

LAKELAND CITY COMMISSION

Regular Session July 15, 2024

The Lakeland City Commission met in Regular Session in the City Commission Chambers. Mayor Bill Mutz and Commissioners Bill Read, Stephanie Madden, Sara Roberts McCarley, Mike Musick, and Guy LaLonde were present. Commissioner Chad McLeod was absent. City Manager Shawn Sherrouse, City Attorney Palmer Davis, Finance Director Mike Brossart, and City Clerk Kelly Koos were present.

CALL TO ORDER - 9:00 A.M.

PRESENTATIONS

RP Funding Center Annual Update (Cindy Collins, RP Funding Center Director)
get slides

PROCLAMATIONS

David Bunch Pioneer & Innovator Celebration Day

Parks & Recreation Month

City Manager Shawn Sherrouse introduced Parks, Recreation, and Cultural Arts Program Coordinator Beth Sherling who announced the Downtown Public Arts Trail. More sculptures are coming.

COMMITTEE REPORTS AND RELATED ITEMS

Municipal Boards & Committees 07/12/24

Commissioner Stephanie Madden presented this report to the Commission.

Amend Report: Commissioner Sara Roberts McCarley moved to amend the report to approve the Planning and Zoning appointment. Mayor Bill Mutz seconded and the motion carried unanimously.

Action: Commissioner Mike Musick moved to approve all the appointments. Commissioner Sara Roberts 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.

APPROVAL OF CONSENT AGENDA

All items listed with an asterisk (*) are considered routine by the City Commission and will be enacted by one motion following an opportunity for public comment. There will be no separate discussion of these items unless a City Commissioner or Citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence. For items listed with an asterisk (*) under the Community Redevelopment Agency portion of the agenda, the City Commission shall be deemed to be acting in its capacity as the Community Redevelopment Agency of the City of Lakeland when approving the consent agenda.

Motion: Commissioner Sara Roberts McCarley moved to approve the Consent Agenda. Commissioner Stephanie Madden seconded.

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

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

APPROVAL OF MINUTES (with any amendments)

- * City Commission 06/28/24 – 07/01/24
- * Utility Committee 06/28/24

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC - None

EQUALIZATION HEARINGS

Recess/convene: The Commission recessed the Regular Session and convened as the Equalization Board.

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

Demolition of Buildings

Motion: Commissioner Mike Musick moved to approve the assessments. Commissioner Sara Roberts 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.

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

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 6042; Proposed 24-023; Approving a Conditional Use to Allow a Special Event Venue/Banquet Hall on Property Located at 112 E. Pine Street (1st Rdg. 07-01-24)

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; APPROVING A CONDITIONAL USE TO ALLOW A SPECIAL EVENT VENUE/BANQUET HALL ON PROPERTY LOCATED AT 112 E. PINE STREET; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the title.

Motion: Commissioner Sara Roberts McCarley moved to approve the ordinance. 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 Guy LaLonde, Mike Musick, Sara Roberts McCarley, Stephanie Madden, Bill Read, and Mayor Bill Mutz voted aye. Ayes-six. Nays-zero. The motion carried unanimously.

Ordinance 6043; Proposed 24-024; Amending Ordinance 5259, as amended, Major Modification of a Conditional Use to Allow for the Placement of Two Temporary 960 Sq. Ft. Modular Classroom Buildings and an Increase in the Maximum School Enrollment from 225 to 500 Students for Parkway Baptist Church Located at 4210 Lakeland Highland Road (1st Rdg. 07-01-24)

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 5259, AS AMENDED, TO MODIFY AN EXISTING CONDITIONAL USE TO ALLOW FOR THE PLACEMENT OF TWO TEMPORARY 960 SQUARE FEET MODULAR CLASSROOM BUILDINGS AND AN INCREASE IN THE MAXIMUM SCHOOL ENROLLMENT FROM 225 TO 500 STUDENTS FOR PARKWAY BAPTIST CHURCH LOCATED AT 4210 LAKELAND HIGHLANDS ROAD; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the title.

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

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

- Parking and traffic flow. There would be onsite queuing. Pick up and drop off activities right now are on the southside of the campus. That will move to the western side of the building. Cars will be double stacked in the queuing line.
- The applicant prepared a traffic study that demonstrated the ability to handle the school traffic. The turn lane will not be constructed during the school year.
- The Planning & Zoning Board added a condition prohibiting all left turn movements onto Lakeland Highlands Rd until the turn lane is developed. The current enrollment is 440.
- Median breaks between the parkway and Lake Miriam.
- The school was there before Orlando Health and other new developments.
- If the City Commission denied the expansion, staff would have to look at how to reduce enrollment, possibly through attrition.
- Businesses and citizens must meet expensive requirements due to expansion.
- Enrollment numbers: The City approved 220 but enrollment was now 400. There was no approval for anything above 225. The relocation of Genevia Academy provided room to expand. There was no official mechanism to monitor enrollment. The school was Pre-K to 12.
- The southern entrance/exit was right in and no left out/right out.

Action: Upon roll call vote Commissioners Stephanie Madden, Sara Roberts McCarley, Mike Musick, Guy LaLonde, and Mayor Bill Mutz voted aye. Commissioner Bill Read voted nay. Ayes – six. Nays – one. The motion carried 5-1.

Ordinance 6044; Proposed 24-025; Vacating Public Rights-of-Way Located West of N. Florida Avenue, East of N. New York Avenue, North of W. 4th Street, and South of W. 5th Street (1st Rdg. 07-01-24)

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING PUBLIC RIGHTS-OF-WAY ON PROPERTY LOCATED WEST OF N. FLORIDA AVENUE, EAST OF N. NEW YORK AVENUE, NORTH OF W. 4TH STREET, AND SOUTH OF W. 5TH STREET; AUTHORIZING THE RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the title and reviewed some suggested modifications. He recommended changing language in Section 2 to require a recording of a temporary

blanket easement to remain in effect until the replacement easements are granted and recorded. He also recommended a property swap in the Right-of-Way on 5th St.

Motion: Commissioner Bill Read moved to approve the ordinance along with the amendments. 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 Guy LaLonde, Mike Musick, Sara Roberts McCarley, Stephanie Madden, Bill Read, and Mayor Bill Mutz voted aye. Ayes-six. Nays-zero. The motion carried unanimously.

Resolutions

Resolution 5918; Proposed 24-044; Vacating Existing Public Utility Easements Located West of N. Florida Avenue, East of N. New York Avenue, North of W. 4th Street, and South of W. 5th Street

A RESOLUTION RELATING TO PUBLIC UTILITY EASEMENTS; MAKING FINDINGS; VACATING EXISTING PUBLIC UTILITY EASEMENTS ON PROPERTY LOCATED WEST OF N. FLORIDA AVENUE, EAST OF N. NEW YORK AVENUE, NORTH OF W. 4TH STREET, AND SOUTH OF W. 5TH STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title and requested the same changes as in Ordinance 6044.

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

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

Action: Upon roll call vote Commissioners Bill Read, Stephanie Madden, Sara Roberts McCarley, Mike Musick, Guy LaLonde, and Mayor Bill Mutz voted aye. Ayes – six. Nays – zero. The motion carried unanimously.

Resolution 5919; Proposed 24-043; Demolition of Buildings

A RESOLUTION PROVIDING FOR THE ASSESSMENT OF A LIEN AGAINST PROPERTIES FOR EXPENSES INCURRED IN THE REMOVAL OF DILAPIDATED AND HAZARDOUS BUILDINGS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the title.

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

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

Action: Upon roll call vote Commissioners Guy LaLonde, Mike Musick, Sara Roberts McCarley, Stephanie Madden, Bill Read, and Mayor Bill Mutz voted aye. Ayes-six. Nays-zero. The motion carried unanimously.

COMMUNITY REDEVELOPMENT AGENCY - None

CITY MANAGER - None

CITY ATTORNEY

Ordinances (First Reading) – NONE

Miscellaneous

Task Authorization with Black & Veatch Corporation for Cybersecurity Assessment

The Water Utilities Department proposed to enter a Task Authorization with Black and Veatch for professional services to perform a cybersecurity assessment and assist in the development of written policy and governance framework for Water Utilities.

In accordance with the Task Authorization, Black and Veatch will perform site visits, conduct workshops, and provide remediation recommendations, including an opinion of probable cost.

All services pursuant to this Task Authorization will be performed in accordance with the terms/conditions set forth in the Continuing Agreement for Professional Municipal Engineering Services between the City and Black and Veatch previously approved by the City Commission in September 2021. The total not-to-exceed cost associated with this Task Authorization is \$160,720.00. This project has been approved and budgeted for in Water Utilities' FY 2024 budget.

Staff recommended that the City Commission approve this Task Authorization with Black and Veatch and authorize the appropriate City Officials to execute all other necessary documents.

Alex Landback presented this item to the Commission.

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

FINANCE DIRECTOR

Appropriation and Increase in Estimated Revenues for Fiscal Year 2024 - Lakeland Electric

Lakeland Electric (LE) is currently in need of additional budget from its Unappropriated Surplus Funds to finance the anticipated budget shortfalls for fiscal year 2024 (FY2024) in the following areas:

- 1) New Development Capital Projects: When the budget for FY2024 for new capital development spending was prepared, management anticipated that spending would normalize in FY2024, compared to the high spending levels of the preceding fiscal years (FY2020: \$3.4 million, FY2021: \$1.9 million, FY2022: \$1.8 million, and FY2023: \$3.8 million). The high spending levels in the preceding fiscal years were caused by the influx of new residents into the LE service area that has caused a boom in new infrastructure and housing developments that requires services from LE. As much as this is customer driven and LE having no control over the number of applications for new services that are received, management anticipated that this growth in the demand for new services would taper off in FY2024. As such, only \$1 million was budgeted for new development capital spending in FY2024. The demand for new services has been much stronger than what was anticipated as well as price escalations that are being experienced for steel, copper, and other materials needed to complete these projects. The cost of projects already completed, together with the cost of applications received and which must be completed before year-end, amounts to \$2.6 million. This leaves LE short in budgeted funds for new capital development spending for FY2024 to the amount of \$1.6 million.
- 2) Hamilton Transmission Line Project: When the budget for FY2024 for the Hamilton transmission line was prepared more than a year ago, management estimated the cost to be \$3.0 million. Due to new developments in the area and road improvement projects by Polk County and the Florida Department of Transportation, the transmission line had to be redesigned and moved from its planned location to accommodate the new development load growth and the road improvements in the area. Due to the relocation of the line and its proximity to the Lakeland Linder International Airport, additional requirements of the Federal Aviation Authority had to be accommodated in the new design of the transmission line. All these factors, together with higher price escalations that are being

experienced for steel, copper, and other materials needed to complete the project before year-end, the total cost is anticipated to be \$4.0 million. This leaves LE short in budgeted funds for FY2024 to complete the Hamilton transmission line to the amount of \$1.0 million.

- 3) Reenergize Lakeland Rebate Program: LE manages a rebate program that is funded by customers via a charge of \$0.50 each month, equaling \$6.00 a year per customer. The rebate program is a self-sustaining fund designed to give back to the community and reward customers who help to reduce the load of electricity being used by offering rebates when upgrading various types of appliances and equipment. Through FY2023, management had limited the amount of rebate claims that were accepted, to the available funds recovered from customers. Due to a complaint received from a customer whose claim was denied because of budget restrictions, and after a presentation to the Utility Committee in December of 2023, the Utility Committee recommended that management should let the program run for the full FY2024 without any limitations and then come up with a proposal going forward from FY2025. At a Utility Committee meeting held during May 2024, management presented an update on the status of the program. Management indicated that the total value of rebates for FY2024 is anticipated to be much more than what is going to be collected via charges received from customers, resulting in an anticipated budget shortfall for FY2024 amounting to \$600,000.

Therefore, staff requested that the City Commission authorize an appropriation, and increase in estimated revenues, of \$3.2 million from the Unappropriated Surplus Funds of LE to fund New Development Capital Projects (\$1.6 million), the Hamilton Transmission Line Project (\$1.0 million), and the Reenergize Lakeland Rebate Program (\$0.6 million).

Mike Brossart presented this item to the Commission.

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

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

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

UTILITY

Ordinances – None

Resolutions – None

Miscellaneous

Amendment No. 1 to Electrical Distribution Construction Services Agreement with Pike Electric, LLC

On July 17, 2023, the City Commission approved a three (3) year Agreement with Pike for Electrical Distribution Construction Services for Lakeland Electric's Energy Delivery Operations. While the City generally uses its own crews for such services, the number of poles requiring replacement exceeds Lakeland Electric's internal capacity and, as such, Lakeland Electric requires additional resources to assist in construction efforts. Pike also provides 24/7 backup support for storm restoration on an as-needed basis.

While the first year of the Agreement included firm pricing, the remaining two (2) years of the initial term provided for annual price adjustments based on current market conditions upon mutual written agreement of the parties. Accordingly, Amendment No. 1, effective July 17, 2024, subject to City Commission approval, provides for modified pricing that results in a 4% increase in rates. The estimated cost of the work performed by Pike for the initial year of the contract is \$2,800,000. Due to pole replacement backlogs being shortened, one (1) of Pike's four (4) man crew is being released, such that the estimated cost of year two (2) of the Agreement will be \$2,300,000. The 4% increase for year (2) results in a price increase of approximately \$90,000. Pursuant to the Agreement, Pike is only paid for services when completed.

Staff recommended that the City Commission approve this Amendment No. 1 to the Electrical Distribution Construction Services Agreement with Pike 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 Roberts 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 from the audience. The Commission discussed:

- The costs of the second year. The \$90,000 was the additional 4%, which was built into the \$2.3 Million.
- Why the crew was released: Scott Bishop explained LE has been working on poles since 2017. Osmos is finding fewer poles that need replacement. We could end up having more crew than poles. The crews from Pike are built for pole replacement and cannot work on other projects.
- Type of poles: LE used steel in new development. Wood for wood replacement is good. It would take more resources to design a steel pole replacement.
- Undergrounding: LE was going to apply for a grant to underground the intersection at the hospital.

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

Task Authorization with TEAMWORKnet, Inc. for Lakeland Electric's McIntosh Reciprocating Engine Project Protection/Control Commissioning

This Task Authorization with TEAMWORKnet, Inc. (TEAMWORKnet) was to provide protection/control commissioning for the McIntosh Reciprocating Engine Project (MREP). This includes the commissioning of all electrical equipment from the Tenoroc Substation to the MREP, including but not limited to the Generator Step-up Transformer (GSU), 13.8 KV switchgear, as well as the 480-volt switchgear, wiring details and controls.

Upon approval by the City Commission, TEAMWORKnet will commence services, with the work anticipated to be completed by July 31, 2024. In addition to the commissioning of all electrical equipment, TEAMWORKnet will also provide active redline markups to assist Lakeland Electric staff and consulting engineers with developing clean as-built drawings for the Plant. All services pursuant to this Task Authorization will be performed in accordance with the terms and conditions contained in the City's Continuing Contract for Electrical Engineering Services with TEAMWORKnet approved by the City Commission on October 1, 2022, and TEAMWORKnet's proposal dated June 27, 2022. All reimbursable expenses shall be paid in accordance with the City's Consultant Expense Reimbursement Policy. The total not-to-exceed estimated cost of the services is \$190,000, which is included in Lakeland Electric's FY2024 budget.

Staff recommended that the City Commission approve this Task Authorization with TEAMWORKnet, Inc. for Lakeland Electric's MREP Protection/Control Commissioning and authorize the appropriate City officials to execute all corresponding documents related to the Task Authorization.

Ramona Sirianni presented this item to the Commission.

Motion: Commissioner Bill Read moved to approve the recommendation. Commissioner Stephanie Madden seconded.

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

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

Agreement for Emergency Tree Trimming Services for Lakeland Electric

Agreement for emergency tree trimming services for Lakeland Electric. In the aftermath of a severe storm such as a hurricane, Lakeland Electric and contractor resources can quickly become strained depending on the size and magnitude of a particular storm. As such, Lakeland Electric is seeking to procure emergency tree trimming services to supplement its local and mutual aid resources for tree crews and supervision to assist Lakeland Electric in the restoration of electric service to its utility customers. Such services would only be deployed in the event of an emergency or disaster.

Accordingly, on April 11, 2024, the City's Purchasing Department issued Request for Proposal 2024-RFP-239 (RFP) seeking qualified contractors to provide emergency tree trimming services. The City received responses from the seven (7) firms listed below.

- Butler & Co Tree Service Ville Platte, LA
- Asplundh Tree Expert, LLC Ocala, FL
- The Davey Tree Expert Co. Kent, OH
- Wright Tree Services, Inc. West Des Moines, IA
- Collective Strategic Resources Hartselle, AL
- Phillips and Jordan, Inc. Knoxville, TN
- Big Hauling Trk Mechanic Mulberry, FL

Upon evaluation of the proposals by City staff, the top four (4) companies in the order listed above were selected as the most responsive, responsible firms that best met the requirements set forth in the City's RFP. Each company will be providing all labor, tools, transportation, equipment, materials and supplies to perform services pursuant to the attached form Agreement. The initial term of the Agreement will be effective July 15, 2024 through May 31, 2025, subject to City Commission approval, and contains four (4) additional one (1) year renewal options upon mutual written agreement of the parties. The City reserves the right to terminate the Agreement for any reason upon thirty (30) days prior written notice.

The City will only pay for services on an as-needed basis pursuant to a written Work Order. All services will be performed pursuant to the terms and conditions set forth in the attached form Agreement. The estimated annual spend for services following a storm is \$100,000.00, which would be subject to reimbursement by the Federal Emergency Management Agency (FEMA). In accordance with the Agreement, pricing after the initial term would be subject to an equitable adjustment mutually agreed to by the parties.

Staff recommended that the City Commission approve this form Agreement for emergency tree trimming services and authorize the appropriate City officials to enter into agreements with the top four (4) above-listed companies, as well as execute all corresponding documents on behalf of the City.

Ramona Sirianni 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.

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 attended the revealing of the new name of the Polk Museum of Art on Saturday evening. It will now be known as the Ashley Gibson Barnett Museum of Art, The AGB. Recognized the loss of a local hero in Jack Harrell. He leaves an indelible imprint on all our hearts and our city. APPA – She will attend the APPA Policy Maker Council meetings in D.C. She will be championing the cause of municipal power. Acknowledged the assassination attempt on the Former President, Donald Trump. She appreciated the civility of the nonpartisan body. Not all local governments stand up to the nonpartisan threshold. She was grateful for the civility of the Commission and the citizens of Lakeland.

Commissioner Sara Roberts McCarley acknowledged the passing of a friend in Plant City, Jeff Stevenson, a couple of weeks ago. He had a wonderful commitment to his faith. Acknowledged the humble servant of Jack Harrell. There is a lot of services he did in our community that we will never know about. Civility in the service of our community. It is reasonable to disagree on issues and remain civil. We are blessed to live in Lakeland where we typically get along.

Mayor Bill Mutz recommended *In the Stalemate*, a book about moving from cancel culture to civil discourse.

Commissioner Mike Musick acknowledged the passing of Jack Harrell. It is important that we are good stewards of the time that we have here on earth.

Mayor Bill Mutz mentioned a beautiful post by Will this morning.

Commissioner Guy LaLonde: It has been a sobering weekend.

Mayor Bill Mutz attended 44th anniversary of Aurther Johnson's church in the community. It is wonderful to see faithfulness at work. Leadership takes place quietly and faithfully and deliberately over time.

Commissioner Sara Roberts McCarley thanked the Mayor for the David Bunch proclamation this morning. It is important to recognize people when we can tell them. She thanked the mayor for writing such a nice piece about them.

City Manager Shawn Sherrouse announced the next budget workshop for August 12 starting at 1 p.m.

CALL FOR ADJOURNMENT - 10:51 a.m.

Kelly S. Koos, City Clerk