

LAKELAND CITY COMMISSION

Regular Session

April 3, 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 City Clerk Kelly Koos were present.

CALL TO ORDER - 9:00 A.M.

PRESENTATIONS

State of the Utility - Bill Anderson, Director of Water Utilities

Beautification Awards (Bill Koen)

- Residential: 714 Tropical Way - Marlana Alvarez
- Commercial: 310 Frank Lloyd Wright Way - City Central Church

PROCLAMATIONS

Child Abuse Prevention Month
Community Development Week
Fair Housing Month
Lakeland Realtor's Centennial Anniversary
Volunteer Appreciation Week
Water Conservation Month

COMMITTEE REPORTS AND RELATED ITEMS

Finance Committee 03/31/23

Commissioner Chad McLeod presented the report to the Commission.

Motion: Commissioner Mike Musick moved to approve the report. Commissioner Stephanie Madden 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.

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 regarding a lots cleaning/clearing or demolition assessment, this is the time to address the Commission.

Lots Cleaning and Clearing

Motion: Commissioner Chad McLeod moved to approve the assessments. Commissioner 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.

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

APPROVAL OF CONSENT AGENDA

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

Motion: Commissioner Sara McCarley moved to approve the 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 – March 17-20

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC - None

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5980; Proposed 23-014; Amending Ordinance 3432, as Amended; Major Modification of PUD (Planned Unit Development) Zoning to Allow a Two-Story 94,000 Sq. Ft. Mini-Warehouse/Self Storage Facility on Approximately 4.33 Acres Located at 2575 Harden Boulevard (1st Rdg. 03-06-2023)

Palmer Davis explained staff will have a presentation, the applicant will speak, and then public comment. The applicant will have a rebuttal and then the Commission will discuss and vote.

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 3432, AS AMENDED, TO PROVIDE FOR A MAJOR MODIFICATION TO PLANNED UNIT DEVELOPMENT ZONING TO ALLOW A TWO-STORY 94,000 SQUARE FOOT MINIWAREHOUSE/SELF STORAGE FACILITY ON APPROXIMATELY 4.33 ACRES LOCATED AT 2575 HARDEN BOULEVARD; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

Palmer Davis read the short title.

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

Attorney Tim Campbell representing the applicant gave a presentation, a copy of which is on file in the Agenda Packet.

Brian Coninx the developer reviewed his changes to the project.

Tim Campbell explained how the developer has been responsive to neighborhood and commission comments.

Mayor Bill Mutz explained public comment would be limited to 3 minutes. He asked the representatives of groups to speak first.

Tony Hudson represented Beacon Terrace. He asked his neighborhood to stand. He spoke against the development. His presentation is part of the Agenda Packet.

Tonya Gibson COA President of Muirfield Village came forward to represent her neighborhood. She spoke against the development.

Susan Spelios of Grasslands spoke against the development.

Jill Menka of Grasslands Village Circle came forward and spoke against the development.

Lyonel Lindsey spoke against the development.

Dwight Nash spoke against the development.

Mayor Bill Mutz closed public comment.

Tim Campbell responded to the concerns of the public.

Palmer Davis explained that if the Commission would deny, they must state the competent and substantial evidence supporting the denial.

Motion: Commissioner Mike Musick moved to approve the ordinance. Commissioner Bill Read seconded.

The Commission discussed:

- The binding site approval.
- The measurement of the building height.
- Property values, traffic and nature trails.
- The number of units, 700.
- Friends and family who would access the units.
- Assisted living would be more compatible.
- Compatibility with the residential neighborhood.
- Number of trips generated.
- The need for self-storage as a generational issue.

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

Recess/Reconvene: The Commission recessed at 11:36 a.m. and reconvened at 11:41 a.m.

Resolutions

Resolution 5812; Proposed 23-017; Adopting the SHIP Local Housing Assistance Plan (LHAP) for 2023-2026

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA APPROVING A LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES, AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS AND CERTIFICATIONS NEEDED BY THE STATE; AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING

ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Bill Read 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.

Action: Upon roll call vote Commissioners Chad McLeod, Bill Read, Stephanie Madden, Sara McCarley, Mike Musick, and Mayor Bill Mutz voted aye. Commissioner Samuel Simmons was absent at that time. Ayes – six. Nays – zero. The motion carried unanimously.

Miscellaneous

Palmer Davis explained development agreements related to the same proposed traffic improvements and provided how that improvement would be funded.

Planning and Transportation Manager Chuck Barmby gave a presentation on the agreements, a copy of which is on file in the Agenda Packet. There were representatives present from both developments for questions.

Development Agreement with Pipkin Creek Properties, LLC

This was a Development Agreement between the City of Lakeland and Pipkin Creek Properties, LLC (Pipkin Creek Properties). Pipkin Creek Properties is developing a single-family residential development known as Lakeside Preserve, consisting of 426 units on 428.2 acres located south of State Road 572 (Drane Field Road-South Parkway Frontage Road) and east of Pipkin Creek Road. Given the location of Lakeside Preserve within a larger Planned Unit Development (PUD) within which the adjacent Prose Lakeland multi-family residential development is proposed, the PUD requires that both Pipkin Creek Properties and Prose Lakeland establish and pay their fair share percentages for identified access and operational improvements at the State Road 572/Pipkin Creek Road intersection, including the signalization of the intersection. A separate Development Agreement with Prose Lakeland has been negotiated and is also included on this agenda to provide for Prose Lakeland's share of the intersection improvement costs.

Inflated to Year 2027 values, the final cost estimate for the State Road 572/Pipkin Creek Road signalization project totals \$547,833.78. State Road 572 is operated by the Florida Department of Transportation and Pipkin Creek Road is operated by Polk County. Therefore, the final access and operational improvements at the subject intersection may be different from what is currently proposed once reviewed through the permitting processes for both agencies. Based on the uncertainty of the final mitigation project at

the intersection and the expected construction schedules for the Prose and Lakeside Preserve developments, the attached Development Agreement requires Pipkin Creek Properties to pay the City its proportional share of the State Road 572/Pipkin Creek Road intersection improvements, to be included in a dedicated account for future implementation by the City in accordance with FDOT and County permitting requirements. The separate Development Agreement with Prose Lakeland likewise requires Prose Lakeland to deposit its proportional share with the City.

Under the Development Agreement, Pipkin Creek Properties will be required to take the following action:

1. Concurrent with construction plan approval, Pipkin Creek Properties shall pay one-half of its proportional share of the costs for the State Road 572/Pipkin Creek Road Traffic Signal, or a package of access/operational mitigation improvements of an equal cost as approved by FDOT and Polk County. This payment would account for \$180,785.15 of Pipkin Creek Properties' total proportional share cost of \$361,570.29.
2. Concurrent with notice of commencement of on-site infrastructure improvements, Pipkin Creek Properties shall provide the remaining \$180,785.14 of its proportional share costs.

Upon satisfaction of the conditions of the proposed Development Agreement, the City will grant transportation concurrency for this development, resulting in vesting for a cumulative of 4,088 Daily and 429 PM Peak Hour Trips.

Staff recommended that the City Commission approve the Development Agreement with Pipkin Creek Properties, LLC and authorize the appropriate City officials to execute the Agreement.

Chuck Barmby presented this item to the Commission.

Motion: Commissioner Bill Read moved to approve the agreement. Commissioner Mike Musick seconded.

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

The Commission discussed a concern about the reservation of trips.

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

Development Agreement with Prose Lakeland Owner, LLC

This was a Development Agreement between the City of Lakeland and Prose Lakeland Owner, LLC (Prose). Prose is developing a multi-family residential development consisting of 391 units on 22.87 acres located south of State Road 572 (Drane Field

Road-South Parkway Frontage Road) and east of Pipkin Creek Road. Given the location of Prose's proposed development within a larger Planned Unit Development (PUD) within which the adjacent Lakeside Preserve single-family residential community is proposed, the PUD requires that both Prose and Lakeside Preserve establish and pay their fair share percentages for identified access and operational improvements at the State Road 572/Pipkin Creek Road intersection, including the signalization of the intersection. A separate Development Agreement with Pipkin Creek Properties, LLC, the developer of Lakeside Preserve, has been negotiated and is also included on this agenda to provide for Lakeside Preserve's share of the intersection improvement costs.

Inflated to Year 2027 values, the final cost estimate for the State Road 572/Pipkin Creek Road signalization project totals \$547,833.78. State Road 572 is operated by the Florida Department of Transportation and Pipkin Creek Road is operated by Polk County. Therefore, the final access and operational improvements at the subject intersection may be different from what is currently proposed once reviewed through the permitting processes for both agencies. Based on the uncertainty of the final mitigation project at the intersection and the expected construction schedules for the Prose and Lakeside Preserve developments, the attached Development Agreement requires Prose to pay the City its proportional share of the State Road 572/Pipkin Creek Road intersection improvements, to be included in a dedicated account for future implementation by the City in accordance with FDOT and County permitting requirements. The separate Development Agreement with Lakeside Preserve likewise requires the developer of Lakeside Preserve to deposit its proportional share with the City.

Under the Development Agreement, Prose will be required to take the following action:

1. Prior to first certificate of occupancy, Prose shall design, permit and construct required Pipkin Creek Road improvements at the site entrance according to plans that are approved and permitted by Polk County.
2. Within 90 days of the effective date of the Development Agreement, Prose shall pay its proportional share of the costs of the State Road 572/Pipkin Creek Road Traffic Signal, or a package of access/operational mitigation improvements of an equal cost as approved by FDOT and Polk County if a traffic signal is not approved. Prose's proportional share for the improvements has been calculated at \$186,263.49.
3. Prose's predecessors in interest have dedicated required right-of-way along Pipkin Creek Road (formerly named "South Pipkin Road") and Prose shall construct a sidewalk along the site's frontage.
4. Prose shall install a transit shelter on the State Road 572 or Pipkin Creek Road frontage at a location that is determined to be acceptable by the Lakeland Area Mass Transit District. The site plan that is currently under review shows a proposed transit shelter on Pipkin Creek Road, just north of the site driveway.

Upon satisfaction of the conditions of the proposed Development Agreement, the City will grant transportation concurrency for this development, resulting in vesting for 2,862 Daily and 219 PM Peak Hour Trips. If the State Road 572/Pipkin Creek Road Traffic

Signal or equivalent access/operational mitigation improvements are not necessary or construction of these improvements has not commenced before December 31, 2035, the City will refund Prose's proportional share payment.

Staff recommended that the City Commission approve the Development Agreement with Prose Lakeland Owner, LLC and authorize the appropriate City officials to execute the Agreement.

Chuck Barmby presented this item to the Commission.

Motion: Commissioner Bill Read 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 intersection improvements. Currently, the developer provides the funding, and the city manages the improvements. The intent is to streamline the approval process while managing the improvements.

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

COMMUNITY REDEVELOPMENT AGENCY - None

CITY MANAGER

Recommendation re: Award of Bid No. 3045 to Strickland Construction, Inc. to Construct a Branch Library in Kelly Recreation Center

The Kelly Recreation Interior Renovation project will create a small public library space in the existing Activity Room at Kelly Recreation Complex located at 404 Imperial Blvd. This new branch Library will replace the existing eLibrary branch in South Lakeland, which is currently in a leased space in the Lake Miriam Shopping Center, the lease ends this year. When completed, the Kelly Branch Library will house a collection of library materials and seating for the public.

On January 17, 2023, the Purchasing Division issued a Request for Proposals to renovate the existing Activity Room in the Kelly Recreation Complex to create a small library branch. The project includes the provision of all labor, material, and equipment.

On February 23, 2023, the Purchasing Division received the following (5) five bid proposals:

- | | |
|---|---------------|
| 1. Strickland Construction, Inc. – Lakeland, FL | \$ 140,948.00 |
| 2. Peachee Construction, Inc. – Lakeland, FL | \$ 159,900.00 |
| 3. Henkleman Construction, Inc. – Lakeland, FL | \$ 167,040.00 |

Staff from Parks, Recreation and Cultural Arts, Public Works Maintenance, and Purchasing reviewed the proposals and confirmed that the scope of work complies with project requirements.

City staff evaluated the lowest three bids and determined that Strickland Construction, Inc is the lowest responsible bidder. A Notice of Intent to Award was issued by Purchasing on March 20, 2023.

Funding for the project is provided in the FY 23 Library Public Improvement Fund budget. The project will begin construction fifteen days after the Purchase Order has been issued and is estimated to take 98 calendar days to complete.

Staff recommended that the City Commission authorize the award of RFP No. 3045 to Strickland Construction, Inc. to construct a branch Library in Kelly Recreation Complex and authorize staff to execute the Purchase Order in the amount of \$ 140,948.00.

City Manager 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 e-library at Lake Miriam had been extended on a month-to-month basis until this project is completed.

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

Recommendation re: Change Order No. 3 with Cobb Site Development Inc. and Supplemental with CSX Transportation, Inc. for the County Line Road at US 92 Intersection Project

Public Works (PW) is nearing completion of the County Line Road at US 92 intersection improvement project that provides for a second northbound left-turn lane and dedicated northbound right-turn lane to facilitate traffic moving from County Line Road to US 92. The project will also include a new sidewalk on the east side of County Line Road and re-construction of the traffic signal.

PW is seeking approvals to enter into Change Order No.3 for the construction contract with Cobb Site Development Inc. (COBB) in the amount of \$135,306.71 and enter a Supplement #3 with CSX Transportation, Inc. (CSX) for \$92,287.00 that provides for 30 additional days of flagging services.

Change Order No. 3 – Cobb Site Development, Inc.

Change Order No. 3 with COBB has been reviewed and reconciled by the City's construction engineering and inspection firm and PW staff on a line-by-line basis. The change order is for \$135,306.71 and is comprised of costs pertaining to:

- Demobilization/Remobilization for CSX signals to be removed \$15,292.66
- Extended MOT 4/4/22-6/14/22 for CSX signal arm relocation \$23,241.14
- Concrete removal/replacement in median for CSX \$ 4,526.01
- Extended MOT 9/1/22-4/30/2023 for gas pipeline conflict \$78,561.60
- Traffic signal repair after Hurricane Ian \$13,685.30
- Increase contract time by 358 days.

The revised total contract amount with COBB is \$1,775,917.09.

Supplement #3 – CSX Transportation, Inc.

Additional flagging services are required to be performed by CSX related to the final 30 days of work by COBB. The Supplement #3 with CSX has been reviewed and reconciled by the City's construction engineering and inspection firm and PW staff. CSX is requesting a supplement in the amount \$ 92,287.00 and is comprised of costs pertaining to:

- Increase in Construction Engineering/Inspection \$46,400.00
 - Increase of 30 days in Flagging Services \$37,497.00
 - Increase in Contingencies \$ 8,390.00
- The revised total contract amount with CSX is \$913,922.00.

Staff recommended that the City Commission authorize the appropriate City officials to enter the Change Order No. 3 with Cobb Site Development, Inc. in the amount of \$135,306.71. Staff also recommended that the City Commission authorize the appropriate City officials to enter the Supplement #3 with CSX Transportation, Inc. in the amount of \$92,287.00.

These projects are District 2 Transportation Impact Fee projects within the Transportation Fund. Therefore, staff requests authorization to transfer \$227,593.71 from the Drane Field Improvements Impact Fee project to the County Line Road at US 92 Intersection Impact Fee Project to fund the change order and supplement.

Shawn Sherrouse presented this item to the Commission.

Motion: Commissioner Chad McLeod 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 change orders and original bids. Shawn Sherrouse explained the process of evaluating projects, built in contingencies, and bid awards.

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

Verbal Reports

1. City Manager Shawn Sherrouse announced the City was recognized for their support of veterans. He introduced Sgt. Scott Benton. He is serving in the intelligence field in the Army in Kansas. He was shadowing the city managers this last week and will be working as a fellow for the summer.
2. City Manager Shawn Sherrouse announced that effective Sunday, Assistant Director David Bayhan will be Interim Water Utility Director.

CITY ATTORNEY

Ordinances (First Reading)

Proposed 23-015; Approving a Conditional Use to Establish a New Child Daycare Facility on Property Located at 1350 E. Main Street

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; APPROVING A CONDITIONAL USE TO ESTABLISH A NEW CHILD DAYCARE FACILITY ON PROPERTY LOCATED AT 1350 E. MAIN STREET; 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 April 17, 2023.

Proposed 23-016; Approving a Conditional Use to Recognize an Existing Used Car Dealership and Allow for the Expansion of the Vehicle Parking/Storage Area on Property Located at 1200 W. Memorial Boulevard

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; APPROVING A CONDITIONAL USE TO RECOGNIZE AN EXISTING USED CAR DEALERSHIP AND ALLOW FOR THE EXPANSION OF THE VEHICLE PARKING/STORAGE AREA ON PROPERTY LOCATED AT 1200 W. MEMORIAL BOULEVARD; 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 April 17, 2023.

Proposed 23-017; Amending Ordinance 5456; Major Modification of a Conditional Use to Allow for the Expansion of an Existing Bar into Ground Floor Retail Space on Property Located at 201 E. Main Street

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 5456 TO MODIFY AN EXISTING CONDITIONAL USE TO ALLOW FOR THE EXPANSION OF AN EXISTING BAR INTO GROUND FLOOR RETAIL

SPACE ON PROPERTY LOCATED AT 201 E. MAIN STREET; 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 April 17, 2023.

Proposed 23-018; Providing for a Change in Zoning from C-1 (Pedestrian Commercial) to MF-22 (Multi-Family Residential) on Approximately 0.82 Acres Located at 401 W. Peachtree Street

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; PROVIDING FOR A CHANGE IN ZONING FROM C-1 (PEDESTRIAN COMMERCIAL) TO MF-22 (MULTI-FAMILY RESIDENTIAL) ON APPROXIMATELY 0.82 ACRES LOCATED AT 401 W. PEACHTREE 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 April 17, 2023.

Resolutions

Resolution 5813; Proposed 23-018; 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 Sara McCarley 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.

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

Miscellaneous Reports

Use Agreement with Polk Museum of Art, Inc. for the Annual Mayfaire by-the-Lake Event

This proposed Use Agreement with Polk Museum of Art, Inc. was for the Mayfaire by-the-Lake annual event scheduled for May 12, 2023, through May 14, 2023.

The Agreement allows Polk Museum of Art to have exclusive use and control of the public property located around Lake Morton, including all rights-of-ways, the lakeshore, sidewalks and other public property, from 9:00 a.m. on Friday, May 12, 2023, through 6:00 p.m. on Sunday, May 14, 2023. As consideration for the use of the property, the Museum will reimburse the City for the support services provided.

Polk Museum of Art will be required to maintain general liability insurance, naming the City as an additional insured, and indemnify the City from any and all claims that may arise. The Parks and Recreation Director or his designee will serve as the City's authorized representative under the Agreement and is authorized to enter the premises during the event to perform inspections deemed necessary. Other provisions of the Agreement require Polk Museum to maintain the premises during the term of the Agreement in good order and repair any damage that occurs.

Staff recommended that the City Commission approve the Use Agreement with Polk Museum of Art, Inc. and authorize the appropriate City officials to execute the Agreement.

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

Task Authorization with Straughn Trout Architects, LLC for Laboratory Renovations at the Glendale Water Reclamation Facility

This proposed Task Authorization with Straughn Trout Architects, LLC (Straughn Trout) was to complete the design, bidding and construction administration services for renovations at the Glendale Water Reclamation Facility (Glendale) laboratory. The Glendale laboratory is certified by the National Environmental Laboratory Accreditation Conference and is used to run all the City's wastewater samples needed for compliance reporting. Glendale's laboratory also often assists other City Departments with samples as needed.

The laboratory was constructed 33 years ago and has only undergone minor changes during that time. Due to the age of the facility, the cabinetry, countertops, and overall interior space are all in need of repairs. Pursuant to this Task Authorization, Straughn Trout will prepare design and bid documents for the renovation of the Glendale laboratory. Straughn Trout's scope of work will include the required professional design, interior design and engineering services for the replacement of existing interior doors and hardware; new workstations, including cabinetry and counter tops; general repairs

of walls; replacement of fume hoods; as well as updating the space to meet current Building Code requirements and comply with the American with Disabilities Act.

In addition, Straughn Trout will assist the City during the construction phase of the project to ensure the work is meeting the City's bid specifications. Upon approval by the City Commission, Straughn Trout will commence with the design and bidding phases of the work, which will continue through September 25, 2023. Thereafter, construction will commence and is anticipated to be completed by March 31, 2024. All services pursuant to this Task Authorization will be performed in accordance with the terms and conditions contained in the City's Continuing Contract for Planning, Design or Development Services dated October 18, 2021, and Straughn Trout's proposal dated March 14, 2023. The total not-to-exceed cost of the services is \$96,780.00 and is included in the Water Utilities Department's FY2023 budget.

Staff recommended that the City Commission approved the Task Authorization with Straughn Trout for design, bidding and construction administration services for the Glendale Laboratory renovations and authorize the appropriate City officials to execute all corresponding documents related to the Task Authorization.

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

Agreement with EnviroServe for Grit Removal from the Aeration Basin at the Glendale Water Reclamation Facility

This Purchase Agreement with EnviroServe was for grit removal services for the aeration basin at the Glendale Water Reclamation Facility. The aeration basin has three trains that allow biological treatment to occur by adding air with several blowers through a series of piping and air diffusers. Over time, grit from the wastewater accumulates on the bottom of the channels, which causes the treatment process to lose efficiency and capacity. The first zone of each channel is referred to as the anoxic zone and is where most of the grit accumulates in the process.

Wastewater staff contacted three contractors who specialize in this type of work and received two quotes as shown in the following table.

EnviroServe – Mulberry, FL	\$52,363.50
A.C.T. – Bartow, FL	\$151,330.38

The proposal from EnviroServe includes the labor and equipment to remove the grit from the floor of the anoxic zone of basin number 2 and dispose of the material offsite. This work is expected to take five days and the estimated cost of \$52,363.50 will be funded by Wastewater's contractual services line item in the FY 2023 budget.

Staff recommended that the City Commission approve the Agreement with EnviroServe and authorize the appropriate City officials to execute all corresponding documents for the purchase of the required cleaning services.

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

Memo re: Agreement with ADS Environmental Services for Equipment Purchase of 30 Triton+ Flow Monitors for the City's Wastewater Collection System

This Agreement with ADS Environmental Services in the amount of \$315,900.00 was for the purchase of thirty (30) flow monitors to be installed within the City's wastewater collection system.

The City's wastewater collection system includes 343 miles of gravity pipelines that convey wastewater to lift stations and treatment plants. Using computer modeling, Wastewater staff has identified several areas where the gravity system is at or very near capacity. City consultants working on a wastewater master plan have recommended installing flow monitoring devices at several specific locations within the collection system to continuously monitor the flows during normal and peak flow events. The data will then be used to verify and calibrate the computer model. The flow monitors can be relocated as needed to verify other parts of the system.

The City already has some flow monitoring devices in use of the same type and model as this proposed purchase. To maintain a seamless installation and operational continuity, Wastewater staff is recommending the use of the ADS Triton+ flow monitor devices. ADS Environmental is the sole source manufacturer and distributor of this flow monitoring device.

The purchase will include thirty (30) flow monitoring devices and related equipment to be installed by ADS Environmental at City-specified locations. In addition, software set up, data hosting, cellular communication and software access/support for one year is included. Funds for the purchase are included in Wastewater's FY 2023 budget.

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

Palmer Davis presented this item to the Commission

Motion: Commissioner Chad McLeod moved to approve the recommendation. 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.

FINANCE DIRECTOR – None

UTILITY**Ordinances – None****Resolutions – None****Miscellaneous****Memo re: Agreement with Rayco Industrial, Inc. for Installation of Pre-Engineered Buildings for McIntosh Reciprocating Engine Project**

This proposed Agreement with Rayco Industrial, Inc. (Rayco) was for the installation of two (2) pre-engineered buildings required for the McIntosh Reciprocating Engine (RICE) Project. On March 21, 2022, the City Commission approved an Agreement with Patterson Horth, Inc. to provide two (2) pre-engineered buildings required for the RICE at a cost of \$5,391,300.00. The first building, which is approximately 115 feet wide x 230 feet long and 50 feet tall, will house the six (6) engines, generators and associated equipment. The second building, which is 48 feet wide x 122 feet long and 20 feet tall, will house the switchgear, motor control center, and batteries, as well as serve as the local control room for the overall Project.

On January 23, 2023, the City's Purchasing Department issued Invitation to Bid No. 3054 seeking qualified contractors to install the (2) pre-engineered buildings for the RICE Project. The City only received one (1) bid response from the contractor listed below.

Contractor	Location	Bid Price
Rayco Industrial, Inc.	Selma, AL	\$2,029,818.00

Upon evaluation by City staff, and in conjunction with the City's consulting engineer, Sargent and Lundy, LLC, Rayco was selected based on its technical acceptability, completeness of response, schedule, project experience and ability to provide the services in accordance with the City's Bid Specifications. Upon City Commission approval, the City will issue a Purchase Order for work to begin in April 2023 and is anticipated to be completed in July 2023. Rayco will perform all services pursuant to the terms and conditions set forth in the City's Conformed Specification M-8539 and Rayco's submittal to the City's Bid dated February 23, 2023.

In addition to the base bid price of \$2,029,818.00, the City's Bid also provided for option pricing. Upon review of the option pricing and details submitted by Rayco, City staff and Sargent and Lundy, LLC, are seeking to include options for installation of the roof, south wall, west wall siding, liner, and insulation. With these options included, the total cost of the work is \$2,307,218.00, which is included in Lakeland Electric's budget for the RICE Project and is being funded through the City's Energy System Revenue Bond.

Staff recommended that the City Commission approve this Agreement with Rayco for installation of the two (2) pre-engineered buildings required for the RICE Project and

authorize the appropriate City officials to execute all corresponding documents on behalf of the City for this work.

Ramona Sirianni presented this item to the Commission.

Motion: Commissioner Sara McCarley 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.

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

Memo re: Agreement with DIS-TRAN Steel, LLC to Provide Transmission Line Dead End Structure for the McIntosh Reciprocating Engine Project

This proposed Agreement with DIS-TRAN Steel, LLC (Dis-Tran) was for the purchase of a transmission line dead end structure and protection mast for the McIntosh Reciprocating Engine (RICE) Project. The dead-end structure will allow for the placement of a disconnect switch to locally isolate the Plant from the transmission line. This is required for transformer maintenance and the safety of personnel at the Plant. The mast provides lightning protection above the Plant side substation where it connects into the step-up transformer.

On February 3, 2023, the City's Purchasing Department issued Invitation to Bid No. 3055 seeking qualified contractors to design, manufacture and deliver the transmission line dead end structure and protection mast. The City received responses from the three (3) contractors listed below.

Contractor	Location	Initial Bid Price
Metalpol S.A. de C.V.	Gomez Palacio, Durango, Mexico	\$27,478.38
Dis-Tran Steel, LLC	Pineville, LA	\$49,534.00
Valmont Industries, Inc.	Tulsa, OK	\$65,341.97

Upon evaluation by City staff, and in conjunction with the City's consulting engineer, Sargent & Lundy, LLC, Dis-Tran was selected as the most responsive, responsible bidder capable of providing the services in accordance with the City's Bid Specifications. The bid Metalpol submitted was incomplete and, as such, was deemed non-responsive. Dis-Tran's bid, dated February 21, 2023, provided for bid pricing that was valid for ten (10) days. Following that ten (10) day period, Dis-Tran provided updated pricing for its bid that increased the total cost to \$59,717.00, which still was the lowest most responsive responsible bid received by the City.

Upon approval by the City Commission, the structures are scheduled to be delivered in November 2023. The structures will then be installed by a general contractor selected by the City pursuant to a separate bid. Dis-Tran will perform all services pursuant to the terms and conditions set forth in the City's Bid Specification M-8512 and Dis-Tran's proposal dated March 21, 2023. Pursuant to the Agreement, Dis-Tran will design, manufacture, and ship the equipment to the Plant. The total cost of the work, including delivery, is \$59,717.00, which is included in Lakeland Electric's budget for the RICE Project previously approved by the City Commission and funded through the City's Energy System Revenue Bond.

Staff recommended that the City Commission approve this Agreement with Dis-Tran for the purchase of a transmission line dead end structure and protection mast 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 Chad McLeod 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.

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

Memo re: Long Term Maintenance Agreement with MAN Energy Solutions USA, Inc. for Reciprocating Internal Combustion Engine Generators

This proposed Long-Term Maintenance Agreement (LTMA) with MAN Energy Solutions USA Inc. (MAN) was for the Reciprocating Internal Combustion Engine (RICE) generators that will produce approximately 120.2 net megawatts (MW) of generation capacity for Lakeland Electric. On September 7, 2021, the City Commission approved an agreement with MAN for the purchase of six (6) RICE generators for the McIntosh Power Plant. As the original equipment manufacturer of the RICE generators, the City is now seeking to enter this LTMA with MAN that will govern the terms and conditions for specified maintenance services related to the engines, supplies, extra work which may be requested by the City from MAN, as well as other related parts and engineering services to assist Lakeland Electric staff in ensuring proper maintenance and support of the equipment.

The term of the LTMA, effective April 3, 2023, subject to City Commission approval, shall remain in effect for a period of (10) years from the date on which the RICE generators enter into commercial operations ("commencement date") and MAN has completed delivery of all parts and services for the engines/equipment or if the parts and services for the engines/equipment reach their stipulated performance end date in terms of running hours and maintenance services prior to the ten (10) year period, whichever occurs first. In addition to the City being able to terminate the LTMA should MAN default on its obligations, the City reserves the right to terminate this Agreement for any reason upon 180 days prior written notice to MAN. In the event of such occurrence, the City would be required to pay MAN for work performed up to the date of termination, as well as an amount equivalent to 50% of the monthly contract fees paid for the Balance of Plant services during a one (1) year term.

MAN will perform all services in accordance with the terms and conditions set forth in the LTMA. Regarding delivery of any covered planned parts, MAN will bear the risk of loss for any damage that may occur during transit until those parts are delivered to the McIntosh Power Plant site. MAN is also required to maintain general liability insurance for bodily injury and/or property damage in the amount of \$5,000,000.00 for each occurrence, as well as workers compensation, employer's liability and automobile liability insurance in accordance with the mandatory minimums set forth in Florida Statute.

Pursuant to the Agreement, MAN is required to provide a performance bond as required by Florida Statute, that will remain in effect during the term of the LTMA to ensure satisfactory completion of services. Due to the importance of covered planned service, if such service is delayed for reasons attributable to MAN and such delay cannot be cured within thirty (30) days of written notice from the City, MAN is required to pay the City liquidated damages in the amount of \$1,100.00 for each day of delay. MAN's maximum liability for liquidated damages for any one contract year is 5% of the total monthly contract fees paid.

The warranty for covered planned parts for the engines is for a period of eighteen (18) months from the date of delivery and there is a twelve (12) month warranty for covered planned service on any engine parts. MAN is also required to indemnify and hold

harmless the City for any claims, damages or losses for property damage, bodily injury or death arising out of MAN's or any of its subcontractor's negligent performance.

The total contract price for equipment, parts and related services is \$12,042,700.98 as specifically set forth below based on current pricing and the currency exchange rate as of March 22, 2023 (1 EUR = \$1.08 USD). Contract fees specified in the LTMA are valid for 2023, but thereafter are subject to an upward adjustment on a biannual basis beginning on January 1st and July 1st, 2024, and subsequent years thereafter during the contract term.

- **Engines and Engine Service** – The maintenance for the engines is based on an estimated 1,500 run hours per engine per year. Parts for the engines will be supplied by MAN, priced in Euro's and paid monthly in US dollars based on the currency exchange rate in effect as of the invoice issuance date for the parts. Services for the engines will be provided by PrimServ Center in Ft. Lauderdale and priced and paid in US dollars.

	Per Engine Per Month	Per Engine Per Year	10-year Contract Term
Parts	\$2,088.45	\$25,061.40	\$1,503,684.00
Service	\$2,081.25	\$24,975.00	\$1,498,500.00
Total	\$4,169.70	\$50,036.40	\$3,002,184.00

- **Balance of Plant** – The maintenance services for the remainder of the Plant, which runs continuously, is charged on a monthly basis. Parts will be supplied by MAN, priced in Euro's and paid monthly in US dollars based on the currency exchange rate in effect as of the invoice issuance date. Services for the Balance of Plant will be provided by PrimServ Center in Ft. Lauderdale and priced and paid in US dollars.

	Per month	10-year Contract Term
Parts	\$43,028.81	\$5,163,457.10
Service	\$12,466.42	\$1,495,970.40
Total	\$55,495.23	\$6,659,427.50

- **Performance Security** – In order for MAN to maintain its annual \$1,000,000.00 Performance Bond as required by Florida Statute, the City will be charged \$20,000.00 per year for a total cost of \$200,000.00 during the ten (10) year contract term.
- **Tools/Spare Parts** - The LTMA also covers the cost of initial tools and spare parts needed for the continued operation of the Plant. These tools and spare parts will be priced in Euro's and paid in US dollars based on the currency exchange rate in effect as of the purchase order date.
 - The **Initial Tools** include the remainder of the tooling required to properly maintain the engine and auxiliaries. Many of the items are special to the engines. The cost of the tooling, including delivery, but excluding customs duties, is \$244,911.74.

- The **Safety Spare Parts** are items which may be needed during maintenance. The cost of the safety spare parts including delivery, but excluding customs duties, is \$607,788.78.
- The **Swing Set Parts** are needed during set maintenance intervals in order to reduce the down time of the engines due to long lead items in order to maintain reliability of the Plant. The cost of the swing set parts including delivery, but excluding customs duties, is \$1,508,388.96.

In addition, City staff is requesting a contingency amount of \$1,000,000.00, which will cover customs duties, price escalations and minor adjustments in the currency exchange rate over the life of the Agreement. As such, the total cost for equipment, covered parts and services, and the contract contingency is \$13,042,700.98. Funding for the Initial Tools is included in Lakeland Electric's RICE Project budget previously approved by the City Commission and funded through the City's Energy System Revenue Bond. The remainder of the LTMA cost will be subject to budget approval by the City Commission in subsequent budget years. The cost of the LTMA for the RICE generators has already been included as part of Lakeland Electric's ten (10) year capital budget.

Based on the aforementioned equipment, parts and related services the LTMA's ten (10) year cost summary is as follows:

10-year LTMA Cost Summary:

Engines	\$ 3,002,184.00
Balance of Plant	\$ 6,659,427.50
Performance Bond	\$ 200,000.00
Initial Tools	\$ 244,911.74
Spare Parts	\$ 607,788.78
<u>Swing Set Parts</u>	<u>\$ 1,508,388.96</u>
Sub-Total	\$12,042,700.98
Contingency	\$ 1,000,000.00
Total	\$13,042,700.98

Delivery of the RICE generators is scheduled for August 2023 and commercial operation of the electric generation facility is anticipated to occur in the Fall of 2024.

Staff recommended that the City Commission approve this LTMA with MAN for the RICE generators and authorize the appropriate City officials to execute all corresponding documents related to the LTMA.

Ramona Sirianni presented this item to the Commission.

Motion: Commissioner Bill Read 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:

- The 10-year term as standard and if the City would renew at the end of the term.
- Maintenance contracts. The City went with the 10-year term to avoid required escalated prices.
- Renegotiations will depend upon the demand from the power pool.
- The first major maintenance will be 24,000 hours.
- Safety spares on site to replace parts in need of repair will allow continuance while parts are sent to Germany for repair.
- MAN has had a presence in Texas for cruise ships.
- MAN's presence has been in Ft Lauderdale for a long time. They are servicing other sites outside the US from Ft Lauderdale.
- Lakeland's engines could run on 30% hydrogen.

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

AUDIENCE

Jhoanna Lunetta, member of First Presbyterian Church and Board of Director for PEACE, came forward representing 28 congregations in Polk County. They were requesting all law enforcement in Polk County to offer alternatives to arrests for driving related offenses. They were not talking about criminal driving offenses or those involving a crash. Current Florida Statutes already authorizes local law enforcement discretion to offer pre-arrest diversions for driving offenses. LPD's policy states they will not issue alternatives for minor driving offenses. LPD currently issues an NTA, which is better, but still creates a permanent criminal record that prevents people from renting apartments or getting loans. They want second chances for minor offenses. They were asking the Commission to encourage Chief Taylor to meet with them to offer alternatives for minor offenses.

Dr. Kristen Hathcock, spoke in support of the policy change. Pre-arrest diversion holds people accountable without branding them for life as criminals.

Ben Turner, lead pastor of Strong Tower Church, wanted to see the existing pre-arrest program expanded to include minor driving offenses. Please encourage Chief Taylor to continue meeting with PEACE on the issue.

Debbie Jeffers of 1st Missionary Baptist Church wanted to resume the meetings with Chief Taylor.

Sylvia Meyer of St. Stevens Episcopal shared testimonies of friends.

Shawn Sherrouse explained Chief Taylor has met with PEACE. Lakeland had many diversion programs. There is a specific list of offenses that District 10 has agreed to.

The State Attorney's Office has to agree to all defenses that are eligible for diversion. Lakeland cannot move forward without agreement from the State Attorney's Office.

Mayor Bill Mutz clarified that Lakeland would have to wait for Brian Haas to agree to the expansion before moving forward. PEACE will need to go to the State Attorney's Office.

Ms. Lunetta met with Chief Taylor several times and wants to keep the communication lines open. The DMV has said that local jurisdictions have the discretion to add these offenses to the list.

Shawn Sherrouse explained if there are new questions or new information we can provide, they are willing to meet. He then cited the misdemeanor offenses that are approved for pre-arrest diversion.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Chad McLeod:
Thanked staff for the Sun 'n Fun event.

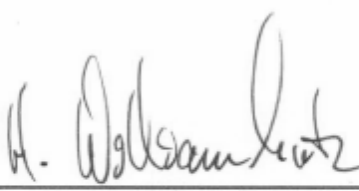
Commissioner Bill Read:
Attended Sun 'n Fun. The school out there looked promising.

Commissioner Stephanie Madden:
The Commission is headed to Tallahassee.

Commissioner Sara McCarley:
Headed to Tallahassee
Sgt Benton is a Congressional Classroom Alumni. She was excited to see him here in the Fellow program.

Commissioner Samuel Simmons:
The City continues to experience unprecedented growth. We should provide a quarterly report that advises on developing growth in the City. It should provide current and cumulative data. The information would be beneficial to the Commission. He wanted a quarterly report that showed how we are progressing. It will also show us a decline should it occur. The City Manager will work with staff. We had similar reports in the past.

CALL FOR ADJOURNMENT – 1:10 p.m.


H. William Mutz, Mayor


Kelly Koos, City Clerk

