LAKELAND CITY COMMISSION

Regular Session
December 5, 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 Samuel Simmons 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

City Maker Award

Beautification Awards (Bill Koen)

- Residential: 127 Lake Morton Drive - David Whitlock
- Commercial: 1645 Lakeland Hills Boulevard - Smile Dentistry

PROCLAMATIONS

Pearl Harbor Remembrance Day

Chief Ruben Garcia Retirement Verbal Report:

Shawn Sherrouse acknowledged Chief Garcia's retirement last week. He recognized Chief Garcia for his service as Lakeland's Chief of Police. Chief Garcia received an outstanding performance evaluation for his last review. HIs performance as Chief of Police was flawless.

Parks & Recreation Director Bob Donahay presented Chief Garcia with Detroit Tigers Official Uniform shirt.

COMMITTEE REPORTS AND RELATED ITEMS

Municipal Boards & Committees 12/02/22

Commissioner Stephanie Madden presented this report to the Commission.

Motion: Commissioner Chad McLeod moved to approve the appointments. Commissioner Mike Musick seconded.

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

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

APPROVAL OF CONSENT AGENDA

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

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

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

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

APPROVAL OF MINUTES (with any amendments)

* Commission Minutes Nov 18-21, 2022

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC - None

EQUALIZATION HEARINGS

Recess/Convene: The City 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 Mike Musick moved to approve the assessments. 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.

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

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5961; Proposed 22-049; Large Scale Amendment #LUL22-002 to the Future Land Use Map to Change Approximately 19.02 Acres of Residential Medium (RM) to Residential Low (RL) and Approximately 59.22 Acres of Residential Medium (RM) to Residential High (RH) on Land Generally Located North of I-4, South of Heatherpoint Drive and East of Carpenters Way (1st Rdg. 11-21-22)

> AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR LARGE SCALE AMENDMENT #LUL22002 TO THE FUTURE LAND USE MAP OF THE CITY OF LAKELAND COMPREHENSIVE PLAN TO CHANGE APPROXIMATELY 19.02 ACRES OF RESIDENTIAL MEDIUM (RM) TO RESIDENTIAL LOW (RL) AND APPROXIMATELY 59.22 ACRES OF RESIDENTIAL MEDIUM (RM) TO RESIDENTIAL HIGH (RH) ON LAND GENERALLY LOCATED NORTH OF I-4, SOUTH OF HEATHERPOINT DRIVE AND EAST OF CARPENTERS WAY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title. He suggested the Commission withhold a motion until all the information is received. Staff will present, then the applicant, then the public will speak. There was one spokesperson representing the general public.

Planning & Transportation Manager Chuck Barmby made the Planning staff's presentation. A copy of his presentation is on file in the agenda packet. Gibson Trails was 127.89 acres north of Interstate-4, south of Heatherpoint Drive, east and west of Carpenters Way and north and south of Wedgewood Estates Bl. Mr. Barmby reviewed:

- Existing Entitlements
- Original Request of 1,398 units vs. September 2022 Request of 1,208 units vs. the Amended (Current) Request of 994 units.
- Major changes to the Development Plan from September to October.
- The three phases of development.
- Roadway Site circulation Plan
- Pedestrian Site Circulation Plan
- Landscaping Plan
- Mobility Options
- Transportation Analysis and Conditions
- Lakeland Park Drive Extension
- Citrus Connection Routes (10/3/22)

- Nearby Infrastructure Investments
- Next Steps –
    - Execution of Transportation Development Agreement with mitigation phasing and specific alignments and Right-of-Way dedications.
    - Determination of Water 7 Wastewater Mitigation Projects
    - Submittal of Site Plans and Subdivision Plat/Constructions Plans
    - Binding School Concurrency Determinations
    - Building Permits for each structure
    - Inspections of infrastructure and buildings

This would be a multi-year implementation.

Applicant Presentation

Bart Allen of Peterson & Myers introduced the applicant's team.
Developer – Johnathan Hall, John Hall
Kimley-Horn
Planner/IA – Scott Mingonet, PLA, AICP
Civil Engineer – Mark Wilson, PE
Traffic Engineer – James Taylor PE/Christopher Hatton PE
MODICA – Ecological Site Assessment
Terracon – Geotechnical
DC Johnson Associates – Surveying and Mapping

Mr. Allen reviewed:
Process - multiple public meetings
Site Context
HOAs will be separate from any existing HOAs. They will be independent and stand alone. They will be responsible for maintenance and upkeep of any trails even though they are open to public use. 118 acres are developable. The wetlands have been delineated and accepted by SWFWMD.

Scott Mingonet reviewed:
Adjacent Compatibility
Site Circulation
Landscape Buffering

James Taylor reviewed:
Traffic/Transportation
Conclusions
Roadway Capacity
Takeaways

Mr. Allen summed up the presentation. The applicant was not asking for variances. The project is consistent with Land Development Code (LDC) and Comprehensive Plan. It is consistent with the surrounding area. He requested a rebuttal prior to the Commission vote.

Brent Geohagan served as the attorney representing the following HOAs: Wedgewood, Cambridge on the Green, Cambridge on the Tee, Fairfield on the Tee, Sand Wedge Villas and other residents. He referred to this group as the Wedgewood Community. He distributed a handout out, which is on file in the agenda packet. The burden is on the applicant to establish why the law should be changed. He argued that the development was incompatible. Two points:

1. Urban area – compatibility is not satisfied because surrounding areas have become more dense or intense in scale and nature. The subject is how it will impact this community and residents in and around the area.
2. Important to know that aside from the property owners' rights, there was a planned development already in place. To change that, it will always have to go through the scrutiny being applied today.

The Community in which his clients live was historic and intimate, serene distinct enclave from the greater congestion and chaos existing outside their community. This proposed development would destroy all of that and would not be compatible. There were three characteristics of this proposed development that make it incompatible:

1. The abrupt and drastic difference in change.
2. Traffic - concurrency is the minimum level. Just because its concurrent does not mean its compatible.
3. Drainage - existing drainage issues that will be worsened.

It is not consistent with the character of the area. The change is not gradual enough to be compatible. The conditions did not meet the requirements for a planned unit development (PUD). He reminded the Commission that testimony from citizens was competent and substantial if it was fact based. It must be based on firsthand personal knowledge.

Pat Teehan was a 33-year resident. She spoke against the development. She spoke of the historic history of the community as a retirement for union carpenters. The arch is a historic landmark. She spoke of apartments already developing nearby.

Jack English represented Cambridge on the Tee. He was concerned about the 59 acres going from RM to RH. He asked the Commission to deny that segment. He asked the Commission to deny tracks 2, 3, 4, and 11. If that is done, they could get 700 units under the land use. He asked that they comply with the same covenants already in existence. He was also concerned about Tract 9 with a large retention pond. It needs to be cleaned out and the surrounding land needs to be maintained.

Gina Ward representing all Wedgewood to plead that the land use on the 59 acres remain residential medium. She asked that the lots sizes on tracts 6 and 7 be a little larger than proposed and that they adhere to the existing setbacks, covenants and restrictions. She asked that the homes on tracts 5, 6, and 7 be moved to the other side of the fairway to allow for additional green space between homes. She requested a collector road be constructed to conduct traffic.

Jerry Slayford spoke against the project because of compatibility. He performed demographic studies for SAMs and Walmart for regional and residential density. He spoke of development bringing new employees to the area. Productivity income and housing is need in our city, but it does not all have to be on Wedgewood Golf Course. They had a beautiful historic area. Data from 2020 showed SAMS club averaged 2281 cars a day. Walmart, just to the north, is the fourth busiest Walmart in the southeastern region. The traffic in north Lakeland has increased so much we now need major road improvements. There are many residential developments already in progress on US Hwy 98 North. He encouraged the Commission to consider the future and the consequences.

Jim Burg spoke against the development. This additional traffic will ruin the quality of life in their community. Increased density will be increased traffic and crime.

Beverly Copeland Inland of Carpenters Way. She was concerned about the retention pond. She did not think it was necessary. She was worried it would require them to purchase flood insurance. They wanted to keep the green space. Carpenters Way cannot handle the additional traffic.

David Stevens Fairfield on the Tee resident spoke against the development. Carpenters Way was annexed in 1998. A special assessment was levied on every resident along Carpenters Way to pay for the upgrade of the road. All the residents there have paid for it. A traffic count when Audubon Oaks was developed showed 7500 cars per day. That has increased to 8500 over 20 years. The residents believed traffic had increased substantially over the last 20 years. They did not think that 8500 was correct.

Kelly Hare spoke on behalf of her father who lived in the area. She has been stuck in traffic on Carpenters Way for 25 minutes. The trails are not enough for the existing residents. There needs to be less building. The construction is going to cause an upheaval for the blue crane and other wildlife in the area. The additional retention pond will attract mosquitos. There will be a flooding concern. Her father's view will be obstructed by an apartment building.

Bill Burman, a resident of Wedgewood, spoke against the development. This was the wrong location for 992 units. This traffic study does not meet the eye test.

Mike Wider spoke against the development. He asked the Commission to listen to the taxpayers not the developers. The group does not maintain the property now. They will not be good neighbors. Tract 9 is still undetermined. There is no mention of who will pay for the upkeep of that tract. Hole #8 will become a water feature with a chain-link fence. That is not a water feature. He asked the Commission to deny the changes based on the way they have exhibited their character so far.

Applicant Rebuttal

Bart Allen asked Mr. Mingonet to speak on some of the issues.

Scott Mingonet of Kimley horn spoke. We do need to provide a reason to change the zoning. The change is for the better. Tract 1 is RH. It should not be that. They were reducing to RL. Tract 8 has (RH) Residential High, and they are proposing to down zone those uses. The overall intensity is going to (RM) Residential Medium. This change creates better compatibility. Innovation can be subjective. This development is connected to the transportation network. It has a diverse type of residents.

Bart Allen: the residents provided a lot of good information. There has been a lot of change out there over time. The future land use would allow almost 1700 units. We have located residents near similar residents. They are putting like with like and that meets the definition for compatibility. This was a project worthy of the Commission's approval. He was willing to make changes if the Commission so desired.

Motion: Mayor Bill Mutz asked for a motion. Commissioner Mike Musick moved to approve the ordinance. Commissioner Stephanie Madden seconded.

Mayor Bill Mutz asked for comments.

The Commission discussed:

- The vote was 5-1 from the Planning & Zoning.
- Phasing and moving the roundabout to Phase I.
- Level of service is currently a C.
- The developer could do 1600 units with the existing land use, but it would require zoning action. Staff would have concerns about traffic with 1600 units.
- Staff's reasons for compatibility.
- $2 Million in impact fees from this project.
- The process of development and road improvement and which comes first.
- The need for extending Lakeland Park Dr. to US Hwy 98.
- The Commission considers current traffic issues.
- The need to shift to urban design and to have some activity centers within the housing development.
- The threshold for failing roads.
- School concurrency. Binding concurrency has not been granted. Students would be divided between 2 elementary schools and 2 middle schools.
- Developer listening session.
- Reducing the number of units.

The Commission discussed with the applicant's attorney the feasibility of reducing the number of units. There is a critical mass at some point. To do the infrastructure improvements, they need a number of units to make it work. It was a large project. The group discussed reducing the number of units by reducing some building heights. The developer could do 3-stories on everything except 6 buildings. The downside to that was they lose units. That would keep the same footprint. They would then likely look at developing Tract 9 in the future. Those changes would provide a net down of 30 units to multi-family. Residential styles like existing residents were important. The applicant worked to mimic HOAs where possible. The 4-story buildings closer to the interstate would also serve as a sound buffer. The extension of Lakeland Park Dr. could provide access to those buildings to US Hwy 98.

Mark Wilson of Kimley Horn explained code requires the stormwater retention. Most of this development was older and did not require stormwater. The stormwater pond must be designed to a 25-year and 100-year event. Typically, they do not serve as a trigger to require flood insurance. The change from golf course to homes will improve water quality.

Chuck Barmby: staff has looked for opportunities to take advantage and get a premium transit stop in the area. We want to cluster the right development in the right spot.

The multi-family buildings in the suburban context have a 40 ft. height restriction. The Commission discussed adding height closer to the interstate. That would be handled in the PUD ordinance.

The struggle was to find the balance between the residents and traffic. A 4-lane roadway would divide the community.

The Commission asked the developer about Tract 9 and the perception that the applicant has failed to maintain the property. The applicant was present and listening to the complaint. They understood they were under scrutiny and needed to maintain the property. They did not have plans to develop Tract 9 at this time.

Action: Upon roll call vote Commissioners Bill Read, Stephanie Madden, Mike Musick, and Mayor Bill Mutz voted aye. Commissioners Chad McLeod, Sara McCarley, and Samuel Simmons voted nay. Ayes – four. Nays – three. The motion carried 4-3.

Ordinance 5962; Proposed 22-053; Amending Ordinance 4773, as Amended; Major Modification of PUD Zoning to Allow for the Redevelopment of the Former Wedgewood Golf Course for 874 Multi-Family Dwelling Units, 60 Single-Family Attached (Townhome) Dwelling Units and 60 Single-Family Detached Dwelling Units on Approximately 127.89 Acres Generally Located North of I-4, South of Heatherpoint Drive, East and West of Carpenters Way and South of Wedgewood Estate Boulevard (1st Rdg. 11-21-22)

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 4773, AS AMENDED, TO PROVIDE FOR A MAJOR MODIFICATION TO PLANNED UNIT DEVELOPMENT ZONING TO ALLOW FOR THE REDEVELOPMENT OF THE FORMER WEDGEWOOD GOLF COURSE FOR 874 MULTI-FAMILY DWELLING UNITS, 60 SINGLE-FAMILY

ATTACHED DWELLING UNITS AND 60 SINGLE-FAMILY DETACHED DWELLING UNITS ON 127.89 ACRES GENERALLY LOCATED NORTH OF I-4, SOUTH OF HEATHERPOINT DRIVE, EAST AND WEST OF CARPENTERS WAY AND SOUTH OF WEDGEWOOD ESTATES BOULEVARD; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title and explained this was the zoning for the development in the previous ordinance. The discussion was applied to both ordinances.

Commissioner Stephanie Madden asked if there an opportunity to make changes at this point?

Motion: Commissioner Bill Read moved to approve the ordinance. Commissioner Mike Musick seconded.

Mayor Bill Mutz asked for comments from the Commission.

Commissioner Stephanie Madden asked if there was something more palatable.

Commissioner Chad McLeod: it's hard to tell the developer what to do to make the project work. He voted no on the previous ordinance because he was unsure about the density.

Palmer Davis explained voting no on this ordinance votes no to the PUD changes. Something else would need to come forward with a new plan. They would need to come back because at this point the Comp Plan has been changed. The 1-year time limit would not apply.

Commissioner Bill Read would like some concession on density for the residents. The developer has already lowered the units so he would have a hard time voting against it.

Mayor Bill Mutz: it will be difficult to find a location for this kind of density along I-4 near shopping anywhere else. We make decisions like this on the highest best use quality of life. There is a pressure to provide additional multi-family because of future growth.

Commissioner Bill Read asked about the city's liability.

Palmer Davis explained the Commission could be facing a challenge to your decision without damages. The Commission will need to state a rational for voting against it at this point.

Commissioner Samuel Simmons would like to see a reduction in the number of units that would result in less traffic.

Mayor Bill Mutz made a suggestion to reduce the number of units.

Bart Allen offered an alternative to delete two buildings on the northside of the project to create more green space and reduce the number of units.

Mayor Bill Mutz asked the public to let the Commission know which they preferred. Eliminating the two green units or reducing the height of the three blue units.

Gina Ward: the Wedgewood community has not met with developer one-on-one. Their biggest concern was the 59 acres with buildings and asphalt.

Pat Teehan was concerned with the lots. These new homes are not compatible to the existing homes.

David Marce, Audubon Oaks owner, preferred to eliminate the 2 green buildings.

David Stevens supported removing the 2 green buildings.

Kelly Hare would like to meet with the developers and discuss the concerns. She was optimistic about removing those 2 green buildings.

Mayor Bill Mutz sensed the applicant was willing to meet with the residents.

Victor Freemont: Tract 9 being a future development was concerning. He wanted the developer to address it now. Tract 5 lot size. He wanted larger lot sizes.

Brent Geoghegan still representing the 5 HOAs. His clients' concerns were not limited to the 2 buildings they were proposing to remove. His client base may not be as satisfied as they would be if they could speak with the developer. Conversations between the HOAs and the developer stopped. If there are going to be discussions, it should be prior to an approval. The law still is that if this is not compatible it should not pass.

Amended Motion: Commissioner Stephanie Madden moved to amend the ordinance to remove the 2 green buildings identified by Bart Allen. Commissioner Mike Musick seconded.

Chuck Barmby provided the corrected language. The elimination of buildings identified as 10b and 10e on the site plan.

Commissioner Mike Musick wanted to acknowledge some citizen statements. He was in favor but once its approved, the developer does not have to discuss. He hoped the developer will continue the dialogue with the surrounding homeowners.

Commissioner Sara McCarley appreciated the developer being malleable. She voted no because of the volume and probably will again.

Commissioner Stephanie Madden: re Tract 9, pushing that out gives us time. They must go through the whole process to do anything with Tract 9.

Commissioner Bill Read thought there are others we are not hearing from in taking this vote. He preferred to eliminate the 4-story as opposed to the 2-story building.

Commissioner Chad McLeod if the amendment failed, the whole process fails. We cannot leave it zoned as a golf course.

Chuck Barmby clarified that should the amendment pass, Chuck Barmby will make sure the exhibits are correct before the ordinance is signed. If the amendment is approved, there will still be a development agreement with 2 hearings before the city commission.

Commissioner Bill Read asked Bart Allen if he was happy with the motion. Mr. Allen said his client is agreeable. His client was making notes to update the exhibits.

Mayor Bill Mutz confirmed that the developer had a desire to work with the residents.

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

Action on the Ordinance As Amended: Upon roll call vote Commissioners Samuel Simmons, Mike Musick, Sara McCarley, Stephanie Madden, Chad McLeod, Mayor Bill Mutz voted aye. Commissioner Bill Read voted nay. Ayes-six. Nays-one. The motion carried.

Jonathan Hall thanked everyone for coming out. He committed to work with the residents closely.

Ordinances (First Reading)

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

> AN ORDINANCE RELATING TO THE VOLUNTARY ANNEXATION OF PROPERTY; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKELAND, 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 and explained there was no action today, but the Commission should take public comment.

Mayor Bill Mutz asked for public comment. There were no comments.

COMMUNITY REDEVELOPMENT AGENCY - None

CITY MANAGER

Recommendation re: Award of RFP No. 2097 to Encore Broadcast Equipment Sales, Inc. for Upgrading the Broadcast Equipment

The City of Lakeland's Communications Department and the Purchasing Division recommend the Award of RFP No. 2097 for the broadcast equipment upgrade in the City Commission Chambers to Encore Broadcast Equipment Sales, Inc.

The current system is piecemealed together over two decades with many parts no longer available. In fact, there is some equipment in the A/V control room that dates back to 1993. Technology has changed drastically over the years. This upgrade will allow the City to integrate new digital transmission technology and equip the City Hall A/V control room to be the central hub for all the City's broadcast needs.

On March 17, 2022, the City issued RFP No. 2097 for a broadcast system upgrade to the City Commission Chambers. The project includes major equipment replacement for a video switching and delivery system, and audio upgrades. The RFP called for a system that would allow a single operator to act as director, technical director, camera operator, closed caption operator, and graphics operator utilizing PTZ (remote) cameras for a one person – do it all solution.

Respondents were encouraged to conceptualize and present their recommendations for a system that would accomplish the needs outlined by the City's Communications Department.

On April 14, 2022, Purchasing received the following three proposals:

1. Encore Broadcast Equipment Sales, Inc. – Tampa, FL $224,984.36
2. Innovated Solutions Inc. – Lakeland, FL $218,336.77
3. Swagit Productions, LLC – Dallas, TX $108,990.00

City Staff reviewed the proposals and evaluated the scope of work from each responding firm.

Innovated Solutions, Inc. was heavily considered, especially as a local vendor. However, their solution did not fully match the needs of the City without adding additional components not included in the base proposal. The total cost of the project with the addition of these components would have far exceeded the project budget.

The Swagit Productions, LLC proposal while coming in at a lower cost, did not specify a system according to the needs outlined in the RFP. Their proposal did include prosumer equipment that would be better suited for a mobile production but not for a multiple input broadcast solution.

Encore Broadcast Solutions, Inc. provided a system that most accurately matched the needs described in the RFP and came in under the allocated budget for the project. Staff identified them to be the most responsive to the RFP.

The negotiation process that followed the initial intent to award was extended due to supply chain issues. Fortunately, for the same project cost, we are now set to secure much better equipment and facility upgrades compared to the original proposal.

Funding for this project is budgeted in the Public Improvement Fund.

Staff recommended that the City Commission authorize the award of RFP No. 2097 to Encore Broadcast Solutions, Inc. for the broadcast system upgrade to the City Commission Chambers and A/V Control Room and authorize the appropriate City Officials to execute an agreement, on behalf of the City of Lakeland, in the amount of $224,984.36.

Shawn Sherrouse 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 audience. There were no comments.

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

Recommendation re: Award of Bid No. 2273 to Sherwood Tennis Court Con, LLC. for Resurfacing Tennis Courts

On September 1, 2022, the City of Lakeland issued a request for bids for a tennis court resurfacing project at the City of Lakeland Kelly Recreation Complex at 404 Imperial Blvd. Lakeland, FL. The project includes the provision of all labor, material, equipment, supervision, and administration.

On September 30, 2022, the City Purchasing Division received the following (3) three bids:

1. Sherwood Tennis Court Con LLC - Lakeland, FL $ 76,974
2. Sports Surface Pros - Lake Forest, IL $113,500
3. Court Surfaces - Green Cove Springs, FL $154,490

Staff from Parks, Recreation and Cultural Arts, Facilities and Purchasing reviewed the bids and confirmed the scope of work complies with project requirements. City staff evaluated the lowest bidder; contacted references and determined that Sherwood Tennis Court Con LLC is the lowest responsible bidder. A Notice of Intent to Award was issued by City Purchasing on October 26, 2022. Funding is provided in the FY 23 Recreation Operating and Maintenance budget.

Staff recommended that the City Commission authorize the award of Bid No. 2273 to Sherwood Tennis Court Con LLC for the project at the City of Lakeland Kelly Recreation Complex, 404 Imperial Blvd and authorize the appropriate City officials to execute the contract, on behalf of the City of Lakeland, in the amount of $76,974.

Shawn Sherrouse 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.

Recommendation re: McIntosh Reciprocating Engine Project Builder's Risk Insurance Coverage

The Builder's Risk coverage will protect the construction and assets onsite for the MREP, as the plant construction advances and the value and liability to the City of Lakeland continues to increase. This coverage will be appropriate to carry us through the constructing, assembling, and testing phase of the project until such time the units become commercially available. At that time, they will be transferred over to our utility property & boiler machinery insurance policies.

At the individual project levels, we considered having the major on-site contractors provide Builder's Risk Insurance. The onsite contractor would purchase the Builder's Risk Insurance based on the risk of the project and the value of assets on the ground during their portion of the project and pass the cost on to the City. While having two major contractors on site with multiple assets being delivered each month, a decision to carry the Builder's Risk Insurance through City of Lakeland, was the most economical and less complicated to manage. The City is in a better position within the insurance market for an improved rate and will maintain continuity for the entire project. Additional benefits include, the City does not pay tax on surplus lines, where a contractor would need to pay the tax and pass it on. The potential for deductibles relating to a Hurricane or federally declared disaster that causes a loss can be reimbursed under FEMA through the City; the contractor is unable to seek FEMA reimbursement.

This was not a budgeted line item for the project since it was assumed it would be absorbed within the contractor cost. Under the MREP cash flow projections, there is sufficient funding to absorb and support the premium for the Builder's Risk coverage. Risk Broker AJ Gallagher has obtained builder's risk coverage quoted through the following carriers: Ironshore Specialty Insurance Co., Endurance American Specialty Insurance Company (Sompo), Scor, Avivia (London), Axis (London) and Associated Electric & Gas Ins. Service Ltd (AEGIS). The not to exceed premium for the Builder's Risk Policy is $856,108 and will be in effect from November 30, 2022, through May 2024.

Staff recommended that the City Commission authorize the appropriate City Officials to Bind the Builder's Risk coverage to the carriers named above with their final quotes, effective November 30, 2022, through May 2024 for a not to exceed premium of $856,108.

Shawn Sherrouse presented this item to the Commission.

Motion: Commissioner Stephanie Madden moved to approve the recommendation. Commissioner Mike Musick seconded.

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

The Commission discussed the budget for the project. The project was coming in fine. LE had the availability to absorb that cost. This funding comes from interest being earned on the bond funds not yet spent.

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

CITY ATTORNEY

Ordinances (First Reading)

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

> 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 LAKELAND 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 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 December 19, 2022

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

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.

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 December 19, 2022

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

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.

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 December 19, 2022

Proposed 22-057; Approving the Inclusion of Lands within the Lakeland Area Mass Transit District's Boundaries

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.

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 December 19, 2022

Resolutions

Resolution 5788; Proposed 22-052; 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 Chad McLeod moved to approve the resolution. Commissioner Stephanie Madden seconded.

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

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

Resolution 5789; Proposed 22-053; Authorizing the Execution of a Local Agency Program Agreement with the Florida Department of Transportation for Chase Street Trail Project Design

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF LAKELAND; PROVIDING FUNDING ASSISTANCE FOR THE DESIGN OF THE CHASE STREET TRAIL PROJECT; MAKING 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 audience. There were no comments.

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

Resolution 5790; Proposed 22-054; Amending the City of Lakeland 457(B) Plan to Clarify Plan Provisions

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA AMENDING THE CITY OF LAKELAND'S 457(B) PLAN TO CLARIFY PLAN PROVISIONS DESCRIBING ELIGIBILITY AND MANDATORY CONTRIBUTIONS; MAKING FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title and explained the change. Sec 3-1 employer contributions should not be checked. The City will make contributions to temporary employees. This is consistent with current practice.

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

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

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

Miscellaneous Reports

* **Memo re: Agreement with Bolton Partners, Inc. for Compensation Consulting Services**

This proposed Agreement was with Bolton Partners, Inc. to provide the City with compensation consulting services to ensure the City is paying a fair market rate to all its non-bargaining unit (non-labor union) employees based on their respective duties and responsibilities. On August 15, 2022, the City issued Request for Proposal #2269A (RFP) seeking qualified and experienced compensation consultants to provide a wage and benefits study for all non-bargaining unit City personnel. The City received four (4) responses to the RFP from the following consultants:

	Location	Cost
Bolton Partners, Inc.	Cincinnati, OH	$89,000
Cody and Associates, Inc.	Cocoa Beach, FL	$48,000
Gallagher Benefit Services, Inc.	Brentwood, TN	$80,200
Management Advisory Group International, Inc.	Fairfax, VA	$125,400

A committee comprised of thirteen (13) selection committee members representing the various City departments selected Bolton Partners, Inc. as the most responsive responsible consultant capable of meeting the City's requirements. While Bolton Partners, Inc. did not submit the lowest cost proposal, it has committed to expand the scope of job classifications from ninety (90) to all of the City's job classifications (excluding bargaining unit positions) as well as provide benefits/retirement benchmarking for the same proposed cost. Upon evaluation of the other lower cost proposals submitted, the selection committee determined that Cody and Associates, Inc. lacked the detail and breadth of experience necessary for the size and complexity of the City's departmental units, while Gallagher Benefits Services, Inc., was unable to provide the flexibility necessary to address both the City's General Fund and Enterprise Fund benchmarking that was deemed necessary to the compensation study.

Pursuant to the Agreement Bolton Partners, Inc. will provide a one-time wage study for all non-labor union City positions, as well as a benefits comparison, to ensure the City remains competitive in the market to hire and retain a high performing workforce. The Agreement will be effective upon approval by the City Commission and continue for a period of nine (9) months and contains one (1) additional renewal option for a period of six (6) months upon mutual written agreement of the parties. The total cost of the services will be $89,000, which is included in the Human Resources' departmental budget for FY2023.

Staff recommended that the City Commission approve this Agreement for compensation consulting services with Bolton Partners, Inc. and authorize the appropriate City officials to execute the Agreement and all corresponding documents.

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

Memo re: Agreement with Compuquip Technologies, LLC for Purchase of Managed Cyber Security Services

This proposed Agreement with Compuquip Technologies, LLC, (Compuquip) was for the purchase of managed cyber security services. Specifically, the City needs additional cyber security toolsets to further enhance its capability to protect City assets from cyber-attacks. Pursuant to the Agreement, Compuquip will provide all hardware, licensing, maintenance, support and implementation for the City's security technology to manage cyber security risks.

The City's Purchasing Department approved Compuquip as a vendor to procure managed cyber security services in accordance with the federal government's General Services Agreement (GSA) Supply Schedule, GS-35F0511T. The term of this Agreement, effective upon City Commission approval, will continue for a period of five (5) years. The City may terminate the Agreement for any reason upon sixty (60) days prior written notice. All terms and conditions for this purchase will be governed by Compuquip's proposal dated November 25, 2022. The total five (5) year cost of services is $475,074.54. DoIT has $250,074.54 in its FY23 budget and the remaining $225,000.00 is in a reserve account designated for DoIT within the Self-Insurance Fund.

Staff recommended that the City Commission approve this Agreement with Compuquip for the purchase of cyber security services, authorize the appropriate City officials to execute all corresponding documents on behalf of the City and authorize an appropriation and increase in estimated revenues from the Self- Insurance Fund in the amount of $225,000.00 to a corresponding project in DoIT's FY23 operating budget.

Ramona Sirianni 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 audience. There were no comments.

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

Memo re: Agreement with General Caulking and Coatings Co., Inc. for Caulking and Coating Services for the Lakeland Electric Administration Building

This proposed Agreement with General Caulking and Coatings Co., Inc. was for caulking and coating services for the Lakeland Electric Administration Building. The existing caulking for the window system at the Lakeland Electric Administration Building is at the end of its life and in need of replacement.

As a result, on August 25, 2022, the City's Purchasing Division issued Invitation to Bid No. 2265 for curtain wall wet seal and perimeter sealant replacement and coating repairs at the Lakeland Electric Administration Building. On October 4, 2022, the City Purchasing Division received one bid for the requested services as follows:

General Caulking & Coatings Co., Inc. Tampa, FL $ 383,475

City staff, together with the City's engineering consultant firm, PSI – Intertek, reviewed the bid, contacted references, and confirmed that the proposed scope of work complies with project requirements. On October 28, 2022, a Notice of Intent to Award was issued by the City's Purchasing Division to General Caulking & Coatings Co.

The scope of work for this project includes curtain wall wet seal and perimeter sealant replacement, as well as isolated coating repairs, and includes the provision of all labor, material, equipment, supervision and administration for the project. The contractor will:
• Remove and replace all existing flexible sealants at the curtain wall system and at perimeter wall transitions;
• Repair isolated concrete coating delamination at the curtainwall eyelid and replace perimeter sealants; and

• Clean and apply a water repellent to the aggregate and coquina shell panels.

Staff recommended that the City Commission authorize the award of Bid No. 2265 to General Caulking & Coatings Co., Inc. for curtain wall wet seal and perimeter sealant replacement and coating repairs at the Lakeland Electric Administration Building and authorize the appropriate City officials to execute the contract with General Caulking & Coatings Co., Inc. on behalf of the City in the amount of $ 383,475. Funding for this project is provided in the Lakeland Electric Capital Improvements Plan FY 2023 budget.

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 audience. There were no comments.

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 Barney's Pumps, Inc. to Provide a Sanitary Lift Station for the McIntosh Reciprocating Engine Project

This proposed Agreement with Barney's Pumps, Inc. (Barney's) was to provide a sanitary lift station for the McIntosh Reciprocating Engine Project (MREP). A new sanitary lift station is required to transport the wastewater from the restrooms and sinks in the new MREP buildings to the sewer system.

On September 9, 2022, the City's Purchasing Department issued Invitation to Bid No. 2266 seeking qualified contractors for the design, manufacturing, testing and delivery of one package wet well sanitary lift station to the McIntosh Plant that will be buried underground in accordance with the City's Bid Specifications. The City received no responses to its Bid. As a result, City Staff then reached out directly to several potential vendors and received responses from the two (2) contractors listed below.

Contractor	Location	Bid Price
Barney's Pumps, Inc.	Lakeland, FL	$57,222.00

Centrel Services, LLC	Apopka, FL	$63,162.00

Upon evaluation by City staff, Barney's 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 approval by the City Commission, Barney's will commence work on the design and manufacturing of the lift station, which is scheduled for delivery in February 2023, after which it will then be installed by a general contractor selected by the City pursuant to a separate bid.

Barney's will perform all services pursuant to the terms and conditions set forth in the City Bid Documents. The total cost of the work is $57,222.00 and is included in Lakeland Electric's budget for the RICE Project, which was previously approved by the City Commission and funded through the City's Energy System Revenue Bond.

Staff recommended that the City Commission approve this Agreement with Barney's for a sanitary lift station for the RICE Project 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 Mike Musick seconded.

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

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

AUDIENCE – None

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Stephanie Madden announced that Lakeland High School (LHS) was headed to State Finals!

City Manager Shawn Sherrouse recognized staff involved with the Christmas parade as well as the community partners.

CALL FOR ADJOURNMENT – 2:26 P.M.

H. William Mutz, Mayor

Kelly Koos, City Clerk

CITY OF LAKELAND FLORIDA
INCORPORATED
JAN. 1, 1885