LAKELAND CITY COMMISSION

Regular Session
September 18, 2023

The Lakeland City Commission met in Regular Session in the City Commission Chambers. Mayor Bill Mutz and Commissioners Chad McLeod, Stephanie Madden, Mike Musick, and Samuel Simmons were present. Commissioners Bill Read and Sara McCarley were absent. City Manager Shawn Sherrouse, City Attorney Palmer Davis, Assistant Finance Director Deidra Joseph, and City Clerk Kelly Koos were present.

CALL TO ORDER - 9:00 A.M.

CITY CLERK GIVES OATH OF OFFICE - Youth Council Members

PRESENTATIONS

Lakeland Vision: Implementing Lakeland's Citizen Vision (Laura Rodriguez, Executive Director, Board Members Rick Maxey, Pat Steed, and Amy Wiggins)

PROCLAMATIONS

Constitution Week

Mayor Bill Mutz announced that Commissioner Sara McCarley was in Washington DC with Congressional Classroom.

COMMITTEE REPORTS AND RELATED ITEMS

Municipal Boards Committee 09/15/23

Commissioner Stephanie Madden presented this report.

Motion: Commissioner Mike Musick moved to approve the report. 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 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 Chad McLeod 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)

* Municipal Boards Committee Minutes – Sep 1-5, 2023
* Utility Committee Minutes – Sep 1, 2023
* City Commission Minutes – Sep 1-5, 2023

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC - None

EQUALIZATION HEARINGS - None

PUBLIC HEARINGS

Ordinances (Second Reading) – None

Resolutions

Resolution 5844; Proposed 23-050; Vacating a Portion of the Utility Easement Located at 1894 Altavista Circle

> A RESOLUTION RELATING TO PUBLIC UTILITY EASEMENTS; MAKING FINDINGS; VACATING A PORTION OF THE EXISTING PUBLIC UTILITY EASEMENT LOCATED AT 1894 ALTAVISTA CIRCLE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the title.

Motion: Commissioner Mike Musick moved to approve the resolution. Commissioner Samuel Simmons 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, Stephanie Madden, Chad McLeod, Mayor Bill Mutz voted aye. Ayes-five. Nays-zero. The motion carried unanimously.

Resolution 5845; Proposed 23-051; Adopting Amended and Restated Policies and Procedures to Ensure Compliance with Internal Revenue Code Requirements for Tax-Exempt Bonds

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA ADOPTING AMENDED AND RESTATED WRITTEN POLICIES AND PROCEDURES TO MONITOR THE REQUIREMENTS OF SECTION 148 OF THE INTERNAL REVENUE CODE AND TO ENSURE THAT ALL NONQUALIFIED BONDS OF THE CITY OF LAKELAND, FLORIDA ARE REMEDIATED ACCORDING TO THE REQUIREMENTS UNDER THE INTERNAL REVENUE CODE AND REGULATIONS; PROVIDING OTHER DETAILS WITH RESPECT THERETO; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the title and explained this was to ensure any bonds issued remain tax exempt.

Motion: Commissioner Mike Musick moved to approve the resolution. Commissioner Samuel Simmons seconded.

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

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

COMMUNITY REDEVELOPMENT AGENCY

Recess/Convene: The City Commission recessed the Regular Session and convened as the Community Redevelopment Agenda.

Recommendation re: Renewal of Insurance for Lakeland Community Redevelopment Agency Property, General Liability/Professional Liability and Cyber Liability

The City, on behalf of the LCRA, is completing the annual renewal process for the above referenced insurance policies for FY 2024 assisted by our current Broker of Record, Arthur J. Gallagher Risk Management Services. The quotations for noted coverages from October 1, 2023 through September 30, 2024 are as follows:

Florida Municipal Insurance Trust (FMIT) has been the LCRA property and liability insurance carrier since 2019. Property coverage under this policy covers property with structures on it, General Liability covers all the LCRA owned property locations and Cyber Liability is now a required coverage for General Liability policy holders. Three years ago, Cyber coverage was wrapped into the General Liability and was split in 2021 to provide separation of premium for each coverage.

Florida property insurance rates have dramatically increased in 2023, while capacity has become scarce. These marketplace pressures have driven increased rates for this program. The policy has an all-other peril deductible of $1,000, for a premium of $52,564, a 40 percent change over current year. In addition, the named storm deductible on the property insurance has increased from 5 percent to 7.5 percent. The General Liability premium has decreased $43, and the Cyber Liability premium has increased $27 (5 percent).

Proposed FY 2024 coverage premiums and comparisons to FY 2023 are as follows:

	FY23/24	FY22/23	CHANGE	% Change
Property				
Total Insured Value	$10,080,910	$8,890,406	$1,190,504	11.81%
Premium	$52,564	$31,569	$20,995	39.94%
Rate	0.5214	0.3551	0.1663	31.90%
General Liability/Professional Liability				
Premium	$5,553	$5,596	-$43	-1%
Cyber Liability				
Premium	$562	$535	$27	5%

Staff recommends the City Commission, as the governing body of the LCRA, approve renewing the LCRA Property, General Liability/Professional Liability and Cyber Liability Policy through Florida Municipal Insurance Trust at a premium total of $58,679 with an October 1, 2023 effective date.

Shawn Sherrouse presented this item to the CRA. There was a request on Friday for the CRA to look at other policies.

Joyce Dias presented on the difference between the 5% and 7.5% wind deductible on the premium. A copy of the spreadsheet is on file in the agenda packet. The difference in premiums was $6,497.

Valerie Farrell explained that each contract provided terms as to fees that were passed on to the tenant. There was an increase for tenants either way. They were trying to find a scenario that was least impactful to the tenants.

The Commission discussed:

- The CRA paying the difference between the 5% and 7.5%. That would have an impact on the budget and set a precedent for the future.
- There are several factors that are passed through to tenants.
- Pass through the increase to not set a precedent.
- The exposure may be too great at 7.5%
- If the recommendation was changed, it would be by the Commission/CRA not the CRA Manager.
- CRA tenants had a significant reduced rental rate. These pass-through fees are the realistic market rate pass through rates. CRA tenants do not experience other impacts such as market rate rents.
- The difference was a small price for the protection of a lower deductible.
- The premium increase was 40% overall. The deductible would affect the increase.
- The CRA's property insurance increased because of the addition of The Well.
- Staff's recommendation was 7.5% wind deductible. A higher deductible offers a lower premium.
- Wind damage is the biggest risk and insurance companies are increasing deductibles.

Motion: Commissioner Mike Musick moved to approve the agenda item but amending the wind deductible to 5%. Commissioner Samuel Simmons seconded the motion.

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

Action: The motion carried 3-2 with Commissioners Chad McLeod and Stephanie Madden voting nay.

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

Water Utilities Director

Shawn Sherrouse announced the promotion of David Bayhan to Water Utilities Director. Mr. Bayhan was a Lakeland native and graduate of Lake Gibson High School. He worked for his father's plumbing company. David Bayhan obtained his masters plumbing license at age 21. He taught the plumbing trade to adult students at Travis Vo Tech. He worked as a part time water engineering technician while attending the University of South Florida full time. He now has a Master's in Engineering Management from USF. He has been the Water Utilities Assistant Director Since 2019.

CITY MANAGER

* **Recommendation re: Life Extension Clinics for Firefighter Annual Physicals**

The current collective bargaining agreement between the City of Lakeland and Local 4173, International Association of Firefighters (IAFF) provides for annual firefighter physicals performed by Life Scan Wellness Centers ("Life Scan") or another mutually agreed upon provider.

Life Scan has provided these physicals since February 2021 and continues to provide them at a cost and scope unmet by other vendors.

Firefighter Physicals are an important element in the City's annual occupational evaluation to assist with early detection and the prevention of occupational diseases. NFPA 1582: Standard on Comprehensive Occupational Medical Program for Fire Departments provides guidelines for firefighter physicals. A post-offer physical is initially performed as a baseline medical evaluation for our occupational use, and as the career of the firefighter progresses, the annual physical may be compared to the baseline to identify any relevant changes.

Life Scan uses an integrated medical approach to firefighter exams that combines an annual physical with lifesaving, early detection testing for major diseases such as heart disease, stroke, cancer, diabetes, and aneurysms before they reach a catastrophic level. Life Scan provides on-site, same day examinations at a City location, which reduces the time an employee is out of service while receiving the evaluation. Each exam has the added benefit of an ultrasound imaging assessment of the internal organs and cardiovascular system. This assists with early detection to reduce workers' compensation costs and health care costs before they reach a catastrophic level. The cost of each physical exam is $455.

Staff recommends the City Commission authorize the appropriate City officials execute the agreement with Life Extension Clinics, Inc. doing business as Life Scan Wellness Centers for Firefighter Annual Physicals, beginning October 1, 2023 through September 30, 2025, at an annual cost-effective January 1, 2024 of $87,815, with a CPI-U increase effective January 1, 2025.

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

Recommendation re: Renewal of Insurance for Property and Boiler Machinery, Excess Workers' Compensation, Inland Marine/Electronic Data Processing, Contractor's Equipment, Crime, Surety Bond for City Treasurer, Excess Liability Coverage, and Cyber Liability

The City is completing the annual renewal process for the above referenced policies for FY 2024 assisted by our current Broker of Record, Arthur J. Gallagher Risk Management Services. The quotations for noted coverages from October 1, 2023 through September 30, 2024 are noted below:

<u>Property and Boiler Machinery</u>

There are currently two separate programs insuring these risks: one for City Utility assets and a separate Municipal program for all other City assets. The City's total insured values increased 28.28 percent on the Municipal program based on a current replacement cost appraisal. The Utility program values have increased 6.70 percent, which adds up to a combined increase across all insured values of 14.4 percent.

PREMIUMS COMPARED	FY 22/23	FY 23/24
AIG (30%) – Utility	$1,140,000	$1,342,764
MUNICH RE (20%) – Utility	$408,403	$566,493
AEGIS (10%) – Utility	$225,000	$300,390
SWISS RE (10%)– Utility	$264,270	$447,589
LLOYDS (30%) – Utility	$560,000	$1,342,764
FMIT – (100%) Municipal	$1,271,567	$3,010,898
TOTAL BASE	$3,869,240	$7,010,898

Florida Property insurance rates have dramatically increased in 2023, while capacity has become scarce. These marketplace pressures have driven increased rates for both programs. The Utility program rate has increased 44 percent at renewal and the Municipal program has increased by 85 percent. In addition, the named storm deductible on the Municipal program has increased from 2 percent to 5 percent.

The current renewal premium is presented as "not to exceed" while our Broker, A.J. Gallagher, continues to negotiate with underwriters to improve pricing and drive the lowest possible premiums. The City may add other carriers if they provide terms more advantageous to the City.

Excess Workers' Compensation

The City self-insures its Workers' Compensation program with a retention limit of $350,000. The incumbent, Florida Municipal Insurance Trust (FMIT), has again offered a competitive program for excess coverage. The premium for FY 2024 will increase by $28,275. This increase is based upon a market rate increase of 6.8 percent combined with a decrease in payroll of 1.7 percent. FMIT is offering the FY 2024 renewal for an annual premium of $594,892.

Inland Marine/Electronic Data Processing

Hartford Insurance Company remains the carrier for this coverage as they were the most competitive respondent. They provide coverage for leased or owned golf carts, mowers, electronic data processing equipment and a wheel loader. The FY 2023 annual premium was $62,886. The annual premium for FY 2024 is $68,823, representing a $5,957 increase, or 9.5 percent.

Inland Marine Contractors Equipment

Markel American Insurance Company, the most competitive respondent, was selected to provide physical damage coverage for various equipment, including street sweepers and vacuum trucks. For this year's renewal, the total premium in FY 2024 is $52,608, an increase of $4,980 (10 percent) as compared to FY 2023.

Crime and Treasurer Bond

FMIT remains the carrier for this coverage as they were the most competitive respondent. The renewal premium remains the same as expiring for FY2024 at $4,263.

Excess Liability

The City is self-insured for Auto, General, Law Enforcement, Public Officials and Employment Practices Liability. The current policy has a $5,000,000 per occurrence limit for each type of coverage and a $500,000 self-insured retention for a total premium of $432,271. This is a $41,519 (11 percent) increase. Munich Re is still the most competitive standalone carrier for this line of coverage.

Cyber Liability

Chubb Insurance Company is providing a renewal quote for this coverage, which is inclusive of network security and privacy liability, data breach fraud, and internet media liability. Chubb offered a renewal quote this year because of the City's compliance with their new underwriting guidelines. The coverage limit is $1,000,000, and the policy retention is $500,000. The FY 2024 premium for this renewal program is $67,871, a $6,698 increase (11 percent) as compared to FY 2023.

The current Cyber renewal premium is presented as "not to exceed" while our Broker, A.J. Gallagher, continues to negotiate with underwriters to improve pricing and drive the lowest possible premiums. The City may bind coverage with a carrier other than Chubb if another carrier offers a program more advantageous to the City.

Arthur J. Gallagher's annual brokerage service fee is $125,000 for FY 2024. This service fee includes all lines of coverage currently handled by Gallagher and excludes all commissions.

Proposed FY 2024 coverage premiums and comparisons to FY 2023 are as follows:

Coverage	22-23 Premium	23-24 Premium	Premium Difference	% Increase
Property	$3,869,240	$7,010,898	$3,141,658	81%
Excess Workers Compensation	$566,617	$594,892	$28,275	5%
Inland Marine/EDP	$62,866	$68,823	$5,957	9%
Contractors Equipment	$47,628	$52,608	$4,980	10%
Crime/ Surety Bond Treasurer	$4,263	$4,263	$0	0%
Excess Liability	$390,752	$432,271	$41,519	11%
Cyber	$61,173	$67,871	$6,698	11%
Broker Fee	$125,000	$125,000	$0	0%
TOTAL	**$5,127,539**	**$8,356,626**	**$3,229,087**	**63%**

Staff recommends the City Commission approve renewing the Utility property/boiler machinery quota share coverage, which utilizes AIG, Munich Re, Swiss Re, AEGIS and Lloyd's of London; and the Municipal property, excess Workers' Compensation, Crime and Treasured Bond Policy through the Florida Municipal Insurance Trust; the Inland Marine/Electronic Data Processing coverage through Hartford; Contractors' Equipment through Markel American; Cyber Policy through Chubb; and Excess Liability through Munich Re; as most advantageous to the City, all of which have an October 1, 2023, effective date. 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 comment from the Commission and the audience. There were no comments from the audience. The Commission discussed:

- Self-insurance worked similarly to a deductible. The City pays the initial amount on a claim and then is reimbursed from a stop gap carrier. Most all city policies are self-insured.
- The City is audited annually to determine the reserve requirement.

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

Recommendation re: Award of RFQ No. 3082 to Rodda Construction for Construction Manager at Risk Services to Construct a Dog Park at 145 N. Lake Avenue

The City has planned for a dog park on a 1.18-acre parcel located at the southeast corner of Rose Street and Lake Avenue in downtown Lakeland, across the street from Fire Station #1. The park was Quit-Claim Deeded to the City of Lakeland in 2021 from the Florida Department of Transportation.

The City's Purchasing Division issued RFQ No. 3082, March 23, 2023, to obtain qualification submittals from firms experienced in professional construction management with a guaranteed maximum price for the construction of the dog park.

One submittal was received from Rodda Construction, Inc. Purchasing issued an Intent to Award to Rodda Construction on May 26, 2023. Construction will consist of a 6' tall decorative fence, 6 entry gates, dog sculptures, boulder retaining walls, concrete sidewalks, specialty concrete, dog water fountain, dog waste station, dog wash station, benches, litter receptacles, rain garden and signage.

Funds for construction of the dog park are currently budgeted in the FY2023 Public Improvement Fund and the Downtown Community Redevelopment Agency (CRA). Project funding is as follows:

$ 6,742	Public Improvement Fund - Community donations for a downtown dog park
50,000	Public Improvement Fund - P&R Impact Fees District 1
100,000	Public Improvement Fund (from the sale of land to The Joinery)
$126,155	Downtown CRA Fund - Lake Mirror Promenade Maintenance
$282,897	

The project will begin construction within 90 days of contract execution and will take approximately nine months to complete.

It is recommended that the City Commission authorize the appropriate City staff to award RFQ #3082 to Rodda Construction and execute a contract for a not to exceed price of $282,897.

It is also recommended that the City Commission authorize an Appropriation and Increase in Estimated Revenues from the Downtown CRA to the Public Improvement Fund in the amount of $126,155 so the project can be properly capitalized within the Public Improvement Fund.

Shawn Sherrouse presented this item to the Commission.

Motion: Commissioner Mike Musick moved to approve the recommendation. Commissioner Samuel Simmons seconded.

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

- The City currently maintained the entire site and did not anticipate additional maintenance costs.
- The site was currently a retention pond. It will continue to function as such. A couple time of year when the pond does flood, the City will temporarily close the park.
- The area was not wet very often.

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

Recommendation re: Task Authorization with Geosyntec Consultants for Lake Parker Water Quality Improvement Alternatives Assessment - Phase II

The Florida Department of Environmental Protection (FDEP) Verified Impaired Waters (2013) list identified Lake Parker as having excessive levels of nutrients that do not meet the current State water quality standards for Numeric Nutrient Criteria (NNC). In March 2021, the FDEP approved a Nutrient Reduction Plan (NRP) that tasked the City with implementing water quality restoration projects in the next five years. The Lakes and Stormwater Division has contracted with Geosyntec Consultants, a professional Lakes and Watershed Management services firm currently under continuing contract with the City, to conduct a Water Quality Improvement Alternatives Study on a vacant City owned parcel of land located east of East Lake Parker Drive. This project is being undertaken to identify innovative and effective methods to reduce nutrient concentrations in Lake Parker's surface water.

The first phase of the study included a review of physical site conditions; evaluation of previously collected data; and completion of a desktop constraints analysis to assist with the identification and evaluation of potential water quality improvement projects for Lake Parker utilizing former phosphate mining pit ponds and wetland areas on the vacant parcel. The second phase of this project (Phase II) is proposed to collect information necessary to complete hydraulic, hydrologic and water quality modeling efforts to properly characterize site conditions and inform on conceptualization of water quality improvement alternatives.

The Task Authorization includes the following major elements:

- Former mining pit assessment, including:
    - Jurisdictional determination and coordination with Southwest Florida Water Management District (SWFWMD) and FDEP to confirm the jurisdictional status of mining pit ponds in regard to Waters of the State and permitting requirements
    - Ecological assessment of flora and fauna and delineation of wetlands
    - Bathymetric survey to map bottom contours, determine depth to bottom and determine volume of mining pit ponds
- Soil and groundwater assessment, including:
    - Advancement of four soil borings and installation of temporary piezometers
    - Geotechnical assessment of collected soil samples
    - Water level monitoring of former mining pit ponds, Lake Parker, temporary piezometers and up to five previously installed monitoring wells
    - Development of groundwater elevation contour and flow maps
- Permit determination and pre-application meetings
- Preparation of draft and final technical memorandums
- Progress meetings and project management

Geosyntec Consultants is an engineering firm that the City has a continuing services contract with for Lakes & Watershed Management Services. Geosyntec Consultants has been working on this project since 2021. They recently completed the first phase of the assessment, and this request is for the recommended scope of work for the second phase of the project. We elected to choose Geosyntec because this second phase of work is building upon the work they previously performed on this project.

We are in compliance with the CCNA statute. Funding for the Lake Parker Water Quality Improvement Alternatives Assessment, in the not-to-exceed amount of $237,249.56, is provided in the FY23 Stormwater Utility Capital Improvement Plan.

Staff recommends the City Commission authorize the appropriate City officials to execute this Task Authorization with Geosyntec Consultants for the Lake Parker Water Quality Improvement Alternatives Assessment Study in the not-to-exceed amount of $237,249.56.

Shawn Sherrouse 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.

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

Recommendation re: Award of Bid No. 2023-ITB-033 to Gibbs & Register, Inc. for construction of the Five Points Roundabout project; Approval of Construction Agreement with Gibbs & Register, Inc.; and Approval of an appropriation and increase in estimated revenues from the Transportation Fund

The Five Points Roundabout project will construct a modern single lane roundabout at the intersection of West Main Street, Bonnet Springs Boulevard and Lemon Street. The intersection improvement project will reduce intersection delays, improve safety, and serve as a gateway feature to the Downtown West area.

The Engineer of Record, Patel, Greene and Associates, LLC., completed the construction plans earlier this year. The City's Purchasing Department advertised the project for a thirty (30) day period but received no bid submittals. Consequently, Purchasing extended the solicitation for two more weeks and notified approximately 400 qualified construction firms. The City received one bid from Gibbs & Register, Inc. in the amount of $2,207,555.90.

The City's Public Works staff, the project's Engineer of Record, and the project's Construction Engineering & Inspection (CEI) team, Rummel, Klepper & Kahl, LLP, comprehensively reviewed the Gibbs and Register's proposal. The analysis found the bid reasonable and fully responsive to the City's needs.

The Five Points roundabout project is funded through the Community Redevelopment Agency ($1,156,554.93), Transportation Fund ($466,030.79), Public Works Lakes and

Stormwater Division ($370,000.00), and Department of Water Utilities ($86,570.00). An appropriation from the Transportation Fund's unappropriated surplus in the amount of $203,300.00 is needed to fully fund the construction of the project and to provide about $74,899.82 in contingency budget for unforeseen construction issues.

Staff recommends the City Commission authorize the award of Bid No. 2023-ITB-033 to Gibbs & Register, Inc. for the Five Points Roundabout Project, and authorize the appropriate City officials to execute the construction agreement in the amount of $2,207,555.90.

Staff also requests the City Commission authorize an appropriation and increase in estimated revenues of $203,300.00 from the Unappropriated Surplus in the Transportation Fund for the Five Points Roundabout project.

A project location map depicting the intersection is included in the agenda packet for reference.

Shawn Sherrouse 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 from the audience. The Commission discussed:
- Being excited about the roundabout for the area.
- The entrance to Bonnet Springs Park (BSP).
- Roundabouts decrease wait times and move traffic.
- The obstacles blocking safe passage under the railroad tracks to BSP.
- Encouraged citizens to make their voices heard to CSX and FDOT.

Shawn Sherrouse announced there are other options that staff will be discussing with the Commissioners soon. They will bring some relief.

Ryan Lazenby explained the project would take 8 months for substantial completion, by high school graduation time at the RP Funding Center.

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

Recommendation re: Task Authorization with Rummel, Klepper & Kahl, LLP (RK&K), to provide Construction Engineering and Inspection (CEI) Services for the Five Points Roundabout Project

The City of Lakeland is constructing a modern single lane roundabout at the intersection of West Main Street, Bonnet Springs Boulevard and Lemon Street. The intersection improvement project will reduce intersection delays, improve safety, and serve as a gateway feature to the Downtown West area.

CEI services are required during the construction of the project. The City's Public Works Department solicited a proposal from RK&K, through the City's Municipal Engineering Continuing Contracts, to provide CEI services for the Five Points Roundabout project. Under the task authorization, RK&K will provide CEI services in an amount not-to-exceed $202,232.00. The scope of services for this agreement includes but are not limited to:

- Construction Inspection Services
- Daily and Weekly Inspection Reports
- Safety Requirements
- Scheduling / Progress Tracking
- Site Inspections
- Quality Control & Quality Assurance
- Project Certifications

The Public Works Department has also submitted, for approval by the Commission, a bid award recommendation and construction agreement for the Five Points Roundabout project with Gibb's & Register, Inc. Construction is scheduled to begin in Fall 2023 with an estimated construction duration of 265 days.

Funding for the project's CEI services is currently budgeted for within the Transportation Fund.

Staff recommended the City Commission authorize the appropriate City officials to execute the Task Authorization for CEI services with RK&K for the Five Points Roundabout project in a not-to-exceed $202,232.00.

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.

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

CITY ATTORNEY

Ordinances (First Reading) – None

Miscellaneous Reports

HOME-ARP Loan Agreement for Griffin Lofts with Carrfour Supportive Housing, Inc. and Allegre Pointe, LLC

This was a funding agreement in the amount of $685,000.00 between the City of Lakeland, Carrfour Supportive Housing, Inc. and Allegre Pointe, LLC for Griffin Lofts, a proposed affordable rental housing community located at 225 Griffin Road.

The American Rescue Plan Act (ARPA) of 2021 appropriated $5 billion nationwide to provide housing, services and shelter to individuals experiencing homelessness and other vulnerable populations, to be allocated to jurisdictions who qualified for HOME Investment Partnerships Program allocations in FY 2021. The City of Lakeland was allocated HOME ARPA funds in the amount of $1,401,459.00 and on March 7, 2022, the City Commission unanimously approved an amendment to the City's One Year Action Plan (PY 2020-2021) to use the funds for development of affordable rental housing and associated administration costs.

On January 20, 2023, the City of Lakeland released a Request for Proposals (RFP NO. 3041) offering gap financing to qualified developers/sponsors for development of affordable rental units with a focus on the prevention of homelessness. The Housing Division received two applications: one for Griffin Lofts, a partnership between Carrfour Supportive Housing, Inc. and Allegre Point, LLC and one for Gospel Village being developed by Gospel Inc.

Griffin Lofts will consist of 60 units in a single four-story building comprised of thirty-eight (38) one bedroom/one-bathroom apartment units and twenty-two (22) two bedroom/two-bathroom apartment units. 20 percent of the units will be at or below 40% AMI and the balance will be at or below 60% AMI.

Gospel Village proposes a second phase to its existing 35-unit mobile home community serving those experiencing chronic homelessness. This second phase will consist of three two-story buildings with twenty-four (24) one-bedroom units in each for a total of 72 units. However, the funding request is for 40 units within an initial 48-unit phase serving those at or below 30% AMI.

On March 21, 2023, the applications were presented to the Affordable Housing Review Committee consisting of representatives from the Community and Economic Development Department, Lakeland Electric, Water Department, and members from the Affordable Housing Advisory Committee. After reviewing the applications, the Committee determined that both developers submitted qualified projects meeting the strict HOMEARP requirements and providing housing for those at risk of facing homelessness. The Committee further recommended an equal allocation of $685,000.00 to each project with the remaining $31,459.00 (2% of the HOME-ARPA funds) to be used for administrative costs.

At this time, Griffin Lofts has received construction plan and building permit approvals and is ready to close on the full funding for the project. While Gospel Village has site plan approval, building permits have yet to be approved.

Staff recommended that the appropriate City officials be authorized to execute the agreement and associated documents with Carrfour Supportive Housing, Inc. and Allegre Point, LLC

Palmer Davis presented this item to the Commission. The agreement with Gospel Village was coming soon.

Mike Smith was excited for the qualified projects. They are geared toward the extremely low income at risk for homelessness.

Motion: Commissioner Stephanie Madden 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.

Purchase of Annual Water Plant Pump Maintenance for the Water Utilities Department

This was a proposal with Southeast Equipment Services LLC for the triannual water treatment plant high service pump maintenance contract renewal. The TB Williams and CW Combee Water Treatment Plants, Highlands Booster Station, Southwest Booster Station, and Southeast Booster Station operate 23 high service pumps to ensure water pressure and flow in Lakeland's distribution system. The continuous function of these pumps is crucial for delivering water to Lakeland residents. The water production vertical turbine high service pumps can be up to 16 inches in diameter, 23 feet long, and are often housed within buildings. Due to the size and location of the high service pumps, special equipment is needed for their maintenance and repair. Every six years, each pump is removed, inspected, and repaired if necessary. Emergency repairs are also conducted when required.

The City issued an invitation to bid (Bid No. 4308A) on October 14, 2014, for fiscal year 2015, with the contract allowing for three 3-year renewals upon mutual agreement. The Water Utilities Water Production Division has allocated $150,000 annually for the pumps' preventative maintenance and emergency repairs, aiming to maintain at least four pumps yearly.

Location	Cost Per Pump
Williams Plant HSP 1-6	$14,183
Williams Plant HSP 7-8	$9,385
Williams Plant BWP	$14,183
Combee Plant 1-4	$14,183
Combee Plant BW	$12,026
Combee Plant TP	$12,026
Highlands Booster HSP	$10,812
Southwest Booster	$10,812

Two bids were received for the pump maintenance services, but Hudson Pump of Lakeland, FL lacked the necessary documentation and was disqualified. Southeast Equipment Services of Lakeland, FL met all requirements, and its valid bid proposed the following costs per pump:

Based on prior experience and cost, City Staff evaluated the bid and determined that Southeast Equipment Services, LLC was the most responsive, responsible bidder.

	Southeast Equipment Services, LLC Pricing
FY23 Cost	$150,000.00
FY24 Cost *(Proposed)*	$150,000.00

Southeast Equipment Services has offered to renew the Annual Water Treatment Plant High Service Pump Maintenance Contractor Bid 4308A contract for FY24 at an estimated cost of $150,000.00, which is the same cost as FY23.

Staff recommended that the City Commission approve the contract renewal proposal with Southeast Equipment Services, LLC. for FY24 and authorize the appropriate City officials to execute all necessary documents to finalize the renewal.

Palmer Davis presented this item to the Commission.

Motion: Commissioner Mike Musick moved to approve the recommendation. Commissioner Samuel Simmons seconded the motion.

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.

Settlement Agreement with Duke Energy Florida, LLC for Construction of 230kV Transmission Line Through City of Lakeland's Northeast Wellfield

This was a proposed Settlement Agreement between the City of Lakeland and Duke Energy Florida, LLC (Duke Energy) providing for the construction of a 230kV Duke Energy transmission line through the City's Northeast Wellfield.

Duke Energy has identified the need to build a new single-circuit 230kV transmission line over an approximately 26.2-mile-long route between its existing Kathleen Substation located off US Highway 98 North and its Osprey Energy Center in Auburndale. The identified route passes through the City of Lakeland's Northeast Wellfield, an approximately 880-acre property owned by the City located off Old Polk City Road in northeast Lakeland. The City currently holds a Water Use Permit (WUP) for the Northeast Wellfield from the Southwest Florida Water Management District (SWFWMD) permitting the withdrawal of up to 4 million gallons per day (4.0 mgd) from the Upper Floridan Aquifer.

Because of the sensitivity of the City's property, the parties have had extensive discussions and numerous subject matter experts have been retained to analyze Duke's proposed project and recommend less impactful alternatives. Duke Energy and the City are currently parties to an eminent domain lawsuit filed by Duke Energy, wherein Duke has sought to condemn easements through the City's Wellfield for its transmission line. The City in turn has filed an administrative challenge to Duke's Florida Department of Environmental Protection (FDEP) permit to construct its project. After comprehensive negotiations and study, representatives for Duke Energy and the City have agreed to terms and conditions to allow Duke to proceed with its project and resolve the pending litigation and legal challenges, subject to City Commission approval.

The material terms and conditions of the attached Settlement Agreement between Duke Energy and the City are as follows:

- Duke Energy will modify the route of its transmission line through the Northeast Wellfield such that the transmission line will be located entirely on uplands and avoids all jurisdictional wetlands.
- Duke will install the foundations for its transmission towers in accordance with specific construction methodologies designed to completely seal the holes in which the foundations are installed such that no leakance will occur from the surface or between the various aquifer layers beneath the foundations.
  - To preserve existing surface water flows, Duke will not construct any new roads or alter the elevation or grade of existing roads within the Northeast Wellfield.
  - No herbicides or pesticides will be used on the Northeast Wellfield at any time.
  - Any trees or vegetation required to be removed to facilitate or maintain Duke's project will be cleared by hand.
  - Duke will pay a total of $4,617,484.75 in resolution of this matter. This figure is inclusive of the cost of all easements through the City's property necessary for the project, additional short-term and long- term monitoring and maintenance responsibilities placed upon the City due to the impacts of

Duke's project, and all attorney's fees and expert witness fees and costs incurred by the City because of this matter.

- Perhaps most importantly to the City, Duke will indemnify, defend, and hold the City harmless from and against all adverse consequences caused by Duke's construction and maintenance of its facilities on the Northeast Wellfield. This includes the obligation on Duke's part to indemnify the City from (i) any future reduction to the City's WUP for the Northeast Wellfield, (ii) any future denial of the City's application to renew the WUP, (iii) a future renewal of the City's WUP at a lower withdrawal amount, (iv) any future denial of a City application to increase its permitted withdrawal from the Northeast Wellfield caused by Duke's project, and (v) any costs incurred by the City if leakance begins to occur between the surficial aquifer, the intermediate aquifer, the Upper Floridan Aquifer, and/or the Lower Floridan Aquifer.

The terms and conditions of this Settlement Agreement have been thoroughly vetted by a comprehensive City team including hydrogeologists, structural engineers, environmental lawyers specializing in water law, eminent domain counsel, and City staff. Staff recommended that the City Commission approve the Settlement Agreement between the City of Lakeland and Duke Energy Florida, LLC and authorize the appropriate City officials to execute all documents necessary to implement the Agreement.

Palmer Davis 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 from the audience. The Commission acknowledged everyone's efforts to reach the agreement.

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

Participation and Reimbursement Agreement with Center State Development, LLC for Water Utilities System Upsize

This was a proposed Participation and Reimbursement Agreement with Center State Development, LLC for design, construction, and dedication of an upsized wastewater utility system in a residential development project located at 2150 US Highway 92 East, Lakeland, Florida ("Cypress Point").

To provide adequate service to future developments nearby and accommodate growth in the surrounding service area, Water Utilities has determined that it would be beneficial for the capacity of Cypress Point's sanitary sewer system and related facilities to be expanded prior to connecting to the City's system. This expansion will reduce the cost of future infrastructure upgrades and facilitate the development of the area.

Under this Agreement, the City will reimburse Center State Development for the essential construction expenses associated with increasing Cypress Point's designed service capacity with a larger gravity sewer, lift station and auxiliary equipment, and pressurized force main.

Cypress Point's engineer of record has prepared an itemized cost differential, considering the cost of the engineered base case that fully meets the needs for Cypress Point and the cost of an upsized system with greater capacity for future growth in the service area.

After the improvements are inspected, tested, and certified by the project's engineer, and with approvals from Water Utilities and the Florida Department of Environmental Protection, the City will take ownership and permanently maintain and operate the upgraded facilities. Center State Development will provide a one (1) year warranty from the date of dedication.

The total, not-to-exceed cost for this reimbursement agreement is $784,066. This project has been approved and incorporated into the Water Utilities FY2024 budget, subject to City Commission approval. Construction of the utilities is expected to be completed by mid-2024, and the system will be dedicated to the City upon completion.

Staff recommended that the City Commission approve and authorize the appropriate City Officials to execute the Participation and Reimbursement Agreement with Center State Development, LLC, and all other documents necessary to complete this project.

Assistant City Attorney Alex Landback presented this item.

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.

Task Authorization with Tetra Tech, Inc. for Professional Engineering Services for the Lynncrest/Sylvester Wastewater Upgrade Plan

This was a proposed Task Authorization with Tetra Tech, Inc., regarding design and permitting services associated with the Lynncrest Road and Sylvester Road Wastewater Upgrade Project. The objective is to address the overload of the pre-1960 vitrified clay pipe (VCP) system, impacted by wastewater flows from Refresco Beverages. Affected areas include Lynncrest Road, Richmond Road, and parts of Sylvester Road.

The enhancement involves introducing a new force main to divert Refresco's flows around the existing Lynncrest Road gravity sewer, connecting to a Sylvester Road gravity sewer. Additionally, about 1,200 linear feet of Sylvester Road's 10-inch VCP gravity sewer will be replaced and upgraded to 24-inch PVC pipe. The installation of the new force main will allow for increased wastewater capacity for this project and others.

All services pursuant to this Task Authorization will be performed in accordance with the terms/conditions set forth in the Continuing Agreement for Municipal Engineering Services between the City and Tetra Tech, Inc. previously approved by the City Commission on October 1, 2021. The total not-to-exceed cost associated with this Task Authorization is $126,550 and has been budgeted for in Water Utilities' FY 2024 budget.

Staff recommended that the City Commission approve the Task Authorization with Tetra Tech, Inc. for the Lynncrest Road and Sylvester Road Wastewater Upgrade Plan and authorize appropriate City officials to execute the Task Authorization.

Alex Landback presented this item to the Commission.

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

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

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

FINANCE DIRECTOR

Appropriation – Solid Waste Fund

On September 5, 2023, the Commission approved a Task Authorization with Geosyntec Consultants, Inc for the Professional Design and Permitting Services for a Solid Waste Transfer Station.

Staff requested that the City Commission authorize and appropriation in the amount of $593,981 from the Unappropriated Surplus of the Solid Waste Fund.

Action: The Commission approved this item on the Consent Agenda.

UTILITY

Ordinances – None

Resolutions – None

Miscellaneous

Change Order #1 to Agreement with Burns & McDonnell Engineering Company, Inc. for Construction of the Hamilton Substation

This proposed Change Order #1 was to the Agreement with Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) for construction of the Hamilton Substation, which will be located at 4950 Drane Field Road. On October 3, 2022, the City Commission approved an Agreement with Burns and McDonnell for construction of the Hamilton Substation. At the time of approval, the Agreement contemplated the issuance of a future Change Order once the final cost of equipment and materials was determined since the validity of pricing of such items was only valid for a short period due to market volatility. While the original Agreement did include a contingency in the amount of $267,349.00, that amount was not sufficient to complete the Project.

Original Contract Price		$7,988,647.00
Contingency		$267,349.00
Total Approved		$8,255,996.00
Change Order #1 (*price includes $267,349.00 contingency*)		
		$1,407,315.16
Construction Costs	($470,000.00)	
Engineering Costs	($379,668.00)	
	Material Cost Increases ($557,647.16)	
Total Revised Contract Price		$9,395,962.16

Accordingly, Change Order #1 provides for the equipment and material cost increases that were anticipated when the Agreement was approved. Change Order #1 also includes additional engineering and construction costs due to design changes requested by the City. The specific cost breakdown for Change Order #1 is summarized below.

Upon approval by the City Commission, Burns & McDonnell will complete construction of the substation, which is scheduled for April 2024. The substation is expected to be operational by July 2024. Burns & McDonnell will perform all services pursuant to the terms and conditions set forth in the original Agreement, the City's Bid Specifications, and this Change Order #1. The total cost of Change Order #1 is $1,407,315.16, which is included in Lakeland Electric's FY24 budget.

Staff recommended that the City Commission approve Change Order #1 with Burns & McDonnell for the construction of the Hamilton Substation and authorize the appropriate City officials to execute all corresponding documents on behalf of the City.

Deputy City Attorney Ramona Sirianni presented this item to the Commission.

Motion: Commissioner Mike Musick moved to approve the recommendation. Commissioner Samuel Simmons 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.

Customer Support Agreement with Siemens Energy, Inc. for McIntosh Unit 5 and McIntosh Gas Turbine 2 Distributed Control Systems

This was a Customer Support Agreement (CSA) with Siemens Energy, Inc. (Siemens) for the Siemens T3000 Distributed Control systems for McIntosh Unit 5 and McIntosh Gas Turbine 2 (MGT2). In August 2018, the City Commission approved a CSA with Siemens for the T3000 Distributed Control System for Unit 5. In August 2020, MGT2 was added to the CSA pursuant to a Change Order. The CSA is now set to expire on September 30, 2023.

The T3000 Distributed Control System, comprised of hardware and software, requires part replacement and software patching to maintain the system. The City is dependent on the proper operation of such an integrated system to maintain overall reliability and operability of the Plant. The new CSA will support the control systems for both McIntosh Unit 5 and MGT2.

The City's Purchasing Department has approved Siemens as a sole source vendor since Siemens is the Original Equipment Manufacturer of the T3000 Distributed Control System and therefore the only qualified vendor to provide this service. Pursuant to the CSA, Siemens will provide 24-hour hotline and on-site technical support, on-site patching, management of cybersecurity tools, as well as technical training for operators, technicians, and engineers. The proactive maintenance of the control systems for these units is critical to their continued operation. The CSA will not only enable Lakeland Electric to maintain the units but will also help prevent costly forced outages due to control-system faults.

Upon approval by the City Commission, the term of this Agreement will be for a period of five (5) years commencing on October 1, 2023 and expiring on September 30, 2028. The CSA will be governed by Siemens' Proposal dated September 7, 2023 and Siemens Selling Policy 2020 dated July 14, 2021. The total cost of the CSA is $1,041,170, which is included in Lakeland Electric's FY24 budget.

Staff recommended that the City Commission approve this CSA for McIntosh Unit 5 and MGT2 distributed control systems with Siemens 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 Samuel Simmons 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.

* **Change Order #2 to Software License and General Consulting Services Agreement with Power Cost, Inc.**

This was proposed Change Order #2 to the Perpetual Software License and General Consulting Agreement between Power Cost, Inc. (PCI) and the City of Lakeland, together with the Orlando Utilities Commission (OUC) and the Florida Municipal Power Agency (FMPA), collectively referred to as the Florida Municipal Power Pool (FMPP). In 2005, the FMPP members jointly purchased GenTrader software from PCI under a Software License and General Consulting Agreement for production cost modeling and economic forecasting of generation resources to meet load requirements. In 2017, the FMPP executed a new five (5) year support services and hosting Agreement for PCI software to be used by the power pool in computing hourly energy transactions and monthly allocations between its members. The existing Agreement for support services expires October 31, 2023 and the corresponding hosting services expires on December 31, 2023.

Upon approval by all FMPP members, this Change Order #2 will extend the Agreement for support and hosting services for the 2017 PCI software through December 31, 2024. The effective date of the Agreement for support services will be November 1, 2023 and the effective date for the hosting services will be January 1, 2024. The total cost of Change Order #2 is $239,418.00, which will be split equally by the three (3) pool members. As such, the City's total share of the cost for support and hosting services is $79,806.00, which is included in Lakeland Electric's FY-24 budget.

Staff recommended that the City Commission approve Change Order #2 with PCI for software and consulting services and authorize the appropriate City officials to execute all corresponding documents on behalf of the City.

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

AUDIENCE

Sue Grover of Discoverability came forward. Discoverability assists individuals with finding employment. They provide free services. They assist individuals with disabilities for employment. They assist with some accommodations for job searches such as hearing aids or glasses. They work with the cities of Winter Haven and Bartow. They provide on the job training where the individual works for the company for 3 months at Discoverability's cost for an opportunity to become an employee. They are based in

Orlando and serve several counties in central Florida. Contact Information is: www.discoverability.org, Facebook, and Instagram. SGrover@discoverability.org; 407-894-5051.

Lorenzo Robinson, President of the Paul A. Diggs Neighborhood Association, came forward about the reduced PAL program. They have eliminated tutoring and after school programs except sports. They need to bring back tutoring and after school programs. Mr. Robinson believed the tutoring was eliminated because they did not have qualified teachers.

Shawn Sherrouse explained the PAL program has expanded considerably. He will speak with Chief Taylor and get a status update on tutoring.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Chad McLeod:
The Mayors Hispanic Advisory Council met last week. Announced November 16, 2023 as Getting to Know Your City. The plan is for the event to be done in Spanish at 5:30 p.m. here at City Hall.

Commissioner Stephanie Madden:
Gave a shout out to the Lake Crago team. McKeel has a rowing team who practices there. She went to check on the butterflies. It was incredible! There is also an art competition on display there.
She met with Tom Phillips recently. He mentioned a potential trolly between the hotels and Bonnet Springs Park (BSP).

Shawn Sherrouse announced there will be an interesting update mid-October about the butterflies.

Commissioner Mike Musick congratulated David Bayhan.

Commissioner Samuel Simmons followed up on Mr. Robinson's comments. There are a lot of children at Simpson Park. It is a shame if the tutoring is gone. We need to restore the tutoring.

CALL FOR ADJOURNMENT - 11:44 am

H. William Mutz, Mayor

CITY OF LAKELAND, FLORIDA
INCORPORATED
JAN. 1, 1885

Kelly Koos, City Clerk