

LAKELAND CITY COMMISSION

Regular Session

April 18, 2022

The Lakeland City Commission met 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 - 9:00 A.M.

PRESENTATIONS

City Maker Award - Peter Golotko

CRA 2021 Annual Report: Relate. Renovate. Reinvigorate. (Alis Drumgo, Assistant Director of Economic Development)

4Ball Tournament at Cleveland Heights Golf Course (Timothy Darby, Tournament Chairman)

The 100 Best Fleets in the Americas program recognizes peak-performing fleet operations. The contest is open to any public fleet in North, Central, or South America; over 38,000 agencies are eligible to compete. The City of Lakeland Fleet Management has been recognized 11 times in the competition since 2011, ranked from #96 to #4.

PROCLAMATIONS – None

COMMITTEE REPORTS AND RELATED ITEMS

Municipal Boards and Committees 04/18/22

Commissioner Stephanie Madden presented the Municipal Boards Committee Report.

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

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

The Commission discussed:

- Boards were an entryway for people to get involved with the City.
- A lot of the work starts before it ever gets to the Commission.
- Lakeland needed people to get involved.
- Serving on a board gives you an appreciation for the complexities.

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

APPROVAL OF CONSENT AGENDA

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

Motion: Commissioner Sara McCarley moved to approve the items on the Consent Agenda. 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.

APPROVAL OF MINUTES (with any amendments)

- * Commission Minutes – April 1-4, 2022
- * Utility Committee Minutes – April 1, 2022

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC – None

EQUALIZATION HEARINGS – None

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5927; Proposed 22-016; Amending Ordinance 4300, as Amended; Major Modification of PUD Zoning to Allow a Very High Turn-Over Restaurant on Property Located at 3524 Lakeland Highlands Road (1st Rdg. 04-04-22)

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 4300, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PUD ZONING TO ALLOW A VERY HIGH TURN-OVER RESTAURANT ON PROPERTY LOCATED AT 3524 LAKELAND HIGHLANDS ROAD; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

Planning & Transportation Manager Chuck Barmby gave a brief presentation.

The Commission discussed:

- Traffic and parking
- A possible fast food restaurant with higher traffic. The PUD condition remained with the land and any restaurant at that location would have to comply. Queuing cannot overflow into the Sams Club plaza.

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

Proposed 22-017; Amending Ordinance 3432, as Amended; Major Modification of PUD Zoning to Allow a 102,675 sq. ft. Mini Warehouse/Self-Storage Facility with Outdoor RV Storage on Property Located at 2575 Harden Boulevard

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 3432, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PUD ZONING TO ALLOW A 102,675 SQUARE FOOT MINI WAREHOUSE/SELF-STORAGE FACILITY WITH OUTDOOR RV STORAGE ON PROPERTY LOCATED AT 2575 HARDEN BOULEVARD; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

Chuck Barmby gave a brief presentation.

The Commission discussed:

- The number of self-storage facilities in Lakeland, approximately a quarter of which were adjacent to residential communities.
- Of the 106,000 sq. ft., 70,000 will be used internally for self-storage space.
- Site access from Harden Boulevard will be right-in/right-out operations. The existing full median opening on Harden Boulevard must also be modified to only allow southbound left turns.

- There were 20 RV storage spaces.
- The net size was 4.43 acres.
- Compatibility – extensive buffer near homes, building is approximately 300 foot distance from residences, low trip generation, emergency only access to Grasslands Boulevard.
- The existing PUD was for assisted living. There has been a broad spectrum of approvals prior to this PUD modification request. Developers say access from Harden Bl. hampers development.
- Notice was the traditional 500 ft. boundary. Staff asked the applicant to make contact with one of the HOAs in Grasslands.
- Staff categorizes self-storage as a mini warehouse and requires design to be more retail in appearance.

Applicant Attorney Tim Campbell gave a brief presentation. Listed team members. Market analysis calls for these businesses to be built near residential development. The parcel has sat vacant for some time. This is a unique site to develop. FDOT has announced they will close the open median when this site develops. Because of access, it required a low impact use with low trip generation. He reviewed previous PUD approvals. Access has varied with PUDs. This proposal generates 50% of the trips allowed. There were 20 RV spots. The project was designed to be compatible in a residential area. They offered the architectural renderings to be part of the ordinance. The RV storage was covered and there was a wall 250 ft east of the western boundary.

The Commission discussed:

- Emergency access will always be locked .
- Objections to the project were sightlines, traffic, and best use.
- The need for sufficient buffering. The existing landscaping will remain.

Audience Comments

Tonya Gibson, Village Condo Assoc Pres., spoke. They understand they will have a view of something. She did not think a warehouse in the middle of 4 neighborhoods was the right use of that land. She thought they would be able to tell that it is a storage facility. They were not concerned about traffic if its access in off Harden. There is another storage area within a mile. They oppose this development.

Jill Manka, 15-year resident. The building was 46.6 ft high which was taller than a 3-story building. Is the covered parking in the total sq. ft? You will be able to see the building through the trees. She was also concerned about stormwater drainage. The awning covering was higher than the wall.

Susan Spelios moved to Grasslands because it was a planned community. The purpose is to have context and continuity of the neighborhoods. 1800 existing residential units surround this site, 2600 residential units existing and new. The existing PUD was approved as a modification to the Drummond Master Plan which allowed for the assisted living complex. The project was not contextually appropriate.

Sally Myers spoke about the vision to develop Lakeland in a positive way, accomplished by planners who had the courage to say no. The storage facility was a shoe that did not fit. She asked the Commission to be patient. There will be a better fit. Have the courage to say no to this development.

Lyonal Lindsey was opposed to this development.

Ray Taylor, Grasslands resident, spoke against the development. He opposed the development.

Applicant Rebuttal Tim Campbell

- He did hear from Tanya Gibson of the HOA. They have been communicating.
- The Lakeland Highlands Storage has been designed differently than this project.
- The developer has worked to address the concerns expressed thus far.
- This is a big personal storage company that has done market research and there is a need for the business.
- The height is the same as it has been all along.
- The fence was to be higher than the covered parking and the developer will increase the height of the wall to block the view of the covered parking.
- The stormwater pond was predesigned. It will accommodate this site.
- He has represented Drummond for almost 30 years. There have been changes as there were changes in the market. Drummond was successful because they have been flexible for changing needs.
- Staff analysis would be different if the trip generation were not so low and the project such a low impact.
- This project checks all the boxes for being appropriate for this location.
- Staff found it to be compatible and P&Z unanimously approved the project.

Mayor Bill Mutz asked for Commission comments.

Commissioner Stephanie Madden: Great to hear all the back story of staff working alongside of neighbors with developers to come up with the best possible project. Staff did work hard to make this a better project. She would vote no because of the Drummond Master Plan. This is a special and unique corridor. It has an aesthetic that is unique to Grasslands. She did appreciate the new design and hoped that would set the standard for storage units.

Commissioner Sara McCarley: Thanked everyone for their work. The project was in her southwest district. She did not support the project. She was grappling with the growth they were experiencing in Lakeland. As more people come to Florida every day, she must look at this from a high-level view. Maybe this needs to remain a green space. A storage facility is one more reason Lakeland would become a bedroom community. It is a wonderful well-thought-out area. Look forward to what Lakeland will look like in 100 years.

Commissioner Chad McLeod: This is a difficult decision. There have been good arguments on both sides. His first concern was compatibility. The applicant has done a good job of trying to make this compatible. It is not often that a proposal comes forward without a significant impact on traffic. He felt he was leaning towards yes.

Commissioner Phillip Walker: These things will continue to come before us. He was challenged by the DRI and what was originally proposed for that community. He did not think this was the right project for this property.

Commissioner Mike Musick: Drummond chose not to retain this parcel. These types of parcels are used for these types of uses. He did not necessarily agree with this was not part of Drummond's original plan.

Mayor Bill Mutz: With respect to residents and Planning & Zoning, this project was well conceived with low traffic, and a less offensive appearance but it was premature to change zoning. This development needs to be something in medical or residential. He was not ready to give up on this parcel. We can put a storage facility anywhere in the community. He would not support this project. He wanted to extend the opportunity to let this develop as something else.

Nicole Blajan asked for the opportunity to work with the HOA and make adjustments to satisfy the HOA. The nearby storage facility is 96% full. They have already reached out and wanted to manage this new location. She hears the comments and is willing to work with the HOA to make this development happen. They want to make sure they fit into the community. She requested a continuance.

The Commission discussed pushing pause on the project. If they voted no outright, the applicant could not return for a year. If they voted no without prejudice, the applicant could return with a modified project. The motion on the table was to approve the development.

The Commission debated compatibility and the type of development they would like at that location.

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

Palmer Davis explained the Commission had to take action on the request today. The options were to deny the request, deny the request without prejudice, or continue the public hearing.

Motion: Commissioner Mike Musick moved to deny the request without prejudice. Commissioner Chad McLeod seconded.

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

The Commission discussed the ability of the applicant to return with a similar project.

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

Palmer Davis explained the Lake Miriam Apartments will come back in early June. Chuck Barmby will be meeting with the County and the School Board this afternoon on the status of Lake Miriam Drive.

Commissioner Stephanie Madden stated reducing the height of the apartments made no difference to her. We need modification on the mitigation on the traffic before she will approve. Queuing to the school is one of the main contributors to the problem. This involves the school and Polk County to approve this project.

CITY MANAGER

Recommendation re: Professional Services Contract with Volaire Aviation Inc. for Air Service Development at Lakeland Linder International Airport

Lakeland Linder International Airport (LAL) is seeking to engage Volaire Aviation Inc. (Voltaire) to provide professional services to assist LAL with securing passenger air service. Voltaire has been approved as a sole source contractor through Purchasing. Voltaire's last contract with the City commenced on August 1, 2018, and expired on June 14, 2021, after the City executed its additional twelve (12) month option. Voltaire is currently operating month to month providing commercial air service development services including assistance in marketing Lakeland to various airlines.

As LAL continues to pursue commercial air service post COVID-19 there is a need to enhance our visibility with various airlines that could potentially connect Lakeland to multiple destinations throughout the eastern half of the United States. This includes additional services outlined in this contract and the application for a Small Community Air Service Development (SCASD) Grant to assist with airline marketing funds and start-up cost offsets.

Fees for these services include a monthly retainer of \$2,500 (for commercial air service development) and a monthly retainer of \$1,000 (for weekly industry news and intelligence reports). The contract also specifies other specific studies or services that can be performed for additional fees. Expenses would be reimbursed in accordance with the City's Consultant Expense Reimbursement Policy.

The City will also be responsible for bonus payments based on the initiation of new scheduled commercial air service. For each new airline announced during the term of

this Agreement, in which Consultant prepared materials or presented to airline, the City will be invoiced a Two dollar and 00/100 (\$2.00) per enplanement service initiation bonus, starting the month that commercial flights begin, and continue for a period of 365 days, or until service ends, whichever comes first. Total bonuses will be capped at a not-to exceed amount of \$50,000 per airline.

The term of the Agreement is retroactive to provide for a full month's service for April 2022, upon City Commission approval, from April 1, 2022, to September 30, 2022, with the ability to extend the agreement for two additional years. Total anticipated costs through September 30, 2022, would be comprised of \$21,000 (for six months of services at \$3,500) plus the SCASD Grant application completed at \$16,500 for a total of \$37,500.

In addition, Polk County Tourism and Sports Marketing (Polk County) agreed to pay for one half of the \$37,500 total for the period from April 1, 2022, to September 30, 2022. A separate agreement will be made between the City and Polk County reimbursing the City in the amount of \$18,750.

Staff recommended that the City Commission authorize appropriate City Officials to enter into the agreement with Volaire for \$37,500. No additional appropriations are required to accommodate this request.

Shawn Sherrouse presented this item to the Commission.

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

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

The Commission discussed:

- Renewing vs. seeking another company. The pandemic had put everything on hold but there was renewed conversations and interest by some airlines who are expanding. Volaire services did a lot of background work in the previous contract. Now LAL was working off that background moving forward.
- Zip codes and the number of people who were going to Tampa and Orlando.
- It was typical for an airport to use a 3rd party to solicit air service. Volaire specializes in recruiting for small airports.

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

Recommendation re: Agreement for Surface Water Grant with the Florida Department of Environmental Protection for Lake Bonny Outfall BY070 Stormwater Retrofit Project

The City of Lakeland has been awarded a State Water Quality Assistance Grant from the Florida Department of Environmental Protection (FDEP) for a stormwater best management practices retrofit project benefitting Lake Bonny. The project includes the construction and installation of a pollution control device (PCD) and a 200 linear foot biosorption activated media (BAM) underground up flow filter to an existing stormwater conveyance that discharges untreated stormwater to Lake Bonny (BY070). The dual components of this system will provide significant treatment to stormwater via the removal of gross pollutants and trash within the PCD and nutrient attenuation within the BAM up flow filter. The stormwater conveyance is located north of North Crystal Lake Drive, east of its intersection with US Highway 98 North and receives drainage from approximately 138 acres of commercial and residential developed property. This conveyance discharges directly through a major outfall (BY070) to Lake Bonny and has been identified as one of the outfalls to Lake Bonny with the highest nutrient content. Providing nutrient reduction through this project will help the City in its ongoing efforts to improve the water quality of Lake Bonny and meet the nutrient reduction requirements of Lake Bonny's Total Maximum Daily Load mandate.

The Funding Agreement (NS098) between FDEP and the City of Lakeland for the Lake Bonny Outfall BY070 Stormwater Retrofit Project outlines the obligations of both parties, deliverables, project schedule, and budget.

The parties anticipate the total cost of the project will be \$280,000. Through the Agreement, FDEP agrees to reimburse the City for the full construction costs of \$280,000.

Staff recommended that the City Commission authorize the appropriate City officials to execute the Surface Water Quality Assistance Grant NS098 Agreement between the Florida Department of Environmental Protection and the City of Lakeland for the Lake Bonny Outfall BY070 Stormwater Retrofit Project.

Shawn Sherrouse presented this item to the Commission.

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

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

The Commission discussed:

- There had not been a situation where the City was not reimbursed.
- This project was like the one at Lake Hollingsworth. There is also one at Lake Hunter. There are about 30 throughout the city.
- They removed 2500-3000 tons of nutrients removed per year including street sweeping.

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

Recommendation re: Task Authorization with Straughn Trout Architects, LLC for Professional Design Services for Toilet Room Renovations at the Lakeland Electric Administrative Building

The Public Works Department and Lakeland Electric solicited a proposal from Straughn Trout Architects, LLC, one of the City's Professional Continuing Contract firms, for toilet room renovations at the Lakeland Electric Administrative Building. The project will include the renovation of 18 toilet rooms on nine of the building's floors.

The scope of work will include:

- Confirm the scope for each space with recommendations of new finishes and fixtures that align with City and Lakeland Electric standards and complement the recently completed renovations in other areas of the building
- Perform a code review against the City's 2018 Accessibility Report by DAC, LLC for compliance with the Americans with Disabilities Act
- Develop a strategic plan for all phases of the work and complete design and construction bid documents
- Assist the City in the evaluation of bids received and provide construction administration services throughout all phases of the renovations

Staff recommended that the City Commission authorize the appropriate City officials to execute the Task Authorization with Straughn Trout Architects, LLC for Professional Design Services for the Toilet Room Renovations at the Lakeland Electric Building in an amount not-to-exceed of \$168,250.00

Shawn Sherrouse presented this item to the Commission.

Motion: Commissioner Phillip Walker moved to approve the task authorization. Commissioner Sara McCarley seconded.

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

The Commission discussed the price and the work, which will be performed in stages. The project will bring the bathrooms into ADA compliance.

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

Recommendation re: Approval of Purchase Order for Gee Asphalt Systems, Inc.

The City of Lakeland Public Works Department currently maintains 840 lane miles of pavement. To effectively and efficiently manage this asset, the need to preserve pavement infrastructure is paramount in assuring the viability of the transportation of people and goods. The Federal Highway Administration and the American Association of State Highway and Transportation Officials have championed the use of preventative

maintenance early in the life of pavement before any significant deterioration occurs, providing a cost-effective way to extend the service life of most roads.

Public Works has identified and implemented effective strategies for deployment of preservation technologies over the past 30 years. One of those preservation products is gilsonite sealer/binder (GSB) friction seal. GSB friction seal utilizes state of the art equipment to combine the previously used GSB product and synchronizes with specialized aggregate and binder to create a perfect cohesion in one pass. Micro surface is a process that we have predominantly used and will continue to use, however, micro surface is a twostep process where a bottom is laid and topped with a second coat usually within 24 hours of the first coat. This GSB friction seal is a one pass method affecting residences one-time verses two passes, therefore, making the effort more efficient and cost effective. GSB is about \$0.20 per yard less costly.

Based on their current pavement condition index (PCI) along with their specific pavement distresses, Public Works is proposing this preservation treatment be applied to the following roads (approximately 6 miles) for FY2022:

1. Ohio Avenue
2. Kettles Avenue
3. Spanish Oaks Subdivision
4. Margaret Street
5. Kendrick Lane
6. Bellgrove Street
7. Elliot Lane

Only one quote has been obtained. The City's Purchasing Division has approved this purchase from a sole source. The vendor is the sole distributor that is restricted by the manufacturer to our territory. This work is budgeted for in the Transportation Fund Capital Improvement Plan.

Staff recommended that the City Commission approve the award of a Purchase Order for Gee Asphalt Systems, Inc. in an amount not to exceed \$200,000

Shawn Sherrouse presented this item to the Commission.

Motion: Commissioner Chad McLeod moved to approve the agreement. Commissioner Mike Musick seconded.

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

The Commission discussed the 840 miles of roadways the city maintains. This is a great way to buy some life for our roadways.

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

CITY ATTORNEY**Ordinances (First Reading) – None****Resolutions****Resolution 5754; Proposed 22-018; Authorizing the Execution of an Agreement for the Subordination of City Utility Interests Located at State Road 37 and Alamo Drive Parcel 504.2**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA AUTHORIZING EXECUTION OF AN AGREEMENT FOR THE SUBORDINATION OF CITY UTILITY INTERESTS LOCATED AT STATE ROAD 37 AND ALAMO DRIVE PARCEL 504.2; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Phillip Walker moved 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, Stephanie Madden, Sara McCarley, Mike Musick, Phillip Walker, and Mayor Bill Mutz voted aye. Ayes – seven. Nays – zero. The motion carried unanimously.

Resolution 5755; Proposed 22-019; Creating and Establishing the Membership of the Lakeland History and Culture Center Advisory Committee

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO THE LAKELAND HISTORY AND CULTURE CENTER (LHCC); MAKING FINDINGS; CREATING AND ESTABLISHING THE MEMBERSHIP OF THE LHCC ADVISORY COMMITTEE; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title. The composition of this committee would be the Librarian (chair), Parks, Recreation, & Cultural Arts Director, Senior Planner for Historic Preservation and six at large members. Commissioner Bill Read suggested on Friday that each district should be represented. The LHCC fund raising committee was supportive of that but wanted flexibility in case they had difficulty finding a representative of each district. Palmer Davis offered suggested language to add Section 2 Sub Section 4d: Whenever possible based upon the applicants' interest and background, at least one

resident of each city commission district shall be appointed to serve as an at-large member.

Motion: Commissioner Bill Read moved to approve as amended. 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: Agreement for Banking Services with Wells Fargo Bank, N.A.**

This was a proposed Agreement with Wells Fargo Bank, N.A. Wells Fargo currently provides banking services to the City of Lakeland, including acting as depository for all payments received, processing authorized payments and wires, and providing certain other miscellaneous services, (e.g., stop payment, check inquiry, etc.). Wells Fargo was selected approximately 8 years ago to provide banking services to the City via a competitive RFP process. The current contract will expire in May.

In lieu of undertaking a new RFP process, the City's Finance Department has, after consulting with the Purchasing Department, determined that "piggybacking" on another recent municipal banking contract would be more efficient. State procurement laws allow municipalities to utilize the terms of competitively procured contracts executed by other governmental agencies. The City of Pensacola recently executed a master banking services agreement with Wells Fargo bank after a competitive procurement process. The agreement would conform to the terms of the Pensacola contract both in terms of fees and the length of the contract. The Pensacola agreement runs through June 30, 2025, with one optional 5-year extension. Fees are based on a fee schedule for various types of services and transactions. Based on averages over a recent 12-month period, Finance estimates the value of this contract at slightly under \$91,000 per year. This is about \$6,300 per year less than the City's current fee schedule with Wells Fargo.

The City's IT systems are closely integrated with those of the current banking vendor, Wells Fargo. These systems include the Oracle accounting system, Peoplesoft for payroll, the UMS account system and others. A major hurdle in shifting banks is reintegrating the City's systems with those of a new bank. For this reason, and the estimated decrease in costs due to fee reductions, it is recommended that the Agreement for Banking Services between the City of Lakeland and Wells Fargo Bank, N.A. be approved by the City Commission and the appropriate City officials be authorized to execute the Agreement on behalf of the City.

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

FINANCE DIRECTOR – None

UTILITY

Ordinances – None

Resolutions – None

Miscellaneous

- * Memo re: Agreement with Total Wrecking & Environmental, LLC for Demolition of McIntosh Units 1, 2 and 3**

This proposed Agreement with Total Wrecking & Environmental, LLC (Total Wrecking) was for services related to the demolition of McIntosh Units 1, 2 and 3. As a result of the recent shutdown of McIntosh Unit 3, Lakeland Electric is seeking complete demolition of Unit 3 and Units 1 and 2, which were previously retired. Complete demolition of these electric generating Units will reduce potential environmental hazards on these sites, as well as prepare the site for future use.

Accordingly, on December 20, 2021, the City's Purchasing Department issued Request for Proposal (RFP) No. 2046 seeking proposals from qualified contractors for demolition services. The City received responses from the eight (8) companies listed below.

- Foss Demolition, Inc. La Grange, NC
- Total Wrecking & Environmental, LLC Buffalo, NY
- Sabre Demolition Corporation Warners, NY
- GSD Trading USA, Inc. Channelview, TX
- Independence Excavating Independence, OH
- DH Griffin Wrecking Co, Inc. Plant City, FL
- Brandenburg Industrial Service Co Chicago, IL
- Jackson Demolition Services, Inc. Schenectady, NY

Upon evaluation by Lakeland Electric staff, Total Wrecking was selected as the most qualified contractor capable of best meeting Lakeland Electric's needs in accordance with the City's RFP. Total Wrecking will perform all services pursuant to the terms and conditions set forth in the Agreement, the City's RFP and Total Wrecking's RFP response dated February 11, 2022.

Pursuant to the Agreement, Total Wrecking will perform all work necessary to demolish and remove equipment, foundations, steel framing, structures and buildings that comprise the project site where Units 1, 2 and 3 are located. Specifically, Total Wrecking's scope of services to complete the work will encompass:

- Procurement of necessary licenses/permits
- Mobilization of personnel, equipment and materials

- Establishing and maintaining temporary site fencing and services
- such as sanitary, electric, lighting and water
- Abatement of asbestos and regulated/hazardous materials
- Demolition of structures
- Protection of existing above and below grade utilities/structures not being demolished or removed
- Handling and loading for off-site disposal of waste resulting from the demolition
- Site restoration
- Demobilization

Upon City Commission approval, Total Wrecking will begin services on or about May 2, 2022. Total Wrecking is scheduled to complete all work by November 2023. This Agreement with Total Wrecking will be zero cost to the City. Rather, Total Wrecking will issue monthly credits to the City based on the tonnage of scrap metal and equipment removed. As such, the City will be paid a total of \$1,222,122.

Staff recommended that the City Commission approve this Agreement with Total Wrecking for services related to the demolition of Units 1, 2 & 3 and authorize the appropriate City officials to execute all corresponding documents related to the Agreement.

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

*** Memo re: Agreement with Powell Electrical Systems, Inc. for Purchase of a 5KV Circuit Breaker for MGT2**

This proposed Agreement with Powell Electrical Systems, Inc. (Powell) was for the purchase of an add on 5KV circuit breaker to existing Powell manufactured switchgear for the MGT2 generator. This circuit breaker will facilitate replacement of the existing Unit 3 emergency power source that currently provides an alternate power source to Unit 5 in the event of a primary power loss. Due to Unit 3's demolition, the existing power source is scheduled to be discontinued. This alternate power source is essential to ensuring the orderly emergency shutdown of Unit 5 and will provide power to critical support systems such as oil pumps, cooling fans, circulating water pumps, turning gear, as well as other vital equipment required for Unit 5 to safely shutdown in the event of a primary power failure.

The City's Purchasing Department has approved Powell, the original equipment manufacturer of the circuit breakers, as the sole source supplier for this equipment. Upon approval by the City Commission, a purchase order will be issued for the equipment and related installation and testing services, which are anticipated to be completed by Powell during Unit 5's scheduled Fall outage in November 2022. The purchase is governed by Powell's Proposal dated April 11, 2022, as well as Powell's standard terms and conditions. The total cost for the 5KV circuit breaker and related services is \$112,540.00, which is included in Lakeland Electric's FY22 budget.

Staff recommended that the City Commission approve this Agreement with Powell and authorize the appropriate City officials to execute all corresponding documents for the purchase.

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

AUDIENCE

Reinier Munguia moved to Lakeland because of the wildlife. He showed a video about wildlife on Lake Parker. He defends the eagle issues throughout the State. He wanted to help the City mitigate the issue with hunters on Lake Parker. He has helped mitigate other issues for FWC. He was concerned about the various species and the people walking on the trail. He was trying to figure out the best outcome.

Judy Talbert did a brief google search that showed the entire lake is within the city limits now. She distributed a handout. The noise ordinance should apply. She had a Vietnam vet who suffers from PTSD. We have elderly using that fitness trail with the scooters to go to Save-A-Lot. She wanted a Restricted Hunting Area (RHA) on Lake Parker Drive.

Joe Murnane: Hunting on Lake Parker was dangerous. Where is the City going with this? I don't think we really know.

Palmer Davis: there is nothing clear or easy about this issue. One of the problems with the sign approach is enforcement. He was reluctant to ask LPD to enforce. There are also the rules against harassing hunters. We could not put signs at a private boat ramp. The State has preempted the ability to regulate firearms. The state does prohibit the discharge of firearms on public property. The Commission could ask for an Attorney General's Opinion (AGO).

The Commission discussed:

- The City's options based on existing laws and violations.
- It was illegal to shoot over a road, at a dwelling or at endangered species.
- Enforcement is a challenge.
- An AGO may add some clarity.
- There may be some endangered species on/around Lake Parker.
- Has FWC declared all public property open for hunting?
- Feeding ducks is not illegal but all conservation groups caution against feeding wildlife.
- Sign may not be effective, would be difficult to enforce, may encourage others to feed wildlife.
- It is illegal to harass a hunter
- Citizens could put signs in their own yards and lobby the State.

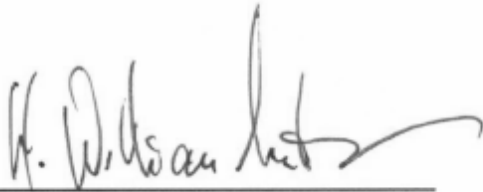
Action: Commissioner Phillip Walker moved to request an AGO as to whether the FWC has expressly approved hunting in the City of Lakeland. Commissioner Bill

Read seconded. Commissioner Sara McCarley called for the vote and the motion carried unanimously, 6-0. Mayor Bill Mutz was absent at that time.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Bill Read announced Friday is Earth Day.

CALL FOR ADJOURNMENT – 12:57 p.m.



H. William Mutz, Mayor



Kelly S. Koos, City Clerk

