

LAKELAND CITY COMMISSION
October 4, 2021

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. Deputy City Manager Nicole Travis, City Attorney Palmer Davis, Assistant Finance Director Deidra Joseph, and City Clerk Kelly Koos were present.

CALL TO ORDER - 9:00 A.M.

PRESENTATIONS

LFD Operations, Challenges and Resiliency (Jason Busby, Battalion Chief)

Beautification Awards (Bill Koen)

- Residential: 1725 Sims Place - Lindsay Dawson & Glenda Dawson
- Commercial: 1745 Lakeland Hills Boulevard - Central Florida Kidney Care
-

Mayor Bill Mutz wished Shawn Sherrouse a happy birthday today. He was out attending the ICMA conference.

PROCLAMATIONS

Certified Public Manager Month
Domestic Violence Awareness Month
Fire Prevention Week
Hispanic Heritage Month
Keystone Challenge Fund Day
National Red Ribbon Month
Safe Sleep Awareness Month

APPROVAL OF CONSENT AGENDA

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

Motion: Commissioner Phillip Walker 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 Minutes 09/09/2021 – 09/23/2021

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC - None

EQUALIZATION HEARINGS

Recess/Convene: The 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 Cleaning and Clearing

Motion: Commissioner Chad McLeod 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 recessed and the Commission reconvened in Regular Session.

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5894; Proposed 21-040; Dissolving the Hawthorne Mill North Community Development District (1st Rdg. 09-20-21)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO COMMUNITY DEVELOPMENT DISTRICTS; REPEALING ORDINANCE 5758; DISSOLVING THE HAWTHORNE MILL NORTH COMMUNITY DEVELOPMENT DISTRICT; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

Ordinance 5895; Proposed 21-041; Establishing a New Hawthorne Mill North Community Development District on Approximately 289.07 Acres Located South of Pipkin Road, North of Ewell Road and East of County Line Road (1st Rdg. 09-20-21)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT TO BE KNOWN AS THE HAWTHORNE MILL NORTH COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

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

Ordinance 5896; Proposed 21-042; Amending Ordinance 5341, as Amended; Related to Firefighters' Retirement System (1st Rdg. 09-20-21)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO THE CITY OF LAKE LAND FIREFIGHTERS' RETIREMENT SYSTEM; AMENDING THE CITY OF LAKE LAND

FIREFIGHTERS' DEFINED BENEFIT PLAN BY AMENDING SECTION 27, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS, RELATED TO SHARE ACCOUNTS UNDER CHAPTER 175, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

Ordinances (First Reading)

Proposed 21-030; Repealing Previous Ordinances Related to Employees Exempted from Civil Service

AN ORDINANCE RELATING TO CIVIL SERVICE; REPEALING CERTAIN ORDINANCES EXEMPTING OFFICERS AND EMPLOYEES FROM THE CIVIL SERVICE SYSTEM IN ORDER TO PROVIDE FOR THE CONSOLIDATION OF ALL SUCH EXEMPTIONS BY RESOLUTION; 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 October 18, 2021.

Proposed 21-043; Changes to the Land Development Code (LDC); Article 4 (General Site Development Standards) to Adopt Development Standards for Clothing Collection/Donation Bins, Allow Shipping Containers as Accessory Structures for Certain Commercial Uses and Expand the Parking Exempt Area within Downtown Lakeland

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKEland, FLORIDA RELATING TO THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 4 OF THE LAND DEVELOPMENT CODE TO ADOPT DEVELOPMENT STANDARDS FOR COLLECTION/DONATION BINS, ALLOW FOR THE USE OF SHIPPING CONTAINERS AS ACCESSORY STRUCTURES FOR CERTAIN COMMERCIAL USES, AND EXPAND THE PARKING EXEMPT AREA WITHIN DOWNTOWN LAKEland; MAKING FINDINGS; 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 October 18, 2021.

Proposed 21-044; Changes to the Land Development Code (LDC); Article 9 (Subdivision Standards) and Article 13 (Nonconformities) to Address Subdivision Review and Platting Requirements, Adopt Standards for Splitting Lots and Parcels and Allow for the Development of Nonconforming Lots Under Certain Conditions

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 9 AND ARTICLE 13 OF THE LAND DEVELOPMENT CODE TO ADDRESS SUBDIVISION REVIEW AND PLATTING REQUIREMENTS, ADOPT STANDARDS FOR SPLITTING LOTS AND PARCELS, AND ALLOW FOR THE DEVELOPMENT OF NONCONFORMING LOTS UNDER CERTAIN CONDITIONS; MAKING FINDINGS; 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 October 18, 2021.

Proposed 21-045; Changes to the Land Development Code (LDC); Article 2 (Use Standards) and Article 5 (Standards for Specific Uses) to Adopt Development Standards allowing for the Use of Shipping Containers as Dwelling Units in Mobile Home (MH) Zoning Districts and as Accessory Structures for Certain Commercial Uses, Amend Standards for Home-Based Businesses; Clarify Parking Standards for Boats, Trailers and RV's on Residential Property and to Revise Development Standards Related to Personal Wireless Services (PWS) Facilities in Limited Development (LD) Zoning Districts

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 2 AND ARTICLE 5 OF THE LAND DEVELOPMENT CODE TO ADOPT DEVELOPMENT STANDARDS ALLOWING FOR THE USE OF SHIPPING CONTAINERS AS DWELLING UNITS IN MOBILE HOME (MH) AND MULTI-FAMILY (MF) ZONING DISTRICTS AND AS ACCESSORY STRUCTURES FOR CERTAIN COMMERCIAL USES; AMENDING STANDARDS FOR HOME-BASED BUSINESS IN RESPONSE TO RECENT LEGISLATIVE CHANGES; CLARIFYING PARKING STANDARDS FOR BOATS, TRAILERS AND RV'S ON RESIDENTIAL PROPERTY; REVISING STANDARDS PERTAINING TO PERSONAL WIRELESS SERVICE FACILITIES IN LIMITED DEVELOPMENT (LD) ZONING DISTRICTS; MAKING FINDINGS; 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 October 18, 2021.

Proposed 21-046; Changes to the Land Development Code (LDC); Article 5 (Standards for Specific Uses) to Allow a Smaller Development Site Area, Smaller Lot Sizes and Greater Density for New Mobile Home Parks as a Conditional Use; to Allow for the Use of Shipping Containers as Dwelling Units in New and Existing Mobile Home Parks as a Conditional Use; to Allow for the Use of Tiny Homes in Recreational Vehicle Parks and Spaces Designated for Recreational Vehicles in Existing Mobile Home Parks.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 5 OF THE LAND DEVELOPMENT CODE TO REVISE DEVELOPMENT STANDARDS FOR NEW MOBILE HOME PARKS TO ALLOW SMALLER DEVELOPMENT SITE AREAS, SMALLER LOT SIZES AND GREATER DENSITY AS A CONDITIONAL USE, ALLOW FOR THE USE OF SHIPPING CONTAINERS AS DWELLING UNITS IN NEW AND EXISTING MOBILE HOME PARKS AS A CONDITIONAL USE, AND ALLOW FOR THE USE OF TINY HOMES IN RECREATIONAL VEHICLE PARKS AND SPACES DESIGNATED FOR RECREATIONAL VEHICLES IN EXISTING MOBILE HOME PARKS; MAKING FINDINGS; 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 October 18, 2021.

Proposed 21-047; Changes to the Land Development Code (LDC); Article 3 (Urban Form Standards) to Amend Design Standards for Attached Garages on Single-Family and Two-Family Dwellings

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 3 OF THE LAND DEVELOPMENT CODE TO AMEND DESIGN STANDARDS FOR ATTACHED GARAGES ON SINGLE-FAMILY AND TWO-FAMILY DWELLINGS; MAKING FINDINGS; 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 October 18, 2021.

Proposed 21-048; Changes to the Land Development Code (LDC); Article 10 (Concurrency Standards) to Provide Clarification Regarding the Concurrency

Determination Process and to Adopt Review Requirements for Major Traffic Studies

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 10 OF THE LAND DEVELOPMENT CODE TO PROVIDE CLARIFICATION REGARDING THE CONCURRENCY DETERMINATION PROCESS AND ADOPT REVIEW REQUIREMENTS FOR MAJOR TRAFFIC STUDIES; MAKING FINDINGS; 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 October 18, 2021.

CITY MANAGER**Recommendation re: Lakeland Linder International Airport (LLIA) - Contracts for the Construction and Oversight for the Reconstruction of Taxiway E and Construction of Taxiway S**

LLIA was ready to proceed with the reconstruction of TWY E and construction of TWY S projects and would like to enter a Construction and Engineering oversight contract to complete the work of both projects. The airport had received grants from the Federal Aviation Administration (FAA) in the amount of \$5,953,132 with 100% participation as well as a grant from the Florida Department of Transportation (FDOT) in the amount of \$450,000 at 80% participation. Both grants would cover the design and construction of the project.

RFQ #1006 for Architectural and Engineering Professional Services was issued in December 2020 and there were five (5) respondents. The Selection Committee met on the January 21, 2021 to rank the firms. Amherst Consulting Company LLC and Atkins North America Inc. were both ranked as the top firms. Based on the rankings, LLIA awarded the design for the project to Amherst Consulting Company LLC (Amherst) and the construction administration services contract to Atkins North America Inc (Atkins).

COMPANY	LOCATION	RANK
Amherst Consulting Company LLC	Maitland, FL	1
Atkins North America Inc.	Tampa, FL	1
Avcon Inc	Orlando, FL	3
HDR Engineering Inc.	Tampa, FL	4
EG Solutions Inc	Lakewood Ranch, FL	5

The proposed engineering contract with Atkins to provide the construction administration and oversight services is not-to-exceed \$430,850. The FAA requires an independent fee estimate (IFE) be prepared as part of the engineering contract review process. LLIA

engaged Kutchins and Groh LLC (Tampa, FL) to prepare that review, and estimated the engineering services to be \$410,017.08. The FAA guidelines require the proposed engineering services be within ten percent of the independent fee estimate. The Atkins proposal was within the acceptable FAA ten percent range and was acceptable to LLIA staff.

Request for Bids #1117 was issued for construction services in March 2021, with five companies responding. The bids were reviewed by LLIA staff and Amherst Consulting. It was determined that Hubbard Construction Company (Winter Park, FL) was the lowest and most responsive bidder. C.W. Roberts Contracting, Inc. was deemed unresponsive, as it failed to include the required Bid Bond in their submittal. The construction contract with Hubbard Construction Company would be issued in the amount of \$4,838,957.06.

COMPANY	LOCATION	AMOUNT
Hubbard Construction Company	Winter Park, FL	\$4,838,957.06
Ajax Paving Industries of Florida LLC	North Venice, FL	\$5,333,419.96
Cobb Site Development Inc.	Wauchula, FL	\$5,503,385.53
Crisdel Group Inc.	Tampa, FL	\$5,558,458.25
C.W. Roberts Contracting Inc.	Plant City, FL	\$4,688,293.40

Staff recommended that the City Commission authorize the appropriate City officials to enter a contract with Atkins North America Inc. in the not-to-exceed amount of \$430,850 to provide the Construction Administration for the Oversight of the Reconstruction of TWY E and Construction of TWY S subject to the approvals from the FDOT and FAA.

Staff also recommended that the City Commission authorize the appropriate City officials to enter a contract with Hubbard Construction Company in the amount of \$4,838,957.06 to provide the construction services for the project subject to the approvals from the FDOT and FAA.

Staff further requested that the City Commission authorize an increase in estimated revenues of \$194,609 of which \$37,235 is FDOT grant revenues and \$157,284 from the unappropriated surplus of the Airport Operating Fund to accommodate this request. No additional appropriations were requested.

Nicole Travis presented this item to the Commission.

Gene Conrad gave a brief presentation explaining the work being done on the taxiways. The work would be complete before Sun N Fun 2022. In the future, construction projects would begin to slow down. They do an update to the master plan every 5 years. They would be installing a waiting spot for aircraft.

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

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

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

Recommendation re: Ratification of Collective Bargaining Agreement with the Utility Workers Union of America Local 604 representing Bargaining Unit Employees in Lakeland Water Utilities

The Utility Workers Union of America (UWUA) was elected as the exclusive bargaining agent by Lakeland Water Utilities unit employees in November 2010. The Lakeland Water Utilities bargaining unit included roughly 36 classifications and approximately 135 employees. The most recent Collective Bargaining Agreement (CBA) expired on September 30, 2020.

Negotiations for the successor CBA for the Lakeland Water Utilities bargaining units commenced in August of 2020. Despite extensive negotiations, the City filed for Impasse in November 2020, and arbitration hearings with Special Magistrate occurred on April 13 and 14, 2021. A recommendation was received from the Special Magistrate on August 16, 2021, and both parties complied with the continuation of the required impasse process over the next few weeks. A mutual decision was reached to schedule and conduct further negotiation sessions prior to a Public Hearing being scheduled to take the disputed issues before the City Commission.

Negotiation teams for the City and the UWUA recently reached agreement on proposed terms and conditions for a successor 3-year Water Utilities Unit CBA, which has been ratified by the respective unit employees on September 29, 2021. With the ratification of the agreements by represented Bargaining Unit employees, the CBA now awaits formal consideration from the Lakeland City Commission. The following provides a summary of the recently agreed upon major economic terms and conditions of each of the CBA.

Lakeland Water Utilities Bargaining Unit:

- **Wages:**

Effective October 1, 2020 (FY 2021):

0% Across the Board (ATB) increase for all active Bargaining Unit employees.

0% Merit Increase for active and eligible Bargaining Unit employees.

Effective October 1, 2021 (FY 2022):

1.50% ATB increase for all active Bargaining Unit employees.

Up to 2.5% merit increase for all active and eligible Bargaining Unit employees

Effective October 1, 2022 (FY 2023):

1.50% ATB increase for all active Bargaining Unit employees.

Up to 2.5% merit increase for all active and eligible Bargaining Unit employees

- **Term of Agreement:**

From date of ratification through September 30, 2023 (an overall (3) three-year agreement).

- **Other:**

The City and the Union agree to the City's counterproposal on Article 42 (Non-Standard Shift Provisions) dated September 17, 2021; provided that if the bargaining unit does not ratify this wage agreement, the phrase: "or more than one (1) negative response in any consecutive eight (8) hour period" in the section of Article 42 titled "**Criteria for meeting response requirements as detailed in Article 42**" will be deleted.

The Union withdraws its proposals and agrees to the City's proposals on the following:

- Article 36 – Health Benefits (Status Quo)
- Article 40 – Survivor Benefits (Status Quo)
- Article 42A – Out of Town Assignments
- Article 46 (Term of Agreement), except that ATB and merit increases for the 2021-2022 fiscal year will be effective as of October 1, 2021.

The Union withdraws its proposals on the following:

- Article 13, except that the parties agree to substitute "business days" for "calendar days"
- Article 33 – Meals (No increase – Status Quo)
- Article 43 – Premium Pay (No increase – Status Quo)

- **Policies:**

The City and the Union agree to implement the recommendations of Special Magistrate Michael Whelan regarding revision of city policies.

All other articles that were tentatively agreed upon have been incorporated into the final CBA.

Staff recommended that the City Commission authorize the appropriate City officials to execute the respective proposed Collective Bargaining Agreement with the Utility Workers Union of America Local 604 representing Bargaining Unit employees in Lakeland Water Utilities as described above.

Nicole Travis presented this item to the Commission.

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

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

Commissioner Mike Musick was impressed with how long it took to reach an agreement. He thanked staff for getting it done.

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

Nicole Travis thanked the city team, under the leadership of Charlie Martin.

CITY ATTORNEY

Ordinances (First Reading)

Proposed 21-049; Approving a Conditional Use to Allow the Demolition and Reconstruction of a Secondary School for Grades Six through Eight on Property Located at 2815 Eden Parkway

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; APPROVING A CONDITIONAL USE TO ALLOW FOR THE DEMOLITION AND RECONSTRUCTION OF A SECONDARY SCHOOL FOR GRADES SIX THROUGH EIGHT ON PROPERTY LOCATED AT 2815 EDEN PARKWAY; 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 October 18, 2021.

Resolutions

Resolution 5720; Proposed 21-076; 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 Phillip Walker 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 Chad McLeod, Bill Read, Stephanie Madden, Sara McCarley, Mike Musick, Phillip Walker, and Mayor Bill Mutz voted aye. Ayes – seven. Nays – zero. The motion carried unanimously.

Miscellaneous Reports

*** Memo re: Fourth Amendment to Ground Lease between the City of Lakeland and Tigertown GM, Ltd. for the Development of Parker Pointe Apartments**

This was a Fourth Amendment to the Ground Lease between the City of Lakeland and Tigertown GM, Ltd. (Tigertown GM). On September 5, 2019, the City Commission selected Tigertown GM, an affiliate of Green Mills Group, LLC, to develop Parker Pointe Apartments, a multi-family affordable housing complex to be constructed on approximately 2.83 acres of City-owned property located north of E. Bella Vista Street, west of W. Lake Parker Drive, east of N. Lake Avenue and south of the City's Joker Marchant complex. Tigertown GM was scheduled to close on the financing for this project next week. In preparation for the closing, Tigertown GM was notified by Raymond James Tax Credit Fund XX L.L.C., a member of the financing group, that they require additional modifications to Tigertown GM's ground lease with the City.

Specifically, Raymond James was requesting that the ground lease be modified to allow for the substitution of the general partner and limited partner of the Tigertown GM partnership without the substitution being considered an assignment under the ground lease requiring the consent of the City. It was not uncommon for entities providing third party financing to make a request of this nature in order to retain flexibility in the event a foreclosure becomes necessary. The second requested modification was to require that the City notify Raymond James in the event of a default under the ground lease in order to afford Raymond James the opportunity to cure any default prior to the City seeking to terminate the lease.

In addition to the requested Raymond James' modifications, the Florida Housing Finance Corporation (FHFC) had also requested modifications to the ground lease. FHFC was requesting that the City: (1) agree not to encumber the subject property with a mortgage; (2) consent to the leasehold mortgage of FHFC against Tigertown GM's leasehold interest; and (3) consent to a land use restriction against the property restricting the property to use for affordable housing.

None of the requested modifications substantially impacted the City's interests or the intended use of the property, and staff recommended that the City Commission approve and authorize the appropriate City officials to execute the Fourth Amendment to the Ground Lease with Tigertown GM, Ltd.

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

UTILITY

Miscellaneous**Memo re: Agreement with Mid-State Industrial Maintenance, LLC for Repairs to Exhaust Silencer Panels at Larsen Unit 8**

This was a proposed Agreement with Mid-State Industrial Maintenance, LLC (Mid-State) for modification and repairs to fourteen (14) silencer panels in the exhaust duct of the combustion turbine at Larsen Unit 8. Over the years, vibration has compromised the perforated plates and degraded the insulation, allowing insulation to fly into the gas path and become embedded in the Heat Recovery Steam Generator (HRSG) finned tubes downstream, which has reduced the efficiency of Unit 8. Additionally, the plating itself has broken welds due to the increased vibration, risking complete liberation into the gas path that could result in tube damage and potentially require a forced outage to repair.

Accordingly, on February 18, 2021, the City's Purchasing Department issued Invitation to Bid No. 1166 seeking qualified contractors to modify and repair the fourteen (14) silencer panels in the exhaust duct of the combustion turbine of Unit 8. The City received responses from the three (3) vendors listed below.

Contractor	Location Bid	Price
Pro Serv Industrial Contractors, LLC	Sanford, FL	\$201,875
Mid-State Industrial Maintenance, LLC	Lakeland, FL	\$221,900
Schock Manufacturing, LLC	Owasso, OK	\$400,000

Upon evaluation by Lakeland Electric staff, Mid-State was selected as the most responsive, responsible bidder capable of providing the services in accordance with the City's Bid Specifications. Although Pro Serv Industrial Contractors, LLC submitted the lowest price bid, Mid-State, a local Lakeland business, submitted a bid that was within 10% of Pro Serv's price. As such, pursuant to the City of Lakeland's Local Preference Ordinance 5850, Mid-State was awarded the Bid.

Upon City Commission approval, a purchase order would be issued to Mid-State for work that would include equipment, materials, removal and installation of the silencer panels and repair/modification to the silencer panels, including removal of insulation/reattachment of perforated plates. Mid-State was scheduled to complete the work during Unit 8's Spring 2022 scheduled outage starting March 27, 2022 and ending May 16, 2022. Mid-State would perform all services in accordance with the terms and conditions set forth in the City's Bid Specifications, as well as Mid-State's submittal to the City's bid dated June 30, 2021. The total cost of the work was \$221,900 and was included in Lakeland Electric's FY22 budget.

Staff recommended that the City Commission approve this Agreement with Mid-State for repairs to Larsen Unit 8's exhaust silencer panels and authorize the appropriate City officials to execute all corresponding documents on behalf of the City.

Ramona Sirianni presented this item to the Commission.

Motion: Commissioner Stephanie Madden moved to approve the agreement and Commissioner Sara McCarley seconded.

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

Commissioner Stephanie Madden talked about the local vendor preference. She was happy to see the success of that program.

Commissioner Mike Musick echoed his appreciation for the local vendor preference program.

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

Memo re: Agreement with Mid-State Industrial Maintenance, LLC for Outage Contractor Services at McIntosh Unit 5 and MGT2

This was a proposed Agreement with Mid-State Industrial Maintenance, LLC (Mid-State) for outage contractor services related to the general maintenance and repair of McIntosh Unit 5 and MGT2. During the upcoming scheduled Fall outage for Unit 5, the following general maintenance work needs to be performed:

- Replacement of a section of the boiler roof that has degraded due to excessive heat.
- Penetration seal replacement of the boiler roof that has degraded due to excessive heat.
- Replacement of silencers, which are necessary to restrict noise pollution, due to their degradation over time.
- Replacement of the combustion turbine roof fire suppression damper.
- Miscellaneous small scope inspections, repairs and replacements.

During the upcoming scheduled Fall outage for MGT2, the following general maintenance work needs to be performed:

- Repair of the interior exhaust duct lining that has been damaged during the past year of operation.

Accordingly, on August 11, 2021, the City's Purchasing Department issued Invitation to Bid No. 1258A seeking qualified contractors to provide labor, supervision, tools, materials, equipment, scaffolding and expendables to perform the scope of work listed in the specification. The City received responses from the three (3) vendors listed below.

Contractor	Location	Bid Price
Mid-State Industrial Maintenance, LLC	Lakeland, FL	\$ 898,200.00

Traylor Industrial, Inc.	Evansville, IN	\$1,953,615.00
National Steel Constructors, LLC	Plymouth, MI	\$2,596,415.93

Upon evaluation by Lakeland Electric staff, Mid-State 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, a purchase order will be issued to Mid-State for the work.

Mid-State was scheduled to complete the work during the upcoming Unit 5 and MGT2 scheduled Fall outage starting November 6, 2021 and ending December 18, 2021. Mid-State would perform all services pursuant to the terms and conditions set forth in the City's Bid Specifications and Mid-State's submittal to the City's bid dated September 14, 2021. The total cost of the work was \$898,200.00 and was included in Lakeland Electric's FY22 budget.

Staff recommended that the City Commission approve this Agreement with Mid-State for outage contractor services at McIntosh Unit 5 and MGT2 and authorize the appropriate City officials to execute all corresponding documents on behalf of the City.

Ramona Sirianni presented this item to the Commission.

Motion: Commissioner Mike Musick moved to approve the agreement and 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 new motion carried unanimously.

AUDIENCE

Larry Kalick 2012 Winter Set Dr in south Lakeland. He was concerned about traffic on Lakeland Highlands Rd and the noise pollution cause by speakers coming from cars. The noise is so loud it vibrates the windows in their homes.

Commissioner Stephanie Madden has heard complaints from residents near Harden Bl. It is difficult to enforce because vehicles keep moving. She asked for a workshop to discuss the options, maybe signage to remind folks we have a noise ordinance.

Commissioner Mike Musick thanked him for coming. We get emails but you coming to speak is appreciated. He wanted to see when the last time was the police issued a ticket for this. It is bad in his neighborhood too.

Commissioner Chad McLeod supported further discussion on the issue.

Commissioner Phillip Walker thanked the gentleman for attending. He knew there were incidents of enforcement.

Larry did not think there were police enforcing the noise ordinance in the area of the parkway.

Nicole Travis would reach out to Chief Garcia for some data. If there is enough information a workshop, she will get it scheduled.

Commissioner Sara McCarley - maybe even a communications campaign.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Chad McLeod attended a virtual session with the purchasing department educating citizens on how to do business with the City of Lakeland. That was helpful information for small business in the community.

Commissioner Stephanie Madden:

- encouraged everyone to go and watch the Utility Committee meeting to learn about the future of energy.
- She talked about the Historic Homes Film that played at the Polk Theater on Friday night. The People Who Lived There
- Mentioned Emily Colon's new role in innovation. She would like to see a digital tool to model traffic for planners and the community. It would help people understand what goes into development.

Nicole Travis will pass the idea on to Emily Colon and Chuck Barmby to see what tools are available.

Commissioner Sara McCarley:

- there is an entrepreneur at Catapult right now working with the traffic division to study roadways.
- recognized Aida Drake who created a Beacon Hill Newspaper. They are re-establishing the neighborhood association in her neighborhood. The Drakes have agreed to also be engaged. Neighborhoods are important to our community. She commended the Drakes for their participation.
- She needed information on why they were grinding some of the sidewalks in her neighborhood.
- She attended 1st Friday which was very popular and commended LDDA and Julie Townsend.
- She is hearing a lot of polarization on both sides while campaigning. There is great hope. We are coming out of the pandemic or learning how to mitigate it. A lot of things in the national dialogue stress people out. Local is the best piece of serving others. There is a tension in the community about national politics. The

more we can be positive and good neighbors to each other the better the community.

Commissioner Mike Musick agreed! He was finding that we cannot do everything. He missed the movie, but he did get to attend First Friday. It is nice to be out there. He has enjoyed getting to know the Commissioners and looked forward to getting Nov. 2nd behind him.

Commissioner Phillip Walker:

- The movie, The People Who Live There; it was very nicely done.
- Thanked participants of the last Neighborhood Outreach.
- Announced next GTF meeting on Oct 11 at 5 p.m. in the Commission Conference Room. They need to decide what was next.
- He was encouraged to hear there is a new group coming to town as Jeff Bagwell retires from Keystone Challenge.
- Announce City Government Week for the next Commission meeting. We will have a proclamation but wondered what else we could do.

CALL FOR ADJOURNMENT – 11:07 a.m.

H. William Mutz, Mayor

Kelly S. Koos, City Clerk

