LAKELAND CITY COMMISSION

Regular Session
May 2, 2022

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

CALL TO ORDER - 9 a.m.

PRESENTATIONS

Public Works Engineering Division (Heath Frederick, Public Works Director and Ryan Lazenby, Civil Engineer Manager)

Beautification Awards (Bill Koen)
Residential: 201 Hunter Street - Mario Falcon
Commercial: 117 N. Massachusetts Avenue - Summit Consulting LLC

PROCLAMATIONS

Anencephaly Awareness Month
Historic Preservation Month
Motorcycle Awareness Month
Florida Association of City Clerks - 50th Anniversary
Peace Officers Memorial Day

COMMITTEE REPORTS AND RELATED ITEMS - None

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

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

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

APPROVAL OF MINUTES (with any amendments)

* **City Commission April 15, 2022**

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC – None

EQUALIZATION HEARINGS

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

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

Lots Clearing and Cleaning

Motion: Commissioner Phillip Walker moved to approve the assessments. 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.

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

PUBLIC HEARINGS

Ordinances – None

Resolutions

Proposed 22-020; Designating Property Located at 1 Sikes Road and 0 Kathleen Road a Brownfield Area

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA EXPANDING AN EXISTING BROWNFIELD AREA TO INCLUDE

ADDITIONAL PROPERTY GENERALLY LOCATED SOUTH AND EAST OF GEORGE JENKINS BOULEVARD, SOUTH AND WEST OF LAKE WIRE DRIVE AND SIKES BOULEVARD, AND NORTH OF WEST MAIN STREET, PURSUANT TO SECTION 376.80(2)(B), FLORIDA STATUTES; AUTHORIZING THE CITY ATTORNEY OR DESIGNEE TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING AN EFFECTIVE DATE.

This was the first reading of the proposed brownfield resolution this morning. No action was required.

COMMUNITY REDEVELOPMENT AGENCY

Recess/convene: The Commission recessed the Regular Session and convened as the Community Redevelopment Agency.

Agreement with Waller Construction, Inc. for Construction of a Screen Wall for the Bay Street Substation - Bid No. 1266

On November 21, 2017, the City Commission approved an Acquisition and Redevelopment Agreement between the Community Redevelopment Agency (CRA) and Framework Group, LLC for the acquisition and redevelopment of the 10-acre site that is now Mirrorton Apartments. As a condition of that Agreement, the CRA is required to screen the Bay Street electric substation to improve the corridor's aesthetics.

On August 23, 2021, the CRA issued Invitation to Bid No. 1266 for the construction of a masonry block wall to screen the substation. The Purchasing Department received five (5) bids as follows:

Company	Location	Bid Amount
Waller Construction, Inc.	Lakeland, FL	$249,850
Miller Construction Mgmt.	Lakeland, FL	$385,000
Regions Facility Services	Brooksville, FL	$465,910
Ovation Construction Co.	Oviedo, FL	$474,785
Framework Construction	Tampa, FL	$528,749

Following review of the above bids, it was determined that the bid should be awarded to Waller Construction, Inc. (Waller) as the lowest responsive, responsible bidder. Notice of Intent to Award was issued on November 4, 2021, and the CRA Advisory Board voted unanimously on December 2, 2021 to approve the award of the bid to Waller.

At the December 20, 2021 City Commission meeting, the Commission requested that staff review the construction materials to be utilized in the project, as there were concerns regarding the amount of stucco included in the construction of the screen wall and the subsequent maintenance required.

Staff reviewed the quantities and composition of materials with Waller and revised the project to include a 100% brick design, adjusting the material and labor costs accordingly. The revised scope of work aligns with textures included in the adjacent project and represents a revised total cost of $397,112. Waller has agreed to hold pricing until May 15, 2022. Construction is expected to commence within thirty (30) days of Notice to Proceed.

Staff recommended that the City Commission, acting as the Lakeland Community Redevelopment Agency, approve the award of Bid No. 1266 to Waller Construction, Inc. and authorize the appropriate CRA officials to execute the necessary documents to commence the project.

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

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

Alfredo Gomar Martinez asked if this would be done at Lake Parker. *There were no plans for that.*

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

Adjourn/reconvene: The Community Redevelopment Agency adjourned and the City Commission reconvened in Regular Session.

CITY MANAGER

Recommendation re: Award of RFP No. 2073 to Gallagher Benefit Services, Inc. for Employee Benefits Broker/Consultant

Gallagher Benefit Services, Inc. is the City's current Employee Benefits Broker/Consultant. The current contract is due for renewal on June 1, 2022. The Employee Benefits Broker/Consultant is instrumental in analyzing the marketplace, consulting on behalf of the City regarding changes to our benefit plans and legal requirements, preparing mandated certified actuarial reports, assisting with employee benefits Request for Proposal preparation, as well as securing a comprehensive benefits package for our employees, retirees, and their dependents.

On January 12, 2022, 96 prospective vendors received notification of the Employee Benefits Broker/Consultant RFP, eight were local. Seven proposals were received at the RFP opening on March 14, 2022. The seven firms that responded to the RFP were: Aon Consulting Inc., Baldwin Krystyn Sherman Partners LLC, Foundation Risk Partners dba Acentria Public Risk, Gallagher Benefit Services, Inc., McGriff Insurance Services, Inc., RSC Insurance Brokerage Inc. dba Gehring Group, and The Employers Benefit Group LLC.

On March 31, 2022 the seven-member Selection Committee, comprised of a cross-section of the City's Management Team and one City Commissioner, reviewed the submittals and scored each firm. Local vendor preference points were applied for two of the firms, providing for a Total Score outcome as seen on the chart below. The Selection Committee agreed to invite the top three prospective firms for a presentation/interview with their representatives on April 12, 2022. Each firm was requested to present, on specific evaluation criteria, at exclusive prescheduled times. The selection committee met after the scheduled presentation/interviews were completed, to discuss and score each firm. The Selection Committee agreed to move forward with recommendation of award for RFP #2073, with the firm who received the highest score, to Gallagher Benefit Services Inc.

Firm	Total Score	Presentation Score	Final Score
Gallagher Benefit Services, Inc.	642	646	1288
RSC Insurance Brokerage In dba Gehring Group,	620	650	1270
Foundation Risk Partners dba Acentria Public Risk	586.95	564	1150.95
McGriff Insurance Services, Inc.	574		
Baldwin Krystyn Sherman Partners LLC	564.90		
Aon Consulting Inc.	481		
The Employers Benefit Group LLC.	380		

Staff recommended that the City Commission authorize the appropriate City Officials to negotiate a contract that will remain in effect for two years, through June 1, 2024, with three additional one-year renewal options, for the annual fee for services of $111,000, with Gallagher Benefit Services, Inc. to provide Employee Benefits Broker/Consultant services effective June 1, 2022.

Motion: Commissioner Chad McLeod moved to approve the bid award. Commissioner Phillip Walker 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 RFP No. 2080 for Broker Consulting Services for Property & Casualty Insurance to Arthur J. Gallagher Risk Management Services Inc.

Staff requested that this item be removed from the agenda.

Motion: Commissioner Phillip Walker moved to remove this item from the agenda. Commissioner Sara McCarley seconded.

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

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

CITY ATTORNEY

Ordinances (First Reading)

Proposed 22-018; Amending Ordinance 5751; Major Modification of a Conditional Use to Allow a 91' x 106' Outdoor Covered Play Pavilion with a Maximum Mean Roof Height of 32' 7" on Property Located at 1736 New Jersey Road

> AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 5751 TO MODIFY AN EXISTING CONDITIONAL USE TO ALLOW AN OUTDOOR COVERED PLAY PAVILION ON PROPERTY LOCATED AT 1736 NEW JERSEY ROAD; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on May 16, 2022.

Proposed 22-019; Small Scale Amendment #LUS22-002 to the Future Land Use Map to Change Future Land Use from Neighborhood Activity Center (NAC) to Residential Medium (RM) on Approximately 8.57 Acres Located at the Southeast Corner of Parkway Frontage Road South and Pipkin Creek Road

> AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR SMALL SCALE AMENDMENT #LUS22-002 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP OF THE LAKELAND COMPREHENSIVE PLAN: OUR COMMUNITY 2030; CHANGING THE FUTURE LAND USE DESIGNATION ON APPROXIMATELY 8.57 ACRES LOCATED AT THE SOUTHEAST CORNER OF PARKWAY FRONTAGE ROAD SOUTH AND PIPKIN CREEK ROAD FROM NEIGHBORHOOD ACTIVITY CENTER (NAC) TO RESIDENTIAL MEDIUM (RM); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on May 16, 2022.

Proposed 22-020; Amending Ordinance 4382, as amended; Major Modification of PUD Zoning for Lakeside Preserve to Allow for up to 120 Additional Multi-Family Dwelling Units on Approximately 8.57 Acres and Change the Context District from Suburban Corridor (SCO) to Suburban Neighborhood (SNH) on Approximately 5.76

Acres Located at the Southeast Corner of Parkway Frontage Road South and Pipkin Creek Road

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 4382, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PLANNED UNIT DEVELOPMENT ZONING FOR LAKESIDE PRESERVE TO ALLOW FOR UP TO 120 ADDITIONAL MULTI-FAMILY DWELLING UNITS IN LIEU OF 20,000 SQUARE FEET OF RETAIL/PERSONAL SERVICES USES AND 45,000 SQUARE FEET OF OFFICE, INSTITUTIONAL AND HOTEL USES ON APPROXIMATELY 8.57 ACRES LOCATED AT THE SOUTHEAST CORNER OF PARKWAY FRONTAGE ROAD SOUTH AND PIPKIN CREEK ROAD; CHANGING THE CONTEXT SUB-DISTRICT ON APPROXIMATELY 5.76 ACRES OF SAID PROPERTY TO SUBURBAN NEIGHBORHOOD (SNH); PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on May 16, 2022.

Proposed 22-021; Approving the Inclusion of Certain Lands within the Boundaries of the Lakeland Area Mass Transit District

AN ORDINANCE RELATING TO THE LAKELAND AREA MASS TRANSIT DISTRICT; MAKING FINDINGS; APPROVING THE INCLUSION OF CERTAIN LANDS LOCATED WITHIN THE CITY OF LAKELAND WITHIN THE BOUNDARIES OF THE LAKELAND AREA MASS TRANSIT DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on May 16, 2022.

Chuck Barmby presented a map depicting surrounding area for Prop Ord 22-020. There is a sidewalk and bike lane on Drane Field Rd and Parkway Frontage Rd. The City had a standing request of FDOT to provide sidewalks along the west side of the underpass of the Polk Parkway. He then reviewed developments in southwest Lakeland. City facilities are exempt from concurrency determination so development of the southwest should move forward. The park will provide amenities and keep traffic localized in southwest Lakeland.

Resolutions

Resolution 5756; Proposed 22-021; Lots Cleaning and Clearing

A RESOLUTION RELATING TO ASSESSMENTS; DETERMINING THE NECESSITY FOR HAVING CLEANED AND CLEARED CERTAIN PROPERTIES WITHIN THE CITY OF LAKELAND; PROVIDING FOR THE ASSESSMENT OF

LIENS AGAINST SUCH PROPERTY FOR EXPENSES INCURRED IN THE CLEANING AND CLEARING THEREOF; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Sara McCarley moved to approve the resolution. Commissioner Phillip Walker 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, Sara McCarley, Stephanie Madden, Chad McLeod, Bill Read, and Mayor Bill Mutz voted aye. Ayes-seven. Nays-zero. The motion carried unanimously.
Miscellaneous Reports

Memo re: Legal Fee Report

Following are legal fees and expenses paid to outside law firms from January 2022 – March 2022 along with a comparison from the same time frame for 2021 and a comparison of this fiscal year to previous years.

Allen Norton & Blue PA	Counsel Relating to Union and Labor Matters- PERC Matters	$22,397.60
Boswell & Dunlap LLD	LPD Representation, Civil Service Board Hearing	$35,386.42
Constangy, Brooks & Smith LLC	Counsel Relating to Union and Labor Matters- Arbitrations; Negotiations	$30,129.30
DiCesare Davidson & Barker P.A.	Miscellaneous Workers' Compensation Defense	$10,735.33
Gail Cheatwood, Esq.	Miscellaneous Municipal Ordinance Defense	$918.75
Gray Robinson	Eminent Domain (Federal and State Court), Litigation Matters – Robson 200 (CE), Southern War Cry, W. Cook, Mindi Fitch, Howard Mathis	$101,928.63
Gunster Law Firm	CD McIntosh Power Plant CCR	$1,307.75
John & Hengerer LLP	General Electric/Gas Matters	$12,675.00
Kaplan Kirsch & Rockwell LLP	Lakeland Linder International Airport Matters	$12,468.87
Peterson & Myers P.A.	Red Light Camera Appeals – Hearing Officer	$1,260.00
Sugarman & Susskind	Counsel Relating to Employee Pension Plan Matters – Pension Board	$1,610.00
Sass Law Firm	UWUA Settlement Agreement	$7,500.00
Campbell, Trohn, Tamayo & Aranda	Personal Injury Defense-injuries on city property or auto accidents involving city vehicles	$55,924.55
Vecchio, Carrier & Feldman P.A.	Miscellaneous Workers Comp Defense	$21,273.84
Carlton Fields	457B Plan, General Benefits Advice	$7,242.00
	Total	**$322,758.04**

JANUARY – MARCH 2022 TOTAL	**$322,758.04**
JANUARY – MARCH 2021 TOTAL	$322,547.39

FY 2017-2018 (Oct – Mar)	$501,510.41
FY 2018-2019 (Oct – Mar)	$794,132.32
FY 2019-2020 (Oct – Mar)	$489,464.72
FY 2020-2021 (Oct – Mar)	$692,729.15
FY 2021-2022 (Oct – Mar)	$685,743.57

Action: The Commission took no action on this item.

Memo re: Proposal with CROM, LLC for T.B. Williams Water Treatment Plant Dry Tank Inspection, Repairs, and Recoating

This was a proposal from CROM, LLC (CROM) to perform an inspection, conduct repairs, and recoat two (2) 5-million-gallon prestressed concrete ground storage tanks at the T.B. Williams Water Treatment Plant (WTP).

The T.B. Williams WTP currently produces a significant portion of Lakeland's drinking water each day. After softening, disinfection, and fluoridation, the finished water is stored in two (2) large storage tanks. The tanks are on a five-year recurring inspection cycle and are currently due for maintenance. This was required to ensure regulatory compliance and provide a reliable water supply to the city. Additionally, cursory external inspection has identified damage to concrete and rusting of some internal wires, necessitating destructive investigation and structural analysis.

CROM is the original tank manufacturer and has proprietary knowledge of their engineered design and is the sole source for any repairs or modifications. Accordingly, COL Water Utilities requested and received a proposal from CROM, LLC to inspect, conduct all necessary repairs, and recoat the tanks. In accordance with the attached proposal, CROM will perform an onsite internal dry and external inspections of the foundation, walls, dome, floor, and ancillary equipment. The tank will be cleaned, recoated and disinfected in accordance with the Florida Administrative Code 62-550 and American Water Works Association standards. The project time is estimated to be complete within 25 weeks.

The total cost associated with this proposal is $507,371.00. This project has been approved and was incorporated into the Water Utilities FY2022 budget. The City of Lakeland Purchasing department has approved the work as a sole source purchase.

Staff recommended that the City Commission approve and authorize the appropriate City Officials to enter into an agreement with CROM, LLC to execute the scope of work.

Palmer Davis presented this item to the Commission.

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

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

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

Memo re: Acquisition and Redevelopment Agreement with ONICX Investments II, LLC - Oak Street Parking Lot

This was an Acquisition and Redevelopment Agreement with ONICX Investments II, LLC (ONICX) for the development of a multi-family and retail/office mixed use development, with associated parking garage, on a 1.49-acre CRA owned property located north of E. Oak Street, east of N. Tennessee Avenue, south of E. Peachtree Street and west of N. Kentucky Avenue. The property is currently being utilized as a 150-space surface parking lot and is commonly referred to as the "Oak Street Parking Lot."

Following unsuccessful negotiations with a previously selected developer and in response to additional interest in the site, CRA staff issued Request for Proposal No. 1258 in July of 2021. Proposals were received from True Investors Development and Onicx Group. A selection committee consisting of a City Commissioner, LDDA staff, a member of the CRA Advisory Board, City staff and a private citizen convened on September 30, 2021 to evaluate the two submittals, and the Committee agreed unanimously to recommend negotiations with the respondents in the order of the rankings, with Onicx Group ranked first and True Investors second.

City and CRA staff have now completed negotiations of the proposed Acquisition and Redevelopment Agreement with representatives of ONICX. The material terms of the Agreement are as follows:

- ONICX will construct no less than 200 multi-family residential units on the Property, approximately 2,000 square feet of retail or office space, approximately 424 structured parking spaces and approximately 16 on-street parking spaces.
- The purchase price for the Property is $1,836,000.
- The CRA will contribute $1,100,000 towards the construction of the parking garage, to be paid upon issuance of the certificate of occupancy for the garage, and will receive the exclusive use of 134 of the approximately 424 parking spaces in the garage, which the CRA shall have the right to sublease and/or make available to the general public. The CRA will pay ONICX $70 per month per space over the 25-year term of the parking lease, subject to 5% escalation every five years of the lease agreement.
- In the event ONICX is unable to provide the entire 134 parking spaces to the CRA, the CRA's contribution to the construction of the parking garage will be reduced by $8,208.96 for each space not provided. Nonetheless, ONICX must provide the CRA at least 129 structured parking spaces. In addition, ONICX must construct additional on-street parking spaces so that the City/CRA will be provided at least 150 total parking spaces between the structured parking spaces and on-street spaces.
- The City and/or CRA will pay, waive or otherwise satisfy fees related to site plan reviews, building permits, inspections, impact fees and off-site utility improvements

up to an amount not to exceed $736,000. If these costs are anticipated to exceed this amount, ONICX will provide the City notice of the additional costs and the City will notify ONICX of whether it agrees to pay, waive or otherwise satisfy the additional costs. If the City elects not to assume the additional costs, ONICX may elect to either pay the additional costs and move forward with the project or terminate the Agreement.

- Provided ONICX completes the project within 36 months of the closing date, the CRA will provide tax increment financing (TIF) to ONICX in the amount of 80% of the tax increment generated by the Property in years 1-5 and 60% in years 6-10.
- The Agreement establishes a total incentives cap of $1,836,000, including the CRA's contribution to construction of the parking garage and the payment or waiver of City fees and costs. However, TIF payments are not included in this cap, nor are any costs associated with the underground relocation of electric utility poles and lines that are above-ground and that traverse or border the site, which will be the responsibility of the City.
- ONICX will lease at least 15 units to tenants whose income does not exceed 80% of Polk County's Area Median Income (AMI). Rents for these units will not exceed 30% of AMI. The obligation to provide affordable housing units will expire 15 years after issuance of the certificate of occupancy for the project.
- ONICX will have a 90-day inspection period following execution of the Agreement to determine the suitability of the Property for their project. They may terminate the Agreement for any reason prior to the expiration of the inspection period and receive a refund of their $25,000 deposit. In addition, ONICX may exercise two 30-day extensions of the inspection period for no additional cost.
- ONICX must submit the building elevations, exterior materials and color schemes for the project to the City Commission for approval.
- Closing of the transaction shall occur no later than 12 months following execution of the Agreement, subject to two 30-day extensions that may be exercised by ONICX at no cost. In addition, ONICX may request to extend the closing date for additional 30-day periods subject to payment of $10,000 for each extension granted by the CRA. Each extension payment shall become non-refundable except in the event of a default by the City/CRA and shall be applied to the purchase price upon closing.
- Similar to other redevelopment agreements entered into by the City and CRA, and in order to ensure that the project will in fact move forward prior to relinquishing title to the property, the CRA's obligation to close on the sale of the property is conditioned upon ONICX: (i) securing all required building and other development permits necessary for the construction of the project; (ii) having an executed construction contract in place with its contractor; (iii) securing a construction loan in an amount sufficient to commence and
- complete construction of the project, which loan will close simultaneously with the sale of the Property; and (iv) agreeing to commence construction of the project within 30 days of the closing date.

Staff recommended that the City Commission approve the proposed Acquisition and Redevelopment Agreement with ONICX Investments II, LLC, which includes the terms and conditions outlined above, on behalf of both the City and the Lakeland Community Redevelopment Agency, and authorize the appropriate City and CRA officials to execute the Agreement.

Palmer Davis presented this item to the Commission.

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

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

Alisa Drumgo reviewed the language for the affordable housing units. They would go for 80% AMI.

Palmer Davis noted the CRA Advisory Board unanimously recommended approval. They did not consider this language.

Commissioner Phillip Walker asked how they determine the number of units that will be for affordable housing?

Alis Drumgo responded that in the past the RFP specified the number of units required. It is better to allow the developer to offer what they can and then choose the best offer. Onicx proposed 10% of the 150 units (10 units). They will provide 15 units at 80% AMI.

Commissioner Bill Read noted the AMI is $44k a year. He did not like the TIF arrangements on this program. Also, did not want the fees for extension to apply to the purchase price.

Alis Drumgo stated the TIF was $3.6M to the developer over 10 years. Over 5 years it would be $2.5M.

The Developer spoke. He had skin in the game. They wanted to get started as soon as possible, as interest rates are going up. He asked the Commissioner not to upset the apple cart as they are pursuing financing now.

The City of Lakeland is giving substantial incentives. The rates in Tampa are going for $1,000 per sq. ft.

Commissioner Mike Musick asked why the Commission has not seen the design?

Shawn Sherrouse - the land use and zoning on this parcel already allowed for this development. That is why the Commission is not preapproving the development.

Alfredo Gomar Jr.- housing the homeless in units like these and providing counseling

Action: Mayor Bill Mutz called for the vote and the motion carried 6 – 1. Commissioner Bill Read voted nay.

UTILITY

* **Memo re: Software License and Master Services Agreements with DNV GL USA, Inc. for Procurement of a NERC Facility Ratings Management System Software Solution**

This was a proposed Software License and Master Services Agreement with DNV GL USA, Inc. (DNV) for the procurement of a Facility Ratings Management System software solution and related implementation services. Lakeland Electric is a registered entity with the North American Electric Reliability Corporation (NERC) and, as such, is required to comply with various reliability standards and requirements associated with the design, maintenance and operation of its Bulk Electric System. One such requirement is the enhancement of Lakeland Electric's existing internal controls through use of technology and processes to maintain the reliability of the Bulk Electric System to ensure compliance with NERC standard FAC-008.

Specifically, the Facility Ratings Management System software solution addresses facility rating challenges, such as the organization of data, reporting of data, evergreening of data and the coordination with operations and information systems management. This software solution will also assist Lakeland Electric in addressing organizational challenges such as loss of institutional knowledge through resignations, retirements and reduction of experienced workforce availability in the marketplace, as well as to support compliance of future requirements issued by the Federal Energy Regulatory Commission.

Accordingly, on December 28, 2021, the City's Purchasing Department issued Request for Proposal (RFP) No. 2019 seeking proposals for a Facility Ratings Management System software solution and related implementation services to manage and maintain facility ratings for the reliability of Lakeland Electric's Bulk Electric System facilities and compliance with NERC standard FAC-008. The City received only one response to its RFP, which was from DNV located in Katy, Texas.

Upon evaluation by Lakeland Electric staff and in conjunction with the City's IT Department, DNV was selected as a well-qualified software solution provider capable of meeting Lakeland Electric's needs in accordance with the City's RFP. DNV has proposed a two-Phase approach to this software solution. Pursuant to these Agreements, Phase 1, will consist of the procurement of software licenses, installation of the product, configuration, importation of existing data, training and implementation of the software solution. However, Phase 2, which consists of services to implement additional functionality and capability afforded by the product, is offered as an optional purchase and may be brought back to the City Commission for approval under a separate work order at a later date if staff determines the additional services are necessary.

Upon City Commission approval, DNV will begin services associated with Phase 1, which are scheduled to be completed in September 2022. The term of the Agreements with DNV will be for a period of five (5) years for purchase of the software product, maintenance and implementation services. Thereafter, the Software License Agreement will be automatically renewed on an annual basis unless terminated by either party upon three (3) months prior written notice prior to any renewal period. DNV will perform all services for Phase 1 pursuant to the terms and conditions set forth in the attached Software License and Master Service Agreements, the City's RFP and DNV's RFP response dated March 4, 2022. The cost of the software, including software maintenance for the initial five (5) year term is $67,120.00. The cost of implementation services for the initial five (5) year term is $116,500.00. The total cost for the software, maintenance and implementation services over the five (5) year term is $183,620.00, which is included in Lakeland Electric's FY22 budget.

Staff recommended that the City Commission approve the Software License and Master Service Agreements with DNV for procurement of a NERC FAC-008 Facility Ratings Management System Software Solution and related services and authorize the appropriate City officials to execute all corresponding documents related to the Agreements.

Action: The Commission approved this on the Consent Agenda.

* **Memo re: Agreement with Rexel USA, Inc. for Hardware Upgrade to the McIntosh Power Plant Control Room**

This was a proposed Agreement with Rexel USA, Inc. (Rexel), a distributor of Rockwell Automation, Inc. (Rockwell) Programable Logic Controller (PLC) hardware, for an upgrade to the Main Control Room at the McIntosh Power Plant. While the existing hardware has been obsolete and not supported since June 2017, it has been running without fault.

The PLC hardware controls the process water treatment system and Unit 5's cooling tower makeup supply water. Since the process water treatment system is no longer manned full time due to the closure and demolition of Unit 3, a connection to Unit 5's control system is now required to provide monitoring and control by the Plant's operators. In order to complete this connection, the hardware must be upgraded to a supported system. This connection is part of providing a centralized control room at the McIntosh Power Plant.

The City's Purchasing Department has approved Rexel, the sole distributor for Rockwell, which is the original equipment manufacturer of the PLC hardware and the sole source supplier for the hardware and related support services. This purchase will include the hardware, as well as services for system integration, programming and onsite support to upgrade the existing Main Control Room at the McIntosh Power Plant. Upon approval by the City Commission, a purchase order will be issued for delivery in late May 2022 with installation by City staff in early June 2022. The purchase is governed by Rexel's Terms and Conditions and Rexel's Proposal dated April 19, 2022. The total cost of the hardware and related services is $111,628.80 and is included in Lakeland Electric's FY22 budget.

Staff recommended that the City Commission approve this Agreement with Rexel and authorize the appropriate City officials to execute all corresponding documents for the purchase of the PLC hardware and related services to support the upgrade to McIntosh Power Plant's Main Control Room.

Action: The Commission approved this on the Consent Agenda.

AUDIENCE

Alredo Gomar Jr. became Muslim, calls himself godfather to the homeless, complained about someone who was harassing him. He has complained to the police department.

Terry Coney, President Lakeland NAACP, sponsoring 5/28 Memorial Day ceremony at Buffalo Soldier Memorial on Lake Wire. Coordinating with Police to block streets for the event. Thanked City leadership and citizens for the great turnout at the Flight of Honor last week.

Jon Friedt, Pastor of Believers Fellowship, spoke about National Day of Prayer. He invited the public to the Mayor's Prayer Breakfast on May 5th , the old steps of City Hall at noon, and then Munn Park at 6 p.m. This was established in 1775. The Governor recognized the day with a proclamation. Every Tuesday at Mitchells they pray over the Commission at 7:30 a.m.

Travis Thompson came forward as a sportsman/hunter. He suggested the hunters meet with the homeowners around Lake Parker to look for a compromise. He did not have a way to communicate that info to the homeowners. He invited them to a meeting next Monday, May 9, at 9:30a.m. at Black & Brew.

Commissioner Bill Read encouraged the Lake Shore Homeowners Association to attend the meeting.

Commissioner Phillip Walker stated he could obtain contact information through Jonathan Rodriguez with the Neighborhood Association Coalition (NAC).

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Phillip Walker:

- Thanked the City Commission for allowing him to serve as President of the FLC.
- Attended the Southern Municipal Conference last week. Many cities have similar challenges. Florida was the largest state in that group. They were very conservative. He gave an update on the conference.

Commissioner Mike Musick re proclamations. He was familiar with the anencephaly and thanked the family for attending. He acknowledged the city clerk position. He acknowledged Public Works engineering, Historic Preservation month, and Motorcycle and Peace Officers memorial. The proclamations meant a lot to him today.

Commissioner Sara McCarley:

- Acknowledged they do speed through the proclamations. She appreciated Commissioner Musick's recap.
- Attended LAMTD retreat was last week. The onus on the smaller municipalities for transit was subsidized by the County. Transit is an option for the community. Some people are transit dependent.
- Attended State of the County last week. Great presentation. It ended with Dr. Joy Jackson. She highlighted the disparity of infant mortality amongst African Americans. Childbirth is still dangerous.
- Attended Gospel Inc Fundraiser on Thursday evening.
- Announced Mayfaire is this weekend. The Squeeze will be active. You can park north of Lake Morton and ride the Squeeze down.

Mayor Bill Mutz issued a Mother's Day Challenge. Celebrate as respectfully and intentionally as possible. Set aside hard feelings and celebrate with your mom while you can.

Commissioner Stephanie Madden attended Polk County's State of the County and USF's State of the Region. The thing that was most interesting about USF's event was the data provided. They made a point about affordability. It's not just affordable housing. Florida has a lot of service industry jobs. We are going to need jobs to match the college student's degrees. The population growth is exploding, and we need to work on these challenges together. The people who live in Polk County feel like small town folks but we have more people than some states.

Commissioner Bill Read:

- Announced the Tropics Championship Game at the RP Funding Center.
- Encouraged everyone to go to Mayfaire.
- Raised the issue of a traffic light out on Saturday night on Harden Bl. He was unsure how to report it.

Shawn Sherrouse responded, when a light goes out, the city is aware.

Shawn Sherrouse reminded the Commission about the 1 p.m. ARPA workshop.

CALL FOR ADJOURNMENT – 11:19 a.m.

H. William Mutz

H. William Mutz, Mayor

Kelly S. Koos

Kelly S. Koos, City Clerk

CITY OF LAKELAND, FLORIDA
INCORPORATED
JAN. 1, 1885