

**LAKELAND CITY COMMISSION****Regular Session  
December 19, 2022**

The Lakeland City Commission met in Regular Session in the City Commission Chambers. Mayor Bill Mutz and Commissioners Chad McLeod, Stephanie Madden, Sara McCarley, and Samuel Simmons were present. Commissioners Bill Read, and Mike Musick were 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**

2022 Christmas Parade Winners (Bob Donahay, Parks, Recreation & Cultural Arts Director)

Heart of Florida Chapter of the Florida Society of Certified Public Managers (Justin Troller, President)

Commissioner Chad McLeod arrived at 9:18 a.m. Commissioner Bill Read was out sick. Commissioner Mike Musick was out of town.

**APPROVAL OF CONSENT AGENDA****REQUESTS TO APPEAR FROM THE GENERAL PUBLIC**

J. Lenora Bresler, Regent Lakeland Chapter of the Daughters of the American Revolution re the America 250 Project

Ms. Bresler requested approval of Commission to allow placement of monument in Veterans' Park.

The Commission wanted to give time for public comment before approving the request. They asked that the item be scheduled for a future Commission meeting for a vote.

**PUBLIC HEARINGS****Ordinances (Second Reading)**

**Ordinance 5963; Proposed 22-052; Voluntary Annexation of Approximately 11.12 Acres Generally Located West of Pipkin Creek Road, South of Sugar Creek Drive W., and North of Creekbend Drive (1st Rdg. 12-05-22)**

AN ORDINANCE RELATING TO THE VOLUNTARY ANNEXATION OF PROPERTY; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKE LAND, FLORIDA 11.12 ACRES OF PROPERTY GENERALLY LOCATED WEST OF PIPKIN CREEK ROAD, SOUTH OF SUGAR CREEK DRIVE W., AND NORTH OF CREEKBEND DRIVE; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

**Action: Upon roll call vote Commissioners Samuel Simmons, Sara McCarley, Stephanie Madden, Chad McLeod, and Mayor Bill Mutz voted aye. Ayes-five. Nays-zero. The motion carried unanimously.**

**Ordinance 5964; Proposed 22-054; Small Scale Amendment #LUS22-007 to the Future Land Use Map to Apply Business Park (BP) Land Use on Approximately 11.12 Acres Generally Located West of Pipkin Creek Road, South of Sugar Creek Drive W., and North of Creekbend Drive (1st Rdg. 12-05-22)**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR SMALL SCALE AMENDMENT #LUS22- 007 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP OF THE LAKE LAND COMPREHENSIVE PLAN: OUR COMMUNITY 2030; PROVIDING FOR THE APPLICATION OF A FUTURE LAND USE DESIGNATION OF BUSINESS PARK (BP) ON APPROXIMATELY 11.12 ACRES GENERALLY LOCATED WEST OF PIPKIN CREEK ROAD, SOUTH OF SUGAR CREEK DRIVE W., AND NORTH OF CREEKBEND DRIVE; PROVIDING ABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

**Action:** Upon roll call vote Commissioners Chad McLeod, Stephanie Madden, Sara McCarley, Samuel Simmons, and Mayor Bill Mutz voted aye. Ayes – five. Nays – zero. The motion carried unanimously.

**Ordinance 5965; Proposed 22-055; Application of PUD (Planned Unit Development) Zoning to Allow 22,800 Square Feet of Office Uses, and Application of Suburban special Purpose (SSP) Context District on Approximately 11.12 Acres Generally Located West of Pipkin Creek Road, South of Sugar Creek Drive W., and North of Creekbend Drive (1st Rdg. 12-05-22)**

AN ORDINANCE RELATING TO ZONING; ADOPTING FINDINGS; PROVIDING FOR PUD (PLANNED UNIT DEVELOPMENT) ZONING TO ALLOW UP TO 22,800 SQUARE FEET OF OFFICE USES ON APPROXIMATELY 11.12 ACRES GENERALLY LOCATED WEST OF PIPKIN CREEK ROAD, SOUTH OF SUGAR CREEK DRIVE W., AND NORTH OF CREEKBEND DRIVE; PROVIDING FOR SUBURBAN SPECIAL PURPOSE (SSP) CONTEXT DISTRICT ON THE PROPERTY; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

The Commission requested an overview of the project for the previous 3 ordinances.

Planning & Transportation Manager Chuck Barmby gave a presentation, a copy of which is on file in the agenda packet. The developer relocated the dumpster enclosure to a more central location at the development site. The developer will preserve the trees along the frontage of Pipkin Creek Rd. all in response to concerns from the community.

**Action:** Upon roll call vote Commissioners Samuel Simmons, Sara McCarley, Stephanie Madden, Chad McLeod, and Mayor Bill Mutz voted aye. Ayes-five. Nays-zero. The motion carried unanimously.

**Ordinance 5966; Proposed 22-056; Annual Update to the Capital Improvements Element (CIE) of the Lakeland Comprehensive Plan: Our Community 2030, Including Updates to the Five-Year Schedule of Capital Improvements (1st Rdg. 12-05-22)**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR AN UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE LAKELAND

**COMPREHENSIVE PLAN: OUR COMMUNITY 2030; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

Palmer Davis read the short title.

**Motion: Commissioner Stephanie Madden 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, Stephanie Madden, Sara McCarley, Samuel Simmons, and Mayor Bill Mutz voted aye. Ayes – five. Nays – zero. The motion carried unanimously.**

**Ordinance 5967; Proposed 22-057; Approving the Inclusion of Lands within the Lakeland Area Mass Transit District's Boundaries (1st Rdg. 12-05-22)**

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 Sara McCarley moved to approve the ordinance. 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 how the expansion of the district encouraged additional use and the property owners would be subject to an additional ad valorem tax.

**Action: Upon roll call vote Commissioners Samuel Simmons, Sara McCarley, Stephanie Madden, Chad McLeod, and Mayor Bill Mutz voted aye. Ayes-five. Nays-zero. The motion carried unanimously.**

**Resolutions**

**Resolution 5791; Proposed 22-056; Establishing the City Commission's Intention to Utilize the Uniform Method of Collection to Collect All Unpaid Demolition and Lot Clearing Non-Ad Valorem Special Assessments Levied by the City Commission during Calendar Year 2022 and Preceding Years**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA ELECTING TO UTILIZE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS, AS AUTHORIZED UNDER SECTION 197.3632, FLORIDA STATUTES, FOR COLLECTING ALL UNPAID DEMOLITION AND LOT CLEARING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED BY THE CITY COMMISSION DURING CALENDAR YEAR 2022 AND PRECEDING YEARS; ADOPTING FINDINGS OF FACT; STATING THE NEED FOR THE LEVY OF SAID ASSESSMENTS; PROVIDING FOR THE MAILING OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

Palmer Davis provided an additional explanation on the item. The City sometimes mows/cleans properties or demolishes buildings. They then bill the property owner by sending an invoice for the costs incurred. If the property owner does not pay, the City adds the fees to the tax roll, which has a high collection rate.

**Action: Upon roll call vote Commissioners Chad McLeod, Stephanie Madden, Sara McCarley, Samuel Simmons, and Mayor Bill Mutz voted aye. Ayes – five. Nays – zero. The motion carried unanimously.**

**Resolution 5792; Proposed 22-057; Approving the Issuance by the Orange County Health Facilities Authority of its Hospital Revenue Bonds in an Aggregate Principal Amount Not to Exceed \$650,000,000 with Respect to Orlando Health, Inc.'s Proposed Healthcare Facilities on Lakeland Highlands Road in Lakeland, Florida**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA, APPROVING THE ISSUANCE BY THE ORANGE COUNTY HEALTH FACILITIES AUTHORITY OF ITS HOSPITAL REVENUE BONDS (ORLANDO HEALTH OBLIGATED GROUP) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$650,000,000, WITH RESPECT TO HEALTHCARE FACILITIES IN LAKE LAND, FLORIDA, IN ONE OR MORE SERIES OVER THE LONGEST PERIOD PERMITTED BY LAW, FOR THE BENEFIT OF ORLANDO HEALTH, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION; PROVIDING FOR CONFLICTS, SEVERABILITY AND 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 from the audience.

The Commission discussed:

- This was Lakeland's first hospital besides Lakeland Regional.
- The bonds were tax exempt, and the hospital was non-profit.

**Action: Upon roll call vote Commissioners Samuel Simmons, Stephanie Madden, Chad McLeod, and Mayor Bill Mutz voted aye. Commissioner Sara McCarley voted nay. Ayes-four. Nays-one. The motion carried.**

**Resolution 5793; Proposed 22-058; Recommending that the Florida Department of Transportation Implement a Three-Lane Cross-Section on Florida Avenue (State Road 37) from Ariana Street to Lime Street, with Related Mobility, Safety and Operational Improvements, Corridor Aesthetic Improvements, Traffic Management and Capacity Projects on Surrounding Streets**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO TRANSPORTATION; MAKING FINDINGS; REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION IMPLEMENT A THREE-LANE CROSS-SECTION ON FLORIDA AVENUE (STATE ROAD 37) FROM ARIANA STREET TO LIME STREET, WITH RELATED MOBILITY, SAFETY AND OPERATIONAL IMPROVEMENTS, CORRIDOR AESTHETIC IMPROVEMENTS, TRAFFIC MANAGEMENT AND CAPACITY PROJECTS ON SURROUNDING STREETS, AND A FUNDING PLAN FOR PROGRAM IMPLEMENTATION; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

Chuck Barmby gave a presentation, a copy of which is on file in the agenda packet. The resolution today was a result of the workshop. Staff and FDOT believed that the 3-lane option was the best for the corridor.

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

The Commission discussed:

- Speeding up the process so the public can see progress. FDOT has improved some sidewalks already to meet ADA requirements. In terms of wholesale reconstruction of sidewalks, there is a large infrastructure project involved. The

intent is to address intersections right away to create a traffic management plan. That can happen more quickly than the entire project. Those options will come out during the budget setting process.

- The need to provide relief to businesses that are close to those pinch points. Advocacy available to speed up the project and get the help needed at the specific pinch points. This decision is just the first of many in the project. They will continue to hear from the public throughout the project. He has been working on the corridor for 20 years. There continues to be investments in terms of traffic calming.
- Approving this resolution was the most certain way to move the project forward as quickly as possible.
- FDOT needed the Commission's decision before anything can begin.
- It is arduous to go through the FDOT project. The only thing worse is having to fund all the improvements alone.
- FDOT is committed to keep this in the work program for funding. As the area begins to change in the look and feel people will be more receptive.
- People hate the concrete islands. They are temporary.

Mayor Bill Mutz asked for comments from the public.

Glenn Folsom came forward. He lived on Hibriten Way. They had a concrete delivery truck come up their road last week. They have asked that Hibriten be closed off. He suggested going to a 4-lane. There is no pedestrian traffic along the corridor. Dixieland was a backdoor area.

Joseph King, resident of Hibriten Way. It is impossible to turn left onto Florida Ave. All the adjacent streets going down to Lake Hollingsworth have speed bumps except for Hibriten. At certain hours of the day, Florida is backed up all the way to Beacon. It's only going to get worse. He would like speed bumps on Hibriten.

David Bean of Palmola Street. Speed bumps do not slow down traffic. They have had to change their lifestyle. The traffic lights are two minutes plus. He thought this was a bad decision. Pedestrian traffic in Dixieland is nonexistent. There are not enough businesses there to support 12-ft sidewalks. This was a mistake.

Peter Rodriguez, retired engineer, spoke against the project. He spoke about safety for walkers around Lake Morton. He submitted a sketch and proposal for changes. He wanted to end the 2-way traffic around Lake Morton. He was hit by a car at the library 4-years ago and the driver did not stop. The police should bring back speed traps on S Florida Ave. They have quit since the islands were installed.

Ron Smith, 208 W Belvedere, was extremely frustrated with traffic on W Belvedere. He would love to have the bricks exposed and have speed bumps. The real issue is traffic flow. The project is forcing all this traffic into an inadequate funnel. Go back to 4-lanes. Put up steel barriers for pedestrian traffic. The road around the lake is like a speedway. He encouraged the Commission to vote against this project.

Joni Costa owned 3 properties in the area. She supported the concept. There are no pedestrians because they cannot be there. Bigger cities have done these types of projects and it has quieted traffic. It will get worse before it gets better. She sees a bigger vision in the future. She supported the project. There were others too who saw the long-term vision.

Mayor Bill Mutz: The Commission did have letters of endorsement from LDDA, Dixieland Business Association, and S Lake Morton Neighborhood.

Earl Lang supported the road diet. He wanted convenient interesting shopping and outdoor dining near his home. He relayed stories of developing roads to move traffic negatively affected businesses along that corridor.

Dewey Donaldson spoke against the project. Pedestrians use the alleys to walk. There are no pedestrians on the sidewalks. Vote No.

Daniel Carter of Beacon Hill worked all over the city. He travels the corridor daily. He thought this proposal was premature. The City should do work to reroute traffic first. He suggested a parallel traffic flow towards the east.

**Action: Upon roll call vote Commissioners Sara McCarley, Stephanie Madden, Chad McLeod, and Mayor Bill Mutz voted aye. Commissioner Samuel Simmons voted nay. Ayes-four. Nays-one. The motion carried.**

#### **COMMUNITY REDEVELOPMENT AGENCY – None**

#### **City Attorney Resolutions**

#### **Resolution 5794; Proposed 22-059; Providing for the Transfer of University Boulevard Slope Easements to the Florida Department of Transportation**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO PUBLIC TRANSPORTATION; AUTHORIZING THE RELEASE AND CONVEYANCE OF CITY OF LAKELAND PERPETUAL SLOPE EASEMENTS TO THE FLORIDA DEPARTMENT OF TRANSPORTATION IN ORDER TO FACILITATE CERTAIN STATE TRANSPORTATION IMPROVEMENTS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

**Action:** Upon roll call vote Commissioners Chad McLeod, Stephanie Madden, Sara McCarley, Samuel Simmons, and Mayor Bill Mutz voted aye. Ayes – five. Nays – zero. The motion carried unanimously.

**Resolution 5795; Proposed 22-055; Authorizing the Lease Purchase of Two New Gradall XL4100 Excavators for Drainage Construction and Maintenance of City Roads**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA FOR AND AUTHORIZING THE LEASE PURCHASE OF TWO (2) NEW GRADALL XL4100 EXCAVATORS FOR THE DRAINAGE CONSTRUCTION AND MAINTENANCE OF THE CITY'S ROADS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,073,825.36; AWARDING THE LEASE FINANCING OF SUCH EQUIPMENT TO LEASING 2, INC. IN ACCORDANCE WITH THE TERMS SET FORTH HEREIN; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE ANY DOCUMENTS AND TAKE ANY ACTIONS REQUIRED IN CONNECTION WITH THE LEASE PURCHASE AGREEMENT; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

**Action:** Upon roll call vote Commissioners Samuel Simmons, Sara McCarley, Stephanie Madden, Chad McLeod, and Mayor Bill Mutz voted aye. Ayes-five. Nays-zero. The motion carried unanimously.

**City Attorney Miscellaneous Reports:**

**Memo re Equipment Lease Purchase Agreement for Gradall Excavators with Leasing 2, Inc. and Related Maintenance/Repair Services with GS Equipment, Inc.**

This proposed Lease Purchase Agreement and corresponding documents between the City and Leasing 2, Inc. was for two (2) Gradall XL4100 Excavators to be used by the Public Works Department for drainage construction and maintenance of the City's roads. In addition, there is a proposal for related maintenance/repair services for the excavators with GS Equipment, Inc.

This equipment is essential in providing versatile ways of excavation for City projects, which will ultimately result in time and cost savings. The equipment is being purchased from GS Equipment, Inc. pursuant to the Florida Sheriffs Association & Florida

Association of Counties Bid Award FSA20-EQU18.0 and financed through Leasing 2, Inc. Due to the increased cost for heavy equipment over the last few years, the City's equipment replacement fund has not been able to keep up with the increased demand, thereby resulting in insufficient funds to directly purchase the Gradall excavators.

While the City's current lease for this equipment does not expire until September 30, 2023, the City is seeking to enter into this new Lease now due to long lead times related to procuring the equipment, as well as trying to avoid price increases of 3% to 8% that go into effect in January 2023. Lease payments pursuant to this Lease for the new excavators, which are anticipated to be delivered in October 2023, would not begin until December 2023.

The term of this Lease Agreement is for a period of seven (7) years, with an interest rate of 4.38%. The principal cost to purchase the equipment is \$1,073,825.36. The total cost to finance the equipment over the seven (7) year term is \$1,316,522.20. Maintenance/repair services and replacement equipment, if necessary, will be provided by GS Equipment, Inc. as a separate expense at a cost of \$232,774.00 during the term of the Agreement. The City would not incur those maintenance/repair service costs until the equipment is delivered. The associated maintenance/repair for the Gradalls require highly specialized factory-trained mechanics that cannot be serviced by City staff. The cost of the excavators and related maintenance will be funded by the City's capital improvement projects' budget in the FY23 Transportation Fund, Storm Utility Fund and General Fund.

Staff recommended that the City Commission approve this Lease Purchase Agreement for two (2) Gradall XL4100 Excavators with Leasing 2, Inc. and related maintenance/repair services with GS Equipment, Inc. and authorize the appropriate City officials to execute all corresponding documents.

Ramona Sirianni presented this item to the Commission.

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

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

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

#### **CITY MANAGER**

**Recommendation re: Contract with J. Weary Lawn Care Services LLC to provide Annual Landscape Maintenance for Lakeland Linder International Airport**

Lakeland Linder International Airport (LAL) is seeking approvals to enter a contract with J. Weary Lawn Care Services LLC to provide landscape services at various locations at

the Airport. LAL advertised for landscaping services through City of Lakeland Bid No. 2322 in October of 2022 receiving eight (8) bids ranging from \$69,000 to \$207,068.12 annually. The bid sought out qualified and experienced commercial landscaping companies to provide mowing services and upkeep on the airport's plant beds at selected locations including the terminal building and airport facilities which are leased.

The bids were then reviewed in detail and references were contacted prior to determining the lowest and most responsive bidder to be J Weary Lawn Care Services LLC with a bid of \$69,000.

The proposed contract is for a one-(1) year period commencing January 1, 2023 and has five (5) one (1) year options for renewal based on mutual agreement between the parties. In addition, the contract may be cancelled, or the service areas reduced by the airport, without cause.

Staff recommended that the City Commission authorize appropriate City Officials to enter into a contract with J. Weary Lawn Care Services LLC to provide Annual Landscape Maintenance at Lakeland Linder International Airport. No appropriations are required to support this request.

Shawn Sherrouse presented this item.

**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.

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

**Recommendation re: Ratification of Collective Bargaining Agreements with the Fraternal Order of Police, Lakeland Lodge 185 and the City of Lakeland**

Beginning in April of 2022, representatives from the Lakeland Police Department, Human Resources, Finance, outside counsel and Bargaining Committees representing Police Officers, Sergeants, and Lieutenants have been actively negotiating the Collective Bargaining Agreements (CBA) between the City of Lakeland and the Fraternal Order of Police, Lakeland Lodge 185 (FOP).

The proposed agreements were recently ratified by the Lakeland FOP memberships on December 13 and 14 respectively, and now await final consideration by the City Commission.

1. The parties have agreed to a three-year agreement commencing December 18, 2022 and expiring on September 30, 2025.

2. The parties have agreed to modifications regarding Wages (Article 25). Effective upon ratification of the agreement, the following provisions will go into effect:

Fiscal Year 2023 (Beginning 12-18-22)

- Officers
  - 1. 5.0% ATB
  - 2. 2.5% Merit for eligible employees
  - 3. 1.0% Market adjustment
- Sergeants
  - 1. 5.0% ATB
  - 2. 2.5% Merit for eligible employees
  - 3. 1.0% Market adjustment
- Lieutenants
  - 1. 5.0% ATB
  - 2. 2.5% Merit for eligible employees
  - 3. 1.0% Market adjustment
- Modifications to Article 14 Educational Assistance – Providing for tuition reimbursement that shall be no more than \$2,500 per fiscal year, per individual employee. Also, the City eliminated the one (1) year waiting requirement prior to being eligible to participate in the Tuition Reimbursement/ Educational Assistance program.
- Modifications to Article 26 Health Benefits - Annual physicals will be provided by a third-party vendor for members.

Fiscal Year 2024

- Officers –
  - 1. Eliminate the bottom step in the current Pay Plan (Officers currently in Step 1 will be moved to the same hourly rate as a Step 2 Officer)
  - 2. 1.5% ATB
  - 3. 2.5% Merit for eligible employees
- Sergeants
  - 1. 1.5% ATB
  - 2. 2.5% Merit for eligible employees
- Lieutenants
  - 1. 1.5% ATB
  - 2. 2.5% Merit for eligible employees

Fiscal Year 2025

- Officers –
  - 1. 1.0% ATB or a Me-Too if greater than 1.0% ATB provided to General Non-Collective Bargaining employees in FY'25
  - 2. 2.5% Merit for eligible employees
- Sergeants
  - 1. 1.0% ATB or a Me-Too if greater than 1.0% ATB provided to General Non-Collective Bargaining employees in FY'25

2. 2.5% Merit for eligible employees
  - o Lieutenants
    1. 1.0% ATB or a Me-Too if greater than 1.0% ATB provided to General Non-Collective Bargaining employees in FY'25
    2. 2.5% Merit for eligible employees

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

Shawn Sherrouse presented this item to the Commission.

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

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

The Commission discussed their gratitude for everyone's hard work on these agreements.

**City Manager Verbal Reports:**

1. Shawn Sherrouse thanked the Commission for their support of the men and women of the Lakeland Police Department.
2. Lake Hollingsworth Dr has been reopened.

**CITY ATTORNEY**

**Miscellaneous Reports**

**\* Fourth Amendment to Site Agreement with T-Mobile South, LLC**

This was a proposed Fourth Amendment to the cell tower site Agreement between the City and T-Mobile South, LLC (T-Mobile) for T-Mobile to lease space for its equipment on the rooftop of the Lakeland Electric Administration Building located at 501 E. Lemon Street.

The original Agreement, approved by the City Commission on June 2, 1997, was for an initial term of five (5) years and included four (4) additional five (5) year renewal options. The Agreement was subsequently amended to accommodate equipment modifications and upgrades on February 2, 2009, July 2, 2012, and on November 25, 2014.

The current Agreement, in its last renewal period, will expire on December 31, 2022. This Fourth Amendment seeks to extend the Agreement term for one (1) additional five

(5) year period, effective January 1, 2023, subject to City Commission approval. It also provides T-Mobile with one (1) additional five (5) year renewal option.

Pursuant to this Fourth Amendment, the rent paid to the City by T-Mobile will be \$8,238.98 per quarter, which represents a 15% increase from the current rental rate for the first (5) year term. Thereafter, rent will be subject to an increase of 15% for the remaining five (5) year renewal option. The total revenue generated for the City during the initial five (5) year term is estimated at \$164,779.60. Except as provided in this Fourth Amendment, all terms and conditions of the original Agreement remain in full force and effect, including the option for the City to terminate the Agreement in the event the building is sold or redeveloped.

Staff recommended that the City Commission approve this Fourth Amendment with T-Mobile and authorize the appropriate City officials to execute all corresponding documents on behalf of the City.

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

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

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

The term of this Agreement will be for a period of thirteen (13) months, with a retroactive effective date of December 1, 2022, upon approval by the City Commission. Pursuant to the Agreement, the City and all its departments, including Electric and Water/Wastewater, will be granted access to Bentley's core products without upfront capital purchase and maintenance costs on all software during the term of the Agreement.

The total expenses associated with this Agreement will be \$159,943 for the thirteen (13) month term. The cost for the thirteen (13) month term for services has been included in the DoIT's FY2023 budget. The City's anticipated thirteen (13) month expenditure, without exercising its option to renew the Agreement with Bentley for the same products/services, is estimated to be \$176,000. Without this renewal, the license fees would revert to standard market costs and capital purchase costs for any additional seats of software needed throughout the thirteen (13) month term. Thus, renewal of the

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

The Agreement will be managed by the DoIT.

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

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

**Memo re: Transfer of Pedestrian Pathway within Towne Park Estates Phase 1A to the Towne Park Estates Homeowners' Association**

The City of Lakeland approved the plat of Towne Park Estates Phase 1-A in 2006. Towne Park Estates is a significant residential subdivision located in southwest Lakeland, south of West Pipkin Road and west of Yates Road. The plat of Towne Park Estates Phase 1-A included a 20-foot pedestrian path easement running primarily along the southern boundary of the subdivision designed to provide pedestrian connectivity from the west to Yates Road. Additional branches of the pathway provide connectivity to a nearby cul-de-sac. One of the purposes of the pathway was to provide a pedestrian route for school children attending Wagner Elementary School immediately to the east of Yates Road.

The plat of Towne Park Estates did not specifically dedicate the pedestrian pathway to a particular legal entity. The larger tract upon which the pathway is located was dedicated to the Towne Park Estates Homeowners Association. All rights-of-way shown on the plat was dedicated to the public. Because of its remote location away from the City's roadway network, the Public Works Department cannot feasibly maintain the pathway on a consistent basis. The pathway has become overgrown with vegetation at times and is utilized by all-terrain vehicles against the wishes of the residents. In addition, the Homeowners Association has concerns about the liability of school children utilizing the pathway. As a result of all of this, the Homeowners Association has requested that the City quit claim the pathway to the HOA. The HOA intends to gate off the pathway and provide minimal maintenance consistent with conservation uses and use of the property for drainage and utility purposes.

Based upon the foregoing, **Staff recommended that the City Commission approve the conveyance of the subject pedestrian path easement to the Towne Park Estates Homeowners Association and authorize the Mayor and other appropriate City officials to execute a quit-claim deed and any related documents necessary to finalize the conveyance.** Lakeland Electric has facilities in the area and, as a result, a public utility easement will be reserved over the property in order to maintain those facilities.

Palmer Davis explained that after his presentation on Friday, there was an indication that the Commission may want to delay. He anticipated a representative of the HOA to be present today and Greg James also had additional information for the Commission this morning. He suggested the Commission hear from Greg James about cost estimates for the city to maintain.

Mayor Bill Mutz asked to hear from the HOA.

Chris Masterson represented the HOA. The HOA was concerned about the liability. They were concerned about children getting hurt on the path or falling into the pond. The school crossing guard stated that no children have used that pathway in a while. The HOA has put No Trespassing signs to keep people off private property and away from the pond.

The Commission discussed:

- The need to limit liability without precluding a future walkway.
- The City wanted to have public ownership so it can apply for additional funding. This has been incorporated into the to the citywide pathways and trails.

Mayor Bill Mutz asked to hear from Greg James.

Greg James, Assistant Director of Public Works, gave a brief presentation. He gave a cost estimate for a 10-foot pathway trail with fencing along either side of the trail. Annual maintenance would increase by \$25,000. Every 10-years they would increase by \$6,504 to treat the asphalt.

The Commission discussed:

- The solid base of the path.
- The benefit to the children and people in the neighborhood.
- The connectivity that would be provided.
- The cost estimates were reasonable.
- The fencing would not ensure protection from surrounding wildlife.

Mr. Masterson (HOA) supported the plan for the City to maintain the trail. Phase 1 never had access to the trail and there was no purpose. There was originally going to be 2 pathways, but the developer never completed the 2nd pathway.

The project made reasonable sense. Looking at the big picture, there is a benefit to the improvement. They would have to do work in the Capital Improvement Plan (CIP) to make it happen.

Palmer Davis explained that if the Commission voted this down, Public Works would follow up and bring back another item in which the Commission would consider accepting the maintenance obligation.

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

**Action: Mayor Bill Mutz asked for the vote on the recommendation and the item failed, unanimously.**

**Memo re: Second Amendment to Ground Lease Agreement with Amazon.com Services, LLC to Expand Leased Premises by 10.06 Acres to Construct Taxiway Improvements**

This was a proposed Second Amendment to the existing Ground Lease Agreement between the City and Amazon.com Services, LLC (Amazon). Amazon currently operates an air cargo facility on 47.27 acres of property it leases from the City at 4145 Kidron Road, located in the northwest quadrant of Lakeland Linder International Airport. Amazon is seeking to lease an additional 10.6 acres from the City to construct improvements adjacent to their existing facilities, including an expanded aircraft parking apron to accommodate two Group IV aircraft (Boeing 767s), as well as an expanded truck court. In addition, Amazon plans to construct an extension to Taxiway A that will connect to their expanded aircraft parking apron, allowing for more efficient aircraft movements.

Amazon currently leases 47.27 acres at Lakeland Linder International Airport, with a one-time right to expand onto all or a portion of an additional 60-acres +/- of adjacent property (the "Expansion Property"). Under the Second Amendment, Amazon will lease an additional 10.6 acres of the Expansion Property upon the same terms and conditions as contained in the original Lease Agreement, including the base rent rate applicable to the original leased premises (currently \$0.20 per square foot), and subject to the same 7.5% rent escalation that is scheduled to occur every five (5) years of the lease term. Additional rent payments would commence upon the earlier of substantial completion of the planned improvements or January 1, 2024.

The Second Amendment also excludes an area approximately 0.27-acres in size from the original Lease due to a realignment of the perimeter road at the southern end of Amazon's leasehold. The impacts from the additions and deletions of property within Amazon's leasehold would adjust Amazon's total leased footprint to approximately 57.6 acres. Resulting lease revenues would increase by \$89,994.96 annually.

The cost of the taxiway improvements to be constructed by Amazon is estimated to be \$1.7 million. Amazon will construct these improvements in accordance with FAA design standards. Upon completion, the Airport will assume ownership and maintenance of the taxiway improvements. Under the Second Amendment, the Airport will reimburse Amazon for 70% of the approved construction costs of the taxiway improvements, with a maximum reimbursement by the Airport of \$1.2 million. Reimbursement will be paid over a period of 15 years, with an annual cap on payments of \$80,000. Revenue from the increased landing fees generated by Amazon's expansion will be used to pay the reimbursement. If landing fees in any given year during the 15-year repayment term are

not at least \$80,000 greater than receipts for Fiscal Year 2022 (the base year), any shortfall for that year would be forgiven. The planned taxiway extension is shown on the Airport's FAA approved Master Plan and would have been constructed by the Airport at some point in the future irrespective of Amazon's needs.

Finally, the Second Amendment provides Amazon an additional right to expand onto that portion of the Expansion Property not included in this Second Amendment (approximately 49.8 acres). This expansion right would apply for a period of five (5) years from the effective date of the Second Amendment. Amazon would not have to pay for this option unless and until it exercises the option. In the event Amazon does not exercise its option during the initial 5-year period following this Second Amendment, it may nonetheless retain the right to expand by paying the City \$0.05 per square foot of the remaining Expansion property for up to an additional 5 years, which option would be elected on an annual basis. Following this second 5-year option period, Amazon would then have a right-of-first refusal for an additional period of two years, pursuant to which Amazon would have the right to match any offer the City receives for the lease of the remaining Expansion Property.

Staff recommended that the City Commission approve the Second Amendment to the Ground Lease Agreement between the City and Amazon.com Services, LLC and authorize the appropriate City officials to execute the Second Amendment on behalf of the City.

Assistant Airport Director Adam Lunn presented this item to the Commission.

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

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

The Commission discussed:

- The struggle for balance between new investments and longtime residents.
- The strategic partner that Amazon has been for the airport.
- Amazon is lending the City \$1.4 M without interest. They are being a good partner in this effort.
- The City did not plan to contract with Amazon when the Commission approved the Maintenance, Repair, and Overhaul (MRO) facility. The ability for Amazon to expand exists already.

Ed Cetrangolo presented some talking points. He did not support the item. He asked the Commission to deny the amendment and resolve the noise issue first.

Adam Lunn explained the Airport had been working with the FAA to resolve the noise issue for some time. They were at the final approvals of the new approach/departures.

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

**FINANCE DIRECTOR – None****UTILITY****Ordinances – None****Resolutions – None****Miscellaneous****Memo re: Agreement with Pennsylvania Transformer Technology, Inc. to Procure a Medium Voltage Power Transformer for the Hamilton Substation**

This was an Agreement with Pennsylvania Transformer Technology, Inc. (PTT) to procure a medium voltage power transformer for the Hamilton Substation. On October 3, 2022, the City Commission approved an agreement with Burns and McDonnell, Inc. for the construction of the Hamilton Substation, which will be located at 4950 Drane Field Road. This new substation requires a medium voltage power transformer.

On August 24, 2022, the City's Purchasing Department issued Invitation to Bid No. 2264 seeking qualified manufacturers for the purchase and delivery of one (1) medium voltage substation power transformer with load tap changer for the Hamilton Substation in accordance with the City's Bid Specifications. The City received responses from the four (4) companies listed below.

| Contractor       | Location            | Bid Price   | Total Cost  |
|------------------|---------------------|-------------|-------------|
| PTT              | Canonsburg, PA      | \$1,217,837 | \$1,459,494 |
| Delta Star, Inc. | Lynchburg, VA       | \$1,351,950 | \$1,393,659 |
| WEG Transformers | Washington, MO      | \$1,529,679 | \$1,529,679 |
| Hitachi Energy   | Crystal Springs, MS | \$1,902,975 | \$2,037,420 |

Upon evaluation by City staff, PTT was selected as the most responsive, responsible bidder capable of meeting the City's Bid Specifications. A detailed review of the bids revealed that some of the contractors did not include all required services in their bid price. Rather, some services were listed as additional costs in their bids. As such, the Total Cost column in the above chart also includes delivery, assembly, vacuum filing, field testing, engineering services and a five (5) year extended warranty for all contractors. Although Delta Star Inc.'s total bid cost was the lowest, it was evaluated as less responsive due to lower efficiency, which would increase the lifetime operating cost of its transformer. In addition, the lead time for Delta Star was nearly three (3) years as

compared to PTT's lead time of only a year and a half. Upon approval by the City Commission, PTT will commence work on the design and manufacturing of the transformer, which is scheduled for delivery in June 2024.

PTT will perform all services pursuant to the terms and conditions set forth in the City Bid Documents, PTT's proposal dated October 13, 2022, as well as corresponding Amendment #1 to its proposal dated November 21, 2022, and Amendment #2 to its proposal dated December 9, 2022. The total cost of the medium voltage power transformer and related services is \$1,459,494 and is included in Lakeland Electric's FY23 budget.

Staff recommended that the City Commission approve this Agreement with PTT to procure a medium voltage power transformer for the Hamilton Substation and authorize the appropriate City officials to execute all corresponding documents on behalf of the City.

Ramona Sirianni presented this item to the Commission.

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

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

The Commission discussed:

Supply chain issues. All the transformers are having issues with the supply chain.

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

**Memo re: Agreement with GE International, Inc. for Larsen Unit 8 Combustion Turbine Inspection and Repair**

This was a proposed Agreement with GE International, Inc. (GE) for combustion turbine inspection and repair on Larsen Unit 8. GE, the manufacturer of Unit 8, recommends major maintenance on these combustion components every 8,000 operating hours to maintain the reliability of the Unit. Unit 8 is now approaching that limit of 8,000 operating hours since the last major maintenance was completed in the Fall of 2019.

GE's scope of work will include field service inspection of the combustion turbine and repair/replacement of the fuel nozzles and liners that will extend the life cycle of the turbine another 8,000 operating hours. In addition to the combustion inspection, GE will replace the exhaust frame flex seal, which was observed to have missing segments during a recent borescope inspection. This seal keeps cooling air in the exhaust frame.

The City's Purchasing Department has approved GE, the original equipment manufacturer of Unit 8, as a sole source supplier for the work. Upon approval by the City

Commission, the City will issue a Purchase Order for the work that will take place during Unit 8's Spring 2023 outage scheduled to occur beginning April 8th to April 21, 2023. The purchase will be governed by the terms and conditions contained in GE's Proposal 1621100 Rev. 2 dated December 5, 2022. The total cost of the work, which includes the field services inspection, repairs and parts is \$643,604, and is included in Lakeland Electric's FY23 budget.

Staff recommended that the City Commission approve the proposed Agreement with GE for Larsen Unit 8 combustion turbine inspection and repair and authorize the appropriate City officials to execute all corresponding documents for the work.

Ramona Sirianni presented this item to the Commission.

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

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

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

**Memo re: Agreement with ChemTreat, Inc. for Cooling Tower Water Treatment Services at McIntosh Unit 5**

This proposed Agreement with ChemTreat, Inc. (ChemTreat) was for Cooling Tower Water Treatment Services at McIntosh Unit 5. Treated water is necessary for the cooling of the condensers at the McIntosh Power Plant. These condensers convert residual steam from the steam turbine back into liquid, which is then recirculated back to the boilers.

On February 15, 2021, the City Commission approved an agreement with ChemTreat to provide cooling tower water treatment services for McIntosh Unit 5 at a cost of \$399.49 per million gallons. ChemTreat began services for the Unit 5 cooling tower in March 2021 for an initial term that ended in September 30, 2021. The Agreement contained four (4) additional one (1) year renewal options upon mutual written agreement of the parties. The first renewal option was exercised by the parties and expired in September 2022. Due to a price increase in services that will go into effect in December 2022, City staff is now seeking approval to continue services by exercising its second option to renew its Agreement with ChemTreat.

In November 2022, ChemTreat approached the City with a requested price increase of \$879.69 per million gallons based on several factors specifically related to the impact of the global supply chain, as well as a historic price increase in raw materials and chemicals. City staff has since negotiated a lower price with ChemTreat at a rate of \$800.00 per million gallons.

City staff made the determination to not rebid this service since similar price increases would apply to any selected vendor. In addition, when comparing the original bid pricing in 2020, the next lowest vendor was still 48% higher than ChemTreat. Upon City Commission approval, ChemTreat will continue services and implement the price increase, effective December 1, 2022. The total cost of services for 2023 is estimated at \$176,000.00 and is included in Lakeland Electric's FY23 budget. All other terms/conditions set forth in the Agreement shall remain in full force and effect.

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

Ramona Sirianni presented this item to the Commission.

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

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

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

**AUDIENCE – None**

#### **MAYOR AND MEMBERS OF THE CITY COMMISSION**

Merry Christmas!

Commissioner Sara McCarley:

- Congratulated Lakeland High School (LHS) for their State Championship.
- Growth: We take growth seriously. We do not rubber stamp projects. A lot of sweat goes into providing information and we listen to the community. There are many lenses. We do not want to continue to bifurcate neighborhoods and people. We want to treat roads as connectivity. This has been a continuous discussion. It gives her pause to hear that the subject has not be discussed previously. She was glad about the road diet. She thought it was a behavior change. We must start thinking about how we get places without being alone in our cars.

Mayor Bill Mutz enjoyed the Festival of Lights last night.

Commissioner Stephanie Madden:

- So excited about the Dreadnaught win!
- Public Safety is very important. The school board is supposed to provide golf carts for the School Resource Officers (SRO) at LHS. Their golf cart is in terrible shape. They need 2 fully functioning brand-new golf carts. She wanted to find money, maybe from the confiscated funds account.

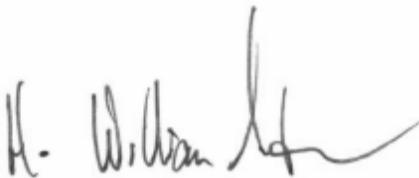
- Asked Commissioner Sara McCarley and City Manager Shawn Sherrouse to share with the school board (while attending their leadership class) that we are moving away from agricultural society, and we need to think of new ways for children to get to school. We need healthy lifestyles for our children.
- Loved the menorah lighting over the weekend and caroling in a neighborhood over the weekend.

Commissioner Chad McLeod:

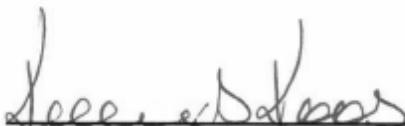
- Asked about the Mayor's new grandchild. He is their 31st and #8 for their daughter.
- Ms. Nancy Snider introduced herself at his child's school program. She watches the Commission meetings. Shout out to her and thanks for watching.
- Thanks to Parks, Recreation & Cultural Arts for maintaining those multipurpose fields.
- Central Florida Regional Planning Council (CFRPC) Executive Director Pat Steed announced her retirement. She will continue to serve on the Board of Lakeland Vision.
- Asked to reschedule the December 30th Agenda Study. Staff will notify the Commission if something comes up that cannot wait.

Shawn Sherrouse appreciated the recognition that staff received from the Commission for their hard work. They are on spot all the time. He wished staff a very Merry Christmas and a Happy New Year.

**CALL FOR ADJOURNMENT - 12:06 p.m.**



H. William Mutz, Mayor



Kelly Koos, City Clerk

