LAKELAND CITY COMMISSION

Regular Session
February 21, 2022

The Lakeland City Commission met in Regular Session in the City Commission Chambers. Mayor Bill Mutz and Commissioners Chad McLeod, Bill Read, Stephanie Madden, Mike Musick, and Phillip Walker were present. Commissioner Sara McCarley was absent. A unanimous vote will be 6-0. 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

Broadband Update - DoIT and Summit Broadband (Oscar Torres, IT Director and Kevin Coyne, Summit Broadband)

COMMITTEE REPORTS AND RELATED ITEMS

Municipal Boards & Committees 02/18/22

Commissioner Stephanie Madden presented this report.

Motion: Commissioner Bill Read moved to approve the appointments. 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.

Real Estate & Transportation Committee 02/18/22

1. Lease Agreement with Legends Airways, LLC

Commissioner Mike Musick presented this report.

Motion: Commissioner Bill Read 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.

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC

Dave Crowell re Sandpiper Sidewalk Installation.

Dave Crowell and Jim Brown spoke against the sidewalk project in Sandpiper. Sandpiper was in process of getting a new board. The two members in favor of the sidewalk resigned. Mr. Crowell asked the Commission to vote the sidewalk down today and put the matter to rest.

Shawn Sherrouse reported the decision to start the process for sidewalks came from resident requests through the Commission. This was not a recent request. The president of the HOA. Their attorney was concerned about the HOA voting on the sidewalk.

Mayor Bill Mutz - no action today. They've listened. They will talk with Mr. Lazenby and determine a way forward.

Commissioner Chad McLeod asked if there was an opportunity to collect feedback from the neighborhood.

Ryan Lazenby explained the request came through in 2018. Staff started working through the HOA President. He has been doing this work for a long time. There is never unanimous support for a project. It does seem the community is overwhelmingly against the project. He believes they could address the concerns but there does not seem to be community support. Considering a 5-year crash history, there were no crashes involving pedestrians and bicyclists.

Palmer Davis advised it was a managerial decision.

No one on the Commission supported the sidewalk. No one in the audience supported the sidewalk.

Shawn Sherrouse was fine with passing on the sidewalk. The funds would remain in the sidewalk account for future projects.

The Commission appreciated Ryan's time and efforts to set up and listen to the residents.

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5914; Proposed 22-002; Changes to the Land Development Code (LDC); Article 5 (Standards for Specific Uses) to Remove Development Standards Pertaining to Sidewalk Cafes

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 5 OF THE LAND DEVELOPMENT CODE TO REMOVE DEVELOPMENT STANDARDS PERTAINING TO SIDEWALK CAFES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Chad McLeod 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 Phillip Walker, Mike Musick, Stephanie Madden, Chad McLeod, Bill Read, and Mayor Bill Mutz voted aye. Ayes-six. Nays-zero. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

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

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

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

Robby Kniss presented photos of the blowers for the task authorization with Kimley Horn & Associates. A copy is on file in the agenda packet.

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

APPROVAL OF MINUTES (with any amendments)

* City Commission Minutes 02/04/22 – 02/07/22
* Utility Committee Minutes 02/04/22

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

PUBLIC HEARINGS – con't.

Ordinance 5915; Proposed 22-003; Vacating Public Right-of-Way Located North of E. Main Street, South of the CSX Right-of-Way, East of Lake Mirror and West of U.S. Highway 98 North

> AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING PUBLIC RIGHT-OF-WAY LOCATED NORTH OF E. MAIN STREET, SOUTH OF THE CSX RIGHT-OF-WAY, EAST OF LAKE MIRROR AND WEST OF U.S. HIGHWAY 98 NORTH WITHIN THE CITY OF LAKELAND, FLORIDA; AUTHORIZING THE RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; PROVIDINGFOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

Mayor Bill Mutz asked for comments from the Commission and the public.

Commissioner Bill Read did not support this, as he wanted to maintain open space around the lake.

Commissioner Stephanie Madden agreed, except she would rather have a garage.

Action: Upon roll call vote Commissioners Chad McLeod, Stephanie Madden, Mike Musick, Phillip Walker, and Mayor Bill Mutz voted aye. Commissioner Bill Read voted nay. Ayes – five. Nays – one. The motion carried.

Ordinance 5916; Proposed 22-004; Amending Ordinance 5183, as Amended; Major Modification of a Conditional Use to Allow for the Construction of a 2,000 sq. ft. Accessory Building on Nonconforming Commercial Property Located at 4505 Old Road 37 (1st Rdg. 02-07-2022)

> AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 5183, AS AMENDED, TO MODIFY AN EXISTING CONDITIONAL USE TO ALLOW FOR THE CONSTRUCTION OF A 2,000 SQUARE FOOT ACCESSORY BUILDING ON PROPERTY LOCATED AT 4505 OLD ROAD 37; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Bill Read moved to approve the ordinance. Commissioner Chad McLeod seconded.

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

The Commission discussed conditional uses, which remain with the current property owner. Should the property be sold to a new owner, the conditional use would go away.

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

Ordinance 5917; Proposed 22-005; Amending Ordinance 3987, as Amended; Major Modification of PUD Zoning to Allow for the Repair or Replacement of Existing Legal, Nonconforming Manufactured Homes on Certain Lots within the Highland Fairways Residential Golf Community (1st Rdg. 02-07-2022)

> AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 3987, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PUD ZONING TO ALLOW FOR THE REPAIR OR REPLACEMENT OF EXISTING LEGAL, NONCONFORMING MANUFACTURED HOMES ON CERTAIN LOTS WITHIN THE HIGHLAND FAIRWAYS RESIDENTIAL GOLF COMMUNITY; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

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

Ordinance 5918; Proposed 22-006; Small Scale Amendment #LUS21-006 to the Future Land Use Map to Change Future Land Use Designations on Properties Located East of County Line Road and North and South of Ralston Road (1st Rdg. 02-07-2022)

> AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR SMALL SCALE AMENDMENT #LUS21- 006 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP OF THE LAKELAND COMPREHENSIVE PLAN: OUR COMMUNITY 2030; CHANGING THE FUTURE LAND USE DESIGNATION FROM COMMUNITY ACTIVITY CENTER (CAC) TO RESIDENTIAL HIGH (RH) ON

APPROXIMATELY 0.97 ACRES LOCATED AT THE NORTHEAST CORNER OF RALSTON ROAD AND COUNTY LINE ROAD, COMMUNITY ACTIVITY CENTER (CAC) TO RESIDENTIAL HIGH (RH) ON APPROXIMATELY 0.21 ACRES AND RESIDENTIAL LOW (RL) TO RESIDENTIAL HIGH (RH) ON APPROXIMATELY 0.14 ACRES OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF RALSTON ROAD AND GRESHAM FARMS ROAD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Bill Read moved to approve the ordinance. Commissioner Phillip Walker seconded.

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

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

Ordinance 5919; Proposed 22-007; Amending Ordinance 4918; Providing for a Change in Zoning on Properties Located East of County Line Road and North and South of Ralston Road (1st Rdg. 02-07-2022)

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 4918 TO PROVIDE FOR A CHANGE IN ZONING CLASSIFICATION FROM PUD (PLANNED UNIT DEVELOPMENT) TO MF-22 (MULTI-FAMILY RESIDENTIAL) ON APPROXIMATELY 0.97 ACRES LOCATED AT THE NORTHEAST CORNER OF RALSTON ROAD AND COUNTY LINE ROAD, PUD (PLANNED UNIT DEVELOPMENT) TO C-1 (PEDESTRIAN COMMERCIAL) ON APPROXIMATELY 0.21 ACRES, O-1 (LOW IMPACT OFFICE) TO C-1 (PEDESTRIAN COMMERIAL) ON APPROXIMATELY 1.3 ACRES AND THE APPLICATION OF C-1 (PEDESTRIAN COMMERCIAL) ON APPROXIMATELY 0.14 ACRES OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF RALSTON ROAD AND GRESHAM FARMS ROAD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

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

Ordinance 5920; Proposed 22-008; Amending Ordinance 5535, as Amended; Amending Economic Development Impact Fee Mitigation Incentives for Certain Capital Facilities Impact Construction; Extending Sunset Date (1st Rdg. 02-07-2022)

AN ORDINANCE AMENDING ORDINANCE NO. 5535, AS AMENDED, THE CITY OF LAKELAND IMPACT FEE ORDINANCE FOR TRANSPORTATION FACILITIES; ADOPTING FINDINGS; AMENDING ECONOMIC DEVELOPMENT IMPACT FEE MITIGATION INCENTIVES FOR CERTAIN CAPITAL FACILITIES IMPACT CONSTRUCTION; EXTENDING SUNSET PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

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

Ordinance 5921; Proposed 22-009; Amending Ordinance 5536, as Amended; Amending Economic Development Impact Fee Mitigation Incentives for Certain Capital Facilities Impact Construction; Extending Sunset Date (1st Rdg. 02-07-2022)

AN ORDINANCE AMENDING ORDINANCE NO. 5536, AS AMENDED, THE CITY OF LAKELAND CONSOLIDATED IMPACT FEE ORDINANCE; ADOPTING FINDINGS; AMENDING ECONOMIC DEVELOPMENT IMPACT FEE MITIGATION INCENTIVES FOR CERTAIN CAPITAL FACILITIES IMPACT CONSTRUCTION; EXTENDING SUNSET PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

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

Resolutions – None

Miscellaneous

Development Agreement with Forestar (USA) Real Estate Group, Inc. for Property Located South of W. Pipkin Road, West of Yates Road, North of Ewell Road and West of Busy Bee Lane

Forestar (USA) Real Estate Group, Inc. is proposing to develop a residential community (Hawthorne) consisting of up to 1,051 single-family detached and 180 single-family attached dwelling units on 486.842 acres generally located south of West Pipkin Road, north of Ewell Road and west of the Riverstone development. A Planned Unit Development (PUD) zoning ordinance was originally approved for the property on February 19, 2007 for a previous developer, with the last major modification to the PUD being adopted by the City Commission on December 17, 2018. The recommended PUD conditions address the Project's expected traffic impacts in the 2030 buildout year as analyzed in a Major Traffic Study submitted by Traffic & Mobility Consultants, LLC dated March 2021. With Polk County's on-going four-lane construction project on West Pipkin Road between Medulla Road and Harden Boulevard and three-lane reconstruction project between Harden Boulevard and South Florida Avenue, the primary transportation concurrency deficiency at buildout attributed to the Project is on Ewell Road between County Line Road and South Florida Avenue. The analysis estimates that West Pipkin Road between Harden Boulevard and South Florida Avenue is expected to fail with or without the Project's traffic in Year 2030.

The PUD Ordinance requires that prior to the first plat submittal, a Development Agreement shall be executed between the developer and the City and recorded by the Polk County Clerk of Courts to define concurrency mitigation requirements and trip vesting obligations for each development phase of the Project through buildout. City staff is currently reviewing the first plat and construction plan submittal for the first 183 single-family detached residential lots, generally located in the northwest portion of the Project. The PUD ordinance and proposed Development Agreement require the implementation of an internal collector road network to better distribute Project traffic and provide internal pathways with connections to external properties, including Riverstone and the adjacent City park site. The PUD and proposed Development Agreement also require that the internal collector roadways for the Project (Roads A1, A2 and B/Medulla Extension – see map in the agenda packet) include multi-use trails, sidewalks and paved shoulders to maximize connectivity for non-motorized transportation modes.

In addition to the construction of internal transportation improvements, the Development Agreement requires that, prior to building permit issuance for the 400th dwelling unit within the Project, the developer shall pay the Lakeland Area Mass Transit District (LAMTD) the first of three annual installments of $166,666.66 (total payment of $500,000.00) to purchase a bus for a route serving the property. The final installment payment will be made no later than December 31, 2025. Prior to the first payment, the Developer shall execute a separate funding agreement with LAMTD. The bus purchase shall be eligible for City Transportation Impact Fee Credits. It should be noted that on November 18, 2020, LAMTD approved the Developer's petition to annex the property and be subject to the half-mill ad valorem tax assessment levied by LAMTD for mass transit services in the Lakeland area. This annexation petition was ratified by the City Commission on January 4, 2021.

Under the Development Agreement, construction of Roads A2 and B/Medulla Extension, between Riverstone and Ewell Road, must be completed by the Developer prior to Certificate of Occupancy (CO) issuance for the 660th dwelling in the Project. Roads A2 and B/Medulla Extension will complete the extension of a collector road corridor from Riverstone to Ewell Road. Finally, the City agrees that upon the Developer's performance under the Development Agreement, the City will vest the Project's 1,072 PM Peak Hour Trips as defined in the Major Traffic Study for a period of ten (10) years.

Staff recommended that the City Commission approve the Development Agreement with Forestar (USA) Real Estate Group, Inc. and authorize the appropriate City officials to execute the Agreement.

Palmer Davis presented this item.

Chuck Barmby gave a presentation, a copy of which is on file in the agenda packet. This was the Hawthorne community. Total acreage was 482 acres. The zoning was approved in February 2007. This does not approve zoning. This addresses transportation concurrency issues. The current development plan 1051 single family and 180 attached dwelling units. Staff was reviewing Phase I, which was 183 single family detached dwelling units. The developer conducted a traffic study in March 2021. The study looked at impact on surrounding area. Staff looked for when development consumed 5% of capacity. The study also determined when the second access to the development would be needed, 660th single family dwelling unit. W. Pipkin Rd. would fail between Harden and Florida Ave. with or without development. Ewell Rd. will fail because of this development. A key component of the agreement was the collector road system. The roadway cross section included two lanes of traffic, 4-foot wide shoulders, a 10-foot wide trail on one side and a 5-foot wide sidewalk on the opposite side of the road. The agreement addressed connectivity to the City park site east of the lake. The development agreement is required because the developer was requesting a 10-year concurrency vesting. The normal was three years. This agreement would cap the transportation impact contributions from this developer. Staff would build on the various contributions as new developments occur.

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

Mayor Bill Mutz asked for comments from the Commission and the public.

The Commission discussed:
- Roadway failures. The City can only ask developers to mitigate their development's impact on the roadway system, not existing problems.
- Transit as a new tool to mitigate development impact.
- This agreement was about making the transportation network better.
- The Commission would like to know how transit mitigation reduces trips. Chuck Barmby will get with the Citrus Connection for data.

Matthew Koops had a great meeting with Mr. Barmby about the buffer along his property. He thought the spine road would help but was not sure the transit would help.

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

Memo re: Public Notification of Justice Assistance Grant Award

The Department of Justice recently posted 2021 local allocations for the Edward Byrne Memorial Justice Assistance Grant (JAG). The agenda item reflected Lakeland's $27,695.00 direct award for 2021, and the Police Department's tentative plans for utilizing these funds by funding a Police Public Information Officer position and National Incident-Based Reporting System (NIBRS). The period to expend these funds runs from October 1, 2021 through September 30,2022.

This City Commission meeting would provide an opportunity for citizens and neighborhood or community organizations to comment as mandated.

Staff recommended that the Commissioner authorize the Mayor and Police Chief to execute and submit the grant application on behalf of the City of Lakeland and that the City Commission approve the proposed expenditure of funds for the purposes as set forth herein.

Palmer Davis presented this item to the Commission.

Motion: Commissioner Phillip Walker moved to approve the grant application. Commissioner Bill Read seconded.

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

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

COMMUNITY REDEVELOPMENT AGENCY

Task Authorization with GAI Consultants for Professional Services Associated with the Downtown West Master Plan

During the City's strategic planning process in 2021, the City Commission requested that staff develop a master plan for areas including North Lake Wire, Lake Beulah and, more generally, downtown west of Florida Avenue. Accordingly, CRA staff has solicited a proposal for a master plan from GAI Consultants, Inc. (GAI), with which the City has a Continuing Services Contracts for Professional Planning, Design or Development Services.

Under the Task Authorization, GAI would develop a strategic plan for "Downtown West," which was a portion of the Midtown, Downtown, and Dixieland CRAs. The boundaries of the Study Area would be Brunnell Parkway on the west, Florida Avenue on the east, Memorial Boulevard on the north, and North Ruby Street/Palmetto opposite Lake Hunter on the south, spanning just under 1,140 acres. This plan would build on previous efforts and incorporate recommendations relative to new opportunities within the target area. It would include a consolidated spending plan identifying site-specific project recommendations the City can undertake while considering public preference, return on investment, and project cost. The Scope of Services would include a targeted 5-year plan, with incremental annual goals, as well as other guiding ideas which may extend beyond the 5-year time horizon. The project would also include development and launch of an interactive website to market and track public and private investments throughout the target area, while also identifying infill development opportunities on public and private properties that align with the City's vision.

The total not-to-exceed project cost was $150,000. The project would be funded in part by the Downtown CRA Trust Fund ($64,920), the Midtown CRA Trust Fund ($64,920), and the Community and Economic Development Department's Transportation and Planning Consultant Fund ($20,160). GAI would commence work upon receipt of a Notice to Proceed and would complete its services with a nine-month timeline.

Staff recommended that the City Commission approve the Task Authorization with GAI Consultants, Inc. and authorize the appropriate City officials to execute the Task Authorization.

Jerrod Simpson presented this item.

Alis Drumgo gave a presentation on the task authorization. This was rooted in the City Commission's request from strategic planning last year. This was to create a master plan for Downtown West. The majority was within the CRA. GAI was based in Orlando. They were ranked 3rd amongst the continuing contracts for these services. Two of the principle leaders have worked in CRAs before. The firm was working on the downtown Jacksonville Redevelopment Plan. They were working on the Tampa CRA Plan. They were looking at community based strategic initiatives. They were conducting a funding analysis and working to develop a sense of place. They are also working on the Orange Blossom Trail Next Plan.

Alis Drumgo and staff looked at how this plan could connect with LEDC's catalyst plan. The catalyst plan was site specific for development. Ideally the challenge would be to get the technologies to work together. They were ready to go forward with the study of the area and they will continue to work with the LEDC to build out the platform so they can eventually work together.

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

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

The Commission discussed:
- The need of the affected area.
- The benefit of an outside vision looking at the area.
- The final product, a planning tool in GIS software that would be outward facing to the public.
- Concerns about gentrification and affordable housing in the area.

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

Task Authorization with Ayres Associates, Inc. for Professional Services Associated with the South Florida Avenue Master Plan

The City of Lakeland, in collaboration with the Florida Department of Transportation (FDOT), has implemented a lane reduction study on a portion of South Florida Avenue between Ariana Street and Lime Street. The project was currently in the test phase, having been established and initiated in October of 2020. At an August 2, 2021 workshop, the City Commission extended the data collection period to better inform decision-making. To leverage this public investment and to inform decisions regarding the future of the South Florida Avenue Corridor and Dixieland CRA, CRA staff was proposing a strategic master plan that would provide a vision and roadmap for success along the corridor upon completion of the data collection period. Accordingly, staff solicited a proposal from Ayres and Associates, Inc. (Ayers) pursuant to the City's Continuing Services Contract for Professional Planning, Design or Development Services. Ayers' scope of services under the Task Authorization would include the following:

- Research and assess the opportunities and challenges for the area based on data and field study.
- Develop strategies regarding land use, development, use of parklets and open spaces, transportation and infrastructure, as well as housing and economic development.

- Develop an implementation plan, including scenario planning and consideration of available funding via grants or private-sector partnerships.
- Final presentation to the City Commission.

Total project costs under this Task Authorization were in the not-to-exceed amount of $57,700. The project would be funded by the Dixieland CRA Trust Fund ($28,850) and the Downtown CRA Trust Fund ($28,850). Ayres would commence work upon receipt of a Notice to Proceed, with a fourteen-week project timeline.

Staff recommended that the City Commission approve and authorize the appropriate City officials to execute the attached Task Authorization with Ayres Associates, Inc. for Professional Planning, Design and Development Services for the South Florida Avenue Strategic Master Plan in an amount not to exceed $57,700.

Jerrod Simpson presented this item to the Commission.

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

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

The Commission discussed:

- This was for the lane reduction portion of S Florida Ave. The project is in the test phase. CRA staff proposed the vision master plan upon completion of the data collection period.
- Compare and contrast between this and the Edgewater Dr. study. The scope was the same. Alis Drumgo took the Edgewater plan and sat with the consultant. The Edgewater plan was after the decision to reduce lanes. We are considering options prior to the final decision. This would give the Commission options to make an informed decision.
- This project was not a policy push toward approving the lane reduction but rather to give options for a wise decision.
- Creating two one-way parallel street instead of reducing lanes on Florida.
- The decision on the lane reduction belonged to FDOT.
- The study would present options including No build and its impacts will be part of the options.
- Edgewater was a blighted area prior to the project. Dixieland is not.

Alis Drumgo stated the goal was to receive the options ahead of the vote on the lane reduction. They were not just focused solely on the corridor. We wanted to understand the neighborhood impacts.

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

Task Authorization with Straughn Trout Architects for Professional Services Associated with the East Main Street Master Plan

In January 2022, CRA staff solicited a proposal from Straughn Trout Architects, an approved firm with which the City has a Continuing Services Contract for Professional Planning, Design or Development Services, to develop a master plan for the East Main Street District. The District is a target area within the Midtown Community Redevelopment Area. The Task Authorization would authorize Straughn Trout to complete a Master Plan for this District, with a project scope that would include the following deliverables:

- Develop an area Master Plan analyzing all parcels within the target area.
- Create district design criteria, including a sidewalk material palate, as well as identify appropriate locations for public art and streetscape improvements.
- Establish a brand identity for the area, to be used in signage and wayfinding design as well as social media and other City communication platforms.

Total project costs under the Task Authorization would not exceed $74,900. The project would be funded by the Midtown CRA Trust Fund from a line item allocated specifically for the East Main District. Straughn Trout would commence work upon receipt of a Notice to Proceed, with a six-month project timeline for completion.

Staff recommended that the City Commission approve and authorize the appropriate City officials to execute the Task Authorization with Straughn Trout Architects for Professional Planning and Design Services for the East Main Street Master Plan in an amount not to exceed $74,900.

Jerrod Simpson presented this item to the Commission.

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

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

The Commission discussed:

- The boundaries of the master plan. The CRA believed they had a project champion who was willing to work on projects in this area. It was really an evaluation of the entire area. The focus is on the gateway of Main St. and Rose St. because that was where traffic comes into downtown from the east. The plan will be applicable to the entire area. This area downtown adjacent and street scaping in the area will hopefully generate private investment.
- Streetscaping was wayfinding to show people how they can walk into downtown. The Traffic Operation building with the barbed wire fencing seems to say stop. Don't go any further, it's not safe.
- The East Main District (a sub area of Midtown) extended to Gary Rd and north to Memorial Blvd.

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

Tax Increment Financing Agreement with 625 E. Lime, LLC for Improvements to 611-613 & 625 E. Lime Street

This was a Tax Increment Financing ("TIF") Agreement with 625 E. Lime LLC for properties the entity owns at 611-613 & 625 East Lime Street. The existing site consists of parcels 24-28-19-000000-031010 and 24-28-19-000000-031020, totaling 38,938 SF or 0.89 acres of land.

The Developer was proposing the construction of one 4-story building, consisting of forty-eight (48) apartment units and associated on-site surface parking. The Developer's hard costs for the project were projected to be $8,399,121, with an additional $506,718 in soft costs and $1,075,000 in land acquisition costs, bringing the total development costs for the project to approximately $9,980,839. Renderings for the project were attached to the Agreement for reference. The design features and architectural elements of the project were approved by the City's Design Review Committee of the Historical Preservation Board at its January 2022 meeting. Detailed construction plans would be submitted to the Building Division for permitting.

The Tax Increment Financing program allowed qualified developers to receive a reimbursement of tax increment funds collected by the Lakeland Community Redevelopment Agency (CRA). The reimbursement is based on incremental revenue collected by the CRA due to increases in the property's taxable value resulting from the investment made in the real estate. The TIF Agreement was for the standard reimbursement term of five (5) years, beginning in the year following the project's receipt of a Certificate of Occupancy. Under the Agreement, the developer would receive a reimbursement of 50% of the tax increment generated by the property in the first year and that same dollar amount would be reimbursed upon proof of payment of property taxes each of the next four years, for a total of five years. Once awarded, this benefit was not transferrable and would expire upon the sale or transfer of the property.

The CRA Advisory Board reviewed this request at its regular meeting on February 3, 2022 and unanimously recommended approval.

Staff recommended that the City Commission, acting as the Community Redevelopment Agency, approve the Tax Increment Financing Agreement with 625 E. Lime LLC and authorize the appropriate CRA officials to execute the Agreement and all associated documents.

Jerrod Simpson presented this item to the Commission.

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

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

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

CITY MANAGER – None

CITY ATTORNEY

Ordinances (First Reading) – None

Resolutions

Resolution 5744; Proposed 22-007; Adopting a Fee Schedule for Sidewalk Cafes and Parklets

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO PUBLIC RIGHT-OF-WAY; ADOPTING A FEE SCHEDULE FOR SIDEWALK CAFES AND PARKLETS; PROVIDING FOR THE REPEAL OF RESOLUTIONS TO THE EXTENT OF ANY CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title. The City Manager and staff had a presentation prior to the Commission making a motion.

Shawn Sherrouse explained Ryan Lazenby and James Weatherford have been working on this project. The presentation will include a general description of regulations for safety and aesthetics and information on a proposed fee resolution and what those fees would contemplate. The fee enclosed considered staff costs to process applications, review plans, and inspect set-up. There were also lost revenue in terms of parking fees. Finally, the concept of if restaurants should have exclusive use of parking spaces and sidewalks for dining, where should those fees be set. Staff has benchmarked surrounding areas. The proposed fees were less than the sq. ft. charge for parking spaces in Lakeland. After Mr. Lazenby's presentation, Julie Townsend of LDDA will have a presentation.

Ryan Lazenby introduced Jeff Weatherford, Traffic Engineer, and the two of them gave a presentation on the proposed program. A copy of the presentation is filed in the Agenda Packet.

The Commission discussed design standards. PROLAG had specific furniture requirements from a safety point. They were recommending a limit of 3 reviewing parties, Public Works, Community Development, and Risk Management.

The Commission discussed price comparisons to larger cities. Lakeland was not a big city. The program is optional. Some businesses are putting items on the sidewalks now and paying nothing.

Many cities are not implementing parklets because they do not want to give up the on-street parking. St Pete recently repealed their allowance for outdoor seating. It seems to be specific to the individual cities.

LDDA Executive Director Julie Townsend gave a presentation. She came in opposition to the fee structure. This was for the public good. Why do we have sidewalk cafe uses in the first place? They contribute to an active urban core, they are a public safety tool by putting eyes on the street, they add vitality to the street, downtowns are supposed to be pedestrian centric. Implementation should be encouraged. Do you want more sidewalk cafes? She wanted the city to support sidewalk cafes with incentives not fees. What burden to the city do sidewalk cafes place that a fee structure would resolve? The fees hurt businesses more than they help the city. The well maintained outdoor seating expenses fall on the businesses, not the city. The only burden the city sees is the administrative side. She rejected the loss of parking revenue as a burden to the city. That is not people centric its car centric.

She argued against the fees schedule. LDDA would like the City to keep the permit at $100 and not add any additional fees. They want to assist in getting everyone into compliance. They would like the City and CRA to assist with getting more participation in the program.

Questions for Ms. Townsend:

Commissioner Chad McLeod: Everyone is working toward the same vision for downtown. He did not desire a sq. ft fee. Are there other restaurants who are interested? Ms. Townsend heard from other restaurants about how they can get one of those. Parklets are expensive and the ones with parklets are the only ones who qualified under the grant program. By folding in sidewalk cafes, business who paid a flat fee will now have to pay a sq. ft fee.

Commissioner Phillip Walker: Ms. Townsend presents a compelling argument. It is important for the Commission to discuss when the topic comes up. She did a good job in her presentation.

Ms. Townsend did not like when people tried to compare downtown to other places. Winter Haven is expanding Central Avenue and they are not charging businesses. They are providing grants to buy better furniture. Lakeland only had 16 opportunities and all of them are not participating. Street furniture is expensive and businesses must hire staff to lock it down or bring it in after hours.

Commissioner Stephanie Madden thanked Ms. Townsend for her presentation. Big fat ditto! Yes, we want more outside dining not less. In the month of January all the adults coming into Polk County were coming to downtown Lakeland. She was not going to support any additional fees or regulations.

Commissioner Mike Musick, as the LDDA representative, had good conversation on the topic. What is the cost to the city to review the permits? He would like to balance that. He did not support the sq. ft fee.

Ms. Townsend: The $100 fee has been in place for decades and was probably too high in the beginning. Staff does not really know what the costs will be. Now they can leave the fees as they are and now staff can determine actual costs and adjust the price in a year.

Commissioner Bill Read asked Ms. Townsend the difference between a sidewalk cafe and a parklet.

Ms. Townsend: Divicious has a sidewalk cafe because she has tables and eating on the sidewalk. If a business is using any part of the row, we need to implement those conditions up to standard and pay the small fee and have the proper insurance documentation. The reason we are reviewing this in the first place is because there is nothing in the LDC re parklets.

Commissioner Bill Read asked about the retailer who wants to put a rack in front of their shop.

Right now, they can use that space without regulation or fee to the city. Ms. Townsend was suggesting they just fold that all in as a row permit. She imagined they are probably not paying that row permit.

Commissioner Bill Read asked if they were supposed to walk on the sidewalk through the dining area. Yes, you are supposed to walk on the sidewalk through the dining area.

Commissioner Bill Read was not in favor of a per sq. ft rate right now. It was better to focus on getting the 16 opportunities involved and permitted and we can consider fees later.

Commissioner Mike Musick agreed the loss of revenue was a difficult argument to support.

Mayor Bill Mutz did not find the argument contentious. We are all enthusiastic about downtown. It is "our" Living room. What we are really trying to do is set up an orderliness. He also did not support a per sq. ft fee. He thought the $100 was too low. He thought it should be $500. Maybe $100 for the retail or sign and then $500 for the outdoor dining.

Ms. Townsend argued that $500 was inappropriate at this moment because the City did not know the actual cost. Taco Bus just has 3 tables. Divicious does not open for dinner. There are a lot of factors to consider for that fee. The smaller cafes would be deterred at the $500 fee. Outdoor seating did not mean more income. Some people prefer to sit outside and the inside seats are empty. She requested they leave it at $100 for now.

Shawn Sherrouse: We are not in an adversarial position here. We believe the Commission expects staff to bring forward a recommendation on exclusive use in a public row. It is difficult to hear staff's proposal is punitive, we are nickel and diming the small business. Staff requested funds to expand the sidewalk, staff requested allowing the uses before the program was in place. Staff offered a pilot program years ago and there were no takers. COVID changed all that. We do not want to see the city eventually roll it all back like St. Pete. Everything we have done has been to support business downtown. It has never been an effort to be argumentative or punitive. If the Commission chooses a different direction, staff will certainly take that direction. We know what we have experienced today and it has been very time consuming. As we implement a formal program, hopefully it will not be as much time.

Failed Motion: Commissioner Phillip Walker moved to deny the resolution and consider a flat rate in the future. The motion failed for lack of a second.

Palmer Davis: The difficulty with that is that the fee for the sidewalk cafe was in the LDA and was removed earlier in the meeting. The Commission could adopt an amount and amend it later.

Commissioner Stephanie Madden asked if the City kept a flat fee and worked toward compliance, does that mean that those who were paying nothing would not have to pay the fee and get the additional insurance coverage?

Jerrod Simpson explained the Commission repealed sidewalk cafes out of the LDC. The City Code prohibits items in the row without a public works permit. Public Works was putting forth a policy to allow restaurant use of row. Staff has typically taken a light-handed approach to items on the sidewalk. Once the program was in place, enforcement would begin. The sidewalk cafe fee in the LDC was $100 per year. He was happy to amend the fee in the resolution to allow it to move forward.

Commissioner Mike Musick stated the indemnification is important with the increased dollar amounts coming out of Tallahassee. We cannot deny that if a business puts a sign or rack in front of the business it is because there is a benefit to them.

Palmer Davis: To clarify the issue, we repealed the sidewalk café regulation from LDC. If the desire is to keep the fee the same then the Commission can adjust the fee in this resolution.

Motion: Commissioner Stephanie Madden moved to amend the resolution to remove Exhibit A and amend Sec 2 to set the fee at $100. Commissioner Phillip Walker seconded.

Commissioner Bill Read clarified the permit fee is due every year.

Public Comment

Doug Law, owner of Jimmy Johns, cited different examples. He did think that Frescos and Harry's should have to pay more. They are charging more, making more and the servers are making more because of table service. Keep it at $100 for now but reconsider in a year. He supported an initial application fee and then an annual flat fee. Retailers should pay a fee for the racks/signs out front.

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

Resolution 5745; Proposed 22-08; Establishing New Contribution Rates for the City of Lakeland Employees' Pension and Retirement System

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO THE EMPLOYEES' PENSION AND RETIREMENT SYSTEM; APPROVING AN ACTUARIAL REPORT ADOPTED BY THE PENSION BOARD; ESTABLISHING NEW CONTRIBUTION RATES; MAKING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

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

Miscellaneous Reports

* **Memo re: Use Agreement with Sun 'n Fun Fly-In, Inc.**

This was the annual Use Agreement with Sun 'n Fun Fly-In, Inc. (Sun 'n Fun), which gives Sun 'n Fun the authority to conduct its event at the Airport. A primary purpose of this Agreement was to provide insurance and indemnification protection of the City, as well as delineate those areas of the Airport that Sun 'n Fun has the responsibility to control and maintain during the event.

The Agreement also provided that Sun 'n Fun shall have the use of ramps, runways, taxiways and other facilities provided for aircraft and the public at the Airport, subject to the operational control of the Airport Manager and the Federal Aviation Administration. Pursuant to the Agreement, Sun 'n Fun would reimburse the City for its share of the reasonable costs of providing air traffic controllers for the event.

Staff recommended that the City Commission approve the Use Agreement with Sun 'n Fun and authorize the appropriate City officials to execute the Agreement and all related documents.

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

Memo re: Task Authorization with Hazen Sawyer for Engineering Services Associated with the EPA's Lead Copper Rule

This was a proposed Task Authorization with Hazen Sawyer (HS) for professional engineering services to assist the Water Utilities Department with compliance with the Environmental Protection Agency's (EPA) Lead and Copper Rule (LCR).

The LCR was established in 1991 and sets guidelines for lead and copper content in drinking water. Its purpose is to provide for testing, monitoring, treatment, customer awareness and lead service line replacement in water systems. In January of 2021, the EPA revised this rule and compliance with this latest revision is required no later than October 16, 2024.

Hazen Sawyer has outlined a multitask approach to study the City's historical corrosion control treatments for LCR compliance, as well as to sample and analyze the City's finished water quality. When the analysis is completed, Hazen Sawyer will make recommendations on any necessary remediation or chemistry changes needed to bring the City into compliance with the latest LCR rule. Additionally, Hazen Sawyer will assist the Water Utility Department by generating a lead service line replacement plan. Finally, Hazen Sawyer will assist with increased sampling for lead and copper at schools and childcare facilities and facilitate customer communication regarding the results of its studies. All services pursuant to this Task Authorization will be performed in accordance with the terms and conditions set forth in the Continuing Agreement for Municipal Engineering Services between the City and HS previously approved by the City Commission on October 1, 2021. The total not-to-exceed cost associated with this Task Authorization is $287,095. This project has been approved and budgeted in the Water Utilities' FY 2022 budget and will require approximately 18 months to complete.

Staff recommended that the City Commission approve and authorize the appropriate City officials to execute the attached Task Authorization with Hazen Sawyer for the above professional services.

Palmer Davis presented this item to the Commission.

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

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

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

* **Memo re: Task Authorization with Kimley-Horn & Associates, Inc. for Engineering Services Associated with the Northside Wastewater Reclamation Facility Sludge Holding Tank Blowers and Aeration System**

This was a proposed Task Authorization with Kimley-Horn and Associates, Inc. (KH) for professional engineering services to assist the Water Utilities Department with design work associated with the replacement of the Northside Wastewater Reclamation Facility (WRF) sludge holding tank blowers and aeration system.

The sludge aeration system is one of the steps in the wastewater treatment process used to break down organic matter in the wastewater stream. This project would optimize the sludge holding tank process by reducing the solids hauled, providing system flexibility, and improving oxygen transfer efficiency.

The existing blower system was at end-of-life stage and in need of replacement. The current process was also inefficient and only equipped on the East sludge tank. The two existing 125 HP centrifugal blowers would be replaced with two 125 HP or less positive displacement type blowers with variable frequency drives. The existing aeration system would be replaced with a new diffused air system and new control system for the aeration process.

All services pursuant to this Task Authorization would be performed in accordance with the terms and conditions set forth in the Continuing Agreement for Municipal Engineering Services between the City and KH previously approved by the City Commission on September 7, 2021. The total not-to-exceed cost associated with this Task Authorization is $65,000. This project has been approved and budgeted in the Water Utilities' FY 2022 budget. The design phase was expected to be completed by July 2022.

Staff recommended that the City Commission approve and authorize the appropriate City officials to execute the attached Task Authorization with Kimley Horn and Associates, Inc. for the specified professional services.

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

FINANCE DIRECTOR – None

UTILITY

Ordinances – None

Resolutions – None

Miscellaneous

* **Memo re: Agreement with Engineered Pump Services, Inc. for McIntosh Unit 5 Main Boiler Feedwater Pump Rebuild**

This was a proposed Agreement with Engineered Pump Services, Inc. (EPS) to rebuild one of the two main boiler feedwater pumps at McIntosh Unit 5. Unit 5 has two boiler feedwater pumps so that if one pump goes down, the other pump can immediately pick up the load. If both feedwater pumps are inoperable, Unit 5 would be forced to shut down. One of the feedwater pumps was rebuilt in 2020 and Lakeland Electric is now seeking to rebuild the second pump.

Accordingly, on November 16, 2021, the City's Purchasing Department issued Invitation to Bid No. 1341 seeking the services of a qualified contractor to provide all labor, material, equipment, supervision and transportation necessary to perform a major inspection and the necessary repairs of a 6-stage main boiler feedwater pump. The City received responses from the six (6) contractors listed below.

Contractor	Location	Bid Price
Mid-State Industrial Maintenance	Lakeland, FL	$53,842.78
Engineered Pump Services, Inc.	Mukwonago, WI	$69,350.00
Rotating Equipment Repair	Susser, WI	$74,015.00
Sulzer Pump Services (US), Inc.	Houston, TX	$81,085.00
Hydro South	Cumming, GA	$93,736.00
KSB Supreme Serv	Mulberry, FL	$98,847.35

Upon evaluation by staff, EPS was selected as the most responsive responsible bidder, capable of meeting the City's Bid specifications. Although Mid- State Industrial Maintenance provided a lower bid price, Lakeland Electric staff determined Mid-State did not possess the experience necessary to perform this work. The Agreement with EPS will be effective upon approval by the City Commission. Work is anticipated to be completed in 60 days. All services provided by EPS will be performed in accordance with the City's Bid Specifications and EPS' Bid response dated December 5, 2021. The total estimated cost of the work is $69,350.00 and is included in Lakeland Electric's FY22 budget.

Staff recommended that the City Commission approve this Agreement with EPS to rebuild one of the main boiler feedwater pumps at McIntosh Unit 5 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.

* **Memo re: Agreement with Filter-Doc, Inc. for Unit 5 Evaporative Cooler Media Replacement**

This was a proposed Agreement with Filter-Doc, Inc. for the evaporative cooler media replacement on McIntosh Unit 5. During the Fall 2021 outage for Unit 5, hard water deposits were observed in the turbine inlet structure on the downstream side of the evaporative cooler section indicating media saturation. If the evaporative cooler media fails, it limits the output of the Unit and reduces its overall efficiency. Based on the recent observation indicating carryover and the age of the cooler media, which was last replaced in 2017, the cooler media was believed to be at the end of its remaining useful life and required replacement.

The City's Purchasing Department has approved Filter-Doc as a sole source supplier for the work. Due to a national shortage of cooler media material, Filter Doc is the only supplier that has both the material in-stock and labor available to meet the City's timeline for replacement. Upon approval by the City Commission, a Purchase Order would be issued for the work that will take place during Unit 5's Spring 2022 outage scheduled to occur March 1, 2022 to March 9, 2022. The purchase would be governed by the terms and conditions contained in Filter Doc's proposal dated February 8, 2022 and the City's Purchase Order. The total cost of the work was $80,125 and was included in Lakeland Electric's FY22 budget.

Staff recommended that the City Commission approve the proposed Agreement with Filter-Doc for the evaporative cooler media replacement on McIntosh Unit 5 and authorize the appropriate City officials to issue a Purchase Order and execute all corresponding documents for the work.

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

Memo re: Agreement with Service Electric Company d/b/a Service Electric Company of Delaware for Construction Assistance and Pole Removal for 69 KV Transmission Project

This was a proposed Agreement with Service Electric Company d/b/a Service Electric Company of Delaware (Service Electric) for construction assistance and pole removal for the 69 KV transmission project along West Pipkin Road. The work included the removal of abandoned concrete transmission poles, installation of foundations and installation of bottom sections of two (2) self-supporting steel poles. The work was necessary because the existing power lines must be relocated due to the road widening project taking place on West Pipkin Road. Lakeland Electric staff does not have the equipment or manpower to do this work in-house.

Accordingly, on December 13, 2021, the City's Purchasing Department issued Invitation to Bid No. 2005 seeking qualified contractors to assist the Lakeland Electric crews in removing abandoned poles, setting two (2) self-supporting poles with concrete backfill and provide other construction items as needed. The City received responses from the four (4) bidders listed below.

Contractor	Location	Bid Price
Service Electric Company of Delaware	Leesburg, FL	$394,970.56
SPE Utility Contractors FD, LLC	Jacksonville, FL	$595,858.00
Pike Electric, LLC	Mt Airy, NC	$599,023.90
C and C Power Line, Inc.	Jacksonville, FL	$959,506.34

Upon evaluation by staff, Service Electric was selected as the most responsive, responsible bidder with the lowest price capable of providing the services in accordance with the City's Bid Specifications. Upon City Commission approval, the work would commence and was scheduled to be completed by December 2022. Service Electric will perform all services in accordance with the terms and conditions set forth in the attached Agreement, the City's Modified Bid Specifications and Service Electric's submittal to the City's Bid dated December 8, 2021. The total cost of the work is $394,970.56 and is included in Lakeland Electric's FY22 budget.

Staff recommended that the City Commission approve this Agreement with Service Electric and authorize the appropriate City officials to execute all corresponding documents on behalf of the City.

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

Mayor Bill Mutz asked for comments from the Commission and the public.

The Commission discussed the bid range. Some companies bid just to "stay on the radar."

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

Memo re: Precedent Agreement with Florida Gas Transmission Company, LLC for Natural Gas Pipeline Project and Capacity to Transport Natural Gas

This was a proposed Precedent Agreement with Florida Gas Transmission Company, LLC (FGT) to construct, install, operate and maintain pipeline facilities necessary to transport natural gas to the Larsen and McIntosh Plants to operate the units. Pursuant to the Precedent Agreement, the City and FGT would also enter two (2) separate negotiated rate Transportation Service Agreements that would provide for new pipeline infrastructure and natural gas capacity.

The City owns a 9-mile pipeline that transports natural gas to the Larsen and McIntosh Plants. Of the 9 miles of pipeline owned by the City, only 2.7 miles are used to transport both Gulfstream and FGT Natural Gas. Due to the Florida Department of Transportation's (FDOT) SR 33 road widening project, the City's pipeline, which is in FDOT's right of way, must be relocated. Lakeland Electric initially intended to construct 3.37 miles of a 16" natural gas line that was in the SR 33 right of way. However, after evaluating the City's cost and liability associated with the pipeline's construction, maintenance, and continued compliance with the Pipeline and Hazardous Materials Safety Administration's (PHMSA) regulations, which classified the City as a Gas Transmission Company, Lakeland Electric staff entered into negotiations with FGT to explore the possibility of FGT acquiring the Lake Parker section of the City's existing pipeline and constructing the new portion as a result of the required relocation.

Pursuant to the Precedent Agreement, FGT would construct a 1.5-mile-long pipeline connecting its 22" gas pipeline along I-4 to the City's existing gas pipeline at SR 33. In addition, FGT would build two (2) new meter stations located inside the McIntosh and Larsen Plant sites instead of having Lakeland's meter station located in Polk City. In consideration of FGT constructing the new portion of pipeline, the City would donate the existing 4.7 miles of pipeline it owns located on Lake Parker from Larsen to SR 33 to FGT. As a result of the City relinquishing its ownership right to the pipeline, it would no longer be considered a Gas Pipeline Transmission Company for purposes of PHMSA regulations and compliance.

In accordance with the Precedent Agreement, once FGT acquired the City's portion of the pipeline it would assume all risk associated with constructing the new pipeline connection, attaining easements, on-going maintenance and compliance with PHMSA regulations necessary to operate the donated and new portion of pipeline for the City. The parties' obligations pursuant to this Precedent Agreement were conditioned on FGT receiving approval from its Board of Directors, final evaluation of deed/access rights associated with the City's donation of its pipeline, acceptance of all necessary FERC approvals and procurement of any easements/rights of way for the construction and operation of the pipeline. In the event the City and FGT were unable to agree to the deed and access rights to Lakeland Electric's lateral pipeline by June 1, 2022, then the Precedent Agreement with FGT may be terminated without further liability to the City.

Upon meeting the conditions, the parties intend to execute two (2) separate negotiated rate Transportation Service Agreements in furtherance of the new pipeline infrastructure and for additional natural gas capacity. The first Transportation Service Agreement will be for a term of twenty (20) years. Construction costs for the newly constructed pipeline would be paid over a five (5) year period. The costs for blending Gulfstream and FGT natural gas together to supply fuel to the Larsen and McIntosh Plants on the 2.7 miles of pipeline previously owned by the City would be paid over the remaining fifteen (15) years of the initial term. This first Transportation Service Agreement included an option to extend for up to three (3) additional four (4) year terms at a negotiated price.

The ability of Lakeland Electric to transport additional natural gas to support the construction of the six (6) new 120MW stationary Reciprocating Internal Combustion Engines (RICE) at the McIntosh Plant requires the City to enter into a second Transportation Service Agreement, which would enable the City to increase its natural gas capacity flowing to the Larsen and McIntosh Plants. The term of this second Transportation Service Agreement would be for a period of (10) ten years at a fixed negotiated price. It contained an option to extend for two (2) additional (5) five-year terms at a negotiated price.

The effective date for both Transportation Service Agreements would be when the pipeline was placed in service, which was anticipated to occur on or around December 1, 2023. The total cost of the first Transportation Service Agreement, including the option to extend the term, if exercised, was $28,835,172. The associated cost for the first five (5) years of the initial term, which would pay for building the infrastructure of the pipeline and meter stations was $380,208 per month and would be paid out of Lakeland Electric's fuel budget beginning in Fiscal Year 2023. The monthly payment for transporting blended natural gas to both the Larsen and McIntosh Plants would be paid over the remaining fifteen (15) year term at a monthly cost of $15,209. The option to extend for an additional twelve (12) years, if exercised, would be an estimated monthly cost of $22,813. Those costs would also be paid out of Lakeland Electric's fuel budget over subsequent budget years. With regard to the second Transportation Service Agreement, which provided the City with the ability to increase its natural gas capacity, the total cost, including the option to extend for an additional ten (10) years, if exercised, was $26,462,500 and would be paid out of Lakeland Electric's fuel budget over a twenty (20) year period.

Staff recommended that the City Commission approve the Precedent Agreement with FGT for the natural gas pipeline project and the Transportation Service Agreements for capacity to transport natural gas, as well as authorize the appropriate City of Lakeland officials to execute all corresponding documents to the Agreement.

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

Mayor Bill Mutz asked for comments from the Commission and the public.

Commissioner Phillip Walker asked if the first transportation agreement was for 20 years. Yes, this was a 20-year agreement with renewal options.

Commissioner Chad McLeod asked if anything had changed since the last Utility Committee meeting? *No.*

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

AUDIENCE - None

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Chad McLeod reported they had a good meeting of Mayors Hispanic Advisory Council last week. They were in the process of restarting. There were opportunities to reach out to the community through that council.

Commissioner Stephanie Madden:

- Has been approached about speeds on Harden Bl. Grassland residents were concerned. Motorcycle/Car noise was disturbing.
- Strategic Planning.
- Announced she would be attending the APPA Conference in Washington D.C.
- Asked for an update on the petition collector at the library. Palmer Davis asked for time to study the options.
- Recently heard from someone who was unable to build a tiny home. There was a set required size. Shawn Sherrouse asked for the details to forward to the appropriate staff person.

Commissioner Bill Read:

- Reminded everyone of the Tiger BBQ Tuesday Night.
- Announced the Statewide basketball championship was starting Wednesday.

Commissioner Mike Musick:

- Looking forward to the Tiger BBQ.
- Encouraged the public to go to the city's website and watch the Minutes segment put out by Andrew Gash.

Commissioner Phillip Walker:

- Thanked city employees and departments for successful Black History month this past Saturday.
- Announced the Gang Task Force would be meeting today at 5 p.m. This is the last meeting. We will be moving to the Next Evolution.

CALL FOR ADJOURNMENT – 1:56 p.m.

H. William Mutz

H. William Mutz, Mayor

CITY OF LAKELAND, FLORIDA
INCORPORATED
JAN. 1, 1885

Kelly S. Koos

Kelly S. Koos, City Clerk