LAKELAND CITY COMMISSION

Regular Session
January 18, 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, Finance Director Mike Brossart, and City Clerk Kelly Koos were present.

CALL TO ORDER - 9:00 A.M.

Mayor Bill Mutz commended Commissioner Phillip Walker for his work at the MLK Prayer Breakfast.

PRESENTATIONS

Finance - Fiscal Year 2021 Investment Overview (Jeff Stearns, City Treasurer)

PROCLAMATIONS – None

COMMITTEE REPORTS AND RELATED ITEMS

Legislative Committee 01/14/22

Commissioner Phillip Walker gave this report.

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

Municipal Boards & Committees 01/14/22

Commissioner Stephanie Madden presented this this report.

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

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

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

Real Estate & Transportation Committee 01/14/22

1. First Amendment to Lease Agreement with Marathon FBO Partners, LLC

Commissioner Mike Musick presented this report.

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

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

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

APPROVAL OF CONSENT AGENDA

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

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

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

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

APPROVAL OF MINUTES (with any amendments)

* City Commission Minutes 01/03/22

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

REQUESTS TO APPEAR FROM THE GENERAL

Dave Crowell re Sidewalk Installation at Sandpiper

Mr. Crowell Spoke against the sidewalk project in Sandpiper. They collected 250 signatures of residents against the project. They have additional signatures of citizens against the sidewalk. They only encountered four people in favor of the sidewalk. The sidewalk will eliminate a row of palm trees and financial impact to those homes adjacent to the sidewalk. There was no traffic or feasibility study completed. The residents do not see a need. They do not want the sidewalk. The street is wide enough to accommodate traffic and walkers.

Scott Corbin, a Sandpiper resident, spoke against the sidewalk project.

Gary Douglas, a Sandpiper resident, spoke against the sidewalk project.

Mr. Crowell asked what the procedure was from this point on. Most of the signatures they collected were from the year-round residents.

Shawn Sherrouse: this project began as a request from the neighborhood association. If Sandpiper were developed today, sidewalks would have been required. Public Works did hold a public meeting and the responses were 50/50 of a desire for a sidewalk. Staff followed the notice requirements. The City was at 60% design for the project. They were able to adjust the design to accommodate a narrower sidewalk that would not harm the palm trees. They paused the project since they have been hearing concerns. They await Commission direction.

Ryan Lazenby gave an update on the project. The project was placed in the CIP in 2018 after Sandpiper residents reached out to the Commission. Staff began working with the homeowner's association(HOA) president approximately 1 1/2 years ago. Sandpiper has 810 single family homes. They typically work with the HOA. The HOA President voiced support of the project. We start public involvement at the 60% design point. They do it at 60% because they do not have anything to show residents before that point. Staff held the public hearing on December 9, 2021. They heard about the palm trees, impact to sprinkler systems and the width of the sidewalk. At that time, they heard from Crowell and Corbin. Staff asked them to work with the HOA because there were those who supported the project. They were waiting to hear back. There was $300,000 in the budget. If the project were eliminated, the funds would be spent on another project. The City did a speed study in 2020. The average speed was 20mph. There was approximately 1 crash a year. None of them involving peds/bikes. The City could give as much time as necessary to come to an agreement. The entire project was in the Right-of-Way. If the driveways met ADA requirements, they will not change the driveway. If not, they will have to adjust and reconstruct. The City had a paver contractor but could not match the stamped concrete driveways. They could avoid all but one palm tree. The reconstruction of any driveway would be at the City's cost. The problem was if they must purchase new pavers, it is difficult to match.

The Commission thanked the residents for reaching out and making their voices heard. They were directed back to their HOA. They would need to reach an agreement on the project and let the City know the decision.

EQUALIZATION HEARINGS – None

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5913; Proposed 21-050; Proposed Text Amendment to the Lakeland Comprehensive Plan to Adopt a Property Rights Element

> AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT CPA 21-001 TO ADOPT A PROPERTY RIGHTS ELEMENT OF THE LAKELAND COMPREHENSIVE PLAN: OUR COMMUNITY 2030; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

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

Resolutions

Proposed 22-002; Designating Property Located at 900 East Bella Vista Street a Brownfield Area

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA DESIGNATING PROPERTY LOCATED AT 900 EAST BELLA VISTA STREET AS A BROWNFIELD AREA; AUTHORIZING THE CITY ATTORNEY TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis explained this required two public hearings. No action to be taken this morning. He then read the short title.

COMMUNITY REDEVELOPMENT AGENCY – None

CITY MANAGER

Recommendation re: Change Order with Hubbard Construction Company for Runway 10 Category III Approach at Lakeland Linder International Airport

The upgrade to the CAT III Instrument Landing System (ILS) allowing aircraft with the appropriate equipment to land in virtually any weather condition was commissioned by the Federal Aviation Administration (FAA) on December 20, 2021 and is now fully operational. The FAA has since accepted responsibility to maintain the CAT III system.

Overall, the project has been substantially completed, however there remains site work and other minor elements of the project that need to be completed along with punch list items and final quantity reconcilements.

With the placement of the CAT III system, specifically the Glide Slope antenna, the displacement of existing roadways, electrical, and water infrastructure were required due to its encroachment on the ILS Critical Area associated with the antenna's radiated signal. In the initial bid proposal by Hubbard Construction Company, the General Contractor selected for the project, the proposal to complete the relocation of the displaced infrastructure was $500,000 (COL Bid No. 1054 Schedule B, based on preliminary plans).

After much discussion and finalization of the plans to complete the relocation of the infrastructure, the proposed costs, which have been reviewed by our Engineering firm and staff, were reduced. This change order is for the reduced amount of $434,373.74, which amends the total contract amount to $6,695,111.87. These expenses have been reviewed and approved by the Florida Department of Transportation (FDOT) under the existing grant for the CAT III project and have been included in the Airport's 2022 budget.

Staff recommended that the City Commission authorize appropriate City Officials to accept Change Order No. 1 with Hubbard Construction Company for $434,373.74. No additional appropriations are required to accommodate this request.

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.

Commissioner Bill Read supported saving $60,000.

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

Recommendation re: Design Build Agreement with Register Construction and Engineering Inc. for the Second Floor Terminal Improvements at Lakeland Linder International Airport

Lakeland Linder International Airport (LAL) advertised for Design Build Services under RFQ 1349 on November 22, 2021 for improvements to be made to the public areas on the second floor of the Terminal Building. The funding for this project has been included under the 2021 bond issuance.
The improvements to the public areas involve the upgrading of the public restrooms, renovations to the hallways including walls and flooring as well as modifications to the Airport's office space that will provide additional workstations. The office improvements will also include new fixtures, cabinetry and electrical and data connections, as needed.

There were three proposals received for the RFQ and the Selection Committee met on December 23, 2021 to rank the firms. Register Construction and Engineering Inc. was determined to be the most qualified for this project. The scoring and ranking of the firms were as follows:

RANK	FIRM	LOCATION	SCORE
1	Register Construction and Engineering Inc.	Lakeland	466
2	Walbridge Contracting LLC	Tampa	439
3	Henkelman Construction Inc.	Lakeland	430

The Airport has proceeded to negotiate with the top firm, Register Construction and Engineering Inc., and have reached an agreement for them to provide the design build services to complete this project in a not to exceed amount of $325,000.

Staff recommended that the City Commission authorize the appropriate City officials to enter into a contract with Register Construction and Engineering Inc. in the not to exceed amount of $325,000 for the Second Floor Terminal Improvements. No appropriations are required for this request.

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 from the audience.

Gene Conrad gave a brief update on the need for the renovations. He needed additional space for the office and operations division. This expansion kept getting delayed in favor of other needs. Now a new restaurant was coming and the second floor looked dated. They are also out of room for employees in the airport offices. This construction will be finished when the restaurant opens. They plan to open prior to the Sun 'n Fun. The restaurant is taking more space than originally intended. He will present the schematics for the renovation when they are complete. It will complement the restaurant.

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

Shawn Sherrouse offered the following Verbal Report: On Feb 21 there will be a presentation on the Summit Broadband Partnership.

CITY ATTORNEY

Ordinances (First Reading) – None

Resolutions

Resolution 5739; Proposed 22-003; Expressing Support for the West Lake Hunter Trail FDOT Feasibility Study

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA EXPRESSING SUPPORT FOR THE WEST LAKE HUNTER TRAIL AND THE FLORIDA DEPARTMENT OF TRANSPORTATION'S FEASIBILITY STUDY; AUTHORIZING THE CITY MANAGER TO SUBMIT FUNDING REQUESTS TO THE POLK TRANSPORTATION PLANNING ORGANIZATION AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR PHASES OF OR THE ENTIRE WEST LAKE HUNTER TRAIL CORRIDOR ON BEHALF OF THE CITY; PROVIDING AN EFFECTIVE DATE.

Shawn Sherrouse explained there was a deadline of Friday of this week for the City to be included on funding. Because of the timing, if the City did not meet the deadline, the City will be delayed a year. He wanted to make sure the Commission was clear on that matter.

Palmer Davis explained the changes discussed on Friday were included as strike through and underline in the resolution. He then read the short title and reviewed the changes.

He directed the Commission to Section 4 of the resolution. Change "For segments 2 and 4" to "Between segments 2 and 4." That would encompass the entire Lake Hunter frontage.

Motion: Commissioner Phillip Walker moved to approve the resolution with the requested amendment. Commissioner Mike Musick seconded.

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

Chuck Barmby highlighted the revisions. Staff had additional discussions with FDOT to look at options for segments 2-4 to be an over the water feature. FDOT responded this morning. They would need an additional environmental analysis. Staff will work on that if the resolution is passed. The earthen berm would be $2.5-9 Million. They did not know the cost of the over the water features. The intent was to make this a show piece for the lake to lake features.

The Commission discussed:

- An appreciation for the City Manager's vision to not delay and lose funding.
- Section 1, 3, 5 and 6 will require additional study because the over the water option was not yet considered for Section 3.
- The motion for approval included the requested change to Section 4
- The desire for a master plan for Downtown West.
- The desire to include Hartsell Avenue and Blake Elementary as part of the safe path to Bonnet Springs Park.
- Hartsell is the most direct route to access Bonnet Springs. That is on the pathways plan today.
- The timing for a PD&E Study would be based on FDOT's required level of analysis. The City would have to look at the cost of the PD&E Study, the local share, and the feasibility of an over the water feature. FDOT typically only funds basic design out of transportation dollars. Enhanced or aesthetic designs would have to be funded by the local entity. If the City could tap into recreational funding, that could be another source of revenue for the project.
- The northwest corridor also needed to be remembered when considering connectivity to Bonnet Springs Park.
- Did Lake Hunter have any outfalls or in falls?
- Amend Section 4 to say for segments 2, 3 and 4
- Amend Section 1 to endorse the plan but remove #3.

Amended Motion: Commissioner Phillip Walker amended the motion to include amendments to Section 4 "For segments 2, 3 and 4" and Section 1 removing #3 from the endorsement. Commissioner Mike Musick seconded the amendment.

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

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

Miscellaneous Reports

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

During the month of February, the Community & Economic Development Department will be presenting the Commission with an Amendment to the Land Development Code 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 these matters be held after 5:00 p.m.

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

FINANCE DIRECTOR – None

UTILITY – None

AUDIENCE

Ray Feldwick of Morgan Creek came forward to give an update to the PUD approved in October 2021. Bush Ross was the law firm responsible for turning over homeownership. They sent an email stating that the turnover was years away because of continued development. The residents were disappointed with this response. They will keep the Commission updated. He has had many questions from the residents. Is the City ordinance legally binding on both parties?

Palmer Davis responded yes as to the land use of the area. The HOA is a product of State law and private contract rights.

Mr. Feldwick asked for a letter from the City. Palmer Davis had not seen the letter from Bush Ross and did not want to commit to a response.

Jon Friedt announced this Saturday was the 49th Anniversary of Roe v Wade. He was here to speak for the voiceless. He invited everyone to attend the Polk County March for Life which will be this Saturday at 9:30 a.m. on the old steps of City Hall.

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Sara McCarley:
Shared that it was important for residents to understand that municipal government can only do so much with development based on property rights. We are going to continue to have more issues. Community residents need to have an understanding of how HOA/POAs work. As we move forward approving new developments, we need to be mindful that the residents understand the HOA/POA where they are buying property.

Commissioner Stephanie Madden:

- Several discussions on COVID relief funds. It has taken a while to disperse those funds. Talbot House is desperate for those funds. They have had another omicron outbreak. They need the funds for the second payment for the boiler. She was surprised that the City had not dispersed those funds yet. Talbot House has made several requests for those dollars.
- As we approach strategic planning, she was excited to discuss Downtown West. There needs to be northwest access. She bought a book called bridges that discusses the power of connections bridges make. As we become more urban, we have opportunity to bridge communities.
- She was unaware that in order to upgrade your golf cart with a seat belt and specific speed limit you had to have an ordinance from your city permitting those

changes. She knew residents who thought if they added seatbelts, they would be eligible to ride golf carts on our roads.

- MLK Parade this past Saturday. She was excited to see people and look them in the eye. The Citrus Connection MLK wrap on the bus was beautiful. It was inspiring. Great job Citrus Connection!

Commissioner Phillip Walker

- Thanked ALL who helped make the MLK activities a success. He liked seeing Jazz in the Park in Munn Park and the mixing of communities. He appreciated the parade. There were 105 units in the parade this year. He appreciated the City's support of IMA, the youth oratorical contest. That was moved to next month to help celebrate Black History Month.
- Announced Polk County Days next week followed by Lakeland Days and FLC Days.
- Announced COVID screenings this coming Wednesday at St. Luke's Ministries at 910 W Quincy Street. The Central Florida Health Care was providing screening and testing. There was no charge.

Commissioner Bill Read announced Pig Fest Jan 28-29 at Sun 'n Fun.

Commissioner Chad McLeod commended Commissioner Phillip Walker for his message yesterday at the MLK Breakfast. He learned that Commissioner Phillip Walker can both preach and sing.

CALL FOR ADJOURNMENT – 11:21 a.m.

H. William Mutz, Mayor

Kelly S. Koos, City Clerk

CITY OF LAKELAND, FLORIDA
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JAN. 1, 1885