LAKELAND CITY COMMISSION

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

CALL TO ORDER - 9:00 A.M.

PRESENTATIONS

Procurement Aligned with City/Community Objectives (Joyce Dias, Director of Risk Management & Purchasing)

Beautification Awards (Bill Koen)

- Residential: John and Mindy Allen - 914 Success Avenue
- Commercial: Banyan Reserve Senior Living - 940 Serenity Hills Drive

Dustin Plemons, Greens Superintendent at the Heights

PROCLAMATIONS

American Red Cross Month
Irish American Heritage Month
Meals on Wheels Community Champions Week
Melanin Families Matter Month
National Bleeding Disorder Awareness Month
Purchasing Month

COMMITTEE REPORTS AND RELATED ITEMS – None

APPROVAL OF CONSENT AGENDA

All items listed with an asterisk (*) were considered routine by the City Commission and were enacted by one motion following an opportunity for public comment. There was no separate discussion of these items unless a City Commissioner or Citizen so requested, in which event the item was removed from the consent agenda and considered in its normal sequence.

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

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

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

APPROVAL OF MINUTES (with any amendments)

* City Commission Minutes 02/18/2022 – 02/22/2022

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC

Tom Phillips, Citrus Connection Executive Director re CRA Millage Exemption

Motion: Commissioner Sara McCarley moved to exempt Citrus Connection from CRA millage. Commissioner Stephanie Madden seconded.

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

Alis Drumgo: the funding for the CRA came from 3 taxing authorities. Mass Transit is one of those funding sources. CRAs were created because of blight and the CRA uses those funds in the district to improve. The Commission can guide those funds. Under the current agreement with LAMTD, the CRA send $180k of those funds back to the LAMTD. The Commission was also elected by the taxpayers. This agreement brings LAMTD to the table to negotiate about needed services. The CRA is established to help communities that have been underserved. The CRA was pro transit. They wanted to ensure those funds would go specifically to those communities.

Tom Phillips: 1982 inception of LAMTD. The agreement to which we are referring is set to expire and was only created within the last 3 years. Prior to that the CRA kept the money and spent it as they saw fit. The Lakeland Commission always has the 3/5 majority on LAMTD. This ask would allow LAMTD to effectively manage their own dollars.

The Commission discussed:

- Helping citizens get around was important.
- The background on the original vote.
- The CRA was concerned about losing the ability to make transportation desires happen.
- LAMTD's commitment to the medical corridor, which was one of the busiest routes.
- The funds would remain within the LAMTD district but that was larger than the CRA boundaries. There were residents outside the CRA in need.
- This change would not eliminate the dialogue between CRA and LAMTD.
- LAMTD was 4% of the CRA's budget. The CRA was 6% of LAMTD's budget.
- It was best to have those in charge of transit making the transit decisions.
- Alis Drumgo represents the CRA at the LAMTD meetings, which are open to the public.

Palmer Davis explained that there was a procedure to provide the exemption. The Commission can vote today, and he will have to bring an interlocal agreement with LAMTD back for their official approval.

Action: Mayor Bill Mutz called for the vote. The motion carried 6-1. Commissioner Mike Musick voted nay.

EQUALIZATION HEARINGS

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

Lots Cleaning and Clearing

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

Mayor Bill Mutz asked for comments from the Commission and the public.
Commissioner Bill Read asked about the $2,600 fine.

Suny Marshall: this property had a large clean up (hazmat and fire) It was more than just cutting the grass.

Mr. Fred Lohr came forward about assessment liens that were imposed at a previous meeting.

Brian Rewis explained the appeal process to the Code Enforcement Board.

Mayor Bill Mutz directed Mr. Lohr to file his appeal with the Code Enforcement Board.

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

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

PUBLIC HEARINGS

Ordinances (Second Reading) – None

Resolutions – None

Miscellaneous

Amendment #1 HOME American Rescue Plan (ARP)

The American Rescue Plan Act (ARPA) of 2021 appropriated $5 billion nationwide to provide housing, services and shelter to individuals experiencing homelessness and other vulnerable populations, to be allocated to jurisdictions who qualified for HOME Investment Partnerships Program allocations in FY 2021. The City of Lakeland was allocated HOME ARPA funds in the amount of $1,401,459 to utilize for these purposes.

As required by the program, Staff held several meetings to provide an overview of the eligible activities and to obtain public input from various community partners and stakeholder groups for the use of the funds allocated to the City of Lakeland. A draft copy of the City's HOME American Rescue Plan is available for public review from February 28 – March 14, 2022, and located on the City's website at https://lakelandgov.net/departments/community-economic-development/housing/.

Staff is also seeking the City Commission's input for the use of funds. The chart below outlines the use of funds recommended from the results of the public input and Staff.

Use of HOME-ARP Funding

	Funding Amount	Percent of the Grant	Statutory Limit
Supportive Services	$ #		
Acquisition and Development of Non-Congregate Shelters	$ #		
Tenant Based Rental Assistance (TBRA)	$ #		
Development of Affordable Rental Housing	$ 1,250,000		
Non-Profit Operating	$ #	# %	5%
Non-Profit Capacity Building	$ #	# %	5%
Administration and Planning	$ 151,459	11 %	15%
Total HOME ARP Allocation	$ 1,401,459		

This item will come back as part of the action plan for Commission approval.

The Commission discussed:

- Rental vs home ownership.
- The City's land bank.
- There is a great need for affordable housing units.

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

Mayor Bill Mutz asked for comments from the Commission.

The Commission discussed:

- Utilizing the momentum in place for affordable housing units. There had to be units to assist with rent.

- The rental housing market is tight.

Mayor Bill Mutz asked for comments from the public.

Andrew Lloyd asked if there are requirements for affordability built into new developments.

Mayor Bill Mutz: Affordability was a high priority to the Commission. We try and encourage developers to include affordable units.

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

Local Government Comprehensive Plan Certification Monitoring Report Presentation

Chuck Barmby gave a brief presentation, a copy of which is on file in the Agenda Packet. Lakeland was one of 4-5 cities in the State that was certified. The City provides a certification report each year to DEO. It simply acknowledges the City's efforts to meet the planning goals and conditions contained within the agreement between the City and State of Florida.

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

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

The Commission discussed:

- Staff's accomplishment as one of four certified cities.
- The Comprehensive Plan and legislative restrictions on development mitigation were two separate issues.
- The City did not have complete control of traffic and development. The City managed growth through development agreements. Roadways do not solve all mobility challenges and the City has multi-modal level-of-service standards to recognize other modes of travel within the Central City Transit Supportive Area and Transit Oriented Corridors extending outward from the City's center. The City was limited by State legislation, limiting mitigation to a specific development's impacts on area roadways.
- Preserving greenspace as indicated in the Comprehensive Plan. One of the biggest challenges is meeting the goals of the Comprehensive Plan. The City's purchase of the 100-acre southwest Lakeland park site will assist in the area around the Airport, away from the Central City Transit Supportive Area and Transit Oriented Corridors.

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

COMMUNITY REDEVELOPMENT AGENCY – None

CITY MANAGER

Recommendation re Task Authorization with Environmental Science Associates for the Lake Parker Tributary Swamp Restoration Feasibility Study

The City of Lakeland has been awarded a reimbursable 50% matching Cooperative Funding Initiative (CFI) grant from the Southwest Florida Water Management District (SWFWMD) for the Lake Parker Tributary Swamp Restoration Feasibility Study. The proposed project consists of a feasibility study to evaluate nutrient reduction and water quality improvement alternatives to reduce pollutant loading to Lake Parker. Lake Parker does not meet current water quality standards and has a mandated nutrient reduction plan from the Florida Department of Environmental Protection (FDEP). The feasibility study results will be used to implement projects in support of restoration projects to meet the water quality standards in Lake Parker.

The major elements of this Lake Parker Tributary Swamp Restoration Feasibility Study include:

- Hydrologic data collection and characterization, stormwater event sampling, and physical site characterization
- Watershed and water quality assessment modeling
- Best Management Procedures (BMPs) alternatives analysis
- Data collection, analysis, reporting, and recommendations

To assist in these tasks, a not-to-exceed fee of $160,000 has been negotiated under the City's Continuing Municipal Engineering Agreement with ESA. Under the approved CFI Agreement with SWFWMD, the City will be fully reimbursed 50% of those expenditures up to $80,000. Funding for this project is provided in the FY22 Stormwater CIP budget. It is also expected that SWFWMD will continue its 50% cooperative funding of the project through the execution of the restoration phase that will be implemented based on the feasibility study's recommendations.

Staff recommended that the City Commission authorize the appropriate City officials to execute the Task Authorization with ESA for the Lake Parker Tributary Swamp Restoration Feasibility Study in an amount not to exceed $160,000.

Shawn Sherrouse presented this item to the Commission.

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

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

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

Recommendation re Award of Bid No. 1333 to Service Works for Roofing Project at the City of Lakeland T&D / Central Stores Warehouse

On October 28, 2021, the City of Lakeland issued a request for bids for a roofing project at the City of Lakeland T&D / Central Stores warehouse located at 1140 E. Parker St. Lakeland, FL. The project includes the provision of all labor, material, equipment, supervision, and administration. This effort will integrate the work outlined in the project manual into the building system so that no leakage occurs.

On November 29, 2021, the City Purchasing Department received the following (7) seven bids:
1. Ryman Roofing Inc., Zephyrhills, FL $ 549,764.00
2. Service Works, Tampa, FL $ 793,447.00
3. Southern Roofing Company Inc., Tampa, FL $ 793,617.00
4. Advanced Roofing and Sheet Metal LLC., Fort Myers, FL $ 810,017.00
5. Allied Roofing Inc., Tampa, FL $ 811,420.00
6. Springer-Peterson Roofing & Sheet Metal Inc., Lakeland, FL $ 885,521.00
7. RF Lusa & Sons Sheetmetal Inc., Lakeland, FL $ 929,226.00

Together with the City's engineering consultant REI, City staff reviewed the bids and confirmed the scope of work complies with project requirements. On December 14, 2021, Ryman Roofing Inc., the lowest bidder, withdrew their bid citing "due to unforeseen circumstances". Subsequently, city staff and REI reevaluated the second and third lowest bidders; contacted references and determined that Service Works is the lowest responsible bidder. A Notice of Intent to Award was issued by City Purchasing on February 17, 2022. Funding is provided in the FY 22 T & D / Purchasing Roof Replacement Fund.

Staff recommended that the City Commission authorize the award of Bid No. 1333 to Service Works for the roofing project at the City of Lakeland T&D/Central Stores Warehouse and authorize the appropriate City officials to execute the contract, on behalf of the City of Lakeland, in the amount of $ 793,447.00.

Shawn Sherrouse presented this item to the Commission.

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

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

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously, 6-1. Commissioner Sara McCarley was absent at that time.

CITY ATTORNEY

Ordinances (First Reading)

Palmer Davis explained the following ordinances would be read by title only today return for public hearing on March 21, 2022. Any testimony received today would not be part of the legal record for the decision to be made on March 21, 2022.

Proposed 22-010; 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

> 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 AS ADOPTED BY ORDINANCE 5885; 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 March 21, 2022.

Proposed 22-011; Providing for a Change in Zoning from RA-2 (Single Family Residential) to O-1 (Low Impact Office) on Approximately 0.16 Acres Located at 215 W. Oak Drive

> AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; PROVIDING FOR A CHANGE IN ZONING FROM RA-3 (SINGLEFAMILY RESIDENTIAL) TO O-1 (LOW IMPACT OFFICE) ON APPROXIMATELY 0.16 ACRES LOCATED AT 215 W. OAK DRIVE; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on March 21, 2022.

Proposed 22-012; Providing for a Change in Zoning from I-2 to PUD (Planned Unit Development) to Allow for Limited Additional Manufacturing Uses on Property Located at 3115 Drane Field Road

> AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; PROVIDING FOR A CHANGE IN ZONING CLASSIFICATION FROM I-2 (MEDIUM INDUSTRIAL) TO PUD (PLANNED UNIT DEVELOPMENT) ON PROPERTY LOCATED AT 3115 DRANE FIELD ROAD; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on March 21, 2022.

Proposed 22-013; Amending Ordinance 3449, as Amended; Major Modification of PUD Zoning to Allow an Apartment Complex with a Maximum of 244 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 Highland 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 244 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 March 21, 2022 .[1]

Proposed 22-014; Small Scale Amendment #LUS21-004 to the Future Land Use Map to Change Future Land Use Designations on Property Located at the Southwest Corner of W. Pipkin Road and Yates Road

> AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR SMALL SCALE AMENDMENT #LUS21- 004 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP OF THE LAKELAND COMPREHENSIVE PLAN: OUR COMMUNITY 2030; CHANGING THE FUTURE LAND USE DESIGNATION FROM NEIGHBORHOOD ACTIVITY CENTER (NAC) TO RESIDENTIAL HIGH (RH) ON APPROXIMATELY 17.2 ACRES AND NEIGHBORHOOD ACTIVITY CENTER (NAC) TO CONVENIENCE CENTER (CC) ON APPROXIMATELY 1.5 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF W. PIPKIN ROAD AND YATES ROAD; 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 March 21, 2022.

Proposed 22-015; Application of PUD (Planned Unit Development) Zoning to Allow a Multi-Family Residential Development with a Maximum of 252 Dwelling Units on Approximately 17.2 Acres Located on Property Located at the Southwest Corner of W. Pipkin Road and Yates Road

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[1] After this meeting, the developer requested a continuance until April 4, 2022.

AN ORDINANCE RELATING TO ZONING; ADOPTING FINDINGS; PROVIDING FOR PUD (PLANNED UNIT DEVELOPMENT) ZONING TO ALLOW A MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH A MAXIMUM OF 252 DWELLING UNITS ON APPROXIMATELY 17.2 ACRES LOCATED AT THE SOUTHWEST CORNER OF W. PIPKIN ROAD AND YATES ROAD; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on March 21, 2022.

Resolutions

Resolution 5746; Proposed 22-009; Lots Cleaning and Clearing

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

Palmer Davis read the short title.

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

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

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

Proposed 22-010; Amending City of Lakeland Local Government Comprehensive Planning Certification Program Agreement

Action: This item was removed from the agenda.

Resolution 5747; Proposed 22-011; Authorizing the Execution of an Amended Grant Agreement with the Florida Department of Transportation for Financial Project No. 441648-1-94-01 for the TWY E/S Project at Lakeland Linder International Airport

A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDED GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ADD STATE AND LOCAL FUNDING FOR THE CONSTRUCTION PHASE OF THE TWY E/S PROJECT AT LAKELAND LINDER INTERNATIONAL AIRPORT; ADOPTING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

Interim Airport Director Kris Hallstrand pointed out the new taxiways on the map and answered questions from the Commission.

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

Miscellaneous Reports

Memo re: Amended and Restated Implementation Agreement for the West Polk Lower Floridan Aquifer Wellfield Project

On April 19, 2021, the City Commission approved the West Polk Lower Floridan Aquifer Wellfield Implementation Agreement. The Agreement is between the City of Lakeland, Polk County and various municipalities within Polk County and provides for the preparation of final design plans, construction and operation of the West Polk Lower Floridan Aquifer Wellfield Project. The West Polk Wellfield Project is one of several alternative water supply projects that have been approved by the Polk Regional Water Cooperative (PRWC), making it eligible for grant funding from the Southwest Florida Water Management District (SWFWMD). The Project is anticipated to yield approximately 10 million gallons per day (10 mgd) of potable water based upon calendar year 2045 buildout estimates.

The estimated 2045 build-out construction costs for the Project are now $226 million, with Lakeland's proportionate share estimated at $91 million after co-funding by SWFWMD. The Project will be financed through a combination of a SWFWMD grant providing for the reimbursement of fifty percent (50%) of the Project's costs, a low-interest, deferred payment Water Infrastructure Finance and Innovation Act (WIFIA) loan through the U.S. Environmental Protection Agency (EPA), which will fund an additional 48% of Project costs, and a low-interest State Revolving Fund (SRF) loan through the Florida Department of Environmental Protection (FDEP). The WIFIA loan has several advantageous features, including a low interest rate tied to Treasury bonds of similar maturity, the ability to draw funds as costs are incurred in order to avoid unnecessary interest payments, a long repayment period of up to 35 years after substantial completion of the Project, and the ability to not only defer the commencement of payments for up to 5 years after substantial completion, but to customize the repayment schedule to allow for the phase-in of rate increases over time.

Following approval of the Implementation Agreement last April, PRWC's bond counsel and financial advisor engaged in discussions with the EPA, SWFWMD and the FDEP regarding requirements to secure financing for the Project. The WIFIA loan will require the Project to be rated by the rating agencies and to obtain an investment grade rating (a rating higher than BBB-). As a result of these discussions, PRWC's bond counsel and financial advisor are recommending that the Implementation Agreement be amended to ensure that the Project qualifies for financing. The Amended and Restated Implementation Agreement reflects the changes being recommended, material of which are the following:

- Elimination of the 60% offramp. As currently structured, the Implementation Agreement allows Project Participants to withdraw from the Project once 60% design plans are completed and to thereby avoid liability for future Project costs. The Amended and Restated Agreement eliminates this option absent another jurisdiction that is willing to accept a full or partial assignment of a withdrawing party's water allocation and corresponding duties under the Agreement.
- Creation and maintenance of reserves. The Amended and Restated Agreement requires the Parties to maintain adequate reserves in order to continue paying the debt service on the Project in the event of non-payment by any of the Parties. The Amended Agreement also eliminates a 30-day grace period currently available to the Parties for payment of the debt service portion of water charges.
- Modification of voting procedure. Under the current Agreement, all decisions of the Project Board must be supported by a majority of the Project Board using a weighted vote method, whereby each Project Participant's vote is in proportion to the water allotment percentage of that jurisdiction. The revised Agreement provides for a hybrid voting method, requiring both a majority of the weighted vote and an absolute majority of all Project Participants. Because Lakeland's water allotment percentage is approximately 80% under the Agreement, no action can be taken without Lakeland's consent under either the original or revised Agreement. However, under the revised Agreement, a majority of Project Participants could theoretically prevent Lakeland from mandating that action on an item be taken without the majority's consent.

In addition to the above changes, the Water Allotment Table under the Agreement has been revised slightly, reflecting the withdrawal of the City of Eagle Lake from the Project. Eagle Lake originally had reserved 0.20 mgd, or 2.5%, of the Project's water. The new Water Allotment Table is as follows:

2045 Water Allotment Table:

Name of Party	2045 Water Allotment Annual Average (MGD)	2045 Water Allotment Percentage (%)
City of Auburndale	0.10	1.269%
City of Bartow	0.36	4.568%
City of Lakeland	6.31	80.077%
Polk City	0.03	0.380%
Polk County	0.98	12.436%
City of Winter Haven	0.10	1.270%
**City of Lake Alfred*	*Project Associate*	
**City of Mulberry*	*Project Associate*	
**City of Fort Meade*	*Project Associate*	
**Town of Dundee*	*Project Associate*	
TOTAL	**7.88**	**100.000%**

The City's Water Utility Department continues to believe that the City should participate in this Project in order to diversify its sources of potable water and to secure additional supply in anticipation of both the 2038 expiration of the City's current water use permit and the potential for regulatory changes prior to such time. It is anticipated that the West Polk Wellfield will be developed in 2.5 mgd increments, with an anticipated buildout in 2045 ultimately producing 10 mgd of finished water. The construction stages will be based upon projected demands as the Project develops. It is currently estimated that the first stage of the Project will be online by 2027 and will produce 2.5 mgd of available potable water for the Project Participants.

Staff recommended that the City Commission approve the Amended and Restated Implementation Agreement for the West Polk Lower Floridan Wellfield Project and authorize the appropriate City officials to execute the Agreement.

Palmer Davis presented this item to the Commission.

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

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

The Commission discussed:

- The City was taking a proactive approach to water needs of the future.
- Polk County and the cities within the County were working together to plan for the next 20 years of water needs.
- Alternative water was necessary because the upper Floridian aquifer will not be able to meet the regional demands.
- The water cooperative served all cities in Polk County. Eventually cities will be able to share water throughout Polk County. The cities are not competing but rather working together.
- SWFWMD was also providing funding for the project.
- Each individual city has the option to do their own projects. There were 2 other projects that Lakeland had an opportunity to participate in. Those were further behind in the process.

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

Memo re: Amended and Restated Implementation Agreement for the Southeast Wellfield Project

This was the Amended and Restated Implementation Agreement for the Southeast Wellfield Project. The City of Lakeland is a participant in this Project, with a water allocation of 0.1 million gallons per day (0.10 mgd), or 0.80% of the Project's total estimated 2045 water yield. The Southeast Implementation Agreement is between the City of Lakeland, Polk County and various municipalities within Polk County and provides for the preparation of final design plans, construction and operation of the Southeast Wellfield Project. The Southeast Wellfield Project is one of several alternative water supply projects that have been approved by the Polk Regional Water Cooperative (PRWC), making it eligible for grant funding from the Southwest Florida Water Management District (SWFWMD).

The estimated construction costs for the Project are $415 million, with Lakeland's proportionate share of design, construction and land acquisition costs estimated at $2,040,089.00 after co-funding by SWFWMD. The Project will be financed through a combination of a SWFWMD grant providing for the reimbursement of fifty percent (50%) of the Project's costs, a low-interest, deferred payment Water Infrastructure Finance and Innovation Act (WIFIA) loan through the U.S. Environmental Protection Agency (EPA), which will fund an additional 48% of Project costs, and a low-interest State Revolving Fund (SRF) loan through the Florida Department of Environmental Protection (FDEP).

As with the West Polk Wellfield Implementation Agreement, PRWC's bond counsel and financial advisor have engaged in discussions with the EPA, SWFWMD and the FDEP regarding requirements to secure financing for the Southeast Project. As a result of these discussions, PRWC's bond counsel and financial advisor are recommending the same changes to the Southeast Wellfield Implementation Agreement as are recommended for the West Polk Implementation Agreement.

The Water Allotment Table for the Southeast Project under the Amended and Restated Implementation Agreement is as follows:

2045 Water Allotment Table

Name of Party	**2045 Water Allotment Annual Average (MGD)**	**2045 Water Allotment Percentage (%)**
City of Auburndale	1.65	13.27%
City of Bartow	0.36	2.89%
**City of Davenport*	*Project Associate*	
** City of Eagle Lake*	*Project Associate*	
** City of Fort Meade*	*Project Associate*	
City of Haines City	3.50	28.16%
City of Lake Alfred	1.00	8.05%
**City of Lake Wales*	*Project Associate*	
City of Lakeland	0.10	0.80%
** City of Mulberry*	*Project Associate*	
** Polk City*	*Project Associate*	
City of Winter Haven	1.52	12.23%
Town of Dundee	0.90	7.24%
**Town of Lake Hamilton*	*Project Associate*	
Polk County	3.40	27.36%

By participating in the Southeast Wellfield Project as a Project Participant, in addition to receiving 0.1 mgd of potable water, Lakeland will have a vote on the Project Board and will be able to avoid paying a penalty of up to 7.5% of its share of capital costs should it choose instead to join the Project later.

Staff recommended that the City Commission approve the Amended and Restated Implementation Agreement for the Southeast Wellfield Project and authorize the appropriate City officials to execute the Agreement.

Palmer Davis presented this item to the Commission.

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

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

The Commission discussed:

- The process of producing potable water.
- Fluoride in drinking water.

Action: Mayor Pro Tem Sara McCarley called for the vote and the motion carried unanimously, 6-0. Mayor Bill Mutz was absent at that time.

Memo re: Peace River Project Interlocal Water Plant Consent Agreement with the City of Fort Meade

This was a proposed Peace River Project Interlocal Water Plant Consent Agreement between the various member governments comprising the Polk Regional Water Cooperative (PRWC) and the City of Fort Meade. One of the alternative water supply projects being evaluated by the PRWC is the Peace River Land Use Transmission Project (the "Peace River Project"). The Peace River Project could potentially be located either within or near the City of Fort Meade's exclusive Water Utility Service Area. Fort Meade is concerned that a permit issued for the Peace River Project by the Southwest Florida Water Management District (SWFWMD) could result in a reduction to its existing Consumptive Water Use Permit and is requesting that it be held harmless from such a possibility by any PRWC members that choose to participate in the Peace River Project.

The Charter Interlocal Agreement creating the PRWC established as one of its founding principles that the PRWC would not take any action that would adversely impact the existing water use permits of its member governments. As a result, the attached Agreement is consistent with the Charter Interlocal Agreement. Under the attached Agreement, the City of Fort Meade grants its consent for the PRWC to seek a permit for the Peace River Project in exchange for the agreement of the member governments to not take any action before SWFWMD that would result in the loss or reduction of Fort Meade's existing permitted water use allocation. In the event of such a loss or reduction, member governments choosing to participate in the Peace River Project would be obligated to replace Fort Meade's lost or reduced water allocation from one of the PRWC's alternative water supply projects in proportion to that member government's percentage allocation of water from the Peace River Project.

It is unlikely that the City of Lakeland will participate in the Peace River Project. However, the attached Agreement is consistent with the PRWC's Charter Interlocal Agreement and will facilitate the PRWC's continued evaluation of the Project. As a result, it is recommended that the City Commission approve the attached Peace River Project Interlocal Water Plant Consent Agreement and authorize the appropriate City officials to execute the Agreement.

Palmer Davis presented this item to the Commission.

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

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

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

FINANCE DIRECTOR – None

UTILITY

Ordinances – None

Resolutions

Resolution 5748; Proposed 22-012; Establishing Fuel Charge Effective April 1, 2022.

> A RESOLUTION RELATING TO THE ELECTRIC UTILITY; MAKING FINDINGS; ESTABLISHING THE FUEL CHARGE FOR ALL CUSTOMER CLASSES FOR METERS READ ON OR AFTER APRIL 1, 2022; AMENDING TIME OF DAY FUEL CHARGE FOR APPLICABLE RATE CLASSES; REPEALING RESOLUTION 5733; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

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

Memo re: Agreement with Mid-State Industrial Maintenance, LLC for Larsen Unit 8 Steam Turbine Condenser Repair

This was a proposed Agreement with Mid- State Industrial Maintenance, LLC (Mid-State) for steam turbine condenser repair work at Larsen Unit 8. Currently, cooling water from Lake Parker is leaking into the conditioned boiler water. The repair is necessary to help maintain the chemical conditioning of the boiler water, which minimizes the risk of pressure part failures and turbine blade corrosion in the Unit, as well as keeps the condenser tube copper from leaching into the returning lake water.

On February 4, 2022, the City's Purchasing Department issued Invitation to Bid No. 2049 seeking qualified and experienced turbine condenser maintenance contractors to perform mechanical and coating work on the condenser water boxes at Larsen Unit 8. The City received responses from the four (4) contractors listed below. Plastocor, Inc. failed to provide pricing on all portions of the required scope of work and, as such, its bid was determined to be incomplete and not considered.

Contractor	Location	Bid Price
Mid-State Industrial Maintenance, LLC	Lakeland, FL	$518,900.11
JFK Maintenance and Construction, LLC	Bartow, FL	$735,008.57
Taylor's Industrial Coatings, Inc.	Lake Wales, FL	$752,803.00
Plastocor, Inc.	Hingham, MA	Incomplete

Upon evaluation by City staff, Mid-State was selected as the most responsive, responsible bidder with the lowest price capable of providing the services in accordance with the City's Bid Specifications. Upon City Commission approval, the work is scheduled to be completed during Unit 8's Spring outage scheduled for March 27th through May 16, 2022. Mid-State will perform all services pursuant to the terms and conditions set forth in the City's Bid Specifications and Mid-State's submittal to the City's bid dated February 21, 2022. Pursuant to the Agreement, Mid-State and its subcontractors will provide all material, equipment and labor to perform the work. The total cost of the work is $518,900.11 and is included in Lakeland Electric's FY22 budget.

Staff recommended that the City Commission approve this Agreement with Mid-State for Larsen Unit 8 steam turbine condenser repair work and authorize the appropriate City officials to execute all corresponding documents on behalf of the City.

Ramona Sirianni presented this item to the Commission. The Utility Committee unanimously approved the recommendation.

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. There were no comments from the public.

The Commission discussed:

- The change order process. Staff makes sure all the components are included in the proposal to limit cost increases.
- Staff evaluates any change order requests and brings those above signature authorities back to the Commission for approval.

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

Memo re: Change Order #2 with Siemens Energy, Inc. for MGT2 Hot Gas Path Outage Work

This was proposed Change Order #2 with Siemens Energy, Inc. (Siemens) for MGT2's Hot Gas Path Outage Work. The City Commission previously approved an Agreement with Siemens on July 19, 2021 for the MGT2 Hot Gas Path Outage work to occur during MGT2's scheduled Fall 2021 outage at a total cost of $5,457,753. In preparation for the outage, additional work was identified as necessary. Consequently, the City Commission approved Change Order #1 with Siemens on November 1, 2021, at an additional cost of $231,855.

During MGT2's Fall 2021 outage, which occurred between November 18th through December 20, 2021, numerous unforeseen items were discovered requiring repair during the outage in order to avoid significant and costly delays. Siemens provided engineering recommendations for the required repairs, along with labor and parts estimates. Since the Unit was in outage, time was of the essence to develop a scope of work for repairs so the Unit could be reassembled for reliable operation. Due to the emerging nature of these items, City staff authorized Siemens to proceed with the repairs.

The City's Purchasing Department has approved Siemens, the original equipment manufacturer of MGT2, as the sole source supplier for this work. Identified below is a summary of the additional work and associated cost of Change Order #2.

Additional Scopes of Work		
Item	**Description**	**Cost**
1	Row 3 and 4 Vane Replacement due to crack indications	$1,414,964.02
2	Internal Rotor Air Cooling Piping	$ 78,052.00
3	Turbine hardware deemed non-reusable	$ 212,193.40
4.	Work on Sundays to maintain outage end schedule	$ 54,248.00
5.	Extended fork truck rental due to discovery impact	$ 2,795.84
6.	Additional Instrumentation Tech support due to discovery	$ 35,807.34
7.	Credit for final crane billing lower than original estimate	$ -17,076.38
6.	Credit for bottle water and ice delivery	$ -9,500.00
	TOTAL	**$ 1,771,484.22**

Upon approval by the City Commission, a purchase order will be issued for work that was completed during MGT2's Fall 2021. The purchase is governed by Siemens' Standard Terms and Condition of Sale for Joint Product and Service Offerings dated

October 20, 2020. The total cost of the work is $1,771,484.22 and is included in Lakeland Electric's FY22 budget.

Staff recommended that the City Commission approve Change Order #2 with Siemens for MGT2's Outage work and authorize the appropriate City officials to corresponding documents with Siemens for the work.

Ramona Sirianni presented this item to the Commission. The Utility Committee unanimously recommended approval.

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

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

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

AUDIENCE

Alfredo Gomar Jr asked the City to endorse Charlies Crist for governor and former Mayor Gow Fields as his Lt. Governor.

Linda Bagley Wiggs spoke about the Lake Miriam Apartments. She was against the plan for safety, traffic, lack of green space and not pedestrian oriented. She asked the Commission to deny the change in zoning.

Palmer Davis advised that she needed to restate her comments on March 21st.

Chris Oliver came forward about the proposed Lake Miriam Apartments. The buffer zone cuts through his driveway. He purchased the property from Publix in 1982. The Commission referred Mr. Oliver to staff.

Joey Tamondong, LE retiree, invited the Commission to the Power Academy Open House Tuesday March 15th 5-7 p.m. at Tenoroc High School.

Kim Daniels: How do you define failed road? FDOT established the definition.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Bill Read:

- Asked about the property rights before the legislature last year. Teresa Maio explained it required the City to reinforce the emphasis on property rights. Palmer Davis explained that did not have a substantive effect on the rezoning public hearings coming up. The Bert Harris Act was more significant.
- Announced Open House March 8th at 10 a.m. at Flight Academy.

- Announced high school basketball at RPFC.

Commissioner Sara McCarley:

- Congratulated Gene Conrad. He did a remarkable job at the airport. He was staying at Sun 'n Fun and that was a coup for Lakeland.
- Asked what the economic impact to Lakeland was for MLB's hold out on Spring Training.

Commissioner Phillip Walker:

- Announced the Gang Task Force met on February 21, 2022. The Gang Task Force has morphed into the Community Engagement Task Force. The CETF will now be under PAL. Efforts with community outreach with The Dream Center will continue. Captain Marvin Tarver will be the staff person for this group. The members from GTF were invited to continue with their efforts with the CETF. That first meeting has not been established yet.
- Reminded the Commission this was the last Week of Session.

Commissioner Chad McLeod publicly congratulated the men and women who were recognized at the Police Department. It was inspiring to hear the recognition. He asked that they be recognized at the Commission meeting.

Commissioner Stephanie Madden:

- Gave an update on her APPA trip to Washington D.C.
- APPA granted an award to Senator Manchon.
- It was exciting to hear about the Linemen Rodeo.
- Inflation - We're all struggling at home with inflation and supply chain issues. LE and the City were planning well in advance in storm preparation.

CALL FOR ADJOURNMENT – 12:25 p.m.

H. William Mutz, Mayor

CITY OF LAKELAND, FLORIDA
INCORPORATED
JAN. 1, 1885

Kelly S. Koos, City Clerk