LAKELAND CITY COMMISSION

Regular Session
September 19, 2022

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

Lakeland Vision: Implementing Our Community's Vision (Laura Rodriguez, Executive Director)

PROCLAMATIONS

Constitution Week
Deaf Awareness Month
Hispanic Heritage Month
Southwest Middle School Groundbreaking

COMMITTEE REPORTS AND RELATED ITEMS

Finance Committee 09/19/22

Commissioner Chad McLeod presented this item to the Commission.

Motion: Commissioner Bill Read moved to approve the report. 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 CONSENT AGENDA

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

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

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

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

APPROVAL OF MINUTES (with any amendments)

* **Utility Committee – 09/02/22**
* **City Commission – 09/02/22 – 09/06/22**

Action: The Commission approve these items as part of the Consent Agenda.

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC

Dr. Rosa Negron re Mayor's Hispanic Advisory Council

Commissioner Chad McLeod explained they had been meeting over the last few months to reform this group which originally began under Mayor Howard Wiggs.

The Hispanic Festival is now being handled by a new group. The Lakeland Hispanic Club is assisting in the transition. They were working to find sponsors and keep it a community event. It is scheduled for Oct 22 from 1-9 p.m.

EQUALIZATION HEARINGS – None

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5947; Proposed 22-033; Large Sale Amendment #LUL22-003 to the Future Land Use Map to Change Approximately 101.46 Acres of Business Park (BP) to Recreation (R) on Land Located at 4190 W. Pipkin Road (1st Rdg. 08-15-22)

> AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR LARGE SCALE AMENDMENT #LUL22003 TO THE FUTURE LAND USE MAP OF THE CITY OF LAKELAND COMPREHENSIVE PLAN TO CHANGE APPROXIMATELY 101.46 ACRES OF BUSINESS PARK (BP) TO RECREATION (R) ON PROPERTY LOCATED AT 4190 W. PIPKIN ROAD; 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. There were no comments.

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

Ordinance 5948; Proposed 22-038; Application of Limited Development (LD) Zoning and a Change from Suburban Special Purpose (SSP) to Preservation, Conservation, Recreation (PCR) Context District on Approximately 101.46 Acres Located at 4190 W. Pipkin Road (1st Rdg. 08-15-22)

> AN ORDINANCE RELATING TO ZONING; PROVIDING FOR LD (LIMITED DEVELOPMENT) ZONING ON APPROXIMATELY 101.46 ACRES LOCATED AT 4190 W. PIPKIN ROAD; CHANGING THE CONTEXT DISTRICT FOR THE PROPERTY FROM SUBURBAN SPECIAL PURPOSE (SSP) TO PRESERVATION, CONSERVATION, RECREATION (PCR); PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

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

Ordinance 5949; Proposed 22-039; Approving a Conditional Use to Allow a Multi-Use Park with Outdoor Recreation Areas and Playfields on Approximately 101.46 Acres Located at 4190 W. Pipkin Road (1st Rdg. 08-15-22)

> AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE TO ALLOW A MULTI-USE PARK WITH OUTDOOR RECREATION AREAS AND PLAYFIELDS ON APPROXIMATELY 101.46 ACRES LOCATED AT 4190 W. PIPKIN ROAD; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; MAKING FINDINGS; 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. There were no comments.

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

Ordinance 5950; Proposed 22-042; Amending Ordinance 4855, as Amended; Major Modification of PUD Zoning to Increase the Maximum Building Floor Area for an Existing Self-Storage Facility to 99,536 sq. ft. to Allow a Two-Story Expansion on Property Located at 5320 N. State Road 33 (1st Rdg. 09-06-22)

> AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 4855, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PLANNED UNIT DEVELOPMENT (PUD) ZONING TO INCREASE THE MAXIMUM BUILDING FLOOR AREA FOR AN EXISTING SELF-STORAGE FACILITY FROM 72,000 SQUARE FEET TO 99,536 SQUARE FEET IN ORDER TO ALLOW A TWO-STORY EXPANSION ON PROPERTY LOCATED AT 5320 N. STATE ROAD 33; PROVIDING CONDITIONS; 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.

The Commission discussed the buffering of the addition.

Shelton Rice of Peterson & Myers came forward to represent the applicant and answer any questions. They will improve buffering and comply with staff conditions. The expansion was internal to the site.

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

Ordinance 5951; Proposed 22-043; Amending Ordinance 5129, as Amended; Major Modification of a Conditional Use to Adopt a New Site Development Plan and

Allow a Freestanding Emergency Room as Part of Planned Medical Office Uses on Property Located at 2500 Kathleen Road (1st Rdg. 09-06-22)

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 5129, AS AMENDED, TO MODIFY AN EXISTING CONDITIONAL USE TO ADOPT A NEW SITE DEVELOPMENT PLAN AND ALLOW A FREESTANDING EMERGENCY ROOM AND CERTAIN OTHER USES AS PART OF PLANNED MEDICAL OFFICE USES ON PROPERTY LOCATED AT 2500 KATHLEEN ROAD; 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 Phillip Walker seconded.

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

The Commission discussed parking requirements and the prohibition of cannabis.

Bart Allen of Peterson & Myers represented LRH. Lenny Arnold of Chastain Skillman was also present. Patrick Phillips from LRH was present and gave a brief presentation.

The Commission discussed:

- A 2-story building
- Which emergency room to go to for assistance. TheHospital would work with Polk County EMS to determine the best care location for the individual patient. This ER will tend to be a lower emergency acuity.
- The timeline for fully operations: LRH was planning family medicine and medical offices to be live by fall 2023.
- Mall Hill Extension. There were no formal funds and plans at this time. The road extension would be in the County. The City would have to coordinate with Polk County. It would also depend on the future plans of the property to the west of the site.

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

Ordinance 5952; Proposed 22-044; Amending Ordinance 5911; Amending the City of Lakeland Investment Policy for the Public Improvement Endowment Fund (1st Rdg. 09-06-22)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO INVESTMENT POLICIES; MAKING FINDINGS;

AMENDING ORDINANCE NO. 5911 TO MODIFY THE CITY OF LAKELAND INVESTMENT POLICY FOR THE PUBLIC IMPROVEMENT ENDOWMENT FUND; 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.

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

Ordinance 5953; Proposed 22-045; Approving the Inclusion of Certain Lands within the Boundaries of the Lakeland Area Mass Transit District (1st Rdg. 09-06-22)

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

Palmer Davis read the short title.

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

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

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

Resolutions

Resolution 5781; Proposed 22-045; Authorizing the Issuance of City of Lakeland, Florida Variable Rate Energy System Refunding Bond Series 2022 in a Principal Amount Not to Exceed $88,205,000 to Refund the City's Outstanding Variable Rate Energy System Refunding Bond Series 2017

A RESOLUTION SUPPLEMENTING ORDINANCE NO. 4034, AS PREVIOUSLY SUPPLEMENTED AND AMENDED, AUTHORIZING THE ISSUANCE OF CITY OF LAKELAND, FLORIDA VARIABLE RATE ENERGY SYSTEM REFUNDING BOND, SERIES 2022 IN A PRINCIPAL AMOUNT OF NOT TO EXCEED $88,205,000 TO CURRENTLY REFUND ALL OF THE CITY'S OUTSTANDING VARIABLE RATE ENERGY SYSTEM REFUNDING BOND, SERIES 2017; PROVIDING FOR CERTAIN TERMS OF THE 2022 BOND, INCLUDING DESIGNATING SUCH 2022 BOND AS A DESIGNATED MATURITY OBLIGATION; AUTHORIZING THE REDEMPTION OF THE 2017 BOND; ESTABLISHING A FORM OF THE 2022 BOND; AWARDING THE SALE OF THE 2022 BOND TO TRUIST COMMERCIAL EQUITY, INC. ON A NEGOTIATED BASIS; AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE ACTIONS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH ANY OF THE FOREGOING; PROVIDING FOR OTHER MATTERS RELATING THERETO; AND PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Chad McLeod 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 from the audience.

City Treasurer Jeff Stearns explained the easiest way to think about this is like refinancing your mortgage. LE will be paying it down between 2030-2038. They preferred not to have variable rate, but fixed rate was too expensive. There was no prepayment penalty. The swap agreements exist through 2038 so there could be exposure if they were paid off early.

Palmer Davis circulated a No Conflict-of-Interest Form for the Commission to sign. Once signed, it will be part of the closing documents.

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

COMMUNITY REDEVELOPMENT AGENCY – None

CITY MANAGER

Recommendation re: Renewal of Insurance for Property and Boiler Machinery, Excess Workers' Compensation, Inland Marine/Electronic Data Processing, Crime, Surety Bond for City Treasurer, Excess Liability Coverage, Cyber Liability, and Contractors' Equipment

The City is finalizing the annual renewal process for the above referenced policies for FY 2023 with the assistance of our current Broker of Record, Arthur J. Gallagher Risk Management Services. The variety of quotations for noted coverages are as follows for the period from October 1, 2022, through September 30, 2023.

1. <u>Property and Boiler Machinery</u>: The program currently provides risk coverage for City property and boiler machinery for all City operations. The City's total insured values have increased by 1.25% from $1,541,733,434 to $1,560,993,103 this renewal year. The most cost-effective approach upon entering renewal, will be to have two separate programs. By separating the Municipal from the Utility programs, we will experience a reduction on the Municipal property, helping to offset the increase in the Utility program. Municipal assets make up 36% of the total program, and the Utility program makes up 64%. Florida Municipal Insurance Trust (FMIT) provided the most competitive quote, out of the other 25 carriers in the market, that were solicited by our Broker. The standalone municipal property program was quoted a premium of $1,271,567. The separate utility program was quoted across all utility markets and the best pricing results in an increase over the expiring premium of 13.74%.

PREMIUMS COMPARED	21/22	22/23
AIG (40%) – Utility	$1,360,000	$1,240,000
MUNICH RE (20%) – Utility	$672,140	$436,936
AEGIS (20%) – Utility	$954,069	$468,000
SWISS RE (10%)– Utility	$373,500	$279,000
LLOYDS (10%) – Utility	$317,422	$265,000
FMIT – (100%) Municipal	$0	$1,271,567
TOTAL BASE	$3,677,131	$3,960,503

The current renewal premium is being presented as "not to exceed" while our Broker, A.J. Gallagher, continues to negotiate with underwriters to improve pricing and drive the lowest possible premiums.

2. <u>Excess Workers' Compensation</u>: The City self-insures its Workers' Compensation program with a retention limit of $350,000. The incumbent, Florida Municipal Insurance Trust (FMIT), has again offered a competitive program for excess coverage. The premium for FY 2023 will decrease by $11,896. This decrease is based upon an improvement in the City's experience modification factor from .85 to .79 combined with a decrease in payroll of .09%. FMIT is offering the FY 2023 renewal for an annual premium of $580,393.

3. <u>Inland Marine/Electronic Data Processing:</u> Hartford Insurance Company remains the carrier for this coverage as they were the most competitive respondent. They provide coverage for leased or owned golf carts, mowers, electronic data processing equipment and a wheel loader. The FY 2022 annual

premium was $58,210. The annual premium for FY 2023 is $63,483 representing a $5,273 is a premium increase of 9.1%.

4. Inland Marine Contractors Equipment: Markel American Insurance Company was selected to provide the physical damage coverage for various equipment, which ranges from, Gradalls Street Sweepers, and vacuum trucks. For this year's renewal, the total premium in FY 2023 is $47,628, an increase of $984 as compared to FY 2022, representing the most competitive respondent. Therefore, the premium rate increased 2.1%.

5. Crime/Surety Bond for City Treasurer: Florida Municipal Insurance Trust has reviewed and quoted on these programs and has offered a robust coverage and reduced premium through combining the coverage. The combined annual premium for this coverage is $4,263 a reduction of $9,800 equal to a 70% savings and representative of the most competitive respondent.

6. Excess Liability: The City is self-insured for Auto, General, Law Enforcement, Public Officials and Employment Practices Liability. The current policy has a $5,000,000 per occurrence limit for each type of coverage and a $500,000 self-insured retention (SIR) for a total premium of $390,752. This is a $13,100 (3%) increase. Munich remains the most competitive standalone carrier for this line of coverage.

7. Cyber Liability: Chubb Insurance Company is providing a renewal quote for this coverage, which is inclusive of network security and privacy liability, data breach fraud, and internet media liability. Chubb was able to offer a renewal quote this year, where other entities were unable to obtain coverage, as a result of the City's compliance with their new underwriting guidelines. The coverage limit is $1,000,000, and the policy retention is $500,000. The FY 2023 premium for this renewal program is $ 61,173, a $34,119 increase as compared to FY 2022.

Arthur J. Gallagher's annual brokerage service fee is $125,000 for FY 2023, renewed by RFP in June of 2022. This service fee includes all lines of coverage currently handled by Gallagher and excludes all commissions.

Proposed FY 2023 coverage premiums and comparisons to FY 2022 are as follows:

Coverage	21-22 Premium	22-23 Premium	Premium Difference	% Increase
Property	$3,677,131	$3,960,503	$283,373	8%
Excess Workers Compensation	$592,289	$580,393	($11,896)	-2%
Inland Marine/EDP	$58,210	$63,483	$5,273	9%
Contractors Equipment	$46,644	$47,628	$984	2%

Crime/ Surety Bond Treasurer	$14,063	$4,263	($9,800)	-70%
Cyber	$27,054	$61,173	$34,119	126%
Excess Liability	$377,652	$390,752	$13,100	3%
Broker Fee	$175,000	$125,000	$50,000	-29%
TOTAL	**$4,968,043**	**$5,233,195**	**$265,152**	**5%**

Staff recommended that the City Commission approve renewing the Utility property/boiler machinery quota share coverage, which utilizes AIG, Munich Re, Swiss Re, AEGIS and Lloyd's of London, and the Municipal property, excess Workers' Compensation, Crime Policy, and Surety Bond for the City Treasurer through the Florida Municipal Insurance Trust, the Inland Marine/Electronic Data Processing coverage through Hartford, Contractors Equipment through Markel, Cyber Policy through Chubb, Excess Liability through Munich Re, as most advantageous to the City, all of which have an October 1, 2022, effective date.

Shawn Sherrouse presented this item to the Commission.

Motion: Commissioner Mike Musick 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 from the audience.

The Commission discussed the City's self-insured status. This was not uncommon for municipalities.

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

Recommendation re: Purchase of Cleveland Heights Golf Course Maintenance Equipment and Corresponding Appropriation

The Parks, Recreation and Cultural Arts Department is requesting to purchase maintenance equipment for the golf course instead of renewing the current lease agreement. The following equipment is proposed for purchase: 3 Toro mowers, 2 rough mowers, 2 John Deere heavy-duty utility carts, a fertilizer spreader, dump trailer and greens roller, 3 EZ-Go utility carts and a Trimax pull behind gang mower. The mowers and utility vehicles are recommended to be replaced due to the high hours on the equipment and the age of the units.

Based on the current interest rates, it was determined that by purchasing the equipment versus leasing, the City will realize a savings of $94,375. If approved, the purchase will be via state contract from Wesco Turf, Beard Equipment Company and Global Turf.

The costs associated with replacement of the equipment was the purchase cost - $430,259.

The equipment purchase is proposed to be funded through the issuance of an internal loan. Debt service payments on the internal loan are included in the 2022 operating budget of the golf course.

Staff requested that the City Commission authorize City staff to execute the appropriate documents to purchase this equipment and authorize an appropriation and an increase in estimated revenues of the General Fund of $430,259.

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 the audience. There were no comments.

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

City Manager Shawn Sherrouse's Verbal Reports:
Individual who came before the Commission at the last meeting about lighting needs and his electric deposit. The increase was justified based on payment history. The County has approved 4 streetlights being added in that area. Recently LE completed LED lighting around Lake Mirror. Additionally, LED lighting is being added to areas where there are higher crime rates.

Announced that Kris Halstrand is now the LLIA Director. She has been interim for 6-months. That has provided an opportunity to witness her professionalism. She has 20 years airport management experience, 5 of which was working with Gene Conrad. She has served as an airport director in Wisconsin and 14 years of service in the Airforce.

Ms. Halstrand thanked the Commission, Shawn Sherrouse, and Emily Colon for helping her. She also thanked the team at the airport. It is a phenomenal team.

CITY ATTORNEY

Ordinances (First Reading) – None

Resolutions – None

Miscellaneous Reports

* **Task Authorization with CHA Consulting, Inc. for Professional Engineering Services for TB Williams WTP Filter Basins Coating**

This proposed Task Authorization with CHA Consulting, Inc. (CHA) was for professional engineering services to recoat the filter basins at the TB Williams Water Treatment Plant. The existing coating on the filters is at the end of its life and needs to be replaced. To perform the coating work, the filter media will also need to be removed and replaced. CHA will review the filter design and site conditions and, upon completion of the review, will generate construction specifications for filter media removal, filter cleaning/surface preparation, filter recoating and filter media replacement. Additionally, CHA will assist with reviewing bids, award of work and construction management for all work associated with field services related to the recoating of the filters.

All services pursuant to this Task Authorization will be performed in accordance with the terms and conditions set forth in the Continuing Agreement for Municipal Engineering Services between the City and CHA previously approved by the City Commission on October 1, 2021. The total not-to-exceed cost associated with this Task Authorization is $129,875. This project has been approved and budgeted in the Water Utilities' FY 2022 budget and will require approximately 12 months to complete.

Staff recommended that the City Commission approve and authorize the appropriate City officials to execute the Task Authorization with CHA for the described professional services.

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

* **Purchase of Dry Polymer Processing Skids for Glendale Wastewater Reclamation Facility**

This was a proposal to purchase two (2) dry polymer processing systems for the Glendale Wastewater Reclamation Facility. Dry polymer is a necessary part of the treatment process, as it facilitates solids separation. The existing dry polymer systems at Glendale, installed in 1986, are obsolete and, as such, replacement parts are becoming increasingly difficult to find.

The City's Purchasing Department issued Invitation to Bid No. 2159 to procure new dry polymer systems. The City received no responses. Subsequently, with the approval of Purchasing, the following three (3) quotes were procured from vendors directly:

Company	Location	Evaluated Cost
ClearWater Industries, Inc.	Lake Wales, FL	$154,681.00
KED Group, Inc.	Indialantic, FL	$164,446.00
VeloDyne	Louisville, CO	$208,669.00

City staff have evaluated the quotes and determined that ClearWater Industries is the lowest and most responsive bidder.

ClearWater will manufacture, deliver and provide startup services for two (2) dry polymer processing skids in accordance with the quote. Both systems should be installed and operational by December 30, 2022. The total cost of the project has been included in Water Utilities' FY2022 budget.

Staff recommended that the City Commission approve the purchase of the dry polymer processing skids and authorize the appropriate City officials to execute all documents necessary to effectuate the purchase.

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

FINANCE DIRECTOR

Appropriation and Increase in Legal Fees - Lakeland Legal Department Operating Fund

During Fiscal Year 2022, the City experienced an increase in the number of legal matters, particularly in the area of litigation filed against the City, that the City Attorney's Office was required to defend. This litigation involved the defense of complex legal issues related to employment matters, federal claims arising out of code enforcement issues and other civil rights claims, as well as union matters on behalf of Lakeland Electric and Fire. As a result, there was an increase in the costs being paid to outside legal counsel for their expertise in defense of these claims.

The original Legal Department Legal Fee budget for FY 2022 was $241,196. However, as the end of the fiscal year approaches, the City Attorney's Office is required to true-up its legal fee budget to what is anticipated as a final expenditure of approximately $525,494. Therefore, it is requested that the City Commission authorize an appropriation in the General Fund in the amount of $284,298 from the Unappropriated Surplus of the General Fund for FY2022 specifically related to the increased cost for outside legal counsel fees for the defense of the City in the various legal matters specified above.

Mike Brossart presented this item to the Commission.

Palmer Davis explained there was an employment lawsuit that is ramping up to a trial. There was a code enforcement case too. They have settled when a settlement was reasonable. There was a code enforcement case where they could not reach a settlement and the city received a summary judgement in the City's favor. They were increasing the amount in next year's budget to $452,000. If legal fees are related to a specific department, the department is charged.

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

UTILITY

Ordinances – None

Resolutions – None

Miscellaneous

Memo re: Agreement with Schneider Electric Systems USA, Inc. for Larsen Unit 8 and Winston Control Systems

This was an Agreement with Schneider Electric Systems USA, Inc. (Schneider) for support and services related to the Foxboro control systems being utilized on Larsen Unit 8 and the Winston Peaking Station. In October of 2017, the City Commission approved a 5-year, Customer FIRST Support Agreement (Support Agreement) with Schneider Electric for Units 2, 3 and 8, as well as the Winston Peaking Station for a total cost of $1,112,979. In 2020 and 2021, addenda were issued to remove Units 2 and 3 from the Support Agreement. The existing Support Agreement, which now only covers Larsen Unit 8 and the Winston Peaking Station, will expire on September 30, 2022.

The new Foxboro Premium Support Agreement (Premium Support Agreement) provides unlimited 24-hr/day phone support, Foxboro's Module Exchange Program (MEP), and Remote Watch Service (RWS). Under the MEP, Schneider will immediately ship replacement parts to Lakeland Electric upon request at a 43% discount. The RWS allows Schneider technicians to login remotely to Lakeland Electric's server and check the health and status of the control systems or assist Lakeland Electric technicians with real-time troubleshooting. The Premium Support Agreement also provides for all necessary software maintenance and upgrades.

Lakeland Electric's Controls Group is recommending the purchase of the Premium Support Agreement from Schneider. Since Schneider is the original equipment manufacturer of the proprietary software and LE frequently requires technical support for the complex control systems to ensure reliability and operability of the City's power plants, Purchasing approved Schneider, as a sole source contractor. Upon City Commission approval, the term of the Agreement with Schneider will be for a period of three (3) years, effective October 1, 2022. The total contract price for Schneider's services is $380,006 for the three (3) year term, which is included in Lakeland Electric's FY23 budget.

Staff recommended that the City Commission approve this Premium Support Agreement with Schneider and authorize the appropriate City officials to execute the Agreement and all corresponding documents with Schneider.

Ramona Sirianni presented this item to the Commission.

Motion: Commissioner Phillip Walker moved to approve the agreement. 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 5-0. Commissioner Mike Musick was absent at that time.

Memo re: Change Order No. 1 with Chattanooga Boiler & Tank Company for Procurement of Field Fabricated Lube Oil Tanks

This proposed Change Order No. 1 to the Field Fabricated Tank Agreement with Chattanooga Boiler & Tank Company (Chattanooga) was for the procurement of two (2) field fabricated lube oil tanks for the McIntosh Reciprocating Engine Project (RICE Project) consisting of one (1) 10,000-gallon lube oil storage tank and one (1) 6,000-gallon lube oil maintenance tank. Each of the six (6) RICE engines hold 5,000 gallons of lube oil. When the engines run, they each consume up to 1.9 gallons of oil per hour. In addition, the oil must be removed and stored so it can be placed back into the engines following maintenance. The 10,000-gallon lube oil storage tank will store the makeup oil for the engines as they consume the oil while running. The 6,000-gallon lube oil maintenance tank will store the oil from the engine during maintenance.

On July 18, 2022, the City Commission approved an agreement with Chattanooga to furnish a 200,000-gallon field fabricated heat recovery tank for the RICE Project at a cost of $650,865.00. While an Invitation to Bid was initially issued for Shop Fabricated Tanks, the responses received were determined to be incomplete and inadequate to meet Lakeland Electric's needs for the RICE Project. As such, City staff determined that having Chattanooga furnish two (2) additional field fabricated lube oil tanks, in addition to the field fabricated heat recovery tanks already contracted for, would best meet Lakeland Electric's needs.

Accordingly, upon approval by the City Commission of Change Order No. 1, Chattanooga will commence work on the design and manufacturing of two (2) field fabricated lube oil tanks scheduled for on-site installation in February 2023. Chattanooga will perform all services pursuant to the terms and conditions set forth in its existing Agreement with the City, as well as this Change Order No. 1. The proposed price for the two (2) tanks is $472,482.00. Due to market conditions for the materials required, City staff is requesting an additional contingency amount of $23,624.00 or 5% of the total price, which is $496,106.00 and is included in Lakeland Electric's budget for the RICE Project that was previously approved by the City Commission and funded through the City's Energy System Revenue Bond.

Staff recommended that the City Commission approve Change Order No. 1 with Chattanooga for the procurement of two (2) field fabricated lube oil tanks for the RICE Project 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 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.

The Commission discussed: Field fabricated vs shop fabricated. Field fabricated could encounter weather delays. All compliance reequipments will be met either way.

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

Memo re: Agreement with Trees, LLC for Annual Line Clearance Services for Lakeland Electric's Energy Delivery Operations

This Agreement with Trees, LLC was for annual line clearance services for Lakeland Electric's Energy Delivery Operations. These line clearance services maintain the vegetation growth adjacent to Lakeland Electric transmission and distribution lines to maintain system reliability. Energy Delivery Operations' goal is to achieve clearance of approximately 400 distribution line miles per year over a three (3) year period to cover Lakeland Electric's 1,200 distribution line miles.

The City's existing Line Clearance agreement with Burford's Tree, LLC, approved by the City Commission in October 2017 expires on September 30, 2022. Accordingly, on May 12, 2022, the City's Purchasing Department issued Invitation to Bid No. 2210, to procure the services of a qualified and experienced energized power line clearance contractor to provide all labor, supervision, materials, and equipment to perform line clearance operations for energized transmission and distribution power lines. The City received responses from the five (5) contractors listed below:

Company	Location	Estimated Cost
Lewis Tree Service, Inc.	Westhenrietta, NY	$3,868,800
Trees, LLC	Houston, TX	$4,277,120
Burford's Tree, LLC	Alexandria, AL	$4,584,800
Asplundh Tree Expert, LLC	Ocala, FL	$5,504,396
ABC Professional Tree Services, Inc.	Webster, TX	$6,000,000

Upon evaluation by City staff, Trees, LLC was selected as the most responsive, responsible bidder capable of meeting the City's Bid Specifications. Although the initial bid prices submitted by Lewis Tree Service, Inc. appeared to provide the lowest cost, a detailed evaluation of the bid reveals that the labor rates included are below market, which could significantly hinder performance. In addition, Lewis Tree Service, Inc. included several exceptions in its bid response that would impact overall cost, as well as Lakeland Electric's response time for and new construction projects.

Alternatively, Trees, LLC's bid response included more competitive labor rates that will provide Trees, LLC with the ability to meet the City's Bid Specifications. The estimated cost of services indicated in the table above is based on 320 miles of vehicle accessible distribution line clearance per year and 80 miles of manual climbing distribution line clearance per year.

Upon approval by the City Commission, Trees, LLC will perform all work in accordance with the City's Bid Specifications and in accordance with the terms/conditions set forth in the Agreement. The term of the Agreement is for an initial period of three (3) years beginning October 1, 2022, and ending September 30, 2025, with two (2) additional one (1) year options for renewal upon mutual written consent of the parties. The total estimated cost of the work for FY23 is $4,277,120 and is included in Lakeland Electric's FY2023 budget. Trees, LLC's pricing for the remaining three (3) year term will remain firm in accordance with its bid. The cost for FY24 and FY25, as well as any renewal options exercised, will be subject to budget approval by the City Commission in subsequent years.

Staff that the City Commission approve this Agreement with Trees, LLC for annual line clearance services 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 Phillip Walker moved to approve the recommendation. 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 how LE was progressing with the line clearance goals each year. They were a little behind. The challenge was finding the workforce with the specific skillset. Payments are made after the work is complete and inspected. After a hurricane, the focus is on restoration and penalties for falling behind in clearance are temporarily waived. LE usually had other line clearance vendors on the ready to assist in restoration.

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

AUDIENCE – None

MAYOR AND MEMBERS OF THE CITY COMMISSION

Selection of Interim City Commissioner

The Commission discussed how to proceed and arrived at the following schedule:

- ASAP: Commissioners provide their questions to Palmer Davis.
- 9/30/22: Discussed questions at Agenda Study
- 10/10/22: Interviews starting at 8 a.m. 10 minutes per candidate
- 10/17/22: Vote

Commissioner Bill Read announced the rodeo on Friday.

Mayor Bill Mutz attended his 50th high school reunion and was reminded how important it is to make decisions to maintain the vibrancy of the community.

Commissioner Mike Musick: The Commission was intentional about decisions they make to maintain the vibrancy of Lakeland.

Commissioner Phillip Walker

- We want to maintain a community where people want to stay.
- Announced the Donor Reception for LHCC this Thursday.
- Reported that last Thursday was the FLC Legislative Committee Meetings. As we move into selecting a new commissioner, we need to ensure that Lakeland stays involved with the League's legislative committees.

CALL FOR ADJOURNMENT – 11:45 a.m.

H. William Mutz, Mayor

CITY OF LAKELAND, FLORIDA
INCORPORATED
JAN. 1, 1885

Kelly Koos, City Clerk