

## **LAKELAND CITY COMMISSION**

### **Regular Session**

**May 1, 2023**

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 Deputy City Clerk Heather Bradman were present.

### **CALL TO ORDER - 9:00 A.M.**

### **PRESENTATIONS**

Public Works - Strategic Implementation of Lakes & Stormwater Projects (Laurie Smith, Manager of Lakes Stormwater)

Beautification Awards (Bill Koen)

Residential: Nirun Artyamsoal - 3931 Cheverly Drive East

Commercial: Biscuits & Benedicts - 1212 South Florida Ave

### **PROCLAMATIONS**

Mayors' Monarch Pledge Day

Motorcycle Safety Awareness Month

National Day of Prayer

National Water Safety Month

### **COMMITTEE REPORTS AND RELATED ITEMS**

#### **Finance Committee 04/28/23**

Commissioner Chad McLeod presented this report to the Commission.

**Motion: Commissioner Bill Read 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.**

### **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.

**Motion: Commissioner Sara McCarley moved to approve the Consent Agenda. 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.**

**APPROVAL OF MINUTES (with any amendments)**

\*Commission Minutes - April 14-17, 2023

**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 regarding 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 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.**

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

**PUBLIC HEARINGS**

**Ordinances (Second Reading) – None  
Resolutions – None**

**COMMUNITY REDEVELOPMENT AGENCY - NONE****CITY MANAGER****Recommendation re: Award of RFQ. No. 3030 to Register Construction & Engineering, Inc. for the Design Build Services for Two Hangar Facilities at Lakeland Linder International Airport**

On December 30, 2022, the City's Purchasing Division issued a Request for Qualifications (RFQ) for the design build services pursuant to the Consultants Competitive Negotiation Act (CCNA) for two hangar facilities up to 6,000 square feet each at Lakeland Linder International Airport.

The hangar facilities will be rentals and will help alleviate the shortage of hangar space at the airport. It will also provide an additional revenue source to aid in the airport's long-term growth strategy.

Proposed Hangar (A) will be up to 6,000 square feet with 800 square feet of internal office space (including restrooms and a kitchenet). Proposed Hangar (B) will be up to 6,000 square feet with an internal restroom. Both proposed hangars will be located northeast of Lakeland Linder International Airport's air traffic control tower as shown on the map. Associated vehicle parking, aircraft ramp, and security elements (gates, fencing, and access controls) shall also be included in the project for each hangar.

On January 30, 2023, Purchasing received the following one (1) bid:

1. Register Construction & Engineering, Inc. – Lakeland, FL

City staff reviewed the bid in detail and determined that Register Construction & Engineering, Inc. was the most responsive bidder. Purchasing issued a Letter of Intent on February 6, 2023. A not to exceed price of \$1,900,000 was established for the design and construction of the two hangar facilities.

Funding will be provided by proceeds from the Capital Improvement 2021C Bonds of \$1,708,760 and available budget of \$191,240 from the Airport Capital Improvement Fund.

Staff recommended that the City Commission authorize the award of RFQ. No. 3030 to Register Construction & Engineering, Inc. for the Design Build Services for Two Hangar Facilities at Lakeland Linder International Airport and authorize appropriate City officials to execute the contract, on behalf of the City of Lakeland, in the amount of \$1,900,000.

City Manager Shawn Sherrouse presented this item to the Commission.

**Motion: Commissioner Chad McLeod 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:

- Permit fees: The City pays permit fees for their projects.
- The hangars will rent for \$120,000-\$140,00 per year with a 2.5% annual increase.

**Action: Mayor Bill Mutz called for the vote and the motion carried, 6-0. Commissioner Mike Musick was absent at the time of the vote.**

#### **CITY ATTORNEY**

##### **Ordinances (First Reading)**

**Proposed 23-019; Change in Zoning from O-2 (Limited Impact Office) to PUD (Planned Unit Development) to Allow for Professional Office and Limited Office Support Retail and Personal Services Uses on Property Located at 2330 Commerce Point Drive**

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; PROVIDING FOR A CHANGE IN ZONING FROM O-2 (LIMITED IMPACT OFFICE) TO PUD (PLANNED UNIT DEVELOPMENT) ZONING TO ALLOW FOR PROFESSIONAL OFFICE AND LIMITED OFFICE SUPPORT RETAIL AND PERSONAL SERVICES USES ON PROPERTY LOCATED AT 2330 COMMERCE POINT 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 May 15, 2023.

**Proposed 23-020; Approving a Conditional Use to Allow for the Construction of Two Duplexes on Property Located at 830 Lakeshore Drive**

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; APPROVING A CONDITIONAL USE TO ALLOW FOR THE CONSTRUCTION OF TWO DUPLEXES ON PROPERTY LOCATED AT 830 LAKESHORE DRIVE; 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 May 15, 2023.

**Proposed 23-021; Application of PUD (Planned Unit Development) Zoning to Allow for the Development of 19,600 sq. ft. of Professional Office, Office-Type Research and Development, Warehouse/Storage and Limited Industrial Service/Wholesale**

**Trade Uses on Approximately 2.46 Acres Located at 2815 W. Pipkin Road**

AN ORDINANCE RELATING TO ZONING; ADOPTING FINDINGS; PROVIDING FOR PUD (PLANNED UNIT DEVELOPMENT) ZONING TO ALLOW FOR THE DEVELOPMENT OF 19,600 SQUARE FEET OF PROFESSIONAL OFFICE, OFFICE-TYPE RESEARCH AND DEVELOPMENT, WAREHOUSE/STORAGE AND LIMITED INDUSTRIAL SERVICE/WHOLESALE TRADE USES ON APPROXIMATELY 2.46 ACRES LOCATED AT 2815 W. PIPKIN 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 May 15, 2023.

**Proposed 23-022; Amending Ordinance 3470, as Amended; Major Modification of PUD (Planned Unit Development) Zoning to Allow for the Construction of a 41,000 sq. ft. Field House Building, a 4,000 sq. ft. Expansion of an Existing Childcare Building, and Relocation of Existing Off-Street Parking Facilities on Property Located at 3620 Cleveland Heights Boulevard**

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 3470, AS AMENDED, TO PROVIDE FOR A MAJOR MODIFICATION TO PUD (PLANNED UNIT DEVELOPMENT) ZONING TO ALLOW FOR THE CONSTRUCTION OF A 41,000 SQUARE FOOT FIELD HOUSE BUILDING, A 4,000 SQUARE FOOT EXPANSION OF AN EXISTING CHILDCARE BUILDING, AND RELOCATION OF EXISTING OFF-STREET PARKING FACILITIES ON PROPERTY LOCATED AT 3620 CLEVELAND HEIGHTS BOULEVARD; 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 May 15, 2023.

**Resolutions****Proposed 23-021; 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 Bill Read 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 Samuel Simmons, Mike Musick, Sara McCarley, Stephanie Madden, Bill Read, Chad McLeod, and Mayor Bill Mutz voted aye. Ayes-seven. Nays-zero. The motion carried unanimously.**

## Miscellaneous Reports

### Memo re: Legal Fee Report

The following are legal fees and expenses paid to outside law firms from January 2023 – March 2023 along with a comparison from the same time frame for 2022 and a comparison of this fiscal year to previous years.

|                                  |                                                                                                                         |                     |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------|---------------------|
| Allen Norton & Blue PA           | Counsel Relating to Union and Labor Matters-PERC Matters                                                                | \$3,135.00          |
| Boswell & Dunlap LLD             | LPD Representation                                                                                                      | \$32,985.00         |
| Constangy, Brooks & Smith LLC    | Counsel Relating to Union and Labor Matters-Arbitrations; Negotiations                                                  | \$6,702.69          |
| Carlton Fields                   | 457B Plan, Defined Contribution Plan                                                                                    | \$3,472.00          |
| Gail Cheatwood, Esq.             | Miscellaneous Municipal Ordinance Defense                                                                               | \$1,068.00          |
| Gray Robinson                    | Litigation Matters –Mindi Fitch, Howard Mathis, Duke Energy                                                             | \$5,521.72          |
| Stidham & Stidham PA             | Counsel Relating to Bondowsky v Pagan                                                                                   | \$7,650.00          |
| Ted W Weeks IV PA                | COL v Mark MacDonald                                                                                                    | \$12,165.61         |
| Kaplan Kirsch & Rockwell LLP     | Lakeland Linder International Airport Matters                                                                           | \$1,373.70          |
| Sugarman & Susskind              | Counsel Relating to Employee Pension Plan Matters – Pension Board                                                       | \$4,509.10          |
| Putnam, Creighton & Airth PA     | Tarpon IV Lien Foreclosure, Mark MacDonald Quiet Title                                                                  | \$1,140.00          |
| Campbell, Trohn, Tamayo & Aranda | Personal Injury Defense-injuries on city property or auto accidents involving city vehicles; 1 Source Towers, LLC v COL | \$67,810.83         |
| Vecchio, Carrier & Feldman P.A.  | Miscellaneous Workers Comp Defense                                                                                      | \$42,848.49         |
| DiCesare Davidson & Barker P.A.  | Miscellaneous Workers Comp Defense                                                                                      | \$7,975.70          |
| Bradley Arant Boult Cummings     | Unit 3 Boiler Insurance Coverage Dispute                                                                                | \$15,049.88         |
| <b>Total</b>                     |                                                                                                                         | <b>\$213,407.72</b> |

|                                   |                     |
|-----------------------------------|---------------------|
| <b>JANUARY - MARCH 2023 TOTAL</b> | <b>\$213,407.72</b> |
| JANUARY – MARCH 2022 TOTAL        | \$322,758.04        |
| FY 2018-2019 (Oct – Mar)          | \$794,132.32        |
| FY 2019-2020 (Oct – Mar)          | \$489,464.72        |
| FY 2020-2021 (Oct – Mar)          | \$692,729.15        |
| FY 2021-2022 (Oct – Mar)          | \$685,743.57        |
| FY 2022-2023 (Oct – Mar)          | \$504,241.62        |



**Action: The Commission did not act on this item.**

**Memo re: Task Authorization with RJR Contractor LLC for Replacement of the North Boundary Fence at Se7en Wetlands**

The proposed is a Task Authorization with RJR Contractor LLC, ("RJR") to replace the north boundary fence at the City of Lakeland's Se7en Wetlands property. The existing fence has slowly deteriorated due to age and needs to be replaced. The fence runs approximately 4,138 linear feet along the northern boundary of Se7en Wetlands that separates the property from Eagle Brooke Golf Course.

Upon issuance of a Notice to Proceed and contractor scheduling, RJR will remove the existing fence, install 4,138 linear feet of new green coated chain link fence in its place, and install a 14'x6' cantilevered gate to maintain access through Eagle Brooke. Once started, the work is expected to be complete in 4 weeks.

All services pursuant to this Task Authorization will be performed in accordance with terms and conditions contained in the City's Continuing Contract for Fence Repairs, Replacements, and Installations, dated December 20, 2021, and RJR's proposal, dated March 9, 2023. The total cost for this work is \$125,470.00 and is included in the Water Utilities Department's FY2023 budget.

Staff recommended that the City Commission approve this Task Authorization with RJR for the Replacement of the North Boundary Fence at Se7en Wetlands and authorize the appropriate City Officials to execute all corresponding documents related to the Task Authorization.

Palmer Davis presented this item to the Commission.

**Motion: Commissioner Sara McCarley moved to approve the recommendation. Commissioner Bill Read 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: Amendment Number 2 to the Ticketing System and Services Agreement with Tickets.com, LLC**

This is a proposed Amendment Number 2 to the Ticketing System and Services Agreement with Tickets.com, LLC (Tickets.com) for ticketing services at the RP Funding Center. Tickets.com has been the ticketing company for the RP Funding Center since 2012 and the current term of its Agreement with the City is at its conclusion.

The City's Purchasing Division issued a Request for Proposals (RFP) for ticketing services for the RP Funding Center on February 2, 2023. Three vendors responded to the RFP and were ranked as follows:

| <u>Company</u>       | <u>Location</u>           |
|----------------------|---------------------------|
| 1. Tickets.com       | Costa Mesa, California    |
| 2. Ticketmaster      | Beverly Hills, California |
| 3. Friendly Sky, LLC | Roswell, Georgia          |

A Notice of Intent to Award to Tickets.com was issued on March 20, 2023 and no bid protests were received. Under the Amendment Number 2 to the Ticketing System and Services Agreement, the term of the Agreement with Tickets.com will be extended to March 31, 2028 and will be extended automatically thereafter for two (2) additional one-year terms unless either party elects not to renew the Agreement by giving written notice to the other party at least ninety (90) days prior to the end of the term then in effect. Pricing under Amendment Number 2 will remain the same as the pricing currently in effect and is as follows:

| # of tickets sold | # of tickets sold | Single Fee |
|-------------------|-------------------|------------|
| 0                 | 20,000            | \$ 3.75    |
| 20001             | 30000             | \$ 1.25    |
| 30001             | (++)              | \$ 1.00    |
|                   |                   |            |
| FHSAA             |                   | \$ 1.50    |
|                   |                   |            |
|                   |                   |            |
|                   |                   |            |

In addition, the fee for season tickets is \$5.00 per seat and there is a 3% convenience fee for payments by credit card, PayPal, ApplePay and GooglePay. All fees are added to the ticket price and are paid by the end customer. As a result, no out-of-pocket costs will be incurred by the RP Funding Center under this Agreement.

Staff recommended that the City Commission approve the Amendment Number 2 to the Ticketing System and Services Agreement with Tickets.com, LLC for ticketing services at the RP Funding Center and authorize the appropriate City officials to execute Amendment Number 2.

Palmer Davis presented this item to the Commission.

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

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

The Commission discussed extensions. The City issued a Request for Proposals, (RFP) once the extensions were exhausted.



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

**FINANCE DIRECTOR – None**

**UTILITY**

**Ordinances – None**

**Resolutions – None**

**Miscellaneous – None**

**AUDIENCE**

Jimmy Foster, 419 Vineyard Drive, spoke on issues his household has had with a contractor who replaced their roof in 2022. The contractor slid a false work affidavit under their door even though they did not actually do an inspection. Since the contractor lied on an official City of Lakeland document, the City is a victim in this case. Mr. Foster wanted to bring this to the Commission's attention to ensure action gets taken against this company. City Manager Shawn Sherrouse asked that Brian Rewis (Director of Community and Economic Development) get Mr. Foster's contact information and the City will look into this matter further.

**MAYOR AND MEMBERS OF THE CITY COMMISSION**

Commissioner Chad McLeod: The discussion on hurricane preparedness during the April 28, 2023 Utility Committee was great. He also congratulated all Power Academy graduates.

Commissioner Stephanie Madden: - The Municipal Boards Dinner was held on April 21, 2023. The following list of recipients received recognition for 10 or more years of service with the City's Municipal Boards and Committees:

- Sylvia Blackmon-Roberts - 11 years
- Yvonne McShay - 12 years
- Brad Lunz - 12 years
- Susan Buchanon - 12 years
- Lyle Philipson - 12 years
- Grant Miller - 13 years
- Eric Belvin - 13 years
- Lolita Berrien - 15 years
- Terry Carter - 15 years
- Ashley Troutman - 16 years
- Carole Philipson - 20 years
- Terry Dennis - 20 years
- David Stille - 23 years

Commissioner Stephanie Madden: Provided a recap of the State of the County. Polk is the fastest growing county in the state, it leads the nation in college affordability and business startups. She also provided a recap on the Tourism Development Council Board: Polk County has had 5.5 Million visitors in 2022 and 24 months of record-

breaking tourism development tax revenue. There is a concern about demographics because 30% of Polk County adults have an associate degree or higher and 30% of residents experience housing cost burden, and the median household income is \$55,000. What are we going to do to improve those numbers? There is a huge opportunity with the Innovation District around FL Polytechnic University. They feel they have a partner in the Williams Company. This could change the trajectory of Polk County for generations to come.

Commissioner Sara McCarley: Thanked Commissioner Madden about bringing up the Innovation District. The Florida Legislature has taken huge steps regarding Tort Reform, so the timing would be impeccable to partner with the Williams Company. On April 20, 2023 she attended the Lakeland Vision Board's Annual Retreat title "Lifelong Education in Lakeland." She also just got back from visiting Texas A&M. They have a wealth of agriculture, military and public service and a rich STEM history.

Commissioner Mike Musick: - Echoed Commissioner McLeod's comments about the Power Academy Graduation. It is impressive to see all the graduates secure careers at such a young age.

Commissioner Samuel Simmons: Would like to learn more about the Innovation District. He also commended City staff and LPD for their efforts at Webster Park over the past couple of weekends.

Shawn Sherrouse thanked Commissioner Simmons for putting together the public meeting with the residents and building a communications relationship.

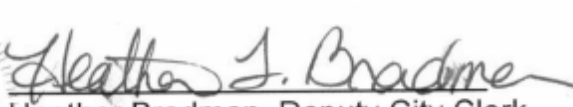
Commissioner Bill Read: A hydrogen manufacturer is coming to Mulberry, FL. He was also out at the Florida Turnpike Authority's Test Center and would like the City Commission to take a tour. Last, he mentioned Williams Company would have to make the initial response to create an innovation zone and do it that way.

Shawn Sherrouse assured the Commission and the public that staff is working together collaboratively (Polk County, Auburndale, and Central Florida Development Council). There is land use and zoning entitlement north and south of Florida Polytechnic already that will allow for some commercial, multifamily, and residential. The vested entitlements that are east and west of Florida Polytechnic are the challenge. We are seeking out the opportunity and partnership.

**CALL FOR ADJOURNMENT – 11:02 A.M.**

  
H. William Mutz, Mayor



  
Heather Bradman, Deputy City Clerk