

## LAKELAND CITY COMMISSION

### Utility Committee August 1, 2022

The Utility Committee met in the City Commission Conference Room. Mayor Bill Mutz and Commissioners Bill Read, Chad McLeod, Stephanie Madden, Sara McCarley, and Phillip Walker were present. Commissioner Mike Musick was absent. Members Kyle Vreeland, Terry Hamilton, Dan Tillman, Ashley Troutman, and Jack English were present.

Mayor Bill Mutz called the meeting to order at 8:00 a.m.

#### **FY23 Proposed Budget – presented by Gina Jacobi, Assistant General Manager, Fiscal Operations.**

Gina Jacobi provided overview of budget. Staff looks at the budget from a cash perspective. The City is budgeting for a negative net cash funding requirement of \$13.1 Million. From a risk adjusted perspective, the \$13.1 Million is more like \$6.1-9.1 Million negative. Based on the forecasted days cash trend and the negative cash flow that they are budgeting, it begs the question whether rates are where they should be.

Inflation is one of the key drivers of the need for potential rate increase. Rates were changed last in 2018 and that was based on 2018 costs. Since then, there has been 17 percent inflation and \$3.5 Million debt service. The closure of Unit 3 is providing \$8-10 Million worth of savings every year and 6 percent load growth helps mitigate the need for rate increase.

The rate study will begin next month, September, with the revenue requirement needed to break even. The October timeframe will be the allocation of cost of service by customer class. In November the study will look at rate design, this is where policy decisions and strategy come into effect. November/December will have final decision. New rates will be implemented in March 2023.

The Utility Committee discussed the following:

- Economy taking downturn could have adverse effect on load growth.
- Plan to bring advisory committee from neighborhoods and business community to be a focus group around the revenue requirement timeframe.
- Right now, unsure if doing a cost increase or decrease because of mitigating factors.
- Discretion on travel and training, some supplies, and general/administrative side.
- The dividend is not part of the discretionary, it is the function of the load.
- Important to stay within AA range favorable interest rates for refinancing. If LE's rating was downgraded, interest rates would be adversely impacted and would increase costs for customers.
- Beyond 2023, staff projected debt service to remain relatively flat.

**Fuel Update – presented by Tory Bombard, Fuels Manager, Lakeland Electric**

The Country is experiencing above normal summer temperatures. So hot that everyone's loads have been up which means there is a lot more demand for fuel. Physical hedge costs have gone up; therefore, we are paying more for our fuel. We are in uncharted territory because we do not know if this basis differential is the new normal or if it will decrease. Right now, we are sitting very low on reserves. Our fuel costs have gone up more with the basis differential, so we are not getting as much back with the hedging program. LE may not see relief until about November or December.

This is not the first time we have seen rates in the \$70's. Back in 2008 rates were at \$72.70. Tory Bombard thought we had a \$75.00 rate before, but the larger figure turned out to be referencing the days. The \$75.00 is a new record for the highest rate. FY 2022 Residential Rates Comparison of Municipals and IOU's shows that we are still not at the highest in the State of Florida even with the rate increase. The proposed rate is \$70Mhw effective in September. If rates are not raised, we are under-recovering.

The Utility Committee discussed the following:

- Fuel Reserves FY22 & FY23 line graph; with projections of proposed rates \$70Mhw, \$75Mhw, and \$80Mhw.
- Proposed rate \$75Mhw appears to be a better position.
- The complexities of understanding the importance of keeping interest rates right and cash positions correct.
- Historically based on restrained supply and high temperatures, \$70Mhw seems low.
- If adjusting the rate every month, the volatility to the consumer would be more unacceptable. In contrast, raising to \$75Mhw and holding it there for a while will decrease volatility to consumers.
- LE has seen increased calls and emails regarding high bill complaints and requests for assistance.
- Emphasizing programs people can use such as energy audits, rebates, etc. to try to help.
- Previous customer feedback has been to phase in rate increase versus the increase happening all at once.
- Might be a case to stay \$70Mhw until absolutely have to go higher.

**Action: Commissioner Bill Read moved to raise the fuel rate to \$75Mhw. Commissioner Phillip Walker seconded and the motion carried unanimously.**

The Utility Committee discussed:

- \$75Mhw makes the most sense because it would ensure we do not touch zero at any time.
- This is a 25 percent leap, but keep in mind the entire industry has also gone up.

- Families need consistency and having to raise the rate incrementally every month would be too inconsistent.
- This rate would not go into effect until September 1. Our rate of \$60Mhw, will go through the hottest month of August.
- LE speaking with both residential and commercial customers and going out to dealerships for electric vehicles rebates, to HVAC repairmen when they come out to do maintenance. Just increased rebates on individual items that comes out of a fund only designated for rebates so money cannot be used for anything else. Increase was based on increased cost of services and materials for customers at the stores and by the providers.

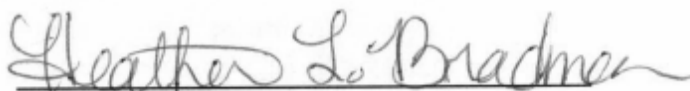
**Memo re: Agreement with Casey Industrial, Inc. for Underground General Work for McIntosh Reciprocating Internal Combustion Engine project.** Ramona Sirianni presented.

**Action: Commissioner Chad McLeod to approve the recommendation. Commissioner Bill Read seconded and the motion carried unanimously.**

The Utility Committee adjourned at 9:02 a.m.



H. William Mutz, Mayor



Heather L. Bradman, Deputy City Clerk



## **LAKELAND CITY COMMISSION**

### **Regular Session August 1, 2022**

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

### **CALL TO ORDER - 9:08 A.M.**

### **PRESENTATIONS**

#### **Connecting our Community (Bob Donahay, Director of Parks, Rec & Cultural Arts)**

- City Commission praised the teamwork, adaptability, and creativity of Parks, Rec & Cultural Arts staff.

#### **Beautification Awards (Bill Koen)**

- Residential: 1427 Phyllis Street - Lynn Hirsch
- Commercial: 1040 Breezewood Drive - Parajon Orthodontics Office

### **PROCLAMATIONS**

#### **Achievement Academy Celebrates 25 years of Success as a Public Charter School**

- City Manager Shawn Sherrouse recognized City of Lakeland's Finance Director, Mike Brossart, as the incoming chair on the board for Achievement Academy

#### **National Night Out**

### **COMMITTEE REPORTS AND RELATED ITEMS - None**

### **APPROVAL OF CONSENT AGENDA**

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

**Motion: Commissioner Chad McLeod 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 July 15-18, 2022**

**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 City 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 Phillip Walker moved to approve the assessments. Commissioner Mike Musick seconded.**

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

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

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

**PUBLIC HEARINGS**

**Ordinances (Second Reading)**

**Proposed 22-029; Approving a Conditional Use to Allow for Off-Street Parking as a Principal Use on Property Located at 411 E. Orange Street (1st Rdg. 07-18-22)**

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; APPROVING A CONDITIONAL USE TO ALLOW FOR OFF-STREET PARKING AS A PRINCIPAL USE ON PROPERTY LOCATED AT 411 E. ORANGE STREET; FINDING

CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title and explained that the applicant requested a continuance until August 15, 2022.

**Motion: Commissioner Phillip Walker moved to continue. 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.**

**Ordinances (First Reading)**

**Proposed 22-028; Voluntary Annexation of Approximately 8.52 Acres Located at 5149 Swindell Road**

AN ORDINANCE RELATING TO THE VOLUNTARY ANNEXATION OF PROPERTY; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKE LAND, FLORIDA 8.52 ACRES OF PROPERTY LOCATED AT 5149 SWINDELL ROAD; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; 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 August 15, 2022.

Mayor Bill Mutz asked for comments from the public. There were no comments.

Since there was no Agenda Study on July 29, 2022, Commissioner Stephanie Madden requested presentations from staff relating to all ordinances (first reading) on today's agenda. The Commission agreed to move all ordinances (first reading) under City Attorney ahead of the City Manager's portion of the agenda.

**CITY ATTORNEY**

**Ordinances (First Reading)**

**Proposed 22-031; Small Scale Amendment #LUS22-002 to the Future Land Use Map to Apply Business Park (BP) Land Use on Approximately 8.52 Acres Located at 5149 Swindell Road**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR SMALL SCALE

AMENDMENT #LUS22- 003 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP OF THE LAKELAND COMPREHENSIVE PLAN: OUR COMMUNITY 2030; PROVIDING FOR THE APPLICATION OF A FUTURE LAND USE DESIGNATION OF BUSINESS PARK (BP) ON APPROXIMATELY 8.52 ACRES LOCATED AT 5149 SWINDELL ROAD; 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 August 15, 2022.

**Proposed 22-032; Application of I-2 (Medium Industrial) Zoning and Suburban Special Purpose (SSP) Context District Designation on Approximately 8.52 Acres Located at 5149 Swindell Road**

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; PROVIDING FOR I-2 (MEDIUM INDUSTRIAL) ZONING AND SUBURBAN SPECIAL PURPOSE (SSP) CONTEXT DISTRICT DESIGNATION ON APPROXIMATELY 8.52 ACRES LOCATED AT 5149 SWINDELL ROAD; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on August 15, 2022.

City Attorney Palmer Davis pointed out that Proposed 22-031 and Proposed 22-032 are both related to Proposed 22-028.

Teresa Maio with Community and Economic Development spoke on the request for a small-scale use of land amendment and is related to items VI. A. 1. And 2. under the City Attorney's portion of the agenda. This is a relatively straightforward request for annexation. Request with future land use would change it from a county designation of residential low to a city designation of business park and standard I2 industrial medium zoning. The intent is to construct a warehouse distribution facility of the site.

The Commission discussed:

- Would most of trees around perimeter be preserved in this project? That would be hope and intent, especially with tree preservation standards. Would have to mitigate for loss of any trees.
- Is the I2 zoning consistent between the north and south side of Swindell? The south side does have business park future land use. Area will see accelerated transition away from residential.
- There are utilities in the area that serve both WellDyne and on the south side of Swindell at County Line is the DS Services building.
- Will they expand road or use same accesses that go into WellDyne now? Will have separate access point. There is no requirement to widen Swindell as part of this development. Swindell is a county-maintained roadway.



Mayor Bill Mutz asked for comments from the public. There were no comments.

**Proposed 22-034; Amending Ordinance 4547, as Amended; Major Modification of PUD Zoning for Tract E of Morgan Creek Preserve to Allow for the Construction of 5 Single-Family Detached Homes on Approximately 35.08 Acres Generally Located South of Medulla Road, East of Hamilton Road and North of W. Pipkin Road**

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 4547, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PUD (PLANNED UNIT DEVELOPMENT) ZONING FOR TRACT E OF MORGAN CREEK PRESERVE ON APPROXIMATELY 35.08 ACRES LOCATED SOUTH OF MEDULLA ROAD, EAST OF HAMILTON ROAD AND NORTH OF W. PIPKIN ROAD, TO ALLOW FOR THE CONSTRUCTION OF 5 SINGLE-FAMILY DETACHED HOMES; 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 August 15, 2022.

Teresa Maio from Community and Economic Development explained that this request is a reduction from what the applicant originally came to the Planning and Zoning Board with earlier this year. This is also a further reduction from a prior application from 2021. There are several conditions of approval that are being recommended.

The Commission discussed:

- Narrowness of Hamilton Road. Traffic from east and west causes big challenge.
- How with development of homes affect traffic flow? Concerns remain by the existing residents. Will still have impact even with reduced lot count.
- Respective approval processes do not see significant affect on level of service.
- There will be separate access coming out onto Medulla; not using Hamilton.
- 5 acres tracts are more conducive to be compatible with what is already there.
- Future changes in request would require another PUD modification and come back before the Planning and Zoning Board and the City Commission.
- Ability have a creek crossing and connect in the future.

**Proposed 22-035; Amending Ordinance 3596; Major Modification of PUD Zoning to Allow C-6 Office, Commercial and Residential Use on Property Located at 300 W. Lime Street**

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 3596 TO PROVIDE FOR A MODIFICATION TO PLANNED UNIT DEVELOPMENT (PUD) ZONING TO ALLOW C-6 OFFICE, COMMERCIAL AND RESIDENTIAL USES ON PROPERTY LOCATED AT 300 W. LIME STREET; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE



**COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on August 15, 2022.

Teresa Maio explained that the subject property is what most recognize as the Ledger site at Sikes and Lime. This PUD dates to the 1990s at the time the Ledger was being expanded. Specific to those facilities and building footprint and parking areas that exist today. Located within regional activity center of downtown; therefore, has high intensity and density allowability. The developer intended planned for five to seven story buildings. The limitations on buildings heights was up to 75 feet.

A lot of multimodal conditions were added to the PUD. Also allowing for a pedestrian pathway to be built through the site. Bicycle and parking requirements are standard with the land development code.

The Commission discussed:

- A 12-foot-wide pathway shall be constructed to Palmetto St.
- If pathway connects from Lake Hunter Trail, it does align with the New York Ave cycle tract.
- Engaging a consultant through the CRA who will conduct stakeholder interviews in Downtown West to figure out action items needed to make connections and come up with ways to implement improvements.
- Total acreage is 17.11 acres.
- The 75-foot limit was just on the existing building. New buildings could go to 120 feet.

**Proposed 22-036; Small Scale Amendment #LUS22-005 to the Future Land Use Map to Change Future Land Use from Business Park (BP) to Residential Medium (RM) on Approximately 0.9 Acres Generally Located South of Olive Street, East of Oregon Avenue and West of Beech Avenue**

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR SMALL SCALE AMENDMENT #LUS22- 005 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP OF THE LAKELAND COMPREHENSIVE PLAN: OUR COMMUNITY 2030; CHANGING THE FUTURE LAND USE DESIGNATION ON APPROXIMATELY 0.9 ACRES LOCATED SOUTH OF OLIVE STREET, EAST OF OREGON AVENUE AND WEST OF BEECH AVENUE FROM BUSINESS PARK (BP) TO RESIDENTIAL MEDIUM (RM); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on August 15, 2022.

**Proposed 22-037; Change in Zoning from I-1 (Light Industrial) and RA-4 (Single-Family Residential) to PUD (Planned Unit Development) on Approximately 9.1 Acres and the Application of Urban Neighborhood (UNH) Context District on Approximately 0.6 Acres, to Allow a Three-Story, Multi-Family Residential Development with a maximum of 96 Dwelling Units on Property Generally Located South of Olive Street, East of Oregon Avenue and West of Beech Avenue**

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; PROVIDING FOR A CHANGE IN ZONING FROM I-1 (LIGHT INDUSTRIAL) AND RA-4 (SINGLE-FAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT) ZONING ON APPROXIMATELY 9.1 ACRES TO ALLOW A THREE-STORY, MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH A MAXIMUM OF 96 DWELLING UNITS ON PROPERTY LOCATED SOUTH OF OLIVE STREET, EAST OF OREGON AVENUE AND WEST OF BEECH AVENUE; PROVIDING FOR THE APPLICATION OF THE URBAN NEIGHBORHOOD (UNH) CONTEXT SUB-DISTRICT ON APPROXIMATELY 0.6 ACRES OF THE PROPERTY; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on August 15, 2022.

Teresa Maio explained the subject property originally platted as part of Westgate subdivision back in 1920's. There has been a phase I environmental site assessment done. There is no contamination on site that would preclude it from being developed for intended use.

Children's safety concerns were brought up at Planning and Zoning Board hearing and neighborhood meetings. In addition to a perimeter buffer on site, there will be a fence surrounding the pool. The fence should also provide added protection from ditch.

The Commission discussed:

- These will be midlevel rise buildings. These would not be typical duplex configurations.
- Transition away from the single-family units and duplexes that surround the area.

#### **CITY MANAGER**

#### **Recommendation re Award Request for Proposal No. 2167 for Annual Disaster and Debris Management Services**

The Public Works Department requests that the Lakeland City Commission award Request for Proposal No. 2167 and execute the necessary agreements to engage certain firms to provide disaster and debris management services. Services include: collecting and removing debris from the public right-of way, streets and roads; processing debris

including sorting, grinding, and mulching; and disposing of debris at designated sites; establishing and operating temporary debris management and processing sites; removal of hanging limbs; removal of hazardous trees; removal of hazardous stumps; and assisting the City with Federal and State reporting and reimbursement efforts in accordance with current FEMA guidelines.

The City received responses from four (4) firms. Each respondent was evaluated by the Selection Committee in the following areas: experience and ability, operational plan, financial capability, and potential project cost. Respondents were ranked based upon their total score. The ranking is as follows:

1. DRC Emergency Services, LLC (West Palm Beach, Florida)
2. CERES Environmental (Sarasota, Florida)
3. Crowder Gulf (Theodore, Alabama)
4. AshBritt (Deerfield Beach, Florida)

Funding for these agreements will only be established in the event of a Federal or State declared disaster and the City of Lakeland executes a Task Authorization. Staff is recommending the award of a primary agreement to DRC Emergency Services, LLC, a secondary agreement to CERES Environmental, and a tertiary agreement to Crowder Gulf. The initial term of the agreements will be for three (3) years with the right to extend the agreements for two (2) additional two (2) year terms. A Notification of Intent to Award was published by Purchasing on July 19, 2022, and no bid disputes have been filed.

Staff recommended that the City Commission approve the award of Request for Proposal No. 2167 and authorize the appropriate person to execute the agreements on behalf of the City.

City Manager Shawn Sherrouse presented this item to the Commission.

**Motion: Commissioner Bill Read moved to approve the recommendations. 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 fee schedules, which were based on cubic yard of material collected, ground and disposed.
- The City had a good negotiated rate with the landfill.

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

**Recommendation re Award Request for Proposal No. 2168 to Thompson Consulting Services, LLC for Annual Disaster and Debris Monitoring and Financial Recovery Services**

The Public Works Department requests that the Lakeland City Commission award RFP No. 2168 and execute the necessary agreement to engage Thompson Consulting Services, LLC to provide disaster and debris monitoring and financial services. Services include disaster debris removal monitoring, emergency management planning, response, disaster recovery and grant management; and assists the City with Federal and State reporting and reimbursement efforts in accordance with current FEMA guidelines.

The City received responses from three (3) firms. Each respondent was evaluated by the Selection Committee in the following areas: experience, technical approach, training, debris tracking system ownership and price proposal. Respondents were ranked based upon their total score. The ranking is as follows:

1. Thompson Consulting Services, LLC (Maitland, Florida)
2. Tetra Tech Inc. (Maitland, Florida)
3. Debris Tech, LLC (Picayune, Mississippi)

Funding for the agreement will only be established in the event of a Federal or State declared disaster and the City executes a task authorization to Thompson Consulting Services, LLC for disaster and debris monitoring and financial recovery services. The initial term of the agreements will be for three (3) years with the right to extend the agreement for two (2) additional two (2) year terms. A Notification of Intent to Award was published by Purchasing on July 19, 2022, and no bid disputes have been filed.

Staff recommended that the City Commission approve the award of Request for Proposal No. 2168 to Thompson Consulting Services, LLC and authorize the appropriate person to execute the agreement on behalf of the City.

City Manager Shawn Sherrouse presented this item to the Commission.

**Motion: Commissioner Bill Read moved to approve the recommendations. 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:

- Thompson Consulting Services, LLC has performed for Lakeland in the past and they did very well during Irma.
- The City is still working with Thompson to recover the money from FEMA. They have certainly been a good partner.

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

**Recommendation re: Purchase of Menzi Muck Walking Excavator and Corresponding Appropriation**

The Public Works Department is requesting to purchase a Menzi Muck walking excavator for drainage maintenance operations. The City's Menzi is at the end of its service life and the lease agreement is ending. Purchasing the equipment versus leasing has been determined to be a cost savings. If approved, the purchase will be via the Florida Sheriffs' Association Contract.

The City staff is asking for authorization to purchase a Menzi Muck walking excavator and requesting an appropriation for replacement and conversion from lease of one Public Works Construction & Maintenance Menzi Muck walking excavator. Taking this action will enable avoidance of significant cost increases in September in addition to reducing lead time to vehicle delivery.

The following costs associated with replacement of the vehicles are as follows:

- Purchase cost - \$468,803.12
- Annual vehicle rent, fuel, and maintenance cost - \$96,000.00

The funds for the purchase are available in a reoccurring account for maintenance of our Stormwater collection system and, under normal circumstances, is spent annually. This past year, C&M has been short-staffed by nearly 20%. Therefore, the crews and equipment used for this service were redirected to focus on capital improvement projects in order to maintain project schedules. This resulted in the funding for retrofit stormwater maintenance not being used.

Staff requested that the City Commission authorize the appropriate City staff to execute the appropriate documents to purchase a Menzi Muck walking excavator and authorize an appropriation and increase in estimated revenue in the Fleet Management Vehicle Replacement Fund in the amount of \$468,803.12.

City Manager Shawn Sherrouse presented this item to the Commission.

**Motion: Commissioner Phillip Walker moved to approve the recommendations. 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:

- Buying vs. Owning the equipment
- The equipment is housed at Construction and Maintenance

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

**CITY ATTORNEY**

**Resolutions**

**Resolution 5766; Proposed 22-030; Lots Cleaning and Clearing**

A RESOLUTION RELATING TO ASSESSMENTS; DETERMINING THE NECESSITY FOR HAVING CLEANED AND CLEARED CERTAIN PROPERTIES WITHIN THE CITY OF LAKE LAND; PROVIDING FOR THE ASSESSMENT OF LIENS AGAINST SUCH PROPERTY FOR EXPENSES INCURRED IN THE CLEANING AND CLEARING THEREOF; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

**Motion:** Commissioner Sara McCarley moved to approve the resolution. Commissioner Phillip Walker seconded.

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

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

**Miscellaneous Reports****Memo re: Legal Fee Report**

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

|                                 |                                                                                                                     |              |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------|--------------|
| Allen Norton & Blue PA          | Counsel Relating to Union and Labor Matters-PERC Matters                                                            | \$33,481.51  |
| Boswell & Dunlap LLD            | LPD Representation, Civil Service Board Hearing                                                                     | \$49,232.50  |
| Constangy, Brooks & Smith LLC   | Counsel Relating to Union and Labor Matters-Arbitrations; Negotiations                                              | \$27,088.88  |
| DiCesare Davidson & Barker P.A. | Miscellaneous Workers' Compensation Defense                                                                         | \$6,259.58   |
| Gail Cheatwood, Esq.            | Miscellaneous Municipal Ordinance Defense                                                                           | \$337.50     |
| Gray Robinson                   | Eminent Domain (Federal and State Court), Litigation Matters – Robson 200 (CE), W. Cook, Mindi Fitch, Howard Mathis | \$118,907.34 |
| McGillivray, Steele, Elkin LLP  | IAFF Settlement Agreement                                                                                           | \$130,000.00 |
| Kaplan Kirsch & Rockwell LLP    | Lakeland Linder International Airport Matters                                                                       | \$17,169.00  |



|                                  |                                                                                             |                     |
|----------------------------------|---------------------------------------------------------------------------------------------|---------------------|
| Sugarman & Susskind              | Counsel Relating to Employee Pension Plan Matters – Pension Board                           | \$13,037.50         |
| Putnam, Creighton & Airth PA     | Lien Foreclosure – 63 Lake Hunter Dr.                                                       | \$2,705.88          |
| Campbell, Trohn, Tamayo & Aranda | Personal Injury Defense-injuries on city property or auto accidents involving city vehicles | \$57,562.70         |
| Vecchio, Carrier & Feldman P.A.  | Miscellaneous Workers Comp Defense                                                          | \$123,314.99        |
| Carlton Fields                   | 457B Plan                                                                                   | \$585.00            |
| <b>Total</b>                     |                                                                                             | <b>\$579,682.38</b> |

|                                |                     |
|--------------------------------|---------------------|
| <b>APRIL – JUNE 2022 TOTAL</b> | <b>\$579,682.38</b> |
| APRIL – JUNE 2021 TOTAL        | \$638,419.39        |
| FY 2017-2018 (Oct – June)      | \$921,626.82        |
| FY 2018-2019 (Oct – June)      | \$1,214,248.73      |
| FY 2019-2020 (Oct – June)      | \$909,581.13        |
| FY 2020-2021 (Oct – June)      | \$1,331,148.54      |
| FY 2021-2022 (Oct – June)      | \$1,265,425.95      |

**Action: The Commission took no action on this item.**

**Memo re: Agreement with PaleoWest, LLC for Historic Preservation Consulting Services**

This proposed Agreement with PaleoWest, LLC was for historic preservation consultant services related to the resurveying of the City of Lakeland's East and South Lake Morton Historic Districts.

In May 2022, the City's Purchasing Division issued Request for Proposals (RFP) No. 2157 to solicit qualified consultants for Phase 1 of the City's Historic Districts Resurvey Project. The scope of services to be provided in Phase 1 includes an engagement component with City staff and the public, fieldwork to survey historic buildings, completed Florida Master Site File inventory forms for all contributing buildings, and a Final Survey Report. All work must comply with Chapter 1A-46, Florida Administrative Code, as well as the terms of the State's Small Matching Grant Award Agreement. Four proposals were received in response to the City's RFP as follows:

| <u>Company</u>              | <u>Location</u>    | <u>Price</u> | <u>RFP Score</u> |
|-----------------------------|--------------------|--------------|------------------|
| PaleoWest LLC               | St. Petersburg, FL | \$72,807     | 455              |
| Commonwealth Heritage Group | Lakeland, FL       | \$96,887     | 442              |
| Kimley-Horn and Associates  | Lakeland, FL       | \$99,000     | 429.45           |
| LG2 Environmental Solutions | Jacksonville, FL   | \$85,035     | 421              |

The selection committee determined that PaleoWest, LLC was the most qualified of the four proposals received. The City's Local Preference Ordinance does not apply to this RFP because of the use of State grant funds.

The City's Historic Preservation Board has prioritized the need to resurvey the City's seven historic districts in response to continued growth, redevelopment and new construction, all of which have impacted many of the character-defining features and elements within the districts since their initial survey decades ago.

The Resurvey Project will provide a new baseline through updating the period of significance for each district (50 years or older), evaluating and updating information on existing contributing buildings, and identifying and documenting additional historic buildings that fall within the period of significance. While the Resurvey Project may include recommendations to modify district boundaries to include or remove certain properties, any such action must be taken by the City Commission via passage of an ordinance. With this exception, the results of the Project will be considered by the Historic Preservation Board's Design Review Committee (DRC) when issuing Certificates of Review, since the designation of a "contributing" versus a "non-contributing" structure impacts the level of scrutiny applied by the DRC.

The Project will take place in three phases over several fiscal years, including an estimated 2,386 properties in total. Phase 1 of the Project will resurvey the East Lake Morton (surveyed in 1992 and locally designated in 1994) and South Lake Morton (surveyed in 1983 and locally designated in 1989) Historic Districts. These two Districts represent the largest number of buildings constructed in 1972 and earlier, with an estimated 1009 structures. This phase is anticipated to begin August 2022 and conclude by June 30, 2023, consistent with the State of Florida's fiscal year.

The estimated cost of Phase 1 is \$72,807.00. The State of Florida has awarded the City a \$50,000 grant for this phase, and the remaining balance will be funded from the City's Public Improvement Fund. The City intends to seek additional support from the State of Florida in coming fiscal years to support the next phases of the Resurvey Project.

Staff recommended that the City Commission approve the attached Agreement with PaleoWest, LLC for historic preservation consulting services and authorize the appropriate City officials to execute the Agreement on behalf of the City.

Jerrold Simpson presented this item to the Commission.

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

The Commission discussed:

- Anyone who wants to make an alteration to their home in the Historic District would have to go before the Design Review Committee. A contributing building is defined as something that has the character of the period of significance. A noncontributing would be something that has been significantly altered over time either by additions, modifications, or it is in a great state of disrepair.

- When Emily Foster presents to the Design Review Committee, she provides her expert opinion on the contributing or noncontributing status of a building being reviewed.
- This survey then will also have another outside professional opinion. It will help make the historical reviews more accurate.
- If alterations were reversed, then the building can certainly revert to contributing.
- The baseline criteria for historic threshold status is 50 years old or older.
- Have not had survey of southeast Lake Morton Historic District since the late 1980's and early 1990's.
- Typically, cities reevaluate their historic districts every ten years or so.

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

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

**Memo re: Agreement with the State of Florida Division of Historical Resources for Lakeland Historic Districts Resurvey Phase 1**

This agreement between the City of Lakeland and the State of Florida's Division of Historical Resources was for grant funding in the amount of \$50,000.00 to conduct the Lakeland Historic Districts Resurvey Phase 1.

The grant funds will be used to hire a historic preservation consultant to conduct a historical resources survey of the South Lake Morton and East Lake Morton Historic Districts. The total project cost is estimated at \$72,807.00, with Paleo West, LLC as the proposed consultant. The grant will be paid in four installments of \$12,500 upon the completion of certain deliverables, including submission and approval of the credentials of the consultant, as well as surveys, forms and other documentation as required by the State.

The proposed grant normally requires a 100% match from the recipient; however, since the City of Lakeland is a Certified Local Government Organization, the City is not required to match 100%. The City will cover the remaining \$ 22,807.00 of the estimated project costs from the City's Public Improvement Fund.

Staff recommended that the City Commission approve the Agreement with the State of Florida Division of Historical Resources and authorize the appropriate City officials to execute the Agreement. Staff also requested that the City Commission authorize an increase in estimated revenue in the Public Improvement Fund of \$50,000 for the receipt of this Small Matching Grant from the State of Florida.

Jerrold Simpson presented this item to the Commission.

**Motion: Commissioner Sara McCarley moved to approve the recommendations. 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.**

## UTILITY

**Ordinances - NONE**

### Resolutions

**Resolution 5767; Proposed 22-031, Establishing Fuel Charge Effective September 1, 2022**

A RESOLUTION RELATING TO THE ELECTRIC UTILITY; MAKING FINDINGS; ESTABLISHING THE FUEL CHARGE FOR ALL CUSTOMER CLASSES FOR METERS READ ON OR AFTER SEPTEMBER 1, 2022; AMENDING TIME OF DAY FUEL CHARGE FOR APPLICABLE RATE CLASSES; REPEALING RESOLUTION 5762; PROVIDING AN EFFECTIVE DATE

Palmer Davis read the short title. This was considered at the Utility Committee immediately proceeding this Commission meeting. The recommendation of the Utility Committee was to raise the fuel rate charge from \$60Mhw to \$75Mhw.

**Motion: Commissioner Phillip Walker moved to approve the resolution. 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 Fuel Reserve graph that was presented at the Utility Committee in order to point out that if we stay at the current \$60Mhw rate than we will be at zero reserves by September 2022.
- At a \$60Mhw rate, the City will continue to under recover. This will continue unless rates are increased.
- Hopefully in September when the weather cools down and pipelines are less constrained, there might be a decrease in fuel rates.
- It is not the rate that is going up, it is the fuel surcharge that everyone pays.

**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

### **Memo re: Agreement with Casey Industrial, Inc. for Underground General Work for McIntosh Reciprocating Internal Combustion Engine Project**

This proposed Agreement with Casey Industrial, Inc. (Casey) was for underground general work for the McIntosh Reciprocating Internal Combustion Engine (RICE) Project. On September 7, 2021 the City Commission approved an Agreement with MAN Energy Solutions USA, Inc. for the purchase of six (6) RICE generators that will produce approximately 120.2 net megawatts (MW) of generation capacity.

Completion of the RICE Project encompasses a number of phases, including the installation and construction of Lakeland Electric's new electric generation facility. Significant underground work is necessary to prepare the area for the RICE generators by constructing the base foundation and infrastructure for the new Plant. This work includes site grading and digging, installation of electrical duct banks and underground piping, cleaning and testing, pile driving approximately 400 piles to support the foundation, pouring of concrete to support the equipment and the unloading and cataloging of support equipment as it arrives on the Project site.

Accordingly, on April 15, 2022, the City's Purchasing Department issued Invitation to Bid (Bid) No. 2136 seeking qualified contractors for the design, material procurement, material fabrication, delivery, storage and construction/installation for the underground general work. The City received responses from the three (3) companies listed below.

| <b>Contractor</b>               | <b>Location</b> | <b>Bid Price</b> |
|---------------------------------|-----------------|------------------|
| Rayco Industrial, Inc.          | Selma, AL       | \$15,564,447.11  |
| Casey Industrial, Inc.          | Louisville, MO  | \$16,199,591.00  |
| TEI Construction Services, Inc. | Duncan, SC      | \$20,710,609.64  |

Upon evaluation by Lakeland Electric staff and Sargent & Lundy, LLC, the City's consulting engineer for the Project, Casey was selected as the most qualified responsive, responsible cost-effective bidder capable of best meeting Lakeland Electric's needs in accordance with the City's Bid. Although the bid submitted by Rayco Industrial, Inc. (Rayco) was the lowest in price, Rayco failed to meet a number of the City's Bid requirements. Specifically, Rayco's price was missing several required scope items and its prices were not firm. Rayco's bid also included unquantified time and materials work for unloading equipment coming to the Project site. In addition, Rayco had very limited experience with RICE installation and power plant construction, whereas Casey's bid was evaluated as having the expertise, manpower and experience to effectively and efficiently complete the work in the required timeline. As such, Casey's bid was ranked higher in all categories of evaluation, with the exception of price.

The term of the Agreement, effective August 1, 2022, subject to City Commission approval, shall continue through the completion of the services, unless otherwise terminated or extended in accordance with the Agreement. Casey will commence work



and begin the design and procurement upon City Commission approval. Services are anticipated to be completed by December 23, 2022.

Pursuant to the Agreement, Casey is required to provide a performance bond in the total amount of the contract price, as required by Florida Statute, that will remain in effect through the entire contract term to ensure satisfactory completion of the Project. Given the importance of meeting the schedule for commissioning of the RICE generators, provisions for liquidated damages resulting from delays have been incorporated into the Agreement. Liquidated damages in the Agreement are capped at 5% of the contract price.

The warranty on the work performed by Casey will be for a period of one (1) year from Substantial Completion. In the event that any work performed requires repair, replacement or modification, that work will be subject to a new warranty period from completion, which will not exceed a period of twenty-four (24) months from Substantial Completion. In addition, Casey is required to indemnify and hold the City harmless for any property damage or bodily injury arising from Casey or any of its subcontractors' negligent performance pursuant to the Agreement.

Casey will perform all services in accordance with the terms and conditions set forth in the Agreement. Casey's total bid price has been modified by an additional \$637,651.00 based on minor modifications to scope and additional Requests for Clarification submitted by Casey to the City to further clarify specifications/responsibilities of the parties. The contract price for services is \$16,837,242. In addition, City staff is requesting a contingency amount of 3% or \$505,117.00 which will cover minor modifications related to Project scope that may occur. As such, the total cost for the work, as well as the contract contingency is \$17,342,359. This underground work is included in Lakeland Electric's budget for the RICE Project, which will be funded through the City's Energy System Revenue Bond.

Staff recommended that the City Commission approve this Agreement with Casey for the Underground General Work for the RICE Project and authorize the appropriate City officials to execute all corresponding documents related to the purchase.

Ramona Sirianni presented this item to the Commission.

**Motion: Commissioner Bill Read moved to approve the recommendations. 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:

- Specifications and intricacies included in this contract are very complex.
- The prep work on this alone to sustain generators is vital.
- Praised the conservative approach from the front end.



- The RICE unit is a site that sits on about 7.5 acres. The 400 pylons will be 14"X14" prestressed concrete poles engineered to be driven around 80 feet.
- Majority of poles will be under foundation of engine and generators. Some additional will go underneath cooling tower, radiators, and the stacks.
- Due to effects of inflation, estimate is about 10% higher.

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

#### **Kress Building: Right of First Refusal Formal Release**

Explorations V Children's Museum intends to relocate its operations to Bonnet Springs Park. In conjunction with their move, Explorations V has entered a contract to sell the Kress Building in downtown Lakeland, which houses its current operations, to Gaspar Properties, Inc. out of Tampa. This involves the City because we hold a right of first refusal to purchase the Kress Building as a result of a \$275,000 loan the City granted to Explorations V in 1998 to assist them with the purchase of the building.

In order to clear title to the property in preparation for the closing with Gaspar Properties, Explorations V's attorney is asking that the City formally release its right of first refusal. Under the terms of the right of first refusal, the City can choose to purchase the Kress Building by matching the offer on the building. The purchase price for the building under Gaspar's contract with Explorations V is \$2.5 million.

The decision should be made at the City Commission level.

City Attorney Palmer Davis presented this as a verbal item to the Commission.

**Motion: Commissioner Sara McCarley moved to release the right of first refusal. 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 right of first refusal was released.**

#### **AUDIENCE**

Tracy Faison submitted her application, resume, and bio to join the City Commission as interim City Commissioner. Tracy Faison grew up in the NW area and graduated from Kathleen High School. She received her degree from then Polk Community College and pursued her BSN at USF. She is a regional administrator, registered nurse. She praised the Commission in the efforts to make the City beautiful and would love to join the team.

Horace West, retired Haines City Commissioner, accompanied Ms. Faison and commended her character and work in the community over the past 20 years. Ms. Faison came to Haines City 10 years ago and put in a pediatric health center for children who

cannot go to traditional school for medical reasons. Additionally, Ms. Faison works at the Lakeland Hospital and is president of two local youth football programs.

Daryl Forehand is a previous president of PAL and Lakeland native. Mr. Forehand also expressed interest in the interim City Commissioner seat. Mr. Forehand was a probation parole officer for almost 30 years here in the City and tries to attend the Commission meetings as often as possible and has always tried to stay involved in the community.

## **MAYOR AND MEMBERS OF THE CITY COMMISSION**

### **Commissioner Chad McLeod:**

- Asked where the City was at in the process of the City Manager review with the consultant and former Commissioner Don Selvage.
- Mayor Bill Mutz informed former Commissioner Don Selvage will give the Commission the same sheet they have used historically and ask them to edit the items that make them least comfortable. Don Selvage will accumulate the responses and he will create a revised sheet that contains more relevant items or simply take items out that are irrelevant.
- This will be done on a one on one basis with each Commissioner in order to come back with a product this year that continues the baseline of the review process with improvements for the future.
- Once the evaluation is complete, then the Commission can design whether they want to do 360 reviews.

### **Commissioner Bill Read:**

- August 2, 2022 is National Night Out. There will be plenty of opportunities for citizens to mingle with different communities and charitable organizations.
- Encouraged everyone in the City to get out and participate.

### **Commissioner Stephanie Madden:**

- Attended the American Public Power Association's Policy Makers Council.
- Reiterated importance of advocating on behalf of public power at the federal level.
- Focused on climate change and CO2 emissions, modernizing municipal bonds, grid security, smart EV infrastructure, and the supply chain crisis.
- Summary of Energy Security and Climate Change Investments and Inflation Reduction Act which will provide funds into the economy for climate initiatives.
- Praised Lakeland Electric for being forward thinking with green hydrogen.

### **Commissioner Sara McCarley:**

- Thanked Commissioner Madden for her comprehensive summary of the American Public Power Association's Policy Makers Council.
- Primary coming up August 23, 2022.
- School Board election forum at Coleman-Bush building in the evening (August 1, 2022) put on by Coalition of Voters' Rights.
- August 9, 2022 is Politics in the Park at the Lakeland Chamber from 6:00 p.m. to 8:00 p.m. Candidates will be there from different races.

**Commissioner Mike Musick:**

- Got in touch with representatives at Bonnet Springs and set up tour. Commissioner Musick and his wife went out there and it is very exciting and impressive.

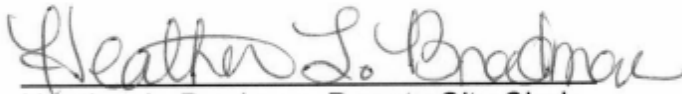
**Commissioner Phillip Walker:**

- Looking forward to the Lakeland History and Culture Center opening sometime in September around Labor Day.
- Wanted to make public aware that Jackson Park was named after John S. Jackson who was the first African American City Commissioner in Lakeland. After Mr. Jackson passed, his medical practice was purchased by Dr. Wendell Owen Blake who migrated the medical practice to the building North of Lake Wire. Dr. Blake has recently passed away. This is a history many are unaware of but will get to see and hear more about once the Lakeland History and Culture Center opens.

**CALL FOR ADJOURNMENT – 12:00 p.m.**



H. William Mutz, Mayor



Heather L. Bradman, Deputy City Clerk

