LAKELAND CITY COMMISSION

Regular Session
February 6, 2023

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 Samuel Simmons were present. City Manager Shawn Sherrouse, City Attorney Palmer Davis, Finance Director Mike Brossart, and Deputy City Clerk Heather Bradman were present.

CALL TO ORDER - 9:00 A.M.

PRESENTATIONS

MLK Parade Winners (Pam Page, Deputy Director Parks, Recreation & Cultural Arts)

Beautification Awards (Bill Koen)

- Residential: 323 E. Belvedere Street - Denise and Ronald Clark
- Commercial: 734 E. Memorial Blvd - Tapatio's Restaurante Mexicano

Ridge League of Cities Overview (Bobby Green, Executive Director)

PROCLAMATIONS

Black History Month

FFA-Future Farmers of America Week (18-25th)

Polk Senior Games Week

APPROVAL OF CONSENT AGENDA

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

Motion: Commissioner Sara McCarley 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)

*City Commission Minutes - Jan 13-17, 2023

Action: The Commission approved this item 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 Mike Musick moved to approve the assessments. Commissioner Chad McLeod seconded.

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

Commissioner Musick asked why the rate is always $165.00. Brian Rewis explained this was a flat rate set by the City Commission over 20 years ago by resolution. It was reviewed a decade ago and deemed an appropriate amount.

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)

Ordinance 5968; Proposed 23-002; Amending Ordinance 4773, as Amended; Major Modification of PUD (Planned Unit Development) Zoning to Allow up to 320 Multi-Family Dwelling Units, as an Alternative Development Scenario to the Existing Approval for 558 Multi-Family Dwelling Units for the Elderly, on Property Located at 777 Carpenters Way (1st Rdg. 01-03-23) (Cont. 01-17-23)

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 4773, AS AMENDED, TO PROVIDE FOR A MAJOR MODIFICATION TO PLANNED UNIT DEVELOPMENT ZONING TO ALLOW UP TO 320 MULTI-FAMILY DWELLING UNITS, AS AN ALTERNATIVE DEVELOPMENT SCENARIO TO THE EXISTING APPROVAL FOR 558 MULTI-FAMILY DWELLING UNITS FOR THE ELDERLY, ON PROPERTY LOCATED AT 777 CARPENTERS WAY; PROVIDING CONDITIONS; 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 Chad McLeod seconded.

Chuck Barmby gave presentation, a copy of which is on file in the Agenda Packet.

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

The Commission discussed:

- Elevators would be included in 4-story buildings
- Utilities and utility upgrades
- An easement to serve as a bus bay

Robert Stanz stated he is not opposed to the development of the property but is concerned about taking away senior housing with the increasing number of senior citizens in the City. Mr. Stanz suggested that a portion of the apartments are market rate for the people who work in the surrounding area and the balance of the property is used for senior living.

Commissioner McLeod requested to hear from the applicant.

Tim Campbell discussed:

- An easement granted for a bus aby is fine and they will provide clarification in the final condition
- Previously, there were over 600 units and there was not a market for it
- They met with the mobile home park several times and there were no major objections
- The other surrounding neighbors are commercial and have no objections
- They live by the Land Development Code that the City lives by
- There is necessary potable water for this site
- Wastewater flow from site is acceptable with specific improvements identified by staff and placed in writing
- Analysis and conclusions are independent of any other developer
- They already possess the school board concurrency certificate.
- This is not a new development; it has been on the books for 7 years.

- No increase in impacts and the adoption of the site plan creates even less impacts

The Commission resumed discussion:
- The stormwater ponds are wet water ponds
- The tree preserve area may not be open to the general public, but there are park facilities across the street
- Management is onsite for this project
- Taking away the 55+ limits does not preclude a developer in the future from developing a 55+ facility.

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

Ordinances (First Reading)

Proposed 23-003; Voluntary Annexation of Approximately 10.6 Acres Located at the Southeast Corner of W. 10th Street and Saratoga Avenue

> AN ORDINANCE RELATING TO THE VOLUNTARY ANNEXATION OF PROPERTY; INCLUDING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF LAKELAND, FLORIDA 10.6 ACRES OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF W. 10TH STREET AND SARATOGA AVENUE; FINDING COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title. He explained state law requires that annexations have two public hearings. The first reading is open for public comment, but no action. The second reading will be on February 20, 2023.

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

Resolutions

Resolution 5798; Proposed 23-003; Updating the City's Affordable Housing Land Bank Inventory List and Program Guidelines

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO AFFORDABLE HOUSING; MAKING FINDINGS; UPDATING THE CITY'S AFFORDABLE HOUSING LAND BANK INVENTORY LIST; AMENDING PROGRAM REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

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

Proposed 23-004; Designating Property Located at 225 and 419 Griffin Road a Brownfield Area

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA DESIGNATING PROPERTY LOCATED AT 225 AND 419 GRIFFIN ROAD AS A BROWNFIELD AREA; AUTHORIZING THE CITY ATTORNEY TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; MAKING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title. He explained state law requires that Brownfield Area notices have two public hearings. The first reading is open for public comment, but no action. The second reading will be on February 20, 2023.

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

COMMUNITY REDEVELOPMENT AGENCY

Recess/Convene: The City Commission recessed the Regular Session and convened as the CRA Board.

Task Authorization with The Apiary for Catalyst 2.0, Phase 3

In May 2022, the City/CRA entered a partnership with the Lakeland Economic Development Council (LEDC) to build a system that would layer strategic planning outputs into an interactive digital modeling system. The LEDC initiated the platform by procuring the services of the Apiary, a Lakeland-based design firm that specializes in photorealistic architectural visualization. The LEDC provided funding for Phase 1 of the project in the amount of $100,000, with the CRA funding Phase 2, which expanded the Catalyst footprint, in the amount of $280,000. Phase 2 work is approaching completion and the Apiary will continue to integrate study areas from the CRA planning initiatives in Dixieland (South Florida Avenue), Midtown (East Main District and Downtown West areas) into their platform, as well as the first three (3) vision projects for the CRA as the studies by the consultants for the respective areas move toward completion.

Phase 3 of the Task Authorization will include the expansion of the platform, optimization and uploading of new projects, as well as hosting and usage for public users, with an additional three (3) vision projects in either the Dixieland, Downtown West, or East Main study areas. Phase 3 will be funded by CRA Downtown Catalyst project funds in an amount not to exceed $100,000. The Apiary is on the City's Continuing Services Contracts list for Professional Planning, Design or Development Services.

Staff recommends that the City Commission, acting as the Lakeland Community Redevelopment Agency, approve this Task Authorization with The Apiary and authorize the appropriate CRA officials to execute the Task Authorization on behalf of the CRA in an amount not to exceed $100,000.

Valerie Ferrell introduced Maggie Briggs and Matt Lucas who gave a presentation and demonstration on Catalyst 2.0. A copy of their presentation is on file in the Agenda Packet. This is accessible not just to stakeholders but everyone in the community. Anyone with an internet connection can access this platform.

The Commission discussed:

- Downtown is the primary focus, but the platform has expanded to cover west downtown, Dixieland, and the west Main district.
- This is a living project that will constantly evolve in tandem with technology
- The platform will help spur development and create certainty around redevelopment opportunities; projects will no longer be viewed in a vacuum.

Katie Decker from the LEDC shared how this is a powerful marketing and communication tool can be taken all over the country. They can take prospective developers on an offsite walking tour and propel them to move forward.

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

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

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

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

CITY MANAGER

Before presenting his items, Shawn Sherrouse took a minute to recognize Bobby Green, Executive Director of Ridge League of Cities. Mr. Green has been his long-time mentor.

Shawn Sherrouse also mentioned his many opportunities to work with student veterans in the last year to help guide them into management in municipal government. The City has an opportunity to take on a veteran fellow. This would be at no cost to the City as the military is providing the opportunity to their armed forces personnel to transition smoothly into civilian life.

Recommendation re: Purchase of Additional Taser 7/Body Cameras and Technology Upgrade to Axon Contract

Pursuant to the City Commission's past budget approval (FY22), the Lakeland Police Department (LPD) is seeking to purchase additional Body Worn Cameras, Tasers, In-Car Camera Systems and Technology Upgrades due to new positions and additional non-Axon device storage in accordance with the City's existing Master Services Agreement with Axon Enterprise, Inc. (Axon).

The items and associated funding include:

- Taser/Body Camera Bundle - The additional Taser 7's and body cameras due to the increase in officers (15 - FTEs) were approved in the FY23 budget. This payment for the additional equipment is not due till September 2023. These funds were already included in the FY23 budget and will be added to the existing Axon 10-year contract.

- Pro License Bundle - Thirty (30) additional evidence.com licenses are needed for members such as Public Safety Aides, Crime Scene Technicians and Media Relations to be able to access evidence.com as they do not have a bodycam or Taser issued to them. These 30 additional licenses will be added to the existing 10-year contract. The first payment of $14,688.02 will start in FY24 and is not due till October 1, 2023.

- Non-Axon Device Unlimited Third-Party Cloud Storage - The third and final addition is an upgrade to Non-Axon Device Third-Party Storage. The current contract allows for up to 75 terabytes to be stored. Now that we have had additional time to evaluate our storage needs, it is estimated that sometime in early FY24, we will most likely surpass 75 terabytes as we complete the migration process to evidence.com. In lieu of buying additional individual terabytes of cloud storage over the course of the contract, it will be more cost effective to upgrade to unlimited Third-Party Cloud Storage. For the remainder of FY23 and most of FY24, the cost is $36,316.80 of which a $35,291.02 Credit from Axon will be applied for net increase of $1,025.78. This will be absorbed with available funds in the operating budget. This credit stems from not receiving equipment on time due to supply chain issues.

There are no changes to the terms and conditions contained in the City's existing Agreement with Axon approved by the City Commission in December 2021. LPD believes this will continue to provide significant technology upgrades to the department and the citizens it serves over the life of the contract. The quote is good through February 10, 2023.

Staff recommended that the City Commission approve the purchase of the additional items specified above in accordance with the Master Services and Purchasing Agreement between the City of Lakeland and Axon Enterprise, Inc., and authorize the appropriate City officials to execute all associated documents.

Shawn Sherrouse presented this item to the Commission.

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

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

The Commission discussed:

- When the initial purchase was made, LPD did not want to negotiate for more equipment than needed.
- Since then, 15 new positions have been approved and budgeted.
- The first payment for the Pro License bundle is not until October 1, but LPD will have access to it before then.
- Commended Chief Sammy Taylor and Assistant Chief Hans Lehman and their team on making this a reality.

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

Recommendation re: Task Authorization with Environmental Science Associates for Lake Parker Shoreline Enhancement Design and Engineering

Environmental Science Associates (ESA) recently completed a conceptual plan for the restoration of approximately 1,500 linear feet of shoreline on the northern rim of Lake Parker, adjacent to Lake Crago Park and Recreation Center. This shoreline was significantly disturbed during former mining operations, resulting in the destruction of the natural littoral shelf, eradication of natural fringe wetlands, and the creation of steep-sided slopes at the water's edge that is subject to erosion. Restoring the shoreline to natural conditions includes exterminating invasive exotic species, grading to create elevations suitable for wetland and littoral shelf reestablishment, and planting wetland species to improve water quality and natural habitat.

The Lakes & Stormwater Division has requested a scope of services from ESA (negotiated under the City's Continuing Lakes & Watershed Management Agreement) to provide final design, permitting, and engineered construction plans for the Lake Parker Shoreline Restoration project.

The major elements of this project include the following:

• Coordination with Florida Fish and Wildlife Commission's (FWC) Aquatic Habitat Restoration and Enhancement staff.

• Development of design plans to be presented to regulatory agency staff for permitting purposes, major construction methodology, performance schedule, and construction budget.

• Geotechnical investigation to characterize the subsurface conditions of the proposed project site for construction suitability.

• State and federal permitting services for Southwest Florida Water Management District (SWFWMD) and the Florida Department of Environmental Protection (FDEP) 404 Programming. Permitting activities will include wetland and waterbody delineation, preliminary listed species survey, environmental surveys, pre-application meetings, and permit application submittals.

• Preparation and submittal of DRAFT and FINAL Technical Memoranda and Investigation Reports.

Funding for this project in the not-to-exceed amount of $108,505 is provided in the FY23 Stormwater CIP budget.

Staff recommended that the City Commission authorize the appropriate City officials to execute the Task Authorization with ESA for the Lake Parker Shoreline Restoration Design, Engineering, and Permitting project in the not-to-exceed amount of $108,505.

Shawn Sherrouse presented this item to the Commission.

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

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

Current plans with FWC are to have a trail where people have access to the shoreline to fish.

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

Shawn Sherrouse mentioned that Public Works has a departmental update in May, at which time they will incorporate a review of stormwater restoration efforts.

Recommendation re: Award of Bid No. 2354 to Advanced Roofing, Inc. for Roof Repair Services at Lakeland Linder International Airport

On November 22, 2022, the City of Lakeland issued a request for bids for roof repairs at Lakeland Linder International Airport. The project includes replacement of approximately 60,000 square feet of thermoplastic polyuolefin (TPO) roof that was damaged during Hurricane Ian at 3200 Flightline Drive, Lakeland, FL 33811.

On December 20, 2022, the City Purchasing Department received the following six (6) bids:

1. Advanced Roofing, Inc. – Tampa, FL	$789,924
2. Allied Roofing, Inc. – Tampa, FL	$902,865
3. Ramcon, LLC – Tampa, FL	$917,400
4. Springer-Peterson Roofing & Sheet Metal, Inc. – Lakeland, FL	$942,215
5. Southern Roofing Co., Inc. – Tampa, FL	$1,022,456
6. Atlas Apex Roofing, LLC – Oakland Park, FL	$1,286,730

Together with the City's engineering consultant REI Engineers, Inc., City staff reviewed the bids in detail and determined that Advanced Roofing, Inc. was the lowest and most responsive bidder. A Notice of Intent to Award was issued by the City Purchasing Department on January 10, 2023.

Funding will be provided through the Hurricane Ian FEMA accounts and based on discussions with Finance the roof replacement is eligible to be covered through the City's FEMA submittal.

Staff recommended that the City Commission authorize the award of Bid No. 2354 to Advanced Roofing, Inc., for the roof repairs project at Lakeland Linder International Airport and authorize the appropriate City officials to execute the contract, on behalf of the City of Lakeland, in the amount of $789,924.

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

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

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

Recommendation re: Award of Bid No. 2353 to Trinity Elevator Services Inc. to Provide Elevator Modernization Services at Lakeland Linder International Airport

On November 21, 2022, the City of Lakeland issued a request for bids for an elevator modernization project at Lakeland Linder International Airport. The project includes the modernization of three (3) hydraulic passenger elevators to meet the requirements of ASME A17.3-2020 and the decommissioning of one (1) freight elevator.

Two (2) of the elevators to be modernized are in the main terminal building at 3900 Don Emerson Drive. The other one (1) to be modernized and the one (1) to be decommissioned are in the office building at 3131 Flightline Drive.
On December 19, 2022, the City Purchasing Department received the following two (2) bids:

1. Trinity Elevator Services Inc. – Odessa, FL $269,400
2. Skyline Elevator, Inc. – Groveland, FL $410,000

City staff reviewed the bids in detail and determined that Trinity Elevator Services, Inc., was the lowest and most responsive bidder. A Notice of Intent to Award was issued by the City Purchasing Department on December 21, 2022.

Funding will be provided through the airport's 2021 bond issuance.

Staff recommended that the City Commission authorize the award of Bid No. 2353 to Trinity Elevator Services, Inc., for the elevator modernization project at Lakeland Linder International Airport and authorize appropriate City officials to execute the contract, on behalf of the City of Lakeland, in the amount of $269,400.

Motion: Commissioner Chad McLeod move to approve the recommendation. Commissioner Mike Musick seconded.

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

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

CITY ATTORNEY

Ordinances (First Reading)

Proposed 23-005; Small Scale Amendment #LUS22-008 to the Future Land Use Map to Apply Residential Medium (RM) Land Use on Approximately 10.6 Acres Located at the Southeast Corner of W. 10th Street and Saratoga Avenue

> AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR SMALL SCALE AMENDMENT #LUS22-008 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP OF THE LAKELAND COMPREHENSIVE PLAN: OUR COMMUNITY 2030; PROVIDING FOR THE APPLICATION OFA FUTURE LAND USE DESIGNATION OF RESIDENTIAL MEDIUM (RM) ON APPROXIMATELY 10.6 ACRES LOCATED AT THE SOUTHEAST CORNER OF W. 10TH STREET AND SARATOGA AVENUE; 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 February 20, 2023.

Proposed 23-006; Application of PUD (Planned Unit Development) Zoning to Allow for the Development of 92 Single-Family Attached Dwelling Units, and Application of Urban Neighborhood (UNH) Context District on Approximately 10.6 Acres Located at the Southeast Corner of W. 10th Street and Saratoga Avenue

AN ORDINANCE RELATING TO ZONING; ADOPTING FINDINGS; PROVIDING FOR PUD (PLANNED UNIT DEVELOPMENT) ZONING TO ALLOW FOR THE DEVELOPMENT OF 92 SINGLE-FAMILY ATTACHED DWELLING UNITS ON APPROXIMATELY 10.6 ACRES LOCATED AT THE SOUTHEAST CORNER OF W. 10TH STREET AND SARATOGA AVENUE; PROVIDING FOR URBAN NEIGHBORHOOD (UNH) CONTEXT DISTRICT ON THE PROPERTY; 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 February 20, 2023.

Proposed 23-007; Approving a Conditional Use to Recognize an Existing School/Daycare and Allow for the Placement of Three Modular Classroom Buildings as Part of a School Expansion on Property Located at 1836 Kathleen Road

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; APPROVING A CONDITIONAL USE TO RECOGNIZE AN EXISTING SCHOOL AND DAYCARE AND ALLOW FOR THE PLACEMENT OF THREE MODULAR CLASSROOM BUILDINGS AS PART OF A SCHOOL EXPANSION ON PROPERTY LOCATED AT 1836 KATHLEEN ROAD; 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 February 20, 2023.

Proposed 23-008; Approving a Conditional Use to Allow for the Conversion of a Portion of an Existing Detached Garage into a Detached, Secondary Residential Dwelling Unit on Property Located at 841 Johnson Avenue

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; APPROVING A CONDITIONAL USE TO ALLOW FOR THE CONVERSION OF A PORTION OF AN EXISTING DETACHED GARAGE INTO A DETACHED, SECONDARY

RESIDENTIAL DWELLING UNIT ON PROPERTY LOCATED AT 841 JOHNSON AVENUE; 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 February 20, 2023.

Proposed 23-009; Amending Chapter 62, Article II, Division 3, of the City Code, the City of Lakeland Police Officers' Retirement System, to Expand Deferred Retirement Option Plan Participation Period

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO THE CITY OF LAKELAND POLICE OFFICERS' RETIREMENT SYSTEM; AMENDING SECTION 62-79 OF THE CODE OF THE CITY OF LAKELAND TO EXPAND THE DEFERRED RETIREMENT OPTION PLAN PARTICIPATION PERIOD; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; 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 February 20, 2023.

Resolutions
Resolution 5799; Proposed 23-005; Lots Cleaning and Clearing

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

Palmer Davis read the short title.

Motion: Commissioner McCarley 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.

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

Resolution 5800; Proposed 23-006; Private Roadway Renaming; Renaming Voyager Path "Leenhouts Way"

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO PRIVATE STREETS; MAKING FINDINGS; RENAMING VOYAGER PATH "LEENHOUTS WAY"; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner McCarley 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.

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

Resolution 5801; Proposed 23-007; Supporting Polk Transportation Planning Organization Funding Applications for the Hartsell Avenue and Glendale Trail (Fort Fraser Trail Extension) Projects

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA SUPPORTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT ON BEHALF OF THE CITY OF LAKELAND, POLK TRANSPORTATION PLANNING ORGANIZATION FUNDING APPLICATIONS FOR THE HARTSELL AVENUE AND GLENDALE TRAIL (FORT FRASER TRAIL EXTENSION) PROJECTS AND EXPRESSING SUPPORT FOR PAST, UNFUNDED PRIORITIES; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner McCarley 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.

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

Miscellaneous Reports

Memo re: Legal Fee Report

The following are legal fees and expenses paid to outside law firms from October 2022 – December 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	$962.50
Boswell & Dunlap LLD	LPD Representation, Civil Service Board Hearing	$46,220.00
Constangy, Brooks & Smith LLC	Counsel Relating to Union and Labor Matters-Arbitrations; Negotiations	$11,248.59
Carlton Fields	457B Plan, Defined Contribution Plan	$4,032.00
Gail Cheatwood, Esq.	Miscellaneous Municipal Ordinance Defense	$150.00
Gray Robinson	Litigation Matters –Mindi Fitch, Howard Mathis	$22,620.02
Stidham & Stidham PA	Counsel Relating to Bondowsky v Pagan	$5,332.50
Peterson & Myers PA	Red Light Camera Hearings	$1,627.50
Kaplan Kirsch & Rockwell LLP	Lakeland Linder International Airport Matters	$55,839.44
Sugarman & Susskind	Counsel Relating to Employee Pension Plan Matters – Pension Board	$7,910.00
Putnam, Creighton & Airth PA	63 Lake Hunter Dr Lien Foreclosure	$485
Campbell, Trohn, Tamayo & Aranda	Personal Injury Defense-injuries on city property or auto accidents involving city vehicles	$75,383.10
Vecchio, Carrier & Feldman P.A.	Miscellaneous Workers Comp Defense	$35,366.75
Gunster Law Firm	McIntosh Power Plant - CCR	$304.00
Holland & Knight LLP	Counsel Related to Decommissioning Unit 3	$6,500.00
Bradley Arant Boult Cummings	Unit 3 Boiler Insurance Coverage Dispute	$16,852.50
Total	**$290,833.90**	

OCTOBER - DECEMBER 2022 TOTAL	**$290,833.90**
OCTOBER – DECEMBER 2021 TOTAL	$362,985.53
FY 2018-2019 (Oct – Dec)	$532,049.02
FY 2019-2020 (Oct – Dec)	$252,072.78
FY 2020-2021 (Oct – Dec)	$370,181.76
FY 2021-2022 (Oct – Dec)	$362,985.53
FY 2022-2023 (Oct – Dec)	$290,833.90

Action: The Commission did not act on this item.

***Memo re: Use Agreement with Sun 'n Fun Fly-In, Inc.**

This annual Use Agreement with Sun 'n Fun Fly-In, Inc. (Sun 'n Fun), gives Sun 'n Fun the authority to conduct its event at the Airport. The main purpose of this Agreement is to provide for insurance and indemnification provisions, as well as delineate those areas where Sun 'n Fun has the responsibility to control and maintain the premises during the event.

Furthermore, Sun 'n Fun shall have the use of ramps, runways, taxiways and other facilities provided for aircraft and the public at the Airport, which are subject to the operational control of the Airport Director and the Federal Aviation Administration.

Staff recommended that the City Commission approve the Use Agreement with Sun 'n Fun and authorize the appropriate City officials to execute the Agreement and all corresponding documents.
Action: The Commission approved this item as part of the Consent Agenda.

***Memo re: 5:01 P.M. Hearing**

During the month of February, the City Commission will be presented a Brownfield Designation Resolution which will require at least one hearing after 5:00 p.m. Staff requested that the Commission waive the statutory requirement that at least one of the hearings on this matter be held after 5:00 p.m.
Action: The Commission approved this item as part of the Consent Agenda.

FINANCE DIRECTOR – NONE

UTILITY

Ordinances (first reading)

Proposed 23-010; Establishing Lakeland Electric Rate Classifications, Rates and Fees; Miscellaneous Revisions

> AN ORDINANCE RELATING TO THE ELECTRIC UTILITY; PROVIDING FOR AVAILABILITY OF SERVICE AND CONDITIONS THEREOF; ESTABLISHING RATE CLASSIFICATIONS; REMOVING DETERMINATION OF BILLING DEMAND CHARGES FOR CERTAIN RATE CLASSES; ESTABLISHING RATES FOR ELECTRIC SERVICE BY THE CITY OF LAKELAND; ESTABLISHING A SURCHARGE FOR CUSTOMERS RECEIVING SERVICE OUTSIDE THE CORPORATE LIMITS OF THE CITY OF LAKELAND; ESTABLISHING GENERAL PROVISIONS; ESTABLISHING A METHODOLOGY TO IMPOSE A FUEL CHARGE; PROVIDING RATES AND GENERAL PROVISIONS FOR PRIVATE AREA LIGHTING; PROVIDING FOR AN ENVIRONMENTAL COMPLIANCE COST CHARGE; MODIFYING CUSTOMER PARTICIPATION IN THE SOLAR HOT WATER PROGRAM; PROVIDING GENERAL PROVISIONS

OF MEDICALLY ESSENTIAL SERVICE FOR RESIDENTIAL CUSTOMERS; ESTABLISHING A DEMAND CHARGE FOR EXISTING CUSTOMERS WITH SOLAR SYSTEMS AFTER JANUARY 1, 2025; PROVIDING AN ECONOMIC DEVELOPMENT RIDER FOR QUALIFIED CUSTOMERS; PROVIDING RATES FOR MISCELLANEOUS FEES AND CHARGES; ESTABLISHING A RATE INCREASE SUFFICIENT TO SUSTAIN A FINANCIALLY SELF-SUPPORTING ELECTRIC UTILITY; REPEALING ORDINANCES 5736, 5752, 5772 AND 5854; PROVIDING DEFINITIONS; MAKING FINDINGS; 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 February 20, 2023.

Resolutions

Resolution 5802; Proposed 23-008; Establishing Fuel Charge Effective March 1, 2023

A RESOLUTION RELATING TO THE ELECTRIC UTILITY; MAKING FINDINGS; ESTABLISHING THE FUEL CHARGE FOR ALL CUSTOMER CLASSES FOR METERS READ ON OR AFTER MARCH 1, 2023; AMENDING TIME OF DAY FUEL CHARGE FOR APPLICABLE RATE CLASSES; REPEALING RESOLUTION 5767; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

Mayor Bill Mutz commended the immense amount of work done by staff on these items and for their presentation to the Utility Committee during agenda study.

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

AUDIENCE - None

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Sara McCarley:

- The Ridge League of Cities dinner is this Thursday evening in Lake Alfred. She opened the invitation to her peers or City staff who would like to attend and represent Lakeland.
- She was excited about the governor's announcement last week at SUNTRAX.
- Encouraged citizens to listen to two of Jon Meacham's podcasts, "Hope Through History" and "It Was Said" to highlight black history month.

Commissioner Stephanie Madden:

- Lakeland Sister Cities held an annual meeting on January 25, 2023. Tom Palmer is doing a great job as the new president. February 4, 2023 was the Sister Cities golf tournament. It serves as a fundraiser to send students to a sister city or we host sister city students. In August, a group of Imabari students from Japan are anticipated to visit the City.
- The young author and artist showcase is tonight at 6 p.m. at Harrison School of the Arts.
- The Lakeland Sister Cities' Cardboard Boat Challenge is coming up in May.
- For clarification, Lakeland Sister Cities is not a regular Municipal board or committee. There is a Sister Cities information tab on the City website for more information.
- Viste Ball was Saturday night in support of Volunteers in Service to the Elderly.

Commissioner Mike Musick: He is on the Age Friendly Lakeland Committee and a hot topic right now is a senior center and how to serve that population. Please visit www.lakelandvision.org to take the 2023 survey.

Mayor Bill Mutz: The Strategic Planning Retreat begins tomorrow at 8:00 a.m. in the RP Funding Center.

Commissioner Samuel Simmons: His prayers are with the victims, families, and loved one's of the recent shooting on Plum and Iowa. 11 people were shot and there was not one fatality. That is a miracle!

CALL FOR ADJOURNMENT - 11:14 A.M.

H. William Mutz, Mayor

Heather Bradman, Deputy City Clerk

CITY OF LAKELAND, FLORIDA
INCORPORATED
JAN. 1, 1885