
* Utility Committee Minutes – Dec 3

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC - None

EQUALIZATION HEARINGS - None

PUBLIC HEARINGS

Ordinances (Second Reading)

Proposed 21-055; Proposed Text Amendment to the Lakeland Comprehensive Plan: Our Community 2030 to Update the Water Supply Plan Consistent with the Central Florida Water Initiative Regional Water Supply Plan (1st Rdg. 12-06-21)

Palmer Davis explained staff was awaiting comments from the State on this text amendment and requested the Commission continue this public hearing.

Motion: Commissioner Phillip Walker moved to continue the public hearing. Commissioner Chad McLeod seconded.

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

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

Ordinance 5909; Proposed 21-056; Amending Ordinance 4547, as Amended; Major Modification of PUD Zoning for Tracts B and C of Morgan Creek Preserve to Allow for the Construction of 321 Single-Family Detached Homes on Approximately 129.33 Acres Generally Located North of West Pipkin Road, South of Medulla Road, East of Hamilton Road and West of Micanope Crescent Drive (1st Rdg. 12-06-21)

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 4547, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PUD ZONING FOR TRACTS B AND C OF MORGAN CREEK PRESERVE, TO ALLOW FOR THE CONSTRUCTION OF 321 SINGLE-FAMILY DETACHED HOMES ON APPROXIMATELY 129.33 ACRES GENERALLY LOCATED

NORTH OF WEST PIPKIN ROAD, SOUTH OF MEDULLA ROAD, EAST OF HAMILTON ROAD AND WEST OF MICANOPE CRESCENT DRIVE; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the title and explained this was the zoning case related to Morgan Creek. He asked for staff to make their comments and to hear from the public prior to making a motion.

Assistant Director of Community Development Teresa Maio gave a brief presentation. This development was a 130-acre mix of residential and conservation land use designations. It was part of a larger PUD originally approved in 2004. Attachment C in the ordinance showed several development tracts.

Commissioner Bill Read arrived at 9:32 a.m.

Teresa Maio continued: today was a modification with tracts B and C. This will allow for 152 lots in Tract C and 158 lots in Tract B. There would be no direct connection between Phase I and the future Phase II. There would be a reallocation of priority so that there would be an amenity center at Tract B before the redevelopment of Tract D. This would also introduce new lot size within the overall development of 5400 sq. ft.

At the Planning & Zoning Board there was discussion of buffering. They will retain the natural vegetative buffer on the west. They will enhance this buffer with plants that will block view within 3 years. The Planning & Zoning Board also discussed connectivity and placed conditions to address connectivity. There were changes to the conditions to amenities to break them out by tracts. Each tract would have their own recreation area which will be constructed at development thresholds.

Palmer Davis explained staff received a suggested change from the attorney representing the residents (attached). He reviewed those suggested changes.

Language Suggested by Resident's Attorney

~~I.~~G. Parks and Recreation Facilities: Civic open space shall be provided in accordance with Article 3 of the Land Development Code and shall include:

1. Tract A: A ~~clubhouse on a minimum 20,000 square foot lot, two tot lots on minimum 5,000 square foot lots, and an area for active outdoor recreation on a~~ minimum 65,000 square foot lot with amenities as illustrated in Attachment "C-2 ~~and "C-3.~~for the use and enjoyment of the Tract A lot owners as may be otherwise authorized.

2. Tract F: A 25,400 square foot square as illustrated in Attachment "C-1B."

3. Tracts B and C: Recreational and civic open space shall be provided in accordance with Sub-Section 3.4.6 of the Land Development Code and as shown on Attachment "C-1C." On the parcel identified as a "Recreation Area," a clubhouse amenity center shall be constructed prior to the platting of the 169th lot or the issuance of a Certificate of Occupancy for the 100th dwelling unit~~.~~ for the use and enjoyment of the Tract B and C lot owners, as may be otherwise authorized.

. . .

~~S.~~Q. Homeowners Association: Each ~~The~~ project phase shall have ~~one or more~~ a homeowners association~~s~~ which shall be responsible for the maintenance of their respective common areas~~.~~, such that the existing Morgan Creek Preserve Residents' Association, Inc., shall continue its existence as the sole, lawful homeowners' association responsible for Tract A, also identified as the Morgan Creek Preserve, Phase One Subdivision, recorded at Plat Book 132, Pages 50-51,beginning on the Effective Date of this Ordinance, and regardless of the formation or not of any homeowners association(s) for Tract B, C, or F.

Teresa Maio: staff recommended approval as presented.

John Hall representing the applicant came forward and addressed the changes suggested by the residents' attorney. They were ok with #3. #1 needed to be changed to Tract A and F if they would accept. The reference to owners only should include lease holders as homes may be rented. Item Q the applicant rejected that item completely at this time. They would have to return to the City before any development could occur in that area. The lots are a little different in size by a small amount. The lots are 5 ft narrower but deeper to allow more cars in the driveway and patio/pool in the back yard.

Teresa Maio clarified the PUD referred to Tract F as the tract north of Phase I/Tract A. When Phase I of Morgan Creek was platted, the plat referred to the amenity center as Tract F.

Mayor Bill Mutz asked for comments from the public.

Beverly Crawford Humphries asked all Phase I residents to stand. The developer-controlled association took back a substantial portion of the dedicated common area after the residents and owner members had collectively owned it for over 13 years.

Tye Eric stated that reducing amenities will reduce the value of their homes.

Dr. Richard Placid stated that homeowners pay fees for the pool and RV/Boat storage on Tract F. The common area has been turned into a for-profit business next to the residential neighborhood without the association controlling the facilities or the use.

Bob Haas stated that the developer noticed a zoom meeting for Dec 21 to explain why and where he is moving the residential amenities. They opposed moving those.

Ray Jolly read a statement into the record. Brian Frasier is the sole managing member of MGDII LLC, the petitioner here today. He is also the controlling director/developer of Morgan Creek Preserve Residents Association. He is the only director/officer of Landstar Lakeland. They proposed changes to the amendments to address the homeowner's concerns. They objected to Tract F being permitted to use the amenities of Phase I. Each phase was to have one homeowner's association. The HOA wanted control of Phase I and its amenities. He asked the applicant to give verbal agreement to give control within 45 days.

Jackie Mycuff spoke about Fire Station #7's service area. They were concerned about public safety and their ability to respond. She requested a rescue truck for Station #7

Pam Stevens of Carillon Lakes expressed concern about safety infrastructure in south west Lakeland. She called for a public safety discussion.

Barbara Sweeney of Carillon Lakes asked if staff was talking with the fire chief about resources for southwest Lakeland.

Donna Willett of Carillon Lakes spoke about continued growth in the southwest quadrant of the city. She asked the Commission to consider the needed resources to meet that growth.

Cory Odum clarified Tract A did not include the lot to the southeast. He objected to nonresidents utilizing amenities. He did not believe that was up to the Commission. He also still wanted Mr. Hall to commit to turn over ownership to HOA.

Palmer Davis clarified Tract A in the plat is part of Phase 1. The group agreed to call the amenities the Community Center rather than Tract F.

Richard Savoy: When he walked the property it included a pool, and lots for RVs. If we lose any amenities, our houses lose value. We could also lose residents.

John Joyner did not oppose tracts B & C being developed. He did oppose the spine road coming all the way thru from Pipkin to Medulla. He would like that removed from the PUD. He was concerned about drainage and Medulla.

Kelly Bento, resident on Hamilton Road, was opposed to the spine road through Tracts B and C. That will increase traffic on Hamilton Rd.

LeAnn Joyner of Hamilton Rd also objected to the spine road. It would connect traffic to bypass County Line and Pipkin. Semi-trucks are using Hamilton Rd now.

Billy Friend of Medulla Rd. He supported the development.

Trevor Jones Medulla Rd lived directly north of tract E where the spine road would come out. He was concerned about development. It was already difficult to leave his driveway during Sun 'n Fun events.

Mayor Bill Mutz asked Teresa Maio to comment on the spine road.

Teresa Maio: the way the condition is written today, it is not approving the spine road. It only requires the stub out to the north for future development of Tract E. It was planned for because of the topology of Pipkin and to spread traffic out more evenly. The spine road would also assist with emergency response to Tract E. Any action taken by the Commission today would not approve that spine road

Commissioner Phillip Walker thanked everyone for coming and sharing their concerns. We are concerned about these infrastructure issues throughout the City.

Commissioner Sara McCarley asked to see the satellite view of Morgan Creek Preserve. She applauded the public for coming forward. Their comments were important when

Tract E does develop and it may be a completely different commission at that time. The parcel with the amenities is not Tract F. The satellite view gave a better overview.

Commissioner Chad McLeod asked about response times.

Chief Riley: from his perspective they were looking at response times and number of calls. They have that issue everywhere. Their challenge right now was northwest Lakeland. The numbers are not there for northeast and southwest Lakeland yet. The response times are too long in north Lakeland. They were looking at a 9-12-minute response time right now. They would be planning when the numbers were there to require action.

Commissioner Phillip Walker clarified that fire staff was looking at these issues throughout the city.

Commissioner Bill Read: where is the nearest County facility? We do overlap. Chief Riley: The County was building a new station on Ewell Rd. There was an old station on Medulla but it was just volunteer. The City had a mutual aid agreement with the County. They can call each other but the response is not automatic.

Commissioner Bill Read: Do we need a rescue truck at Station 7? Chief Riley will continue to look at a rescue truck at stations 7 and 5.

Commissioner Mike Musick asked Chief Riley to explain the process on how they monitor the situation. Chief Riley: we measure capacity of the individual trucks including training and maintenance.

Commissioner Mike Musick: what is the timeframe between being at capacity and then getting additional trucks. Chief Riley there was not a time frame. They monitor and then present at strategic planning when needed.

Commissioner Mike Musick asked if they had to have the spine to access tract E. Teresa Maio: The City required the stub out to eventually provide access to E should it develop.

Commissioner Mike Musick asked to hear from Chuck Barmby

Business Development & Transportation Manager Chuck Barmby: everything discussed today is the same conversation in 2008 during the development of the Southwest Sector Plan, which was coordinated with Polk County. Staff wanted to build a grid system to take some traffic off the main road. They needed a connection to take traffic off Medulla Rd. They did not want to see suburban roads widened and the Sector Plan designated Medulla Road a "Canopy Road". Making more connections between neighborhoods would make it possible to preserve neighborhood character. Staff was working to improve Hamilton Rd. Signals are always the biggest challenge. For a signal to be installed it had to meet national criteria. There is a requirement for a signal by

Riverstone. Hamilton and Drane Field was different but a signal will be needed there eventually.

Commissioner Mike Musick: the downside of improving a road is that it becomes more desirable to drive on.

Chuck Barmby: planning for the spine road is important so there is not a complete melt down in the future.

Billy Friend questioned Medulla Rd and Pipkin Rd red light. He suggested a temporary light like Lunn and Ewell. When was the last road study on Medulla and Hamilton? Chuck Barmby: that last study was about a year ago. During COVID the volumes were depressed. The next time the City would look at it would be the development of Tract E or in a partnership between the City and County.

Commissioner Phillip Walker: We must remember that we work with our County partners to resolve these issues.

Commissioner Stephanie Madden thanked the citizens for engaging on this issue. She was still confused with the amenities and Tract F. There seems to be a lack of trust on who owns the recreational area. There are two sides to every story. It sounds to her that the residents are concerned that they will lose amenity space if they do not gain ownership of the HOA. It sounds like the residents are trying to use this action to gain ownership.

Palmer Davis reviewed the exhibits to the ordinance.

Teresa Maio reviewed the attachments to the ordinance. It depicted the amenity center. Any change to that would require a modification to the PUD, which was not being considered today. The development of the parcel to the north did not have a connection to the south except for a pedestrian connection. Staff has recommended they remove that connection in future modification to the PUD.

Palmer Davis clarified there is nothing in the existing ordinance that allowed Tract F to use the amenities in Phase 1 or Tract A.

Teresa Maio: The only connection to Tract A listed is a pedestrian connection to the north/Tract F which staff has recommended the developer of that tract to remove prior to future development. The reformatted conditions broke out the amenities by tracts and each phase has its own HOA.

Commissioner Bill Read cleared things up by saying we are not considering anything related to tract E or F today. Tract A HOA ownership was a civil issue between the residents and the citizens. The city cannot weigh in on that issue. Tracts B and C would have their own amenities. All we must do is vote on the planning for B & C today. He was glad everyone was here to make their statements because eventually this will come up. It seemed cut and dry to him to vote today on the specific issues.

Commissioner Mike Musick: speaking to the Drane Field & Hamilton Rd residents, it was good they came today but their fight is still ahead of them.

John Hall, applicant representative, appreciated comments. He wanted to address some concerns. The 65,000 sq. ft. amenity center was already codified in phase I. They will not reduce the amenities. There was a board of directors who would attend the zoom meeting tomorrow. George Gibson, and Cindy Howe did not live in the neighborhood but they are the named directors. He could not commit to the 45-day turnover. He could agree to turn it over in keeping with FS 720. That would take about 90 days. They will hire a separate law firm to handle that turnover. They will represent the association not the developer. There will be meetings and an elected board as part of that turnover. They could not put a signal at Medulla and Pipkin because of the 4-laning of Pipkin Rd. That widening will help some of the problems. They may still need a signal in the future. There will be 321 lots in B and C. He agreed with Commissioner Bill Read on what the Commission is considering today. They would like time for their attorney to review the suggested changes. He asked that today's decision be based on Staff's recommendation.

Commissioner Chad McLeod: re the recommended changes. He was hesitant to adopt changes at the last minute. Did the applicant object to the terms in Item Q? Mr Hall could not respond right now as they just received it this morning and have not discussed it with their attorney. He agreed that last minute changes were risky.

Commissioner Chad McLeod: heard from HOA and thought they had valid concerns but did not think they should be tied to approval of Tracts B and C. Mr Hall thought the time to deal with their concerns was during the HOA turnover.

Commissioner Sara McCarley asked about the turnover. The 90% applies to all tracts? Mr. Hall once 90% of all lots in all phases have been sold. This action today triggers the turnover.

Commissioner Phillip Walker: the discussion of the HOA turnover will begin tomorrow with the zoom call? Mr. Hall yes that will be discussed tomorrow however it will not start to take place until after the appeals process has been completed.

Palmer Davis: it was 30 days for any challenges to be filed with the circuit court.

Commissioner Stephanie Madden stated it was a civil situation.

Beverly Humphries was concerned about all amenities. The zoom meeting tomorrow is to discuss the sport complex and tot lot being moved. The HOA turnover is not on the agenda. She believed they wanted to move the amenities to build additional houses.

She was concerned that Mr. Hall was representing the developer not the HOA. She thought Commissioner Bill Read should recuse himself as he and Mr. Hall are friends.

Commissioner Stephanie Madden wanted Palmer Davis to clarify what is codified for the amenities. Palmer Davis stated that those items were depicted in the site plan. They could not relocate the amenities without coming back to the Commission.

Commissioner Stephanie Madden clarified that this vote today was not putting any of those amenities in jeopardy.

Mayor Bill Mutz wanted to see a motion to include the changes that were handed out this morning. Mr Hall wanted the Commission to consider the application as recommended by staff without changes.

Commissioner Bill Read did not support taking action on the requested changes. It was a civil issue that they should resolve without the Commission.

Palmer Davis: G-1 was limited to the 65,000 sq. ft. and G-3 were limited to B and C. Q he was indifferent. He did not think it made much difference.

Teresa Maio: staff recommendation was sufficient to require that each phase have their own HOA. and be responsible for maintenance of the amenities and common areas. Adding the highlighted language did not make much difference. She suggested using the word "residents" rather than "lot owners."

Palmer Davis: staff supported 1 and 3 with the word "resident."

Motion: Commissioner Phillip Walker moved to approve the ordinance with changes provided in item G1 and G3 replacing the words "lot owners" with "residents". Commissioner Mike Musick seconded.

Commissioner Sara McCarley: we find ourselves in a hard spot. It is difficult to represent citizens and work with HOAs. If Q clarifies the matter, she would support that. She liked using the word "residents." She was challenged about not adding Q if it gives the residents peace of mind.

Commissioner Phillip Walker wanted to do what was best for citizens but also wanted to follow the advice of the legal advisors so as not to cause legal problems in the future.

Commissioner Chad McLeod clarified the motion was to approve with changes to 1 and 3 and using the word "residents."

Commissioner Stephanie Madden was in favor of B & C not being contiguous and each having their appropriate amenities. She liked that this gave the residents the 90% to gain HOA ownership. She was concerned about the flyover zone and the potential new houses. She would vote no over that.

Commissioner Bill Read asked Mr. Hall if he was amenable to 1 and 3. Mr. Hall wanted Tract A changed to Phase I, which would include Tract A and the land to the east that the developer referred to as Tract F. He referred to the amenities as Tract F. He wanted the hashed-out area (airport overflight zone) to be included in Tract F. Palmer Davis opposed the change to terminology, as Tract A in the legal description included Phase I of the plat.

Action: Upon roll call vote Commissioners Phillip Walker, Mike Musick, Sara McCarley, Stephanie Madden, Chad McLeod, and Mayor Bill Mutz voted aye. Commissioner Read voted nay. Ayes-six. Nays-one. The motion carried.

Ordinance 5910; Proposed 21-057; Approving the Inclusion of Certain Lands within the Boundaries of the Lakeland Area Mass Transit District (1st Rdg. 12-06-21)

> AN ORDINANCE RELATING TO THE LAKELAND AREA MASS TRANSIT DISTRICT; MAKING FINDINGS; APPROVING THE INCLUSION OF CERTAIN LANDS WITHIN THE BOUNDARIES OF THE LAKELAND AREA MASS TRANSIT DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

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

Resolutions

Resolution 5734; Proposed 21-089; Establishing the City Commission's Intention to Utilize the Uniform Method of Collection to Collect All Unpaid Demolition and Lot Clearing Non-Ad Valorem Special Assessments Levied by the City Commission during Calendar Year 2021 and Preceding Years

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA ELECTING TO UTILIZE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS, AS AUTHORIZED UNDER SECTION 197.3632, FLORIDA STATUTES, FOR COLLECTING ALL UNPAID DEMOLITION AND LOT CLEARING NON-AD VALOREM SPECIAL

ASSESSMENTS LEVIED BY THE CITY COMMISSION DURING CALENDAR YEAR 2021 AND PRECEDING YEARS; ADOPTING FINDINGS OF FACT; STATING THE NEED FOR THE LEVY OF SAID ASSESSMENTS; PROVIDING FOR THE MAILING OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

Action: Upon roll call vote Commissioners Phillip Walker, Mike Musick, 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

Agreement with Waller Construction, Inc. for Construction of a Screen Wall for the Bay Street Substation – Bid No. 1266

Action: This item was removed from the agenda.

CITY MANAGER

* **Recommendation re: 2021 Report of Local Affordable Housing Incentives**

The William E. Sadowski Affordable Housing Act, enacted by the Florida legislature in 1992, established a funding source for local governments to expand the production and preservation of affordable housing.

The State Housing Initiatives Partnership Program (SHIP) was created and provides distribution of Sadowski Funds to local governments to develop housing strategies that promote partnerships to preserve, improve and provide housing for families at or below 120% of area median income. SHIP entitlement communities are required to appoint an Affordable Housing Advisory Committee (AHAC) that reviews 11 specific incentives that are outlined in Florida Statutes.

Each AHAC must also review and evaluate the implementation of affordable housing incentives and submit an annual report. The report includes a review of established policies and procedures, including the Land Development Code and Comprehensive Plan, and recommends specific actions or initiatives to encourage or facilitate affordable housing.

This year's report was reviewed and approved by the City of Lakeland AHAC on November 18, 2021. This report must also be presented to the City Commission by December 31, 2021 and forwarded to Florida Housing Finance Corporation (FHFC) in Tallahassee by May 30, 2022.

Staff recommended the City Commission approve the attached 2021 Report of Affordable Housing Incentives and transmit it to the FHFC.

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

Recommendation re: Proposed Change Order No. 7 to Cobb Site Development, Inc.'s Construction Agreement for the North Wabash Avenue Extension Project

The North Wabash Avenue Extension is an 0.85-mile project that will connect North Wabash Avenue with Fairbanks Street. The southern limits of the project are Crutchfield Road (map attached the agenda item). The project will provide a two-lane roadway, 6' wide sidewalks on both sides of the street, street lighting, a new railroad crossing, stormwater drainage system, and an improved intersection at 10th Street with the addition of a traffic signal.

The City Commission awarded the construction agreement to Cobb Site Development Inc. (Cobb) in October 2020 and commenced construction of the project in November 2020. Construction is more than 60% complete. The subject Change Order No. 7 has multiple tasks included:

- Item 1: Time Extension (Weather Days + Holidays): Additional 34 days to contract
- Item 2: Surcharge Wick Drain Delay Claim: Increase of $163,362.33 and additional 18 days to contract time
- Item 3: Field Orders 1- 10 Unpaid Items and additional MOT: Increase of $19,060.72

This change order will be funded from the Transportation Fund and Lakeland Electric CIP.

Staff recommended that the City Commission authorize the appropriate City officials to execute Change Order No. 7 to the construction agreement with Cobb Site Development, Inc. for the North Wabash Avenue Extension project in the amount of $182,423.05 and the addition of 52 contract days.

Emily Colon presented this item to the Commission.

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

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

Commissioner Phillip Walker asked about the intersection of 10th and Wabash. Was it supposed to be raised? Greg James it will be raised. They must excavate for pipework first.

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

Recommendation re: Lakeland Linder International Airport - Agreement with Hughes Aerospace Corporation for Development and Implementation of new Instrument Flight Procedures for Noise Abatement

In March of 2021, Lakeland Linder International Airport (LAL), under the guidance of the Federal Aviation Administration (FAA), began developing a RVFP Feasibility Study to explore a new approach procedure to Runway 28 that would mitigate noise concerns within the community. Under FAA Order 8260.3E, United States Standard for Terminal Instrument Procedures (TERPS), LAL began to develop a RNAV Visual Flight Procedure (RVFP) that would take arriving transport category aircraft over the Polk Parkway. With the assistance of subject matter experts, consultant ABCx2, the Airport developed and submitted the RVFP Feasibility Study to the FAA on August 6, 2021.

Subsequently, the Airport met with FAA officials on October 5, 2021 to review the RVFP Feasibility Study at which time they indicated the RVFP procedure would only be implemented as a "last resort". The FAA further advised the Airport that our best option was to develop a Performance Based Navigation Procedure. According to the FAA it would take them three (3) to five (5) years to develop the new procedure in house. Since the Airport is actively trying to mitigate noise concerns sooner, the FAA recommended the Airport enter into an agreement with one of their approved vendors identified on their published Non-FAA Service Provider Contacts List. The Airport selected Hughes Aerospace Corporation which focuses on the development of approach and departure procedures within the National Airspace System (NAS).

This highly specialized project requires the assistance of subject matter experts and specific equipment to deliver an FAA approved approach within twelve (12) months. The Airport is seeking approval to enter into an agreement with Hughes Aerospace Corporation to develop a new CFR 14 Part 97 Public RNAV (RNP) and/or (GPS) Instrument Flight Procedure for noise abatement to Runway 28 in addition to noise abatement departure procedures for Runway 10.

The overall Agreement is valued at $201,150. The Agreement is segregated into three (3) milestones with payments due in accordance with predefined deliverables with 40% or $80,460 due upon contract execution. The next payment of 30% or $60,345 would be due after completion of the second milestone and the third payment of 30% or $60,345 would be due upon completion and acceptance by the Airport of all contract deliverables. Either party can cancel the contract at any time during the contract period with 15 days prior written notice.

Staff recommended that the City Commission authorize appropriate City Officials to enter into the Agreement with Hughes Aerospace Corporation for a total amount of $201,150. This funding is included in the Airport's FY 2022 operational budget and no additional appropriations are required to accommodate this request.

Emily Colon presented this item to the Commission.

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

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

Commissioner Sara McCarley asked Airport Director Gene Conrad to explain the partnerships. Mr. Conrad reminded the Commission about the complexity of this matter. LLIA started working on this in March 2021. They learned on October 5th that FAA did not support the process and instead provided different direction. They chose an FAA vendor to work to resolve the noise problem.

Commissioner Bill Read asked if this new fly plan could affect development in the area. Mr. Conrad: there is no perfect solution. Wherever the fly path is moved it will be closer to someone.

Commissioner Chad McLeod clarified the FAA controlled airspace. Is there a chance the FAA could deny the plan Hughes develops? Mr. Conrad could not say 100% that they will approve the new flight plan but this is the approach they told LLIA to follow.

Commissioner Stephanie Madden thanked Mr. Conrad for his persistence on this issue.

Rick Garrity encouraged the Commission to move forward with this study.

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

Recommendation re: Award of Bid No. 1287 to MDM Services, Inc. for a Petroleum Storage and Distribution System Upgrade at the City of Lakeland Fleet Facility and Corresponding Budget Appropriation and Increase

On September 14, 2021, the City of Lakeland issued a request for bids for a Petroleum Storage and Distribution System Upgrade at the City of Lakeland Fleet Facility located at 502 Evelyn Ave. Lakeland, FL. The project will include demolition of the City's existing fleet fueling station with associated property elements, removal, and closure of a 3,000-gallon AST system, and construction of new fueling system with a single dispenser island and overhead canopy, as indicated in the engineering drawings.

The final revised bid totals are as follows:

1. Petrotech Southeast, Inc.,	Astatula, FL	$561,048.44
2. MDM Services, Inc.,	**Lakeland, FL**	**$586,500.00**

The City's Local Preference Ordinance was then applied to MDM Services, Inc., a local Lakeland business. MDM Services, Inc. is therefore now recommended as the most responsive bidder.

Subsequently, the City's Purchasing Department issued a Notice of Intent to Award to MDM Services, Inc. on November 19, 2021.

Additional City costs for the project will also include the following:

ACT Engineering and Consulting	$ 75,343.00
Internal City Cost (LE, Water, Fiber, Impact)	$ 30,000.00
Independent Testing	$ 10,000.00
Fueling Card Reader System	$ 15,000.00
Misc. expenses (reprographics, publications, etc.)	$ 2,500.00
Contingency 10%	$ 66,184.30
Additional City Cost	$199,027.30
Total Project Cost	$785,527.30

Fleet Management will pay for this project from two (2) funding sources. The primary source comes from the recent bond borrowing based upon an estimated amount of $500,000.00, which is currently budgeted in the Capital Improvement Revenue and Refunding Bonds, Series 2021A Fund. The remaining $285,527.30 will be funded from Fleet Management's Unappropriated Surplus and requires appropriation.

Staff recommended that the City Commission authorize the award of Bid No. 1287 to MDM Services, Inc. for a Petroleum Storage and Distribution System Upgrade at the City of Lakeland Fleet Facility and authorize the appropriate City officials to execute the contract, on behalf of the City of Lakeland, in the amount of $586,500.00.

Additionally, staff recommended that the City Commission authorize an appropriation and increase in estimated revenues of $285,527.30 from the Fleet Management Operations Fund for the completion of a Petroleum Storage and Distribution System Upgrade.

Emily Colon presented this item to the Commission.

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

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

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

Fleet Manager of the Year

Emily Colon recognized Gary McLean for being a finalist as Fleet Manager of the Year out of 38,000 competitors.

Recommendation re: Task Authorization with ACT Environmental & Infrastructure for Professional Environmental Risk Engineering Services for the Replacement of Fleet Fueling Facility Project

The City's Public Works' Fleet Division maintains a fleet vehicle fueling facility at 502 Evelyn Avenue, Lakeland, FL that contains one (1) 3,000 gallon above-ground storage tank (AST), which is currently in use, and two (2) 15,000-gallon underground storage tanks (USTs) that have been abandoned in place.

Public Works solicited a proposal from ACT Environmental & Infrastructure, one of the City's Continuing Services Contracts for Professional Environmental Risk Engineering Services. ACT will provide construction management oversight for demolition of the existing fuel system, and construction of replacement fleet fueling system at the City's fueling facility in an amount not-to exceed $75,343.00.

In general, the project consists of the removal of the existing canopy, dispensers, raised islands, and all other items under the canopy dripline related to the fueling delivery system. As stated above, the existing underground fuel storage tanks were previously abandoned in place. Any existing underground piping will be removed as encountered or capped and abandoned in place.

The new Fleet Fueling Facility will include the following:

- Canopy, islands, and one (1) dual-compartment above-ground fuel storage tank (AST).
- Existing electrical from the panels to the wiring troughs will be reused, and new conduits and conductors will be installed to the new components.
- Following the removal of the existing E-85 AST system, above-ground black steel fuel fill and product supply piping will be installed.
- Protective vehicle collision bollards, new dispensers, new tank monitor system, and a new fuel management system card reader.

Staff recommended that the City Commission authorize the appropriate City officials to execute the Task Authorization with ACT Environmental & Infrastructure for Professional Environmental Risk Engineering Services for replacement of Fleet Fueling Facility Project in an amount not-to exceed of $75,343.00.

Emily Colon presented this item to the Commission.

Motion: Commissioner Phillip Walker moved to approve the recommendation. Commissioner Mike Musick seconded.

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

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

CITY ATTORNEY

Ordinances (First Reading)

Proposed 21-058; Amending Ordinance 5870; Adopting A Separate City of Lakeland Investment Policy for the Public Improvement Endowment Fund

> AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO INVESTMENT POLICIES; MAKING FINDINGS; AMENDING ORDINANCE NO. 5870; ADOPTING A SEPARATE CITY OF LAKELAND INVESTMENT POLICY FOR THE PUBLIC IMPROVEMENT ENDOWMENT FUND; 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 January 3, 2022.

Proposed 21-059; Amending Ordinance 5850; to Modify the Preference Granted to Local Businesses for the Procurement of Goods and Services Pursuant to Requests for Proposals, Requests for Qualifications and Similar Procurement Methods

> AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO THE PURCHASING OF GOODS AND SERVICES; MAKING FINDINGS; AMENDING ORDINANCE NO. 5850 TO MODIFY THE PREFERENCE GRANTED TO LOCAL BUSINESSES FOR THE PROCUREMENT OF GOODS AND SERVICES PURSUANT TO REQUESTS FOR PROPOSALS, REQUESTS FOR QUALIFICATIONS AND SIMILAR PROCUREMENT METHODS; 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 January 3, 2022.

Resolutions

Resolution 5735; Proposed 21-090; Accepting Surplus Land Located Between SR 570 (Polk Parkway) and SR 563 (Harden Boulevard) from FDOT for Public Use

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO PUBLIC TRANSPORTATION; MAKING FINDINGS;

REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION TRANSFER TO THE CITY OF LAKELAND PROPERTY LOCATED BETWEEN STATE ROAD 570 (POLK PARKWAY) AND STATE ROAD 563 (HARDEN BOULEVARD) BY PUBLIC PURPOSE QUIT CLAIM DEED; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Bill Read moved to approve the resolution. Commissioner Chad McLeod seconded.

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

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

Resolution 5736; Proposed 21-091; Amending Resolution 5721, Excepting Certain Positions from Civil Service

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO CIVIL SERVICE; AMENDING RESOLUTION 5721 TO EXCEPT CERTAIN EMPLOYEE POSITIONS FROM THE CIVIL SERVICE SYSTEM PURSUANT TO SECTION 10 OF DIVISION II OF THE CHARTER OF THE CITY OF LAKELAND; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Bill Read 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, Bill Read, Stephanie Madden, Sara McCarley, Mike Musick, Phillip Walker, and Mayor Bill Mutz voted aye. Ayes – seven. Nays – zero. The motion carried unanimously.

Resolution 5737; Proposed 21-092; Designating City Officials to Authorize Temporary Closures of State Roads in Conjunction with Special Events

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO PUBLIC TRANSPORTATION; DESIGNATING A CITY OFFICIAL TO AUTHORIZE TEMPORARY CLOSURES OF STATE ROADS FOR SPECIAL EVENTS WITHIN THE CITY OF LAKELAND IN ACCORDANCE WITH

FLORIDA DEPARTMENT OF TRANSPORTATION REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Bill Read moved to approve the resolution. Commissioner Chad McLeod seconded.

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

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

Miscellaneous Reports

* **Memo re: Renewal of SELECT Program Agreement for Software Services with Bentley Systems, Inc.**

This is a proposed renewal of the SELECT Program Agreement between the City and Bentley Systems, Inc. (Bentley) for software services. The Agreement seeks to renew an existing agreement initially approved by the City Commission on September 15, 2005 for software, subscriptions, data, cloud offerings, documentation, maintenance and licenses. The Purchasing Department has approved Bentley as a sole source provider of such software services. The renewal of this Agreement will support several the City's technology projects in the upcoming year relating to engineering services in operational and technical areas. Specifically, this engineering software is used by several City departments in the design of City assets such as roads, electric, water and wastewater utilities.

The term of this Agreement will be for a period of twelve (12) months, with a retroactive effective date of December 1, 2021, upon approval by the City Commission. Pursuant to the Agreement, the City and all its departments, including Electric and Water/Wastewater, will be granted access to Bentley's core products without upfront capital purchase and maintenance costs on all software during the term of the Agreement. The City's existing SELECT Program Agreement expired on November 30, 2021, but Bentley agreed to extend the use of the City's licensing until the new Agreement is approved. The delay in execution of the Agreement was due to changes in the organizational structure of Bentley.

The total expenses associated with this Agreement will be $123,033 for the twelve (12) month term. The cost for the twelve (12) month term for services has been included in the DoIT's FY2022 budget. The City's anticipated twelve (12) month expenditure, without exercising its option to renew the Agreement with Bentley for the same products/services, is estimated to be $155,000. Without this renewal, the license fees would revert to standard market costs and capital purchase costs for any additional seats of software needed throughout the twelve (12) month term. Thus, renewal of the Agreement with Bentley represents a significant cost savings for the City.

The renewal of this Agreement will provide numerous benefits to the City such as a lower cost per unit for licensed software, substantially reduced administrative/procurement expenses, maintenance on all Bentley software deployed under this Agreement and the flexibility to deploy products when and where needed. The Agreement will be managed by the DoIT.

Staff recommended that the City Commission approve this renewal of the SELECT Program Agreement with Bentley and that the appropriate City officials be authorized to execute all corresponding documents for the Agreement.

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

Memo re: Agreement with CDW Government, LLC for Purchase of Microsoft Enterprise Software

This was an Agreement with CDW Government, LLC (CDW) for the purchase of Microsoft Enterprise software. Pursuant to this Agreement, CDW, a Microsoft software reseller, will provide the City with all required Microsoft software licensing for users, computers, servers, as well as any existing installed Microsoft software. The City currently uses Microsoft Enterprise software for all workstations, laptops, servers and general business applications. The City's existing Microsoft Enterprise agreement with CDW expired on October 31, 2021, but Microsoft has agreed to temporarily extend the use of the City's Microsoft licensing until a new agreement is executed. The delay in executing a new agreement was due to Microsoft's routine audit of the City's software use, which took longer than anticipated.

The City's Purchasing Department has approved CDW as the vendor to provide this software pursuant to CDW-G Contract #081419, by procuring the services through Sourcewell, a public entity that serves as a municipal contracting agency which enables cities and other government agencies to cooperatively procure equipment, products and services in order to receive volume purchasing price discounts. The term of this Agreement will have a retroactive effective date of November 1, 2021, subject to approval by the City Commission, and will continue for a three (3) year term. The yearly cost of the Microsoft Enterprise software and associated support services is $914,047.40 with a total three (3) year cost of $2,742,142.20. All terms/conditions for this purchase will be governed by CDW-G Contract #081419, the attached Addendum and corresponding Enterprise Agreement with Microsoft. The first year of associated costs for the Agreement are funded in DoIT's FY2022 budget. Funding for the remaining initial term will be subject to budget approval by the City Commission.

Staff recommended that the City Commission approve the purchase of Microsoft Enterprise Software with CDW and authorize the appropriate City officials to execute the

Microsoft Enterprise Agreement and any corresponding documents for the purchase.

Ramona Sirianni presented this item to the Commission.

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

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

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

Memo re: Master Services and Enterprise License Agreements with Environmental Systems Research Institute, Inc.

This is a proposed Master Services Agreement and Enterprise License Agreement with Environmental Systems Research Institute, Inc. (ESRI) for software, data, web services, professional services, documentation and maintenance services. These Agreements will support several the City's technology projects in upcoming years related to the City's significant increase in applying Geographic Information System (GIS) technology to many of its operational, technical and public facing areas.

The Master Services Agreement sets forth the general terms and conditions for use of ESRI's software and online services, while the Enterprise License Agreement provides for specific terms related to the software, maintenance, product development/deployment schedule and fees. The Enterprise License Agreement will specifically grant the City and all its departments, including Electric and Water/Wastewater, access to ESRI core products, which includes maintenance on all software during the term of the Agreements.

The term of the Master Services and Enterprise License Agreements will be for a period of three (3) years with a retroactive date of November 1, 2021, subject to approval by the City Commission. The City's existing Master Services Agreement and Enterprise License Agreement expired on October 31, 2021, but ESRI agreed to extend the use of the City's licensing until the new Agreements are executed. The delay in execution of the Agreements is due to changes in the organizational structure of ESRI.

The total expenses associated with these Agreements is $807,000 for the three (3) year term. The City's anticipated three (3) year expenditure, without entering a new Agreement with ESRI for the same products/services, is estimated to be $895,000. In addition, without these Agreements, the licenses fees would revert to standard market costs and capital purchase costs for any additional seats of software needed throughout the three (3) year term which would result in an estimated increase of $88,000. Thus, entering into these Agreements with ESRI will represent a significant cost savings for the City. The cost for the first year of the Enterprise License Agreement is $257,000 and has been included in DoIT's FY2022 budget. The Enterprise License Agreement will be beneficial to the City by providing a lower cost per unit for licensed software, a substantial reduction in administrative/procurement expenses, maintenance on all ESRI software deployed under this Agreement and flexibility to deploy products when and where needed.

It is recommended that the City Commission approve the Master Services and Enterprise License Agreements with ESRI and authorize the appropriate City officials to execute all corresponding documents.

Ramona Sirianni presented this item to the Commission.

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

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

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

* **Memo re: Proposed Agreement with KPMG, LLP for Management Consulting Services to Develop Programming for American Rescue Plan Act (ARPA) Funds**

This is a proposed Agreement with KPMG, LLP to procure services pursuant to a State Term Contract for assistance in developing programming for the use of $22.7 million in American Rescue Plan Act (ARPA) funds.

ARPA is a $1.9 trillion economic stimulus package intended to facilitate recovery in the United States from the economic and health effects of COVID-19. The Act contains over 70 distinct funding streams to support individuals, households, businesses, and state, local, tribal, and territorial governments. The funding provided through ARPA contains numerous direct oversight activities as well as accounting and reporting requirements.

Due to the complexity of ARPA's stringent reporting requirements, such as evidence-based outcome monitoring and ad hoc reporting, the City sought the services of a professional consulting and audit firm that could assist in developing program criteria and project management protocols to ensure that the City will have a transparent and efficient approach to expending these funds.

The proposed Agreement is for a not-to-exceed cost of $100,000, with a timeline of 60 days to initiate and complete Phase One of the overall project. Phase One will include all the necessary project planning and development of programming for the expenditure of the ARPA funds, such that the City will be ready to begin disbursing the funds pursuant to the developed program guidelines.

Phase Two would include project implementation and monitoring but is not a part of this Agreement. An addendum would be negotiated with KPMG at the appropriate time should the City need assistance in complying with reporting requirements as well as program administration and monitoring of the ARPA funds.

Staff recommended that the City Commission approve the Agreement with KPMG and authorize the appropriate City officials to execute the Agreement and all associated documents.

Staff also recommended that the City Commission authorize an appropriation and increase in estimated revenues of $100,000 from the American Rescue Plan Act Fund so the City can prepare to distribute funds to authorized organizations throughout the community.

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

* **Memo re: Home Purchase and Mortgage Assistance Agreement for Housing and Neighborhood Development Services of Central Florida (HANDS)**

This is a proposed agreement between the City and Housing and Neighborhood Development Services of Central Florida (HANDS) for home purchase assistance provided to eligible homebuyers through the HOME Investment Partnership Program (HOME), State Housing Initiatives Program (SHIP) and the Lakeland Community Redevelopment Agency (LCRA), as well as mortgage assistance through the Federal CARES Act (CDBG-CV).

On June 28, 2021, the City of Lakeland issued an RFP for administration of the City of Lakeland's down payment and mortgage assistance programs, and Keystone Challenge Fund, Inc. (Keystone) was selected for a contract term that was to run through September 30, 2024. On July 27, 2021, before a new contract had been signed, Keystone submitted a letter to the City of Lakeland stating that they would be closing their office as of December 31, 2021. With an existing contract with Keystone set to expire on September 30, 2021, the City entered a short-term contract with Keystone for the continuation of services from October 1, 2021 through December 31, 2021.

An RFP was then re-issued to secure a new vendor to take over administration of the programs beginning January 1, 2022 and running through September 30, 2024. Two applicants, Solita's House, Inc. and HANDS, submitted proposals. On December 7, 2021, the selection committee reviewed the applications and recommended that HANDS be awarded the contract for administration of the Home Purchase and Mortgage Assistance Programs.

Under the Agreement, HANDS will assist with the administration of these programs by providing homebuyer education, pre-ownership counseling, credit counseling, client contract and loan application processing, income certification, and loan underwriting. HANDS will be paid $2,000.00 for each transaction successfully closed. The initial term of the Agreement is through September 30, 2024, to coincide with the federal programs' fiscal year, but may be renewed under the same terms and conditions for up to three additional one-year terms upon mutual written consent of the parties. Under the Agreement, HANDS will also assist with administration of COVID-19 relief through Federal CARES Act CDBG-CV funding. Services will include forbearance counseling and mortgage assistance. HANDS will be eligible for payment of 5% of the award amount for administrative costs and an additional 5% of the award amount for program delivery costs for all eligible COVID-19 related relief activities.

Staff recommended that the City Commission approve the Agreement with Housing and Neighborhood Development Services of Central Florida and that the appropriate City officials be authorized to execute the Agreement.

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

FINANCE DIRECTOR - None

UTILITY

Ordinances – None

Resolutions – None

Miscellaneous

* **Memo re: Agreement with Kimmins Contracting Corp. for Tank Farm Demolition at McIntosh Power Plant**

This is a proposed Agreement with Kimmins Contracting Corp. (Kimmins) for the demolition of the oil storage tank farm at the McIntosh Power Plant. The selected oil storage tanks and associated equipment are no longer needed due to the closure of McIntosh Unit 3. Since the tanks are on the site selected for the new RICE engine plant they will need to be demolished.

Accordingly, on November 12, 2021, the City's Purchasing Department issued Invitation to Bid No. 1334 seeking qualified contractors to provide all labor, materials, equipment and rigging required for the selective equipment demolition work of existing installations of the oil storage tank farm at McIntosh Power Plant. The City received responses from the eight (8) vendors listed below.

Contractor	Location	Bid Price
Kimmins Contracting Corp.	Tampa, FL	*($88,700.00)
D.H. Griffin Wrecking Co., Inc.	Plant City, FL	*($21,500.00)
GSD Trading USA, Inc.	Channelview, TX	$8,000.00

A-C-T Environmental & Infrastructure, Inc.	Bartow, FL	$51,775.00
Total Wrecking & Environmental, Inc.	Tonawanda, NY	$78,606.00
The BG Group, LLC	Delray Beach, FL	$142,838.00
Raycon Industrial	Selma, AL	$208,000.00
Capital Environmental Services, Inc.	Newark, DE	$503,497.66

Upon evaluation by staff, Kimmins was selected as the most responsive, responsible bidder capable of providing the services in accordance with the City's Bid Specifications. While both Kimmins and D.H. Griffin Wrecking Co., Inc. offered to pay the City for the demolition based on the value of the scrap metal, Kimmins' bid provided the larger credit amount. Upon City Commission approval, the City will issue a Purchase Order to Kimmins to commence work, which is anticipated February 2022. Kimmins will perform all services pursuant to the terms and conditions set forth in the City's Bid Specifications and Kimmins submittal dated December 3, 2021. There is no cost to the City for the services Kimmins is providing. Rather, the City will net $88,700.

Staff recommended that the City Commission approve this Agreement with Kimmins and authorize the appropriate City officials to execute all corresponding documents on behalf of the City.

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

Memo re: Change Order with Sargent & Lundy, LLC for Peaking Power Generation Professional Engineering Services

Attached hereto for your approval is a proposed Change Order with Sargent & Lundy, LLC (Sargent & Lundy) for peaking power generation engineering services. On October 5, 2020, the City Commission approved an Agreement with Sargent & Lundy for professional engineering consulting services to assist Lakeland Electric in adding approximately 100 megawatts of additional peaking power generation capacity at the McIntosh Power Plant. The Engineering Services Agreement with Sargent & Lundy identified six (6) tasks to be performed. The table below defines those Tasks along with the initial cost estimate from October 2020, as well as the updated cost estimate for this Change Order.

Tasks	**Initial Cost Estimate**	**Updated Cost Estimate**
1. Conceptual Design, Including Technology Study - **Complete**	$76,938	$76,938
2. Major Contract Specification Preparation - **Complete**	$122,583	$402,850

3. Technical Support for Preparation of Environmental Permit Application	$177,250	$166,100
4. Permitting Support During Application Period	$75,831	$72,831
5. Procurement Support and Overall Contract Management	$3,317,409	$4,150,200
6. Construction Management and Commissioning Management	$663,200	$1,460,000
Estimated Subcontracts		$175,000
Total (including 10% contingency – * updated estimate includes contingency on Tasks 1-5 only)	$4,983,232	$6,503,919 *

The Agreement approved by the City Commission on October 5, 2020 continues through the earlier of May 31, 2023 or upon completion of the commissioning of the peaking power capacity unit. Sargent & Lundy will perform services in accordance with the terms and conditions set forth in the Agreement. Upon City Commission approval, Sargent & Lundy will continue with Tasks 3 through 6 under the modified Scope of Work pursuant to this Change Order.

The initial estimated cost of the work over the three (3) year period was $4,983,232. Following completion of the conceptual design, Sargent & Lundy and the City both gained a better understanding of the full scope of work required for the project. The changes from the initial proposal are due to the long and value-added contract negotiation period, as well as additional support needed during the construction and commission phases of the project as a result of the reduction in City staff work force. Also included in this Change Order is the cost to relocate the project site due to poor soil borings at the original location west of McIntosh Unit 5. The updated estimated cost of the work is $6,503,919 and is included in Lakeland Electric's $145 million budget for RICE Generation, which will be funded through the issuance of bonds. Payments to Sargent & Lundy will be based on the completion of the above-specified Tasks during the term of the Agreement.

Staff recommended that the City Commission approve this Change Order with Sargent & Lundy for professional engineering consulting services to assist Lakeland Electric in adding approximately 100 megawatts of additional peaking power generation capacity at the McIntosh Power Plant 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 Phillip Walker moved to approve the recommendation. Commissioner Chad McLeod seconded.

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

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

Memo re: Task Authorization with Sargent & Lundy, LLC for Phase 2 Engineering and Procurement Support for Decommissioning and Demolition of McIntosh Power Plant Units 1, 2, & 3

This is a Task Authorization with Sargent & Lundy, LLC (Sargent & Lundy) for Phase 2 engineering and procurement support related to the decommissioning and demolition of McIntosh Power Plant Units 1, 2, & 3. On November 3, 2021, the City Manager approved a Task Authorization with Sargent & Lundy for Phase 1 Engineering and Procurement Support to evaluate and create a division of responsibility and preparatory work to identify needs for development of a bid specification document for the demolition project at a cost of $44,000.

Upon approval by the City Commission, Sargent & Lundy will commence work on Phase 2, which includes establishing a contracting strategy for demolition, developing technical specifications for demolition and site restoration, preparing a technical Request for Proposal, developing bidder evaluation and conforming a final bid package based on the successful bidder. 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 Professional Electric Power Engineering Services dated January 26, 2018 and Sargent & Lundy's proposal for dated November 15, 2021. All reimbursable expenses shall be paid in accordance with the City's Consultant Expense Reimbursement Policy. The total not-to-exceed cost of the work is $156,025 and is included in Lakeland Electric's FY2022 budget.

Staff recommended that the City Commission approve this Task Authorization with Sargent & Lundy for Phase 2 Engineering and Procurement Support related to decommissioning and demolition of McIntosh Power Plant Units 1, 2, & 3 and authorize the appropriate City officials to execute all corresponding documents

Ramona Sirianni presented this item to the Commission.

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

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

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

* **Memo re: Task Authorization with Geosyntec Consultants, Inc. for Groundwater Monitoring Support Services at McIntosh Power Plant**

This is a proposed Task Authorization with Geosyntec Consultants, Inc. (Geosyntec) to provide groundwater monitoring support services in accordance with the Coal Combustion Residual (CCR) Rule for the byproduct storage area at McIntosh Power Plant. Pursuant to this Task Authorization Geosyntec will provide the following services:

- Provide semi-annual detection and assessment monitoring support that includes data validation of raw analytical data.
- Provide statistical analysis with a summary memorandum.
- Provide groundwater elevation contour figures and graphic figures illustrating contaminant concentrations relative to standards.
- Conduct annual groundwater monitoring and prepare a corrective action report for the byproduct storage area.
- Provide data evaluation of the current monitoring well network to determine if any wells should be properly abandoned.
- Provide general CCR support, including attendance of regular meetings with City staff.

Upon approval by the City Commission, Geosyntec will commence work. 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 Environmental Consulting Services with Geosyntec dated October 1, 2019 and Geosyntec's proposal dated December 6, 2021. All reimbursable expenses shall be paid in accordance with the City's Consultant Expense Reimbursement Policy. The total not-to-exceed cost of the work is estimated at $61,400 and is included in Lakeland Electric's FY2022 budget.

Staff recommended that the City Commission approve this Task Authorization with Geosyntec to provide groundwater monitoring support services in accordance with the CCR Rule for the byproduct storage area at the McIntosh Power Plant and authorize the appropriate City officials to execute all corresponding documents.

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

AUDIENCE

Richard Trennkman spoke about Oaks apartments. He was concerned about the density of the project. He wanted trees preserved. The development did not match the neighborhood. He was concerned about ownership, rental turnover, traffic congestion, safety and green space.

Commissioner Bill Read this project has not come forward for approval.

Teresa Maio explained there is no pending application for modification to the zoning. The last change to the PUD was in 2013. The town homes are already entitled through zoning. It is in site plan review. Staff can reach out to the school to look for alternatives for traffic stacking during drop off and pick up.

Shannon Turbeville representing Lakeland Professional Fire Fighters. The Fire Chief was given permission to research moving Fire Station #3. He asked the Commission to consider following up at a future meeting to consider relocating Station 3 or building an additional station.

Commissioner Phillip Walker: The Commission has had a discussion about relocating Station 3.

Mike Brossart: Jason Willey has been working with the Chief to help identify locations. He and the City Manager met before vacation to identify funding. He knows it is on the City Manager's mind and he will be bringing it forward.

Chief Riley: we have had these conversations for 3-5 years. He has brought research forward. We have discussed a need for Station 8 and relocating Station 3. Finding the right location has been the biggest challenge. He also mentioned that they are adding 9 new fire fighters just as soon as they can get them hired.

Emily Colon thanked the Commission for their excitement about the Strategic Planning Retreat.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Phillip Walker:

- Merry Christmas! Enjoy the true meaning of the season.
- Announced the Jazz in the Park 2022 at Munn Park Jan 14th.

Commissioner Mike Musick:

- Kudos to the City for how nice it looks downtown.

Commissioner Sara McCarley:

- Merry Christmas

Commissioner Stephanie Madden:

- Shout out to Pat Blalock
- Merry Christmas
- Shout out to Nicole Travis, Deputy City Manager. She has an opportunity to go work for the City of Tampa. She is sad to see her go.

Commissioner Bill Read:

- Understood there was a petition going for speed bumps on Nevada.
- Merry Christmas & Happy New Year

Chuck Barmby spoke about the petition. He will research the matter.

Commissioner Chad McLeod:

- Merry Christmas
- Welcomed the new police officers to the team.
- Suggested cancelling the Agenda Study completely on Dec 30th. Agenda Study is cancelled.

Mayor Bill Mutz:
Grateful to serve on the Commission, for the year to come and the year just past and the harmony and incredible city and staff support.

Jon Friedt Pastor Believers Fellowship Church appreciated Commission's care for the citizens of the City of Lakeland. Christmas is the celebration of the birth of a baby.

CALL FOR ADJOURNMENT - 1:08 p.m.

H. William Mutz, Mayor

Kelly S. Koos, City Clerk

CITY OF LAKELAND, FLORIDA
INCORPORATED
JAN. 1, 1885