

LAKELAND CITY COMMISSION

**Regular Session
May 16, 2022**

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, and Phillip Walker were present. Commissioner Mike Musick was absent. City Manager Shawn Sherrouse, City Attorney Palmer Davis, Finance Director Mike Brossart, and City Clerk Kelly Koos were present.

CALL TO ORDER - 9:00 A.M.

PRESENTATIONS

Water Conservation (Bill Anderson, Water Utilities Director and Brittany Thornton, Water Utility Conservation Specialist)

PROCLAMATIONS

Community Action Month
Lakeland Celebration of National Small Business Week
Lupus Awareness Month
Mayors' Monarch Pledge Day
National Public Works Week
National Safe Boating Week
National Water Safety Month
William Bill Gardam Day

COMMITTEE REPORTS AND RELATED ITEMS - None

APPROVAL OF CONSENT AGENDA – None

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 Chad McLeod moved to approve the Consent Agenda. Commissioner Phillip Walker seconded.

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

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

APPROVAL OF MINUTES (with any amendments)

- * Commission Minutes – April 29 – May 2
- * Utility Committee Minutes – April 29

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC

Beverly Copeland re Traffic on Carpenters Way

Ms. Copeland, President of Sandwedge Villas HOA, came forward about traffic. Lakeland Park Center Drive was a nice addition. Traffic backs up at the light at US Hwy 98. That will get worse with the proposed apartments. It is not safe to walk because there are sidewalks only on one side. It is not safe to ride your bike. Speeders cut through that area. We need to slow down the traffic.

The Commission referred Ms. Copeland to Assistant Public Works Director Greg James.

Billy Townsend re Short-Term Rentals.

Billy Townsend, President of Lake Morton Neighborhood Association, came forward to speak about Short-term rentals. It has been a bubbling issue in the neighborhood for a while. It has been difficult to get the City's legal opinion. He wanted to know what the City could do or the neighborhood could do. Is there an approach to get the State legislatures to represent them on this issue? He asked the Commission to respond to his emails.

City Attorney Palmer Davis responded. There is a State preemption regarding vacation rentals. The State has backed off a little bit. It has backed off some, except cities cannot prohibit. Cities can place some restrictions. Regulations prior to 6-1-2011 were exempted. Lakeland did not have any regulations prior to that time. The City could implement some regulations.

Jerrold Simpson has been following the issue since October. There has been litigation. St. Augustine faced lawsuits when they passed regulations. One lawsuit did conclude in which the City prevailed. They had regulation on the books prior to 6-1-2011. That will not help Lakeland. Flagler County implemented a short-term rental registration program and it was upheld in court. The Commission supported a workshop to consider options.

EQUALIZATION HEARINGS – None**PUBLIC HEARINGS**

Ordinances (Second Reading)

Ordinance 5928; 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)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT CPA21-002 TO THE LAKE LAND COMPREHENSIVE PLAN: OUR COMMUNITY 2030; UPDATING THE CITY OF LAKE LAND'S WATER SUPPLY PLAN CONSISTENT WITH THE CENTRAL FLORIDA WATER INITIATIVE REGIONAL WATER SUPPLY PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Chad McLeod moved to approve the ordinance. 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 Phillip Walker, Sara McCarley, Stephanie Madden, Chad McLeod, Bill Read, and Mayor Bill Mutz voted aye. Ayes-six. Nays-zero. The motion carried unanimously.

Ordinance 5929; Proposed 22-018; Amending Ordinance 5751; Major Modification of a Conditional Use to Allow a 91' x 106' Outdoor Covered Play Pavilion with a Maximum Mean Roof Height of 32' 7" on Property Located at 1736 New Jersey Road

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 5751 TO MODIFY AN EXISTING CONDITIONAL USE TO ALLOW AN OUTDOOR COVERED PLAY PAVILION ON PROPERTY LOCATED AT 1736 NEW JERSEY ROAD; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

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

Ordinance 5930; Proposed 22-019; Small Scale Amendment #LUS22-002 to the Future Land Use Map to Change Future Land Use from Neighborhood Activity Center (NAC) to Residential Medium (RM) on Approximately 8.57 Acres Located at the Southeast Corner of Parkway Frontage Road South and Pipkin Creek Road (1st Rdg. 05-02-22)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR SMALL SCALE AMENDMENT #LUS22-002 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP OF THE LAKELAND COMPREHENSIVE PLAN: OUR COMMUNITY 2030; CHANGING THE FUTURE LAND USE DESIGNATION ON APPROXIMATELY 8.57 ACRES LOCATED AT THE SOUTHEAST CORNER OF PARKWAY FRONTAGE ROAD SOUTH AND PIPKIN CREEK ROAD FROM NEIGHBORHOOD ACTIVITY CENTER (NAC) TO RESIDENTIAL MEDIUM (RM); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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, Sara McCarley, Stephanie Madden, Chad McLeod, Bill Read, and Mayor Bill Mutz voted aye. Ayes – six. Nays – zero. The motion carried unanimously.

Ordinance 5931; Proposed 22-020; Amending Ordinance 4382, as amended; Major Modification of PUD Zoning for Lakeside Preserve to Allow for up to 120 Additional Multi-Family Dwelling Units on Approximately 8.57 Acres and Change to Context District from Suburban Corridor (SCO) to Suburban Neighborhood (SNH) on Approximately 5.76 Acres Located at the Southeast Corner of Parkway Frontage Road South and Pipkin Creek Road (1st Rdg. 05-02-22)

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 4382, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PLANNED UNIT DEVELOPMENT ZONING FOR LAKESIDE PRESERVE TO ALLOW FOR UP TO 120 ADDITIONAL MULTI-FAMILY DWELLING UNITS IN LIEU OF 20,000 SQUARE FEET OF RETAIL/PERSONAL SERVICES USES AND 45,000 SQUARE FEET OF OFFICE, INSTITUTIONAL AND HOTEL USES ON APPROXIMATELY 8.57 ACRES LOCATED AT THE SOUTHEAST CORNER

OF PARKWAY FRONTAGE ROAD SOUTH AND PIPKIN CREEK ROAD; CHANGING THE CONTEXT SUB-DISTRICT ON APPROXIMATELY 5.76 ACRES OF SAID PROPERTY TO SUBURBAN NEIGHBORHOOD (SNH); PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Chuck Barmby gave a brief presentation where he reviewed the proposed changes. The request would change commercial and office entitlements to allow for 120 multi-family units to be combined with 271 multi-family units to develop 391-unit multi-family community. The proposed changes were:

- The longer buildings were moved to the northside of the site.
- The City required cross access between the multi-family and single-family developments. Both developments used the same transportation consultant for the PUD. The multi-family development needs to have full access to Pipkin Creek Rd. If Polk County does not grant the multi-family full access to Pipkin Creek Rd, there will be access through Lakeside Preserve. If Polk County grants full access, the cross access will be gated (emergency use only) between multi-family and single-family development allowing only pedestrian cross access.
- The second amendment clarified the responsibility for offsite access mitigation. Both parties were financially responsible for that mitigation.
- The last amendment recognized the multifamily will be responsible for its stormwater mitigation and the single-family will be responsible for its stormwater through the HOA.

The Commission discussed their displeasure at voting on the last-minute changes. Palmer Davis advised they could delay if they chose.

Tim Campbell representing Alliance (applicant). Alliance was just requesting a mechanism so they could move forward with mitigation and the other developer pay their share. It is relatively simple. Both developers used the same transportation planner. The developers are required to resolve issues between themselves. There were no dissenting issues. There is a pedestrian connection from the multi-family to Harden Bl.

Chuck Barmby agreed there was harmony on these issues between the developers.

Tim Campbell: Alliance has already designed the intersection improvements and have met with the County over the access. The County was comfortable with the access. Chuck Barmby coordinated a meeting between the 2 developers to reach the harmony on the issues. Lakeland Housing Authority still owned the adjacent property however Alliance was positioned to purchase the property. The LHA would use those proceeds for other projects. He requested the Commission not delay the vote.

Motion: Commissioner Phillip Walker moved to approve the ordinance with all the request amendments. Commissioner Stephanie Madden seconded.

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

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

Ordinance 5932; Proposed 22-021; Approving the Inclusion of Certain Lands within the Boundaries of the Lakeland Area Mass Transit District (1st Rdg. 05-02-22)

AN ORDINANCE RELATING TO THE LAKELAND AREA MASS TRANSIT DISTRICT; MAKING FINDINGS; APPROVING THE INCLUSION OF CERTAIN LANDS LOCATED WITHIN THE CITY OF LAKELAND 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 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 Phillip Walker, Sara McCarley, Stephanie Madden, Chad McLeod, Bill Read, and Mayor Bill Mutz voted aye. Ayes – six. Nays – zero. The motion carried unanimously.

Resolutions

Resolution 5757; Proposed 22-020; Designating Property Located at 1 Sikes Road and 0 Kathleen Road a Brownfield Area

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA EXPANDING AN EXISTING BROWNFIELD AREA TO INCLUDE ADDITIONAL PROPERTY GENERALLY LOCATED SOUTH AND EAST OF GEORGE JENKINS BOULEVARD, SOUTH AND WEST OF LAKE WIRE DRIVE AND SIKES BOULEVARD, AND NORTH OF WEST MAIN STREET, PURSUANT TO SECTION 376.80(2)(B), FLORIDA STATUTES; AUTHORIZING THE CITY ATTORNEY OR DESIGNEE TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; 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 liability. There was no liability to the City if the developer failed to close. A new buyer would find the designation attractive.

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

Resolution 5758; Proposed 22-022; Authorizing the Issuance of a City of Lakeland, Florida Educational Facilities Revenue Refunding Note (Florida Southern College Project) in a Principal Amount Not Exceeding \$30,000,000

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA AUTHORIZING THE ISSUANCE OF THE CITY OF LAKE LAND, FLORIDA EDUCATIONAL FACILITIES REVENUE REFUNDING NOTE (FLORIDA SOUTHERN COLLEGE PROJECT), SERIES 2022 IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$30,000,000 (THE "2022 NOTE") FOR THE PURPOSE OF PROVIDING FUNDS TO MAKE A LOAN TO FLORIDA SOUTHERN COLLEGE (THE "BORROWER") TO PROVIDE FUNDS TO FINANCE THE COST OF REFINANCING OBLIGATIONS OF THE BORROWER RELATED TO THE CITY OF LAKE LAND, FLORIDA EDUCATIONAL FACILITIES REVENUE AND REFUNDING REVENUE BONDS (FLORIDA SOUTHERN COLLEGE PROJECT), SERIES 2012A, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A FINANCING AGREEMENT AND ALL EXHIBITS AND SCHEDULES THERETO, THE 2022 NOTE AND THE TAX REGULATORY AGREEMENT AND NO ARBITRAGE CERTIFICATE; AWARDING THE SALE OF THE 2022 NOTE BY A NEGOTIATED SALE; AUTHORIZING CERTAIN OFFICIALS OF THE CITY OF LAKE LAND, FLORIDA TO TAKE CERTAIN ACTION IN CONNECTION WITH THE ISSUANCE OF THE 2022 NOTE; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF THE 2022 NOTE; AND PROVIDING AN EFFECTIVE DATE.

Palmer Davis distributed an affidavit for the Commission to sign stating they had no conflict in this project. He then read the short title.

Motion: Commissioner Sara McCarley 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.

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

COMMUNITY REDEVELOPMENT AGENCY

Task Authorization with The Apiary for Catalyst 2.0

To inform development opportunities and market the City of Lakeland to potential partners, CRA staff is proposing a partnership with the Lakeland Economic Development Council ("LEDC") to build a system that would layer strategic planning outputs into an interactive digital modeling system. The LEDC initiated the platform by procuring the services of the Apiary, a Lakeland-based design firm that specializes in photorealistic architectural visualization.

To continue the work, staff solicited a proposal from the Apiary with deliverables being completed in multiple phases and aligned with the strategic planning consultant timelines associated with the work currently underway in the East Main District, Downtown West, and the Dixieland CRA. The LEDC has provided funding for Phase 1 of the project buildout.

The Apiary is on the City's Continuing Services Contracts list for Professional Planning, Design or Development Services. Total project cost is not to exceed \$380,000, with \$280,000 being allocated in FY22 to support completion of the ongoing work. The remaining \$100,000 would be addressed in the FY23 budget cycle for the final phase of the project. The project will be funded by the Midtown CRA from line items allocated specifically for the East Main District Master Plan, Dixieland's South Florida Avenue Corridor Enhancement Fund, and Downtown CRA Catalyst Funds.

Staff recommended that the City Commission acting as the Lakeland Community Redevelopment Agency approve this item, and authorize the appropriate CRA officials to execute the Task Authorization with The Apiary for Professional Planning and Design Services for the Catalyst 2.0, Phase 2 project in an amount not to exceed \$280,000.

Assistant City Attorney Jerrod Simpson presented.

Alis Drumgo introduced Katie Worthington Decker of The Apiary. She gave a presentation. Ms. Decker introduced Maggie Briggs and Matthew Lukens who demonstrated the project.

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

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

The Commission discussed:

- How this would help to attract investment by allowing developers to do research on surrounding developments.
- Making links available on the City and Chamber websites.
- Downtown West and other areas of the City. If there is a priority, they can build out that area.
- The average citizen will be able to use the software.
- Traffic modeling with this software was not available currently.
- Developers will load their projects by using a specific file type, which Apiary will then upload to the site.
- Apiary hoped other architects and engineers would participate with the software.
- Lakeland was leading the way, making this interactive tool available to citizens/developers on the web.

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

*** Task Authorization with Central Concrete Products, Inc. for N. Florida Avenue Alley Improvement Project**

Mary's Bagel Café is currently under construction at the corner of 8th Street and N. Florida Avenue, and the building is expected to be approximately 1,800 square feet in size. On January 7, 2021, the CRA Advisory Board heard a request for Infill Adaptive Reuse Grant funding for this project, and the Board approved the project for a total of \$107,000 from infill grant funds to provide conceptual renderings and assist in certain development costs. Cross-access to the adjacent property is required since the project is located along the US-98 corridor. The CRA is the adjacent property owner. The Advisory Board also approved \$64,200 for off-site improvements to the alley, which were the anticipated costs at the time.

During pre-development meetings, the business owners, City staff, and the Florida Department of Transportation ("FDOT") received feedback on the proposed site layout. Due to the constraints of the property size, the existing unimproved alley to the south of the property will need to be improved to allow for a right turn-in only driveway to provide ingress to the site, with egress onto West 8th Street. Recognizing the traffic circulation benefit to both the business owner and the CRA, the Public Works Department and the CRA executed a Memorandum of Understanding in May 2021 for Public Works to engineer, design and construct the alley improvements. However, due to staffing limitations and the project timing, Public Works is unable to perform the work and has instead selected to outsource construction of the project to Central Concrete Products, Inc.

Staff recommended that the City Commission, acting as the Lakeland Community Redevelopment Agency approve this item, and authorize the appropriate CRA officials to execute the Task Authorization with Central Concrete Products, Inc. for excavation and installation of a concrete sidewalk and driveways in the Midtown CRA for an amount not to exceed \$69,369.20.

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

CITY MANAGER

Recommendation re: FY 21-22 Mid-Year Table of Organization Modifications and Appropriations

Throughout the Fiscal Year, requests arise from Departments to make modifications to their Tables of Organization. These modifications may involve adding, deleting, pay adjustments, or reclassifying positions to meet Departmental operational needs or improve service delivery. This process involves a formal request, that must include sufficient justification based on business needs, to a Review Committee consisting of members from the City Manager's Office, Office of Innovation and Strategy, Human Resources, and Finance. Compensation requests are thoroughly vetted through the Human Resources Department to verify that each request is aligned with our classification and compensation structure and workforce management practices. Once reviewed, the Committee provides recommendations to the City Manager for consideration and approval.

Most of the changes had either no cost or were offset by the departments through other organizational changes/reductions. The amounts below display how the various Fund budgets are increasing or decreasing based upon the approved requests. When viewed as a whole, the total budget-wide savings related to these changes is \$146,104.

Staff requested that the City Commission authorize an appropriation or de-appropriation from the Unappropriated Surplus in the listed Funds related to the mid-year organizational changes.

- General Fund –
 - Community & Economic Development – (\$23,839)
 - Finance - \$4,478
 - Fire - \$70,977
 - Human Resources – (\$3,112)
 - Legal – \$25,912
 - Parks, Recreation, & Cultural Arts - \$15,533
 - Police - \$8,246
 - Public Works – (\$68,252)
 - Risk Management - \$2,893
 - RP Funding Center – (\$37,071)
- Building Inspection Fund - \$30,375
- Downtown CRA Fund – (\$470)

- Dixieland CRA Fund – (\$61)
- MidTown CRA Fund – (\$3,742)
- Lakeland Linder International Airport Fund – (\$5,125)
- Stormwater Fund – \$47,458
- Lakeland Electric Fund – (\$210,304)

Commissioner Sara McCarley left meeting at 11:09 a.m.

Shawn Sherrouse presented and talked about continued reductions to the budget and efficiency to operations. For example, the Fire request resulted in General Fund savings by reducing overtime.

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

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

The Commission discussed how these figures compared to previous years. LE has eliminated many positions for the Table of Organization.

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously, 5-0.

Recommendation re: Award of RFP No. 2080 for Broker Consulting Services for Property & Casualty Insurance to Arthur J. Gallagher Risk Management Services Inc.

Arthur J. Gallagher Risk Management Services, Inc. is the City's current Broker and Consulting Service provider for Property & Casualty Insurance. The current contract is due for renewal on June 1, 2022. The Broker Consulting Services for Property & Casualty Insurance provides insurance consulting and brokerage services for coverage lines including, but not limited to excess workers' compensation, property & boiler machinery, inland marine, excess liability, public officials and employment practices, aviation, sculpture, cyber and crime coverage.

On January 21, 2022, 100 prospective vendors received notification of the Broker Consulting Services for Property & Casualty Insurance RFP, ten were local. Three proposals were received at the RFP opening on March 21, 2022. The three firms that responded to the RFP were: Arthur J. Gallagher Risk Management Services, Inc., Risk Management Associates Inc., wholly subsidiary of Brown & Brown Inc., and RSC Insurance Brokerage Inc. dba Gehring Group.

On April 8, 2022 the seven-member Selection Committee, comprised of a cross-section of the City's Management Team and one City Commissioner, reviewed the submittals and scored each firm. The Selection Committee agreed to invite the top two prospective

firms for a presentation/interview with their representatives on April 20, 2022. Each firm was requested to present, on specific evaluation criteria, at exclusive prescheduled times. The Selection Committee met after the presentation/interviews were completed, to discuss and score each firm. The Selection Committee agreed to move forward with recommendation of award for RFP #2080, with the firm who received the highest score.

The City Attorney reviewed the recommendation and opined upon the application of local vendor preference points and the memo was pulled from the May 2nd Agenda. The Selection Committee reconvened on May 5, 2022, to discuss clarification responses provided by the firms and revision of the final scoring based on local preference. The total score for each firm is provided below.

Firm Name	Proposal Score	Interview Score	Total Score	Local Preference	Grand Total
Arthur J. Gallagher Risk Management Services, Inc.	591	636	1227		1227
Risk Management Associates Inc., wholly subsidiary of Brown & Brown Inc.	606	571	1177	58.85	1235.85

Ordinance No. 5912, Exceptions to Local Preference Policy states "Application of the City's Local Preference Policy to a particular purchase, contract, or other procurement may be waived upon written recommendation by City Staff and approval by the City Commission." A consensus vote (4-2) by the Selection Committee recommends waiver of the Local Preference points in support of award for RFP #2080, to Arthur J Gallagher Risk Management Services, Inc.

Rationale for waiver of Local Preference points:

- Power Generation focus and strength of resources with AJG, City's single largest risk exposure is in our Power Generation. Lakeland Electric accounts for 64% of the City's total insured property value, in addition, Boiler Machinery coverage encompasses all power generators, transformers and Water Utility locations.
- Engineering Resources and Safety & Loss Prevention; Brown & Brown is limited to 40 hours+ added cost for additional hours, a third party is used for these services. AJG provides unlimited hours with no added cost and brings significant experience with dedicated in-house team members presented to us as part of the RFP submittal.

- Since 2014, City of Lakeland has filed 7 claims and received a total of \$10.9M in settlements. Unit 5 \$7.1M; Substations \$2.3M; Unit 2 \$1M; Larsen \$0.5M. Unit 3's only claim is an open one from 2020 for \$1.4M, which continues to be negotiated between the City with AJG and the insurance carriers.

Staff recommended that the City Commission authorize the appropriate City Officials to negotiate a contract to remain in effect for three years, through June 1, 2025, with two additional one-year renewal options, for the annual fee for services of \$125,000 with Arthur J. Gallagher Risk Management Services, Inc., to provide Broker Consulting Services for Property & Casualty insurance effective June 1, 2022.

Shawn Sherrouse presented this item.

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

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

The Commission discussed local preference and the improvements made over last year.

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously, 5-0.

CITY ATTORNEY

Ordinances (First Reading)

Mayor Bill Mutz explained this was a first reading. There will be a staff presentation. There will be no comments today.

Proposed 22-013; Amending Ordinance 3449, as Amended; Major Modification of PUD Zoning to Allow an Apartment Complex with a Maximum of 211 Multi-Family Dwelling Units on Approximately 12.07 Acres Generally Located South of Lake Miriam Square Shopping Center, North of Lake Miriam Drive, East of S. Florida Avenue and West of Lakeland Highlands Middle School.

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 3449, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PLANNED UNIT DEVELOPMENT (PUD) ZONING TO ALLOW AN APARTMENT COMPLEX WITH A MAXIMUM OF 211 MULTI-FAMILY DWELLING UNITS ON APPROXIMATELY 12.07 ACRES GENERALLY LOCATED SOUTH OF LAKE MIRIAM SQUARE SHOPPING CENTER, NORTH OF LAKE MIRIAM DRIVE, EAST OF S. FLORIDA AVENUE AND WEST OF LAKELAND HIGHLANDS MIDDLE SCHOOL; 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 June 6, 2022.

Chuck Barmby gave a presentation and reviewed revisions since the previous meeting.

Resolutions

Resolution 5759; Proposed 22-023; Adopting the Restated City of Lakeland Defined Contribution Plan

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO THE CITY OF LAKE LAND DEFINED CONTRIBUTION PLAN; RESTATING THE PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

Action: Upon roll call vote Commissioners Chad McLeod, Bill Read, Stephanie Madden, and Mayor Bill Mutz voted aye. Commissioner Phillip Walker was absent at that time. Ayes – four. Nays – zero. The motion carried unanimously.

Memo re: Fire Protection Agreement with Polk County

This was a proposed agreement between the City and Polk County to provide fire service in portions of the unincorporated areas adjacent to the City.

Prior to 2017, the City, through its Fire Department ("LFD"), arranged on an annual basis an agreement whereby the City would accept a response obligation to incidents located in certain identified areas adjacent to the City limits. As compensation, the County agreed to pay a percentage of the annual fire assessment collected by the County on properties in the designated areas. In 2017, the City and County adopted an agreement with a five (5) year term, and with compensation for the first year at 55% of the collected fire assessments and increasing to 68% by the end of the term.

The current proposed Agreement has a five (5) year term, and either Party may terminate with ninety (90) days written notice. If during the term of the Agreement there is a change in fire fee rates, a new fire station is constructed or brought online, or if the service levels change for either Party, then the Agreement may be renegotiated.

The proposed Agreement modifies the boundaries of the area and provides for mutual assistance and support between fire departments as required. In exchange for LFD providing response to certain unincorporated areas, the City will receive 65% of the Polk County Fire Rescue Fee as collected from those designated areas. The County maintains complete discretion to set the rates for said fees.

Staff recommended that the appropriate City officials be authorized to execute this Fire Protection Agreement.

Assistant City Attorney Jerrod Simpson presented this item to the Commission.

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

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

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously, 5-0.

*** Software License Agreement with Pictometry International Corp. for GIS Technology Support**

This proposed Software License Agreement with Pictometry International Corp. (Pictometry), was to enhance the City's existing systems such as Oblique and Ortho aerial photography, in conjunction with the City's Geographic Information System (GIS) platform. Specifically, this hosted software will also be used for building outlines, provide a 3D Textured Mesh, web services and professional services. Several the City's technology projects in upcoming years related to the City's significant increase in applying GIS technology to its operational, technical and public facing areas, including the Community Redevelopment Agency's Strategic Action Plan, will be supported by this Agreement.

The Agreement sets forth the general terms and conditions for use of Pictometry's software and online services. The Agreement will specifically grant the City and its Departments, including Lakeland Electric and Water/Wastewater, access to Pictometry products, as well as base products for the public to have unlimited use of the aerial photography online. Pursuant to this Agreement, the City will be provided with updated imagery and data at a lower cost since the City will not have to pay for flights to collect the data and will have the flexibility to deploy products when and where they are needed.

The City's Purchasing Department has approved the procurement of Pictometry's services pursuant to Florida Department of Revenue Contract No. P0142 in order to secure competitive pricing. The term of the Agreement will be for a period of three (3) years, effective upon approval by the City Commission. The total cost associated with

this Agreement is \$93,720.40 for the three (3) year term, which includes maintenance of all software and is included in DoIT's FY2022 budget.

Staff recommended that the City Commission approve this Software License Agreement with Pictometry and authorize the appropriate City officials to execute all corresponding documents.

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

FINANCE DIRECTOR – None

UTILITY

Ordinances – None

Resolutions – None

Miscellaneous

*** Agreement with Burns & McDonnell Engineering Company, Inc. for Lakeland Electric Rate Study**

This proposed Agreement with Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) was to conduct a rate study to prepare an evaluation of Lakeland Electric's tariffs. The rate study will encompass an analysis of the utility's revenue requirement and cost of service in order to propose utility rates that are fair and practical based on a cost of service approach. Lakeland Electric conducted its last rate study in 2018. A new rate study is necessary to determine if current rates are adequate to fund Lakeland Electric's operating expenditures, provide for planned investments in infrastructure and reestablish cost allocations among the various customer rate classes.

Accordingly, the City's Purchasing Department issued Request for Proposal (RFP) No. 2088 on March 8, 2022, seeking qualified firms to assist Lakeland Electric in preparing an analysis of its electric tariffs. The following five (5) companies responded to the RFP and provided their "not-to-exceed" costs for the rate study:

<u>Company</u>	<u>Location</u>	<u>NTE</u>
Raftelis Financial Consultants, Inc.	Maitland, FL	\$88,070
Burns & McDonnell Engineering Company, Inc	Kansas City, MO	\$95,000
nFront Consulting LLC	Oviedo, FL	\$105,000
Black & Veatch Management Consulting, Inc.	Orlando, FL	\$110,000
NewGen Strategies and Solutions, LLC	Lakewood, CO	\$135,000

Upon evaluation by staff, Burns & McDonnell was selected as the most qualified and cost effective firm capable of meeting Lakeland Electric's needs in accordance with the City's RFP. This Agreement will become effective upon approval by the City Commission

and shall remain in effect until December 31, 2022, unless otherwise extended or terminated as provided for in the Agreement. The total cost for completion of the rate study services is \$95,000 and is included in Lakeland Electric's FY22 budget.

Staff recommended that the City Commission approve the Agreement with Burns & McDonnell for the 2022 Rate Study and authorize the appropriate City officials to execute all corresponding documents related to the Agreement.

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

Memo re: Agreement with Trenwa, Inc. for Precast Concrete Trench at McIntosh Power Plant

This proposed Agreement with Trenwa, Inc. was for a precast concrete trench that will be 40" wide x 16" deep and 800 feet in length to support the repowering project at the McIntosh Power Plant. With the pending demolition of McIntosh Units 1, 2 and 3, the electrical supplies which came from these units and supplied power to other locations now need to be repowered in order to provide additional redundancy to the electrical system. The most cost effective and timely way to supply the necessary power is to install an underground duct or trench system. A precast concrete trench system can be installed quickly, is rated to withstand 35,000 lbs. per axial of vehicle traffic and can be adapted to accommodate future changes without additional excavation.

The City's Purchasing Department has approved Trenwa, Inc. as a sole source supplier for the precast concrete trench. Upon approval by the City Commission, Trenwa, Inc. will design and supply the materials for the precast concrete trench, which are scheduled to be delivered to the Plant in June 2022. A general contractor, selected by the City pursuant to a separate bid, will then install the trench. The purchase is governed by the City's Purchase Order and Trenwa, Inc.'s Quote Q36735. The total cost for the precast concrete trench is \$177,840 and is included in Lakeland Electric's FY22 budget.

Staff recommended that the City Commission approve this Agreement with Trenwa, Inc. and authorize the appropriate City officials to execute all corresponding documents for the purchase of a precast concrete trench to support the repowering project at the McIntosh Power Plant.

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

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

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

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously, 5-0.

Memo re: Agreement with Powell Electrical Systems, Inc. for Medium Voltage Switchgear Lineups for McIntosh Reciprocating Engine Project

This proposed Agreement with Powell Electrical Systems, Inc. (Powell) was for the purchase of two (2) new Medium Voltage Switchgear Lineups for the McIntosh Reciprocating Engine Project. These switchgear lineups will provide a connection for the six (6) reciprocating engine generators being procured from MAN Energy Solutions USA, Inc. to send power to the substation, as well as provide power for the 13.8KV to 480 V transformers for Plant auxiliary loads.

On March 7, 2022, the City's Purchasing Department issued Invitation to Bid No. 2087 seeking qualified contractors for design, manufacturing and delivery of two (2) new Medium Voltage Switchgear Lineups. The City received responses from the six (6) contractors listed below.

Contractor	Location	Bid Price
Powell Electrical Systems, Inc.	Houston, TX	\$1,064,987.00
Siemens Industrial, Inc.	Wendell, NC	\$1,229,772.00
ABB, Inc.	Lake Mary, FL	\$1,282,723.00
Eaton Corporation	Arden, NC	\$1,413,485.73
EPIC Resources, Inc.	Charlotte, NC	\$1,447,300.00
Myers Power Products, Inc.	Houston, TX	\$1,599,944.00

Upon evaluation by City staff, and in conjunction with the City's consulting engineer, Sargent & Lundy, LLC, Powell was selected as the most responsive, responsible bidder with the lowest price capable of providing the services in accordance with the City's Bid Specifications. Following a review of Powell's bid proposal, City staff and Sargent & Lundy requested minor adjustments to the City's Specifications, which resulted in an increase of \$24,239.00 to Powell's total bid price. Upon approval by the City Commission, the equipment is scheduled to be delivered in March 2023, which will then be installed by a general contractor selected by the City pursuant to a separate bid.

Powell will perform all services pursuant to the terms and conditions set forth in the City's conformed Bid Specifications, including the Addendum thereto, and Powell's proposal dated May 3, 2022. Pursuant to the Agreement, Powell will design, manufacture and ship the equipment to the Plant. The total cost of the work is \$1,089,226.00, which is included in Lakeland Electric's budget for the McIntosh Reciprocating Engine Project previously approved by the City Commission and funded through the City's Energy System Revenue Bond.

Staff recommended that the City Commission approve this Agreement with Powell for the purchase of two (2) new Medium Voltage Switchgear Lineups and authorize the

appropriate City officials to execute all corresponding documents on behalf of the City for this Project.

Ramona Sirianni presented this item to the Commission.

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

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

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously, 5-0.

AUDIENCE

Bill Wheeler came forward about the Lake Miriam project. He would like a copy of the conclusion showed to the Commission today. He still objected to the compatibility of the project.

Judy Kahler Jalbert spoke on behalf of citizens using the trail around Lake Parker where hunters were duck hunting. She was concerned for safety of those on the fitness trail. They recently met with Travis Thompson to develop ways to keep the neighborhood safe: 1) the City can better handle the cattails, 2) neighbors try to stop those who are feeding wildlife, 3) asked Mr. Thompson to push back in the duck forums, 4) asked FWC to post an agent along the shoreline during hunting season. She asked for better police presence. She asked the Commission to attend their neighborhood meeting tomorrow night.

The Commission agreed that Commissioner Bill Read would attend on their behalf to avoid any Sunshine violations.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Phillip Walker:

- Attended NLC Conference last week and gave an update.
- Announced the Save Our Children Walk this Saturday from 10-2 at Simpson Park.
- Supported small business as a recipient of ARPA funds.

Mayor Bill Mutz thanked Chief Garcia for his leadership at the Police Department.

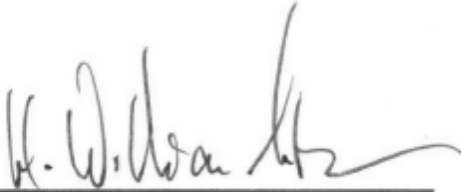
Commissioner Bill Read:

- Liked the Monarch proclamation and wanted to do something for bees.
- Asked the City to consider removing fluoride from City water.

Shawn Sherrouse responded that many cities do add fluoride. It is a deeply divisive topic. There is a lot of science involved. We can have technical staff make a presentation at Agenda Study.

Commissioner Chad McLeod announced the Police 5k next Saturday. He thanked everyone who worked to put that together.

CALL FOR ADJOURNMENT – 11:55 a.m.



H. William Mutz, Mayor



Kelly S. Koos, City Clerk

