

LAKELAND CITY COMMISSION

**Regular Session
September 7, 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, Mike Musick, Sara McCarley, and Phillip Walker were present. City Manager Shawn Sherrouse, City Attorney Palmer Davis, Finance Director Mike Brossart, and City Clerk Kelly Koos were present.

CALL TO ORDER - 9:00 A.M.

PRESENTATIONS

RP Funding Center - Looking Forward (Tony Camarillo, RP Funding Center Director)

COVID Update - Michael Spake, Lakeland Regional Health

Beautification Awards (Bill Koen)

- Residential: 404 Hibriten Way - Mark Irby & Julia Francesca Pizzurro
- Commercial: 325 South Lake Avenue - The Garden Apartments

PROCLAMATIONS – None

COMMITTEE REPORTS AND RELATED ITEMS -None

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 Bill Read moved to approve the Consent Agenda. Commissioner Chad McLeod seconded.

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

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

APPROVAL OF MINUTES (with any amendments)

Commission Minutes – Aug 10-16, 2021

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 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

Hilary Agana 515 W Magnolia St came forward. He argued that he cleans his lot and there is a City lot adjacent to his lot that has a dead tree they have not removed but they cleared his lot.

Sunny Marshal asked to meet with Mr. Agana.

Motion: Commissioner Phillip Walker moved to remove this property from the assessment roll. He asked that signs be placed in the area about illegal dumping. Commissioner Mike Musick seconded.

The Commission discussed the history of infractions, this charge was for mowing or clearing, and it was too early to waive any fines at this point.

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

Mayor Bill Mutz asked for any other comments from the audience. There were no comments. He then asked for a motion on the amended assessment role.

Motion Commissioner Sara McCarley moved to approve the assessments as amended. 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.

PUBLIC HEARINGS

Ordinances (Second Reading)**Ordinance 5887; Proposed 21-034; Approving the Inclusion of Certain Lands Located within Parkway Corporate Center on S. Pipkin Road within the Boundaries of the Lakeland Area Mass Transit District (1st Rdg 08-16-21)**

AN ORDINANCE RELATING TO THE LAKELAND AREA MASS TRANSIT DISTRICT; MAKING FINDINGS; APPROVING THE INCLUSION OF CERTAIN LANDS LOCATED WITHIN PARKWAY CORPORATE CENTER ON SOUTH PIPKIN ROAD IN THE CITY OF LAKELAND WITHIN THE BOUNDARIES OF THE LAKELAND AREA MASS TRANSIT DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

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

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

COMMUNITY REDEVELOPMENT AGENCY - None

CITY MANAGER**Recommendation re: Addendum of RFP No. 9165 for Life/Accidental AD&D, Supplemental Life Voluntary AD&D, and Retiree Survivor Benefit Coverage**

Unum Life Insurance Company of America (Unum) is the City's current carrier for Life/AD&D, Supplemental Life Voluntary AD&D, and Retiree Survivor Benefits Coverage. The current contract was awarded October 7, 2019, as a result of the City soliciting a Request for Proposal (RFP) No. 9165. The selection committee was comprised of representatives from the Employees Association Board, City of Lakeland Retiree Association, Payroll, IT, all Unions, and Risk Management. The selection committee determined that Unum was the most responsive responsible respondent to the RFP.

The Commission initially approved award of an agreement with a 2-year rate guarantee and one additional year with a rate cap not to exceed 10%. Unum has offered a renewal of our coverage on all types with rates at our current price over the next 2 years. This is an extension of two years to the rate guarantee provided in the RFP submission which had originally reduced our previous rate by 9%.

One of the greatest benefits we have with Unum's coverage is the supplemental life benefit portability (when an active employee leaves the City). This coverage allows up to five times an employee's annual salary to be ported (taken with them) when they are no longer an active employee and continue at the same rate. The rate for this coverage is a composite rate when all other submittals to the RFP were age banded. The cost of the Supplemental Life insurance/AD&D while an active employee will be \$.24 per \$1,000 per month. Upon retirement, the composite rate reduces to \$.17 per \$1,000 per month.

The other benefits provided under this life insurance coverage are:

- For all full-time regular active employees, up to one time their annual salary not to exceed \$50,000 (city paid),
- Pension Survivor Benefit equal to one time a retiree's annual pension salary not to exceed \$150,000 (city paid),
- Voluntary Supplemental Life Insurance, dependent life coverage (employee paid), and
- Voluntary Supplemental Life Insurance, retiree basic life (retiree paid).

Staff recommended the City Commission approve the addendum to extend the Unum Life Insurance Company of America agreement for all coverage, effective January 1, 2022 through December 31, 2023, with a 2-year rate guarantee

Shawn Sherrouse presented this item to the Commission.

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

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

The Commission discussed:

- Where the funds are budgeted for this item.
- The length of time with this company. This was a renewal option which provided a stable rate price over the years. The City goes out for bid at least every 3 years.
- The agreement provided various types of coverage; basic life provided by the City. Employees also have the option to purchase additional coverage. They may take the policy with them when they retire but they pay the premiums.
- The reduced rates were good for the City and the employees.

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

Recommendation re: Ratification of Collective Bargaining Agreement with the Utility Workers Union of America Local 604 representing Bargaining Unit employees in Lakeland Electric

The Utility Workers Union of America (UWUA) was elected as the exclusive bargaining agent by Lakeland Electric unit employees on June 6, 2007. The Lakeland Electric

bargaining unit includes 63 classifications and approximately 270 employees. The most recent CBA for Lakeland Electric expired on September 30, 2020.

Negotiations for successor CBA for the Lakeland Electric bargaining units commenced in August of 2020. Despite extensive negotiations, the City filed for Impasse in November 2020 on the proposed CBA and arbitration hearings with a Special Magistrate occurred on April 7, 2021. A recommendation was received from the Special Magistrate on May 27, 2021, and both parties complied with the continuation of the required impasse process over the next few weeks. During this time, the UWUA requested, and City Management agreed, to conduct further negotiation sessions prior to a Public Hearing being scheduled to take the disputed issues before the City Commission.

Negotiation teams for the City and the UWUA have reached agreement on proposed terms and conditions for a successor 3-year Lakeland Electric Unit CBA, which has been ratified by the respective unit employees on August 25, 2021. With the ratification of the agreements by represented Bargaining Unit employees, the CBA now awaits formal consideration from the Lakeland City Commission. The following provides a summary of the recently agreed upon major economic terms and conditions of each of the CBA.

Lakeland Electric Bargaining Unit:

- Wages:

Effective October 1, 2020 (FY 2021):

0% Across the Board (ATB) increase for all active Bargaining Unit employees.

0% merit increase for eligible employees except Apprentices; as of the date of ratification.

Apprentices shall be eligible to earn up to two (2) five (5) percent increases, with the first merit increase who meet the performance qualifications, effective following ratification of the CBA.; the wage adjustment will be processed in the second full pay period following ratification.

Effective October 1, 2021 (FY 2022):

2.0% ATB increase for all active Bargaining Unit employees, except Apprentices; as of the date of ratification.

Up to 2.0% merit increase for eligible employees

Apprentices shall be eligible to earn up to two (2) five (5) percent increases in a twelve (12) month period based on their performance review.

Effective October 1, 2022 (FY 2023):

2.0% ATB increase for all active Bargaining Unit employees, except Apprentices.

Up to 2.0% merit increase for eligible employees.

Apprentices shall be eligible to earn up to two (2) five (5) percent increases in a twelve (12) month period based on their performance review.

- Term of Agreement:

From date of ratification through September 30, 2023 (an overall (3) three- year agreement).

- Other:

Both City and Union accept Special Magistrate Recommendation on:

Article 35 - Safety

Article 42A - Out of Town Assignments

Article 43 – Premium Pay (No increase – Status Quo)

Union agrees to City position on the following:

Article 13 – Grievance Procedures

Article 33 – Meals (No increase – Status Quo)

Article 36 – Health Benefits (Status Quo)

Article 40 – Survivor Benefits (Status Quo)

Article 46 – Term of Agreement (3-year agreement)

The UWUA and the City will agree to the Special Magistrates recommendation from May 27, 2021 for all City Policies that were subject of impasse, except the 12 Hour Shift Policy. The 12 Hour Shift Policy for Energy Production will be implemented as agreed to by the parties on June 25, 2021.

All other articles that were tentatively agreed upon have been incorporated into the final CBA.

Staff recommended that the City Commission ratify the proposed Collective Bargaining Agreement to reflect the above noted amendments and authorize the appropriate City officials to execute the associated documents between the City of Lakeland and the Utility Workers Union of America Local 604 representing Bargaining Unit employees in Lakeland Electric.

Shawn Sherrouse presented this item to the Commission.

Motion: Commissioner Phillip Walker 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 from the audience.

The Commission discussed:

Only eligible employees will receive a merit increase. Eligible employees were not at the top of their pay grade.

The increase is not automatic and dependent upon a positive annual review.

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

Recommendation re: Accepting of Grant Offer from the Federal Aviation Administration for Taxiway Improvements at Lakeland Linder International Airport

Lakeland Linder International Airport has received a grant offer from the Federal Aviation Administration (FAA) in the amount of \$5,953,132 to be used for Taxiway Improvements as detailed in the Airport's Application dated May 13, 2021. The grant offer from the FAA is issued with a 100% participation.

The improvements covered under this grant include the Construction of Taxiway S, the Rehabilitation of Taxiway E, the design for the Shifting of the Existing Taxiway P and the Installation of Taxiway S Lighting. TWY E (50 FT wide) is a taxiway in the southeast quadrant of the airfield and serves as the main connection to all airfield related operations on the south side of the airfield. The asphalt pavement along TWY E has reached the end of its useful life and will be rebuilt to FAA Pavement Design Standards. In accordance with the Master Plan, TWY S will be constructed between TWY E and TWY D and will be the primary route to RWY 9-27 as well as the facilities on the north end of the airfield. The grant requires the City to accept and execute the grant offer and return no later than September 22, 2021.

Staff recommended that the City Commission authorize the appropriate City officials to enter into this grant agreement with the FAA. No appropriations are requested to accommodate this request.

Motion: Commissioner Chad McLeod 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:

- Taxiway F. Taxiways are intentionally kept short to cut down on human error.
- LLIA staff is proactive in pursuing grant funding. The initial request was for \$7 Million.
- Any FAA funding above the \$155 Million each year is discretionary. Staff works with FAA and LLIA's 5-year work program. LLIA staff pursues these additional funds.
- Partners and numbers of flights work into making LLIA eligible for the grants.
- The master plan is the critical component to being ready to receive these grants and to attract additional industry at the airport.
- The runway was extended in 1993 and cargo has been part of the master plan for years.

- 100% participation means FAA pays 100% of the costs. That is atypical. Normally they pay 90% and the City and FDOT pay 5% each. There are ineligible portions of this project that FDOT will assist in funding.

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

CITY ATTORNEY

Ordinances (First Reading)

Proposed 21-032; Amending the City of Lakeland's Affordable Housing Incentive Plan

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO THE CITY OF LAKE LAND AFFORDABLE HOUSING INCENTIVE PLAN; MAKING FINDINGS; AMENDING INCENTIVE TARGET AREAS UNDER THE PLAN; PROVIDING FOR ADMINISTRATIVE REVIEW OF INCENTIVE APPLICATIONS; REPEALING PREVIOUS ORDINANCES; 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 September 20, 2021.

Proposed 21-035; Approving a Conditional Use to Construct a 180-Foot High Ground Mounted, Personal Wireless Services Facility on Approximately 24.07 Acres Located East of Lakeland Highlands Road and North of SR 570

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; APPROVING A CONDITIONAL USE TO CONSTRUCT A 180- FOOT HIGH GROUND MOUNTED, PERSONAL WIRELESS SERVICES FACILITY (CELL TOWER) ON APPROXIMATE LY 24.07 ACRES LOCATED EAST OF LAKE LAND HIGHLANDS ROAD AND NORTH OF SR 570 (POLK PARKWAY); 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 September 20, 2021.

Proposed 21-036; Amending Ordinance 3839, as Amended; Major Modification of PUD Zoning for Parkway Preserve, to Allow Driveway Access on Airport Road for Property Located South of Carillon Boulevard and West of Airport Road

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 3839, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PUD ZONING FOR PARKWAY PRESERVE, TO ALLOW DRIVEWAY ACCESS ON AIRPORT ROAD FOR PROPERTY LOCATED SOUTH OF CARILLON

BOULEVARD AND WEST OF AIRPORT ROAD; 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 September 20, 2021.

Proposed 21-037; Establishing Regulations for the Operation of Non-Motorized Vehicles for Hire on Designated Streets

AN ORDINANCE OF THE CITY OF LAKE LAND, FLORIDA RELATED TO NON-MOTORIZED VEHICLES FOR HIRE; AMENDING THE CODE OF THE CITY OF LAKE LAND, FLORIDA BY CREATING ARTICLE V OF CHAPTER 106 TITLED "NON-MOTORIZED VEHICLES FOR HIRE"; SETTING FORTH PURPOSE AND INTENT; PROVIDING DEFINITIONS; PERMITTING THE OPERATION OF NON-MOTORIZED VEHICLES FOR HIRE ON DESIGNATED STREETS WITHIN THE CITY OF LAKE LAND; ESTABLISHING REGULATIONS, STANDARDS AND PERMIT REQUIREMENTS FOR NON-MOTORIZED VEHICLES FOR HIRE AND THE DRIVERS THEREOF; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; 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 September 20, 2021.

Resolutions

Resolution 5705; Proposed 21-061; Lots Cleaning and Clearing

A RESOLUTION RELATING TO ASSESSMENTS; DETERMINING THE NECESSITY FOR HAVING CLEANED AND CLEARED CERTAIN PROPERTIES WITHIN THE CITY OF LAKE LAND; PROVIDING FOR THE ASSESSMENT OF LIENS AGAINST SUCH PROPERTY FOR EXPENSES INCURRED IN THE CLEANING AND CLEARING THEREOF; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title and advised the Commission that the motion should include the removal of 515 W Magnolia.

Motion: Commissioner Phillip Walker moved to approve the resolution as amended. 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 5706; Proposed 21-062; Establishing Water System Rates and Charges for FY's 2021-22, 2022-23 and 2023-24

A RESOLUTION RELATING TO THE CITY OF LAKELAND WATER SYSTEM; MAKING FINDINGS; ADOPTING A UNIFORM SCHEDULE OF MONTHLY WATER SERVICE CHARGES; PROVIDING FOR WATER IMPACT FEES; ESTABLISHING MISCELLANEOUS CHARGES; MAKING A DETERMINATION THAT REVENUES WILL BE SUFFICIENT TO OPERATE A FINANCIALLY SELF-SUPPORTING WATER UTILITY; REPEALING RESOLUTIONS 5481 AND 5636; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

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

Resolution 5707; Proposed 21-063; Establishing Wastewater System Rates and Charges for FY's 2021-22, 2022-23 and 2023-24

A RESOLUTION RELATING TO THE CITY OF LAKELAND WASTEWATER SYSTEM; MAKING FINDINGS; ADOPTING A UNIFORM SCHEDULE OF MONTHLY WASTEWATER SERVICE CHARGES; PROVIDING FOR SURCHARGES FOR ABNORMAL STRENGTH WASTES OF COMMERCIAL/INDUSTRIAL USERS; PROVIDING FOR WASTEWATER IMPACT FEES; ESTABLISHING MISCELLANEOUS CHARGES; MAKING A DETERMINATION THAT REVENUES WILL BE SUFFICIENT TO OPERATE A FINANCIALLY SELF-SUPPORTING WASTEWATER UTILITY; REPEALING RESOLUTION 5482; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

Commissioner Stephanie Madden thanked water staff and the consultant for providing additional data on commercial customers. It looks like we are quickly approving but we have had extensive workshops on the issue.

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 5708; Proposed 21-064; Establishing Various Cemetery Fees for FY 2021-22

A RESOLUTION RELATING TO CEMETERY FEES; ADOPTING A SCHEDULE OF FEES FOR THE SALE OF INTERMENT RIGHTS TO CEMETERY SPACES AND FOR VARIOUS OTHER SERVICES; REPEALING RESOLUTION 5634 AND OTHER RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Phillip Walker moved to approve the resolution. Commissioner Bill Read seconded.

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

The Commission discussed:

- Capacity at Oak Hill. There are many spaces still available. The cemetery was about to open a new section. They also have additional land for future build out. They have approximately 10-15 additional years at that site.
- Health care and cemeteries were expected to experience growth in Florida. Mr. Donahay will provide data and future projections.
- Staff has also made columbariums available. The City's rates are lower than private cemeteries. The City compared to surrounding cities. \$1068 per space is very reasonable.
- The City's upkeep is very good.

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 5709; Proposed 21-065; Establishing Fees, Charges and Rental Rates for Parks and Recreation Facilities and Programs for FY 2021-22

A RESOLUTION RELATING TO PARKS AND RECREATION; ESTABLISHING FEES, CHARGES AND DEPOSITS FOR FACILITY RENTALS, PROGRAMS AND SERVICES; REPEALING RESOLUTIONS 5580 AND 5635 AND ALL OTHER RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

Commissioner Bill Read complimented the amenities available for the public at Kelly Recreation Center. They were a great value for their users.

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 5710; Proposed 21-066 - Establishing Fees for Collection of Solid Waste and Refuse

A RESOLUTION RELATING TO SOLID WASTE FEES AND CHARGES; ESTABLISHING FEES FOR COLLECTION OF SOLID WASTE AND REFUSE COMMENCING OCTOBER 1, 2021; REPEALING RESOLUTION 5230; MAKING FINDINGS; PROVIDING FOR SEVERABILITY; 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 from the audience.

The Commission discussed:

- Bulk Pickup: Lakeland customers received four free bulk collections per year for yard waste and four free bulk collections for junk.
- Bulk collection was 6X4. Solid Waste keeps collections to that size to alleviate driver fatigue.
- Customers and neighbors can call for a pickup and the drivers will also identify piles that need pick up.

- Solid Waste pick up everything on the customer's service day or within the week.
- Staffing has been a challenge recently, especially with COVID. Solid Waste Manager Gene Ginn has driven the trucks to get collections completed.

Action: 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 5711; Proposed 21-067; Vacating a Public Utility Easement Located at 1935 W. Elliott St.

A RESOLUTION RELATING TO PUBLIC UTILITY EASEMENTS; MAKING FINDINGS; VACATING AN EXISTING 10-FOOT PUBLIC UTILITY EASEMENT LOCATED AT 1935 W. ELLIOTT STREET; 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 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 5712; Proposed 21-068; Vacating a Portion of Two Public Utility Easements Located at 5375 N. Socrum Loop Rd.

A RESOLUTION RELATING TO PUBLIC UTILITY EASEMENTS; MAKING FINDINGS; VACATING A PORTION OF TWO PUBLIC UTILITY EASEMENTS LOCATED AT 5375 N. SOCRUM LOOP ROAD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Bill Read moved to approve the resolution. Commissioner Phillip Walker seconded.

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

The Commission discussed these two easements were under the footprint of Plantation Publix. None of the utilities had a need to retain the easement.

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 5713; Proposed 21-069; Expressing Intent to Incur Costs Related to the Acquisition, Construction and Installation of Six Reciprocating Internal Combustion Engines and Various Other Miscellaneous Power Plant Projects, and Reimburse the Costs thereof with Revenue Bond Proceeds

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF LAKE LAND, FLORIDA TO INCUR COSTS RELATED TO THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF SIX RECIPROCATING INTERNAL COMBUSTION ENGINES AT THE MCINTOSH POWER PLANT, CONSTRUCTION OF A SUBSTATION AND VARIOUS MISCELLANEOUS POWER PLANT PROJECTS ; EXPRESSING THE INTENT FOR PURPOSES OF COMPLIANCE WITH UNITED STATES TREASURY REGULATION SECTION 1.150-2 TO REIMBURSE WITH THE PROCEEDS OF REVENUE BONDS THE CAPITAL EXPENDITURES MADE WITH RESPECT TO SUCH PROJECT; PROVIDING FOR THE INTENT FOR THE FUTURE ISSUANCE BY THE CITY OF NOTES, BONDS OR OTHER OBLIGATIONS IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$160,000,000 OF WHICH SHALL BE APPLIED TO PAY THE COST OF SUCH PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

- The Commission requested a breakdown of the bond amounts so they will know how the money is being spent. \$145 Million - RICE, \$12 Million - Hamilton Substation, and \$3 Million for miscellaneous projects at the plant.
- The city was looking at emerging technology and responding to the customers desires for cleaner energy. We are looking toward the future and moving forward wisely.

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: Quit Claim Deed – 316 Canal Ave.**

This proposed Quit Claim Deed conveyed all interests of the City in property located at 316 Canal Ave. to Mr. Ernest Winner. The City does not legally hold any interest in the subject property and the proposed deed is to be executed merely for title insurance purposes.

In October of 1994, the City acquired a parcel of property adjacent to the subject property from the Gann Bros., Inc. The deed's legal description erroneously included 316 Canal Ave. as well as the parcel that was intended to be conveyed to the City. The Gann Bros. Inc. had already conveyed 316 Canal Ave. to Gary Gilileo in 1978 and, as a result, could not convey any interest in that property to the City, notwithstanding the error in the deed.

The City remains the owner of the adjacent parcels, which it uses as a storage yard, and has never used 316 Canal Ave. or acted with any interest therein. As such, the proposed deed does not affect the City's property or operations and is to be executed only so that Mr. Winner can obtain clear title to his property.

Staff recommended that the City Commission authorize the appropriate City officials to execute the Quit Claim Deed.

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

*** Memo re: Approval of Standard Continuing Contract for Environmental Risk Engineering Services and Authority to Negotiate Continuing Contracts with Short Listed Firms**

In accordance with the Consultant's Competitive Negotiation Act, the City's Purchasing Department recently issued Request for Qualification (RFQ) #1210A requesting qualifications from qualified firms to provide professional Environmental Risk Engineering Services pursuant to a continuing contract. A total of fourteen (14) firms responded to the City's RFQ. A Selection Committee, comprised of Risk Management, Water Department, Environmental Compliance, Community Development and Lakes & Stormwater City staff, evaluated the firms based on the following overall criteria:

- Capability and adequacy of professional personnel
- Response to the requirements set forth in the City's RFQ
- Experience and past performance
- Willingness to meet the City's time and budget requirements
- Office location from where work will be performed
- Recent, current and projected workload
- Volume of work previously awarded to the firm

After review of the proposals by the Selection Committee, the following seven (7) firms listed below, in the order in which they were ranked, have been short listed:

Company Name	Location
1. Tetra Tech, Inc.	Orlando, Florida
2. Professional Services Industries, Inc.	Orlando, Florida
3. Terracon Consultants, Inc.	Tampa, Florida
4. Golder Associates, Inc.	Tampa, Florida
5. American Compliance Technologies, Inc.	Bartow, Florida
6. OHC Environmental Engineering, Inc.	Tampa, Florida
7. Nova Engineering & Environmental, LLC	Tampa, Florida

Included with this approval request is a copy of the City's standard continuing contract for professional Environmental Risk Engineering Services that the City will enter into with the above-specified firms once approved by the City Commission. By entering into a continuing contract with these firms, the City will be able to utilize and benefit from a broad scope of professional Environmental Risk Engineering Services. The continuing contract is a zero-dollar Agreement pursuant to which all work will be performed under separately issued Task Authorizations requiring appropriate City approval based on the dollar value of services provided. The initial term of the Agreement is for a period of three (3) years, with two (2) additional one (1) year renewal options upon mutual written agreement of the parties.

Staff recommended that the City Commission approve the above short-listed firms and authorize the appropriate City officials to negotiate and enter into continuing contracts with the above-specified firms for professional Environmental Risk Engineering Services.

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

Memo re: Approval of Standard Continuing Contract for Municipal Engineering Services and Authority to Negotiate Continuing Contracts with Short Listed Firms

Action: Commissioner Phillip Walker moved to reconsider the vote on this item. Commissioner Sara McCarley seconded and the motion carried unanimously.

In accordance with the Consultant's Competitive Negotiation Act, the City's Purchasing Department, recently issued Request for Qualification (RFQ) #1210, requesting qualifications from qualified firms to provide professional Municipal Engineering Services pursuant to a continuing contract. A total of thirty-two (32) firms responded to the City's RFQ. A Selection Committee, comprised of Public Works Engineering, Water Department Engineering, Energy Delivery Engineering, Energy Delivery Substation and Energy Production Engineering City staff, evaluated the firms based on the following overall criteria:

- Capability and adequacy of professional personnel
- Response to the requirements set forth in the City's RFQ
- Experience and past performance

- Willingness to meet the City's time and budget requirements
- Office location from where work will be performed
- Recent, current and projected workload
- Volume of work previously awarded to the firm

After review of the proposals by the Selection Committee, the following ten (10) firms listed below, in the order in which they were ranked, have been short listed:

Company Name	Location
1. Chastain-Skillman, Inc.	Lakeland, Florida
2. Kimley-Horn and Associates, Inc.	Lakeland, Florida
3. CHA Consulting, Inc.	Winter Haven, Florida
4. Black & Veatch Corporation	Tampa, Florida
5. Pennoni Associates, Inc.	Winter Haven, Florida
6. Rummel, Klepper & Kahl, LLP	Lakeland, Florida
7. DRMP, Inc.	Orlando, Florida
8. Geosyntec Consultants, Inc.	Tampa, Florida
9. Hazen and Sawyer	Orlando, Florida
10. Tetra Tech, Inc.	Orlando, Florida

Included with this approval request, is a copy of the City's standard continuing contract for professional Municipal Engineering Services that the City will enter into with the above-specified firms, once approved by the City Commission. By entering into a continuing contract with these firms, the City will be able to utilize and benefit from a broad scope of professional municipal engineering services. The continuing contract is a zero-dollar Agreement pursuant to which all work would be performed under separately issued Task Authorizations requiring appropriate City approval based on the dollar value of services provided. The initial term of the Agreement is for a period of three (3) years, with two (2) additional one (1) year renewal options upon mutual written agreement of the parties.

Staff recommended that the City Commission approve the above short-listed firms and authorize the appropriate City officials to negotiate and enter into continuing contracts with the above-specified firms for professional Municipal Engineering Service.

Ramona Sirianni presented this item to the Commission.

Motion: Commissioner Bill Read moved to approve and 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:

- Why the list was shortened
- Local preference did not apply to CCNA contracts

- CivilSurv was ranked # 13
- CivilSurv had other CCNA contracts with the City
- Firms are selected based on their expertise
- CCNA task authorizations were capped at \$300,000
- The Commission would like more information on the point system.
- The Commission could expand the list to 18 first like previous years.
- Shorter contract terms

Motion Withdrawn: Commissioner Bill Read withdrew his original motion.

New Motion: Commissioner Chad McLeod moved to extend the list to 18 firms and approve the list and contract. Commissioner Phillip Walker seconded

Mayor Bill Mutz asked for comments from the public and a representative of CivilSurv came forward and thanked the Commission for the expanded ranking.

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

Agreement with RecTrac LLC d/b/a Vermont Systems for the Purchase and Implementation of Recreation Management Software and Hardware

This was a proposed Agreement with RecTrac LLC d/b/a Vermont Systems (Vermont Systems) for the purchase of software, hardware and related services necessary to support the Parks & Recreation Department's project to implement a comprehensive recreation management software platform.

The existing recreation management software utilized by Parks & Recreation consisted of three (3) stand-alone applications to manage its day-to-day operations. The first application, "ParksRec", was an outdated custom in-house written application that manages general recreation functions, classes, aquatics and camps. Another application referred to as "Athletics.lakelandgov.net", is a custom in-house written application that manages the City's sports leagues including softball and youth basketball. Lastly, "Ungerboeck", is an event management software used for City facility rentals and events. Currently, the public is required to access three (3) separate accounts depending on the nature of their request. City staff is seeking to provide a unified user-friendly platform that will enable the public to utilize a single account to view, register and pay for their recreation needs. In addition, City staff would benefit from a unified platform that provided greater versatility and visibility throughout the Parks & Recreation Department in managing its operations.

Vermont Systems was an industry leader in the area of Parks & Recreation Management software with over thirty (30) years of experience and an extensive customer base that included other Florida governmental entities such as the cities of Winter Haven, Tampa, and Clearwater, as well as Orange and Sarasota counties. The City's Purchasing Department had approved procurement of these services from Vermont Systems as a

"piggyback" contract pursuant to the Anoka County, MN Contract #C0008039 in furtherance of obtaining cost savings and efficiency for the City.

The term of this Agreement, effective upon approval by the City Commission, would be for a period of three (3) years, with the option to renew for additional periods of twelve (12) months unless terminated ninety (90) days prior to any such renewal term. Pursuant to the Agreement, Vermont Systems would provide the City with software licenses, implementation, hosting, support, hardware, end-user training, payment processing (online & in-person) and consolidation of the Parks & Recreation Department's website under a single software platform. The total purchase cost for the three (3) year term was \$189,105. The first-year cost of \$67,659, which included the purchase of software, hardware, implementation, training, hosting and support services, was included in Parks and Recreation's budget for FY21. The cost for the remaining two (2) years would be subject to City Commission budget approval in subsequent years.

Staff recommended that the City Commission approve this Agreement with Vermont Systems for the purchase of software, hardware and related support services and authorize the appropriate City officials to execute all necessary corresponding documents.

Ramona Sirianni presented this item to the Commission.

Motion: Commissioner Phillip Walker moved to approve the agreement and Commissioner Bill Read seconded.

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

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

FINANCE DIRECTOR

*** Appropriation and Increase in Estimated Revenues – Lakeland Linder International Airport – Operations Fund**

The American Rescue Plan Act of 2021 Coronavirus Response and Relief Supplemental Appropriation Act (CRRSAA) was signed into law on March 11, 2021 and included nearly \$8 billion in funds to be awarded as economic assistance to eligible U.S. airports to prevent, prepare for, and respond to the coronavirus disease 2019 (COVID-19) pandemic.

To distribute these funds, the Federal Aviation Administration (FAA) had established the American Airport Rescue Plan Grant (AARPG). The FAA would make grants to all airports that were part of the national airport system, including all commercial service airports, all reliever airports, and some public-owned general aviation airports.

Through the AARPG, the Lakeland Linder International Airport (LLIA) received an (AARPG) grant offer of \$148,000. The FAA agreed to pay 100% of allowable costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments. The grant amount was derived by a legislative formula. LLIA intends to use the funds towards its operational expenses, such as payroll, other operating costs, or payment of debt service.

On August 16, 2021, the City Commission approved the American Airport Rescue Plan Grant (AARPG). This appropriation would allow the budgeting and expenditure of the funds.

Staff recommended that the City Commission authorize an appropriation and increase in estimated revenues in the amount of \$148,000 to the Lakeland Linder International Airport - Operations Fund for the associated grant.

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

Increase in Estimated Revenues - Lakeland Linder International Airport - Renewal & Replacement Fund

The Runway 9-27 Rehabilitation and Strengthening project, completed in 2020, was funded through multiple sources. The Florida Department of Transportation (FDOT) agreed to fund \$4,662,238 of the total project cost of \$25,464,104, of which \$620,000 had already been received by the airport. The airport anticipated that the balance of the FDOT outer year reimbursements would occur in 2025 and 2026. In March of this year, FDOT offered to accelerate and fund the remaining balance of \$4,042,238, and on April 5, 2021 the City Commission authorized the execution of an FDOT Supplemental Agreement for \$4,042,238.

Funding Sources for project:

FAA	\$ 18,800,000.00
FDOT	4,662,238.00
DEO	992,761.54
Airport Share	<u>1,009,104.87</u>
Total Funding	\$ 25,464,104.41

As the project is complete, the airport has submitted closeout documents to FDOT to receive the \$4,042,238 that makes up the balance of their commitment.

Therefore, staff recommended that the City Commission authorize an increase in estimated revenues in the amount of \$4,042,238 to the Lakeland Linder International Airport - Renewal & Replacement Fund for receipt of the grant funding.

Mike Brossart presented this item to the Commission.

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

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

Commissioner Stephanie Madden suggested a competition amongst departments to see who can win the most grants.

Shawn Sherrouse added that the city had a position budgeted for a grant writer to assist the city in seeking additional grants.

Gene Conrad - the projects were finished they were just accepting the additional funds to replenish the accounts. The money was already spent. LLIA had approximately \$1 Million in surplus. We could participate in future projects with LLIA paying their portion. He anticipated the Airport's ability to pay as they go, their grant matches in the future and build a reserve.

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

Appropriation and Increase in Estimated Revenues - Lakeland Electric

As a part of the agreement with MAN for the purchase and installation of six reciprocating internal combustion engines, Lakeland Electric was required to pay \$12,700,000 within 20 days of the execution of the contract. Additionally, Lakeland Electric had expended \$400,000 in costs associated with the engineering analysis, design for cost estimates and related site sampling data for this project. These expenditures would be reimbursed through a bond offering to be issued in the October 2021 time frame.

Installation of the six reciprocating internal combustion engines was projected to total \$145 million, the entirety of which would be bond funded. These engines would provide the capacity needed following the retirement of McIntosh Unit 3. They were the ideal companion technology for solar and would serve as a bridge to the future of zero carbon given their rapid start-up, ability to follow solar fluctuations and their capability to run up to 20% hydrogen.

Therefore, staff requested that the City Commission authorize an appropriation and increase in estimated revenues of \$13,100,000 to the Lakeland Electric R&R Capital Projects Fund from the Unappropriated Surplus in the Lakeland Electric Capital Expansion Fund.

Mike Brossart presented this item to the Commission.

Motion: Commissioner Bill Read moved to approve the recommendation and 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 interest rate

The money was already spent. The bond would replenish the account, thus the resolution declaring the intent to reimburse.

LE's Days Cash on Hand (DCoH).

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

Appropriation and Increase in Estimated Revenues - Lakeland Electric Operating Fund

Throughout Fiscal Year 2021, Lakeland Electric staff had identified an increase in load reflecting warmer than normal weather, residential customers continuing to work from home and better than expected economic conditions for our industrial and commercial customers. As a result, we anticipated the need to increase both the cost of purchasing fuel by year end and the matching revenues.

The original fuel expense and revenue budget assumed sales of 3,189,597 MWh with an average fuel cost of \$36.78/MWh while current projections indicate the utility's load will be 7% higher at 3,421,114 MWh with an average fuel cost of \$36.62/MWh.

Therefore, staff requested that the City Commission authorize an appropriation and increase in estimated revenues of \$7,955,150 related to the anticipated increased fuel expenditures and related revenues for FY'21. The budget was requested to be provided by the Unappropriated Surplus in the Lakeland Electric Operating Fund.

Mike Brossart presented this item to the Commission.

Motion: Commissioner Bill Read moved to approve the recommendation and 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.

UTILITY

Resolutions

Resolution 5714; Proposed 21-070; Establishing the Environmental Compliance Cost Charge (Rate Schedule BA-3) for FY 2021-22

A RESOLUTION RELATING TO THE ELECTRIC UTILITY; ESTABLISHING THE ENVIRONMENTAL COMPLIANCE COST CHARGE FOR ALL CUSTOMER CLASSES FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2021; REPEALING RESOLUTION 5629; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis presented this item to the Commission.

Motion: Commissioner Chad McLeod moved to approve the resolution and Commissioner Phillip Walker 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 5715; Proposed 21-071; Establishing Fuel Charge Effective October 1, 2021

A RESOLUTION RELATING TO THE ELECTRIC UTILITY; MAKING FINDINGS; ESTABLISHING THE FUEL CHARGE FOR ALL CUSTOMER CLASSES FOR METERS READ ON OR AFTER OCTOBER 1, 2021; AMENDING TIME OF DAY FUEL CHARGE FOR APPLICABLE RATE CLASSES; REPEALING RESOLUTION 5688; PROVIDING AN EFFECTIVE DATE.

Palmer Davis presented this item to the Commission.

Motion: Commissioner Stephanie Madden moved to approve the resolution and Commissioner Chad McLeod seconded.

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

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

Miscellaneous

Memo re: Agreement with MAN Energy Solutions USA, Inc. for Procurement of Reciprocating Internal Combustion Engine Generators

This was a proposed Agreement with MAN Energy Solutions USA, Inc. (MAN) for the purchase of six (6) Reciprocating Internal Combustion Engine (RICE) generators that

will produce approximately 120.2 net megawatts (MW) of generation capacity. As a result of the recent shutdown of McIntosh Unit 3, Lakeland Electric's generation capacity has been reduced by nearly 220 MW. To address this reduction in generation capacity, Lakeland Electric staff has extensively studied the utility's generation options over the past several years. In reviewing those options, City staff has determined that the future generation needs for Lakeland Electric should include a combination of RICE generators, solar power and purchased power.

RICE generators were selected based on their quick response time, scalable generation capacity and lower maintenance costs. Each RICE unit can be brought online in only a few minutes at a much lower percent capacity than other types of engines. The series of RICE generators being procured will enable Lakeland Electric to incrementally add MW at a lower overall cost since maintenance is based on operating hours instead of number of starts. The total estimated cost of the overall project is \$145 million dollars. Additional phases of the project, including the installation and construction of Lakeland Electric's new electric generation facility, will be presented to the City Commission for approval as the project develops.

Accordingly, on December 14, 2020, the City's Purchasing Department issued Request for Proposal (RFP) No. 1032 seeking proposals for the design, engineering, procurement, fabrication, assembly, factory testing, packing, shipment and delivery of approximately 100 net MW of RICE generators. The City received responses from the three (3) companies listed below.

- | | |
|----------------------------------|--------------------|
| • MAN Energy Solutions USA, Inc. | Brookshire, TX |
| • Rayco Industrial, Inc. | Selma, AL |
| • Wartsila North America, Inc. | Ft. Lauderdale, FL |

Upon evaluation by Lakeland Electric staff and Sargent & Lundy, LLC, the consulting engineer for the project, MAN was selected as the most qualified cost-effective company capable of best meeting Lakeland Electric's generation needs in accordance with the City's RFP. MAN Energy Solutions USA, Inc., a subsidiary of MAN Energy Solutions SE headquartered in Augsburg, Germany, produces large engines for marine propulsion and power plant operations. Although MAN has installed a number of marine propulsion engines throughout the U.S., the City's project will be MAN's first power plant application here in the U.S. However, MAN has installed over 26,000 power plant engines with an output of approximately 56,000 MW all over the world.

Due to the City's long-term generation needs, Lakeland Electric is seeking to exercise its option in the RFP to purchase additional generation capacity totaling 120.2 net MW of RICE generation over a combined six (6) engines. Pursuant to the Agreement, MAN will provide six (6) RICE generators, which includes the design/engineering, fabrication and performance testing of the equipment. MAN's services will also include technical advisory and equipment commissioning services.

The term of the Agreement, effective September 7, 2021, shall continue through the completion of site services, which shall be no later than June 30, 2024, unless otherwise terminated or extended in accordance with the Agreement. MAN will commence work and begin the final design/engineering and manufacturing of the six (6) RICE generators upon City Commission approval. Delivery of the RICE generators is scheduled for the Summer of 2022 and commissioning of the electric generation facility is anticipated to occur in the Fall of 2023.

In accordance with the Agreement, MAN is required to provide a performance bond in the amount of the contract price, as required by Florida Statute, that will remain in effect through the entire contract term to ensure satisfactory completion of the project. Given the importance of meeting the schedule for commissioning of the RICE generators, provisions for liquidated damages resulting from delivery delays of equipment, as well as failure to meet performance guarantees, have been incorporated into the Agreement. Liquidated damages in the Agreement are capped at 15% of the contract price.

With regard to delivery of the equipment, MAN will bear the risk of loss for any damage or destruction that may occur transporting the equipment from France until it reaches the project site at the McIntosh Power Plant. Pursuant to the Agreement, MAN will be required to insure the equipment for its full replacement value if any physical loss or damage occurs in transit until delivery to the project site. MAN will also be required to name the City as an additional insured and provide excess liability coverage for commercial general liability, automobile liability and employer's liability up to \$9,000,000.

The warranty on the RICE generators will be for a period of twenty-four (24) months from successful completion of performance testing or fifty-four (54) months from the Commencement Date, whichever occurs first. In addition, MAN is required to indemnify and hold the City harmless for any property damage or bodily injury arising from MAN or any of its subcontractors' negligent performance pursuant to the Agreement.

MAN will perform all services in accordance with the terms and conditions set forth in the attached Agreement. The total contract price for equipment and related services is \$58,172,353 based on the currency exchange rate (1 EUR = \$1.19 USD), which was locked in as of August 30, 2021. MAN will be responsible for any risk of fluctuation in the international currency rates that may occur during the term of the Agreement.

The Agreement also provides for a not-to-exceed price of \$921,634 for applicable fees related to customs, duties and taxes. However, it is anticipated that those fees will be a lesser amount of approximately \$500,000. Once that amount is determined, MAN will invoice the City the direct cost of those fees on a one to one basis with no additional mark-up. In addition, City staff is requesting a contingency amount of \$1,000,000, which will cover minor modifications related to project scope that may occur. As such, the total cost for the purchase of the equipment, related services, fees and contract contingency is \$60,093,987. The purchase of the six (6) RICE generators is included in Lakeland Electric's budget for RICE Generation, which will be funded through the issuance of bonds.

Staff recommended that the City Commission approve this Agreement with MAN for the procurement of six (6) RICE generators and authorize the appropriate City officials to execute all corresponding documents related to the purchase.

Ramona Sirianni presented this to the Commission. It was unanimously approved at the Utility Committee meeting.

Motion: Commissioner Phillip Walker moved to approve the recommendation and 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:

- Kudos to Assistant City Attorney Ramona Sirianni for her work on the MAN contract.
- Mr. Beckham explained how LE staff was working on all aspects of this deal.
- The Calpine Unit and LE's capacity.
- LE was the #3 Muni in the State of Florida.

Joel Ivy also recognized Ramona Sirianni's work on the contract. She started from scratch on this contract. He also recognized Dave Holdener, Steve Reinhart and Mike Beckham for their expertise and Joyce Dias in Risk.

Action: Mayor Pro Tem Sara McCarley called for the vote and the motion carried unanimously. 6-1. Mayor Bill Mutz was absent.

Joel Ivy announced signing ceremony on Thursday.

AUDIENCE – None

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Phillip Walker announced the GTF Neighborhood Cleanup 9/25 in North Lake Wire Neighborhood in partnership with All Saints Episcopal church from 8:30 a.m. to 12 Noon

Commissioner Mike Musick asked about the lot cleaning & clearing and photos of the subject properties.

Shawn Sherrouse - they do have photos. The challenge is not knowing who is going to appear. Staff could follow up after the meeting with photos of locations that were raised.

Palmer Davis clarified that the Commission did not forgive the fines today but rather removed it for further study.

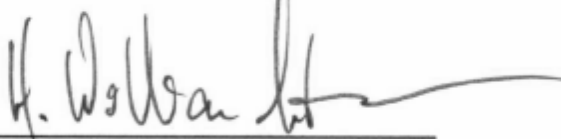
Commissioner Stephanie Madden has been receiving complaints about noise from motorcycles or cars without mufflers. It is especially a problem around outdoor dining. She was hoping to bring it up and hear some possible solutions. Also waiting for Covid in wastewater results.

Commissioner Bill Read had similar concerns about vehicle noise.

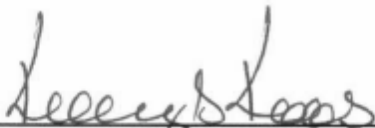
Commissioner Chad McLeod - Saturday is the 20th anniversary of 9/11. It is also the 5th Annual Fallen Heroes 5K event.

Commissioner Sara McCarley - Several events to commemorate the 20th Anniversary of 9/11. FSC just opened with their largest freshman class ever, approximately 850 students.

CALL FOR ADJOURNMENT – 12:14 p.m.



H. William Mutz, Mayor



Kelly S. Koos, City Clerk

