LAKELAND CITY COMMISSION

Regular Session
June 19, 2023

The Lakeland City Commission met in the Lakeland Electric Conference Rooms 1A and 1B. Mayor Bill Mutz, Commissioners Chad McLeod, Bill Read, Sara McCarley, Mike Musick, and Samuel Simmons were present. Commissioner Stephanie Madden was absent. City Manager Shawn Sherrouse, City Attorney Palmer Davis, Finance Director Mike Brossart, and Deputy City Clerk Heather Bradman were present.

CALL TO ORDER - 9:00 A.M.

PRESENTATIONS

Social Media Marketing, Past, Present, Future (Kevin Cook, Director of Communications and Jamin Smith, Digital Content Specialist)

PROCLAMATIONS - NONE

COMMITTEE REPORTS AND RELATED ITEMS

Legislative Committee 06/05/23

Commissioner Sara McCarley presented this report to the Commission.

Action: Commissioner Mike Musick moved to approve the recommendation. Commissioner Chad McLeod seconded, and the motion carried unanimously

Commissioner McCarley added that the Governor signed the budget last week and did line-item vetoes. The Se7en Wetlands' project was approved for $950,000; the Historic Preservation of Lakeland will receive $50,000; the Polk Regional Water Cooperative will get $8.5 Million; the FDOT was allocated $116.5 Billion, including $4 Billion that will help with I-4 congestion. Vetoed items included: the Kathleen widening and expansion and the Sixth District Court of Appeal. LAL Today provided a comprehensive list.

Municipal Boards & Committees 06/16/23

Mayor Bill Mutz presented this report to this Commission.

Action: Commissioner Chad McLeod moved to approve the recommendation. Commissioner Mike Musick seconded, and the motion carried unanimously

APPROVAL OF CONSENT AGENDA

All items listed with an asterisk (*) are considered routine by the City Commission and will be enacted by one motion following an opportunity for public comment. There will

be no separate discussion of these items unless a City Commissioner or Citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.
*Utility Committee Minutes - 06/02/23
*City Commission Minutes - 06/02-05/23
*Memo re: Agreement for Clean Air Act Designated Representatives

Motion: Commissioner Sara McCarley moved to approve the Consent Agenda. Commissioner Samuel Simmons seconded.

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

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

APPROVAL OF MINUTES (with any amendments)

*Utility Committee Minutes - 06/02/23
*City Commission Minutes - 06/02-05/23

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC - NONE

EQUALIZATION HEARINGS – NONE

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5991; Proposed 23-025; Approving a Conditional Use to Allow for the Replacement of Mobile Homes Within an Existing Nonconforming Mobile Home Park on Property Located at 405 Union Drive (1st Rdg. 06-05-23)

> AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; APPROVING A CONDITIONAL USE TO ALLOW FOR THE REPLACEMENT OF MOBILE HOMES WITHIN AN EXISTING NONCONFORMING MOBILE HOME PARK ON PROPERTY LOCATED AT 405 UNION DRIVE; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Sara McCarley moved to approve the ordinance. Commissioner Bill Read seconded.

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

Palmer Davis informed the reference to the site development plan as Attachment "B" is incorrect. It should say Attachment "C."

Chuck Barmby explained that in addition to addressing the non-conforming existing use of the mobile home park and the upgrade to the units over time, they are also making sure the site is brought into compliance with the Land Development Code (LDC).

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

Ordinance 5992; Proposed 23-026; Amending Ordinance 4358; Major Modification of a Conditional Use to Allow a Preschool with a Maximum Enrollment of 67 Students as an Accessory Use to an Existing Church on Property Located at 411 W. Robson Street (1st Rdg. 06-05-23)

> AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 4358 TO MODIFY AN EXISTING CONDITIONAL USE TO ALLOW A PRESCHOOL WITH A MAXIMUM ENROLLMENT OF 67 STUDENTS AS AN ACCESSORY USE TO AN EXISTING CHURCH ON PROPERTY LOCATED AT 411 W. ROBSON STREET; 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 Samuel Simmons seconded.

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

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

Resolutions

Resolution 5826; Proposed 23-030; Designating Property Located at 2030-2035 Griffin Road a Brownfield Area

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA, DESIGNATING PROPERTY LOCATED AT 2030-2035 GRIFFIN

ROAD AS A BROWNFIELD AREA; AUTHORIZING THE CITY ATTORNEY TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

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

Resolution 5827; Proposed 23-032; Authorizing the Execution of a Grant Agreement with the Florida Department of Transportation for Financial Project No. 453044-1-94-01 for Funding of the Airport Aircraft Rescue & Fire Fighting Vehicle at Lakeland Linder International Airport

A RESOLUTION AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ADD INITIAL STATE AND LOCAL FUNDING FOR THE AIRPORT AIRCRAFT RESCUE & FIRE FIGHTING VEHICLE AT LAKELAND LINDER INTERNATIONAL AIRPORT; ADOPTING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

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

Resolution 5828; Proposed 23-033; Approving the Transfer of a Conditional Use for a Restaurant Located at 733 East Palmetto Street to Peach House Lakeland, LLC

A RESOLUTION RELATING TO ZONING; APPROVING THE TRANSFER OF A CONDITIONAL USE FOR A RESTAURANT LOCATED AT 733 EAST

PALMETTO STREET TO PEACH HOUSE LAKELAND, LLC; ADOPTING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Mike Musick moved to approve the resolution. Commissioner Bill Read seconded.

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

Commissioner Read followed up on his question during Agenda Study about the use of tents at Patio 850. Chuck Barmby explained they are looking into the permitting. Tents are allowed for a 90-day period over a one-year span with an extension of 90 additional days subject to the approval of the Community and Economic Development Director.

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

Miscellaneous

Memo re: Proposed One Year Action Plan and Projected Use of Funds - 49th Year of the Community Development Block Grant (CDBG) Program and 29th Year of the HOME Investment Partnerships Program

These are the recommendations for the City's One Year Action Plan and Projected Use of Funds for the 49th Year of the Community Development Block Grant (CDBG) program and 29th Year of the HOME Investment Partnerships (HOME) program. The program year will begin October 1, 2023 and end September 30, 2024.

The recommendations continue to emphasize benefits to low and moderate-income residents of the City, with funding directed to housing rehabilitation, home purchase assistance, new construction through the HOME CHDO program, code enforcement, and public services ranging from summer recreation to services for the elderly.

For Program Year 2023-2024, HUD has issued awards to the City of Lakeland of $865,988 for the CDBG program and $434,505 for the HOME program.

The Affordable Housing Advisory Committee received public service requests for CDBG funding and is recommending funding in the amount of $129,878. Staff concurs with the Committee's recommendations.

Public meetings on the Plan were held on May 8 and May 25, 2023. Public hearings will also be held on June 19 and July 17, 2023. The public review and comment period will run from June 5 to July 10, 2023. The One Year Action Plan & Projected Use of Funds are due to be filed in the Jacksonville offices of HUD on or before August 15, 2023.

Housing Manager Mike Smith gave a presentation, a copy of which is on file in the agenda packet. No action was required from the City Commission. This will come back to the Commission for approval on July 17, 2023.

The Commission discussed:

- During tear downs and rebuilds, they move the person out and provide a stipend to help with relocation. When construction is complete, they move back in.
- Cost of reconstruction can range anywhere between $165,000 to $190,000 for a 3-bedroom, 2-bath home.
- The resident does not pay anything; however, a lien is put on the home for work done. So long as the resident stays in that home, they do not have to pay it back. If they do move or other things trigger the lien, they have the option to pay it back.
- To qualify for these federal funds, the household income must be 80% or below the area median income based on the number of people in the home.
- If ARPA funding can be used for multifamily, they will put out 3 RFPs in the future.
- Once they put out all the funding, they must reflect how many households came through the program, income levels, and demographic information. They also physically visit any public service grantee that was awarded money and report on their accomplishments.
- Update on Infill Land Bank Program: they completed the first round and awarded lots (15 homes sold and 10 under construction). 57 lots were available for the second round (they received 47 applications).

COMMUNITY REDEVELOPMENT AGENCY - NONE

CITY MANAGER

Recommendation re: Change Order No. 4 with Cobb Site Development Inc. for the County Line Road at US 92 Intersection Project

Public Works (PW) is nearing completion of the County Line Road at US 92 intersection improvement project that provides for a second northbound left-turn lane and dedicated northbound right-turn lane to facilitate traffic moving from County Line Road to US 92. The project will also include a new sidewalk on the east side of County Line Road and reconstruction of the traffic signal.

PW is seeking approvals to enter Change Order No. 4 for the construction contract with Cobb Site Development Inc. (COBB) in the amount of $80,848.08. This is the Final Change Order.

Change Order No. 4 with COBB has been reviewed and reconciled by the City's construction engineering and inspection firm, Florida Department of Transportation, and

PW staff on a line-by-line item basis. The change order is comprised of costs pertaining to:

1. Work pertaining to project delays and redesign:
   Remobilize to site to complete project, cost increases/remobilization costs for subcontractors, additional surveying, costs for additional asphalt paving/milling and ten additional days of Maintenance of Traffic (MOT).
   Cost: $53,952.26

2. Project Overruns/Underruns:
   Adjustments for the project are primarily for additional asphalt and gravity wall.
   Cost: $26,358.82

3. Correction of total adjusted contract price on last change order:
   The Construction Engineering and Inspection (CEI) team noticed that the adjusted contract amount was incorrect on the previous Change Order No. 3. To correct this, they added a line for the difference of $537.00.
   Cost: $537.00

The revised total project contract amount with COBB is $1,856,228.17. This Change Order is funded through the Transportation Fund Capital Improvement Plan.

Staff recommended that the City Commission authorize the appropriate City officials to enter the Change Order No. 4 with Cobb Site Development, Inc. in the amount of $80,848.08.

Shawn Sherrouse presented this item to the Commission.

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

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

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

Recommendation re: Approval Request to Negotiate Professional Engineering and Consulting Services Contract with Selected Firms for the Solid Waste Transfer Station Design and Permitting Project

In accordance with the Consultant's Competitive Negotiation Act (CCNA), the City's Purchasing Department recently issued Request for Qualification (RFQ) #2023-RFQ-031, requesting qualifications from qualified firms to provide Professional Engineering and Consulting Services for the Solid Waste Transfer Station Design and Permitting Project. A total of three (3) firms responded to the City's RFQ. A Selection Committee comprised of representatives of the Public Works Department including Solid Waste, Fleet, Engineering and Facilities Maintenance Divisions evaluated the firms based on the following criteria:

- Experience and ability of professional personnel for similar work in the last five (5) years.
- Past performance of similar work and projects completed in the last five (5) years.
- Innovative approaches and ideas toward schedule and work.
- Firm's demonstrated ability to work cooperatively with multiple stakeholders and successfully complete the project within the time and budget constraints.
- Understanding and approach to scope of services.
- Availability (current and projected workloads) of the project team to perform work over the term of agreement.

After review of the various areas of expertise offered by the different firms, the Selection Committee recommends that the City begin contract negotiations with the first ranked firm, as ranked below, upon City Commission approval.

Geosyntec	Tampa, FL
HDR Engineering Inc.	Tampa, FL
Jones Edmunds & Associates Inc.	Gainesville, FL

By entering contract negotiations with the above firms, the City will be able to negotiate the following Professional Engineering and Consulting Services for the Solid Waste Transfer Station Design and Permitting Project:

- Architectural and Engineering Services
- Design and Construction Specifications Services
- Environmental and Building Permitting and Support Services
- Site Survey, Civil Engineering Survey, Design and Site Work Development
- Environmental Survey and Geotechnical Services

Staff recommended that the City Commission approve the Request for Approval to negotiate Professional Engineering and Consulting Services Contract with the first ranked firm above. Should negotiations fail with the first ranked firm, staff will move on to the next highest ranked firm.

Shawn Sherrouse presented this item to the Commission.

Motion: Commissioner Bill Read moved to approve the recommendation. Commissioner Samuel Simmons seconded.

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

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

Recommendation re: Change Order No. 12 with Cobb Site Development Inc. and Amendment to Joint Project Agreement with Polk County for the North Wabash Avenue Extension Project

Public Works (PW) and Cobb Site Development (COBB) have negotiated warranty and restoration work related to a water main failure and other issues that have resulted in damage to work completed during the North Wabash Avenue Extension project.

Public Works is seeking approval to enter Change Order No.12 for the construction contract with Cobb Site Development Inc. (COBB) in the amount of $129,788. Public Works and RK&K, the City's Construction Engineering and Inspection consultant, have negotiated with COBB and the following are the result of those negotiations:

- Watermain Failure Restoration (Issue between Station 17+00 & 18+40 and noted on 8/29/2022) – $189,449 equally divided between Cobb and City. (Polk County has agreed to reimburse 50% of the City's expense for restoration work.)
- Asphalt Friction Course on Wabash Ave for Redding Pointe Development – $35,063. (The developer will reimburse $33,827 for the asphalt friction course.)

The total change order amount is $129,788.

The $129,788 required for this change order will be transferred from the recently completed Lakeland Park Drive Connector Impact Fee project. Both projects are in the District 1 Impact Fee Fund within the Transportation Fund

Additional work that will be covered by warranty includes the following:

- Pavement Depression (Issue at Station 12+50 C/L N. Wabash Ave and noted on 9/8/2022)
- Ditch Pavement Erosion (Issues between Station 12+50 & 17+00 RT C/L N. Wabash Ave and noted on 7/9/2022)
- Pipe Culvert Repair (Issue noted on 7/9/2022)
- Void under asphalt pavement next to curb inlet S-33 at the Southwest Quadrant of Wabash Ave/10th St.

The City and County have prepared an amendment to their Joint Participation Agreement (JPA) that memorializes and effectuates Polk County's contribution toward the restoration work.

Staff recommended that the City Commission authorize the appropriate City officials to execute the amendment to the JPA with Polk County for the North Wabash Avenue Extension Project.

Staff also recommended that the City Commission authorize the appropriate City officials to enter the Change Order No. 12 with Cobb Site Development, Inc. in the amount of $129,788.

Shawn Sherrouse presented this item to the Commission.

Motion: Commissioner Chad McLeod moved to approve the recommendation. Commissioner Sara McCarley seconded.

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

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

Verbal Report: Assistant City Manager
Shawn Sherrouse announced Rob Hernandez as the new Assistant City Manager. Mr. Hernandez is an accomplished public administrator with over three decades of municipal government leadership. He most recently served as the City Manager for Cape Coral, Florida and spent three years as the City Manager for Savannah, Georgia. He is an operational technician with a strong background in strategic planning and project management. His more than twenty-five years serving as a Civil Affairs Specialist in the United States Army Reserve has provided him with experiences that have broadened his public service career at an international level.

Rob Hernandez greeted the City Commission and said the Lakeland community has a great deal to offer and he is excited to be the newest member of the team.

Ordinances (First Reading) - NONE

Miscellaneous Reports

Memo re: Purchase Order for Construction Services with Vortex Services LLC for Cured-In-Place Pipe Sewer Main Annual Rehabilitation Project

This is a proposal from Vortex Services, LLC ("Vortex"), for construction services to rehabilitate approximately 14,407 linear feet of degraded sewer pipe at various locations around the City.

Vortex will be utilizing Cured-In-Place-Pipes (CIPP), which are jointless, seamless, flexible plastic pipe liners installed within existing sewer mains. The CIPP installation process is a trenchless, "no-dig" method of pipe rehabilitation used to repair damaged pipes from the inside without disturbing surface structures or materials. Vortex will access the sewer mains through existing manholes and insert the CIPP, which will expand and line the wall of the pipe as it cures. The purpose of this curing process is to reduce, and ideally eliminate, cracks and holes that would otherwise allow rainwater and roots to enter the pipe, causing operational problems or mechanical failure.

The scope of work for this project consists of 9 separate work locations that have been identified by Wastewater Collections using several methods. Most of the locations were identified by direct field observation by sewer maintenance crews and through camera inspection where there is a clear need to address the pipe condition. Other significant considerations were the age, material type, and expected service life of the identified sewer mains. Each successful CIPP sewer pipe rehabilitation can add 50 or more years of useful service life to the repaired sewer main.

Vortex's proposal was solicited utilizing an existing bid established via Buy Board Cooperative Purchasing, also known as the Local Government Purchasing Cooperative. The City of Lakeland is a member of this cooperative as well as other similar purchasing programs. Vortex will perform the scope of work under the proposal for a total not-to-exceed cost of $734,975.50, which is included in Water Utilities' FY 2023 budget. This is a unit-priced proposal, and the actual billing will be based on installed quantities. The project is expected to be completed on or before September 30, 2023.

Staff recommended that the City Commission approve and authorize the appropriate City officials to execute a purchase order with Vortex Services, LLC in the amount of $734,975.50 for the above-described Cured-In-Place-Pipe Sewer Main Annual Rehabilitation Project.

Alex Landback presented this item to the Commission.

Manager of Wastewater Collections Rick Ruede provided visuals for the Commission to see the before and after in the pipe was CIPP lined. Copies of these images are on file in the agenda packet.

The Commission discussed:

- The estimated life of this new material is about 50 years.
- There is usually a one-year warranty on defects of the liner.
- This was purchased through the Local Cooperative Purchasing Program.

Purchasing Manager Mark Raiford explained cooperative purchases are done on a case-by-case basis. The departments begin the procurement process in seeking goods and services needed to help accomplish their mission. They consult with the Risk Management and Purchasing Department to determine if a cooperative contract is appropriate for their solicitation. Various factors are analyzed to ensure the cooperative contract produces the best value.

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

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

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

Memo re: Construction Agreement with Felix Associates of Florida, Inc. for Northside Pump Station Replacement

This is a proposed Contract with Felix Associates of Florida, Inc. (Felix) for the Northside Pump Station Replacement.

The City owns and operates many wastewater pumping stations, and the Northside Pump Station is one of the City's largest. This pump station is responsible for conveying on average approximately 2.6 million gallons per day (MGD) of wastewater to the City's Northside Wastewater Treatment Plant. The existing pump station was built in the late 1980's, is nearing end of life and needs replacement.

The City's Purchasing Department issued Invitation to Bid (ITB) No. 3079 to procure services for the replacement of the Northside Pump Station. Three contractors responded to ITB and the following are the results of their responses:

Company	**Location**	**Evaluated Cost**
Felix Associates of Florida, Inc.	Stuart, FL	$7,231,750
C&T Contracting Services LLC	Tampa, FL	$7,444,600
Vogel Brothers Building Co.	Lakeland, FL	$8,536,779

The difference between Felix and Vogel (local contractor) is $1,305,029 and is greater than the criteria permitted by City of Lakeland Ordinance No. 5850 to award the proposed contract to the local contractor. All services pursuant to this Contract will be performed in accordance with the terms and conditions set forth in the proposed Contract between the City and Felix. The total not-to-exceed cost associated with this Contract is $7,231,750. This project has been approved and budgeted in the Water Utilities FY2023 budget. All Work associated with this Contract will be completed on or before January 31, 2025.

Staff recommended that the City Commission approve and authorize the appropriate City officials to execute the Contract with Felix for the Northside Pump Station Replacement.

Alex Landback presented this item to the Commission.

Motion: Commissioner Bill Read moved to approve the recommendation. Commissioner Mike Musick seconded.

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

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

Memo re: Agreement for Software Subscription & Support Renewal and License Upgrade for MAXIMO Enterprise System with International Business Machines Corporation

This is a proposed Software Subscription & Support Renewal Agreement and License Upgrade for the MAXIMO Enterprise System with International Business Machines Corporation (IBM). IBM MAXIMO is the Enterprise System utilized by City departments such as Lakeland Electric Production and Delivery, Water and Wastewater, Department of Information Technology (DoIT) and Parks and Recreation to provide asset lifecycle and maintenance management for all asset types on a single platform. It is used to help maximize the value of critical business assets over their lifecycles with workflows by ensuring best practices that yield benefits for all types of assets.

To maintain vendor support on this Enterprise System, the City is seeking to renew its existing Software Subscription & Support Agreement. IBM is the sole vendor that will enable the City to maintain its ability to download patches, fixes, and version updates to the MAXIMO Enterprise System. As such, to maintain vendor support on this Enterprise System, the City is seeking to renew its existing Software Subscription & Support Agreement. The annual renewal cost in FY22 was $496,982.02. While IBM has been increasing its rates by approximately 10% per year, the additional increase for FY23 is related to the upgrade from City named user licenses to concurrent users to support the software upgrade to version 8 of the MAXIMO application. This upgrade also enables the City to access additional features of the MAXIMO application which are not available to the City under its current license with IBM.

This Software Subscription & Support Renewal Agreement is for a term of twelve (12) months, effective July 1, 2023, through June 30, 2024, subject to City Commission approval. Following the initial term, the Agreement will be renewed annually for one (1) year periods unless otherwise terminated upon thirty (30) days prior to a renewal period with written notice. The total cost for the initial term is $602,472.00, of which DoIT has budgeted $546,676.00 in its Software, License & Maintenance account for FY23, with the remaining cost included in Lakeland Electric and Water and Wastewater's FY23 budget. All terms and conditions for this purchase will be governed by the City's existing Agreement with IBM through its Passport Advantage Program platform as well as IBM's proposal dated May 23, 2023.

Staff recommended that the City Commission approve this Software Subscription & Support Renewal Agreement and License Upgrade for the MAXIMO Enterprise System with IBM and authorize the appropriate City officials to execute all corresponding documents related to the Agreement.

Ramona Sirianni presented this item to the Commission.

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

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

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

FINANCE DIRECTOR

Appropriation and Increase in Estimated Revenues - American Rescue Plan Act Fund and the Fleet Management Fund

In FY 2021, the City of Lakeland was awarded $22,726,368 in American Rescue Plan Act funds (ARPA) for specific authorized uses to support the City's response to the COVID-19 Emergency. Based on these authorized uses, the City Commission has previously approved appropriations for the following projects to be funded with ARPA Funds; $17,800,000 for the Western Truck Wastewater Project, $64,751 for WebEOC, $100,000 for Management Consulting Services, and $900,000 for Public Safety – Station 8 Fire Truck.

Staff is requesting a total of $1,901,000 from the remaining funds to be used for the following: $1,000,000 for Affordable Housing, $901,000, to fund Public Safety capital costs associated with the hiring of additional public safety personnel, which is coming from recognized lost revenues.

The $1,000,000 for Affordable Housing will provide funding for affordable housing development that aligns with Home Investment Partnerships Program (HOME) income limits for low- or moderate- income households. The funds will be made available through the issuance of a Request for Proposals (RFP) seeking affordable housing developers for the construction of affordable multi-family housing. The funds will be awarded to one or more qualified developers and subject to a development agreement with specific benchmarks. This supports Target Area 3 of the City's Strategic Plan to increase the inventory of affordable rental housing units.

The $901,000 for Public Safety capital costs will provide funding for the applicable equipment (vehicles, radios, weapons, ballistic vests, etc.) associated with the 13 positions that were added to the Lakeland Police Department's FY23 Table of Organization. The equipment purchased will be based on overall inventory supply needs. $700,805 will be required for vehicle purchases and $201,195 for equipment purchases.

Therefore, staff requested that the City Commission authorize an appropriation and increase in estimated revenues as noted below:

- American Rescue Plan Act Fund
  - $1,000,0000 appropriation - Affordable Housing
  - $901,000 appropriation
    - $700,805 – Transfer to Fleet Management Reserve Fund
    - $200,195 – Public Safety Equipment
- Fleet Management Vehicle Reserve Fund
  - Increase in estimated revenues of $700,805 – Transfer from ARPA Fund
  - $700,805 appropriation – Motor Equipment

Mike Brossart presented this item to the Commission.

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

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

The Commission discussed:

- The additional $1 Million strengthens the ability to supplement other funding. Developers need the additional boost because of rising costs. This is a leveraged application to the wide and rising community need of affordable housing.
- Funding can be utilized to incorporate affordable or workforce housing. This would encourage developers to set aside units that meet the affordability criteria.
- Approval of this appropriation accelerates the multiplier opportunity. If that does not happen, the Commission would have the opportunity to reallocate differently.
- The $901,000 for public safety is the first piece of the $2 Million that was identified out of the funds towards capital and equipment.
- ARPA funds cannot be used towards principal and interest payments; however, it can be used towards new capital purchase.

Action: Mayor Bill Mutz called for the vote and the motion carried 5-1, with Commissioner Bill Read voting nay

UTILITY

Ordinances - NONE

Resolutions – NONE

Miscellaneous

***Memo re: Agreement for Clean Air Act Designated Representatives**

This is a proposed Agreement which designates representatives for the City to interact with the Environmental Protection Agency and Florida Department of Environmental Protection with regard to issues involving the Clean Air Act.

The Acid Rain Program, Title V Program, and Mandatory Greenhouse Gas Reporting Program, as well as other sections of the Clean Air Act, require that owners of major sources of air pollution appoint, by agreement, specific persons to act on behalf of the owner for the purpose of reporting to the agencies, offering and accepting Clean Air Act allocation credits, certifying required permitting and compliance submittals, and generally being the liaison between the regulatory agencies and the source. In so doing, these City employees assume personal liability for the operation of the source and have some exposure for any emissions violations that may occur.

Staff recommended that the City enter into an Agreement which provides for an indemnification of specific employees who accept this responsibility. Those individuals involved are Miles R. Dentler as Designated Representative/Primary Responsible Official and Kevin B. Robinson as Alternate Designated Representative/Additional Responsible Official.

Staff recommended that the City Commission approve this Agreement and authorized the appropriate City officials to execute all corresponding documents to the Agreement.

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

AUDIENCE

Heather Arnold spoke against the removal, relocation, or modification of the pickleball courts at Woodlake Courts. She requested the City investigate the validity of the noise complaint as the courts have been operating without opposition for 10 years.

Shawn Sherrouse is aware of the situation. Staff has met with neighborhood associations and individuals from the pickleball community. They implemented a change to set the hours from 8:00 am – 8:00 pm. There are other options to be considered, but at this time there is no commitment. The City will continue to communicate with both pickleball advocates and the neighboring communities.

Amy Holloway asked if Shawn Sherrouse has been in contact with pickleball advocates. Yes, the City has had communications both in person and via email. The City will engage the public and meet with the community when they are ready to move forward with discussions and find a compromise between the two groups.

Vashty Osso is the small business owner of a kitchen and bar restaurant. She requested a contact to help her with small business funding and loans so that she can become established as minority, disability, and Hispanic led business. Mayor Mutz recommended she contact the Lakeland Chamber of Commerce Catapult Lakeland, and BRIDGE Local. Kevin Cook provided her with all the information. She also requested support for Robert Osso who is a high-level chef who got into a national competition. Kevin Cook also got that information and would share via social media.

Taren Wadley is a master freshwater commercial fishing woman. She provided a video for the Commission to view later. It was of the St. Johns River Water Management District. She spoke about the low and no value fish that are not being harvested and overrunning our waters. Visual aids where referenced, photocopies of these are on file in the agenda packet). She suggested a removal program on one of our bigger lakes (i.e. Lake Hollingsworth) in order to see what it is producing. The Commission and staff agreed this matter would be in the jurisdiction of the Florida Fish and Wildlife Conservation Committee.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Samuel Simmons: Thanked City administration for producing quarterly reports on residential and commercial growth. Each member of the Commission receives a copy of this report in their one-on-ones.

Commissioner Bill Read: Does the City display the American flag on July 4th? During Red, White, and Kaboom the City hangs giant American flags off the Lakeland Electric building and bucket trucks. He also suggested community service hours to students by painting the electrical boxes around Lakeland as a form of beautification.

Commissioner Mike Musick: Thanked Taren Wadley for making public comment. Congratulated to his son who got married in Carmel, Indiana.

CALL FOR ADJOURNMENT – 11:43 a.m.

H. William Mutz

H. William Mutz, Mayor

CITY OF LAKELAND, FLORIDA
INCORPORATED
JAN. 1, 1885

Heather J. Bradman

Heather Bradman, Deputy City Clerk